

Incident Summary

The Person Reporting (PR) and the Subject arrived at the location, a subterranean parking structure, riding together on a motorized scooter. The PR and the Subject walked to a nearby restaurant where an argument ensued, and the PR fled the location, heading back to the parking structure. At the parking structure, the PR discovered the scooter had a dead battery. In an effort to avoid further confrontation with the Subject, the PR walked the scooter to level P3 of the parking structure, where she attempted to start it. The Subject arrived shortly afterwards via a taxi and exited the vehicle, confronting the PR. The Subject began screaming at the PR and pushed the scooter onto its side. The Subject then began striking the scooter with a small wooden baseball bat.

An unknown citizen exiting the parking structure alerted a parking lot employee that two women were fighting on level P3. The parking lot employee responded to lower level P3 to check on the disturbance, whereupon the PR ran toward him and stated that the Subject wanted to hit her with a bat.

Additional parking lot personnel responded to level P3 and observed the Subject from a distance of approximately 20 feet. The Subject continued to strike the motor scooter as parking lot personnel attempted to verbally engage her. The Subject immediately dropped the bat, retrieved a pistol from inside her jacket, pointed it at the parking lot personnel and told them to step back. The parking lot personnel fled into a nearby enclosed elevator/escalator core. The structure provided cover from the Subject and allowed them to visually monitor her behavior through windows. The police were then contacted.

Communications Division (CD) received a 911 emergency call from the parking lot Security Office. In response, CD created a Code Three radio call for an "ADW (Assault with a Deadly Weapon) suspect there now. In the parking structure, suspect is a female armed with a gun, fist fighting with other females."

The call was assigned to Police Officers C and D.

Police Officers A and B were the first officers to arrive on scene. Based upon their prior knowledge that upon entering the location they would lose radio communications, the officers ensured that they had announced their arrival at the location (Code Six) prior to entering the subterranean structure.

As Officers A and B drove into the structure, they were advised by an employee near the entrance that the suspect was located on the third parking level, where she had pointed a weapon at someone. As Officers A and B entered the third level, they observed the Subject and the PR north of their location. The PR began screaming, "The gun doesn't have a firing pin. It doesn't have a firing pin."

Note: A subsequent analysis by Scientific Investigation Division (SID) Firearms Analysis Unit (FAU) revealed the firing pin in the Subject's gun was intact and functional.

Officers A and B observed the Subject with a handgun pointed to her own head. They stood behind their vehicle's ballistic doors for cover, communicated their observations with one another, and unholstered their handguns.

Officers A and B temporarily lost sight of the Subject because she kept moving. As additional officers arrived, they initiated tactics which included giving the Subject commands to drop the gun; moving a police vehicle to a position west of their location as cover; deploying a beanbag shotgun; attempting to establish radio communications; and detaining the PR, whose involvement was not known at the time.

Officers C and D arrived as the second unit and parked behind Officers A and B's vehicle. Officer C approached the passenger side of their vehicle and was informed by Officer A that the Subject was north of their location with a gun pointed to her head. Officers C and D walked west, utilizing the concrete parking structure pillars for cover, and unholstered their handguns as they attempted to visually locate the Subject, who was concealed by pillars and vehicles.

According to Officer E, when he and Officer F arrived in the parking structure, they exited their vehicle and were advised by an unknown officer about the Subject being armed. Officer E was unable to specifically locate the Subject. He unholstered his handgun and moved into a position of cover behind the police vehicle north of his vehicle.

According to Officer F, when he and Officer E arrived, someone told him to deploy a beanbag shotgun, which he did; however, once he heard that the Subject was armed with a gun, he switched out the beanbag shotgun for his Benelli shotgun. Officer F chose this weapon because he did not believe any other officers were armed with a shotgun and he would have the ability to be on point, in front of other officers, while armed with a larger weapon.

Officer F's initial cover position was behind Officer A and B's vehicle, but because the Subject was out of his view, he repositioned himself behind a large concrete pillar that he shared with Officer C.

According to Officer G, he unholstered his handgun upon exiting his vehicle, because he heard someone say, "She's got a gun, she's got a gun." Based on the nature of the radio call, his partner, Officer H, also unholstered his handgun. Not yet knowing the PR's involvement, Officers G and H successfully directed the PR toward them. Officer H then searched the PR and placed her inside one of the police vehicles. The PR advised Officer H that the Subject had a gun in her hand, had pointed it at herself and that the Subject wanted to kill herself.

Meanwhile, as Officer B stood at the passenger door of his police vehicle, the Subject moved out of his view. In an attempt to visually locate the Subject, Officer B moved behind an unoccupied gray vehicle to a position of cover near his location while attempting to make radio broadcasts, with negative results.

Believing there were sufficient officers present to contain the Subject, Officer D ran up a nearby staircase with the intention of establishing radio communications with CD, and to request additional units.

As Officer H seated the PR into the police vehicle, Officer G observed Officers C and F taking a position of cover behind a pillar and joined them. Officer G then observed the Subject, approximately 100 feet north of him, holding an object which appeared to be a handgun to her own head. Initially, several officers gave the Subject commands; however, to avoid confusion, Officer C became the primary officer ordering the Subject to drop what she had in her hand. Officer C ordered the Subject approximately three times to drop the object she was pointing at her head and to raise her hands.

Officer G observed that the Subject was holding a small caliber pistol, which was pointed to her head, and saw that she disregarded the commands given to drop the weapon. Officer G then observed the Subject point the handgun in his direction. Officer C stated, "She's pointing the gun at us, she's pointing the gun at us." Officer G took a small step to his right near the trunk of an unoccupied vehicle to gain additional cover, and so that Officer F, who was in close proximity to his left, would not be in his line of fire.

Officer G pointed his handgun at the Subject as she paced back and forth at the rear of an unoccupied vehicle, anticipating the possibility that she would raise her weapon again and point it in his direction.

Within moments, the Subject raised her right arm, extended it, and pointed the handgun at Officer G. In response, Officer G, in fear that the Subject was attempting to either kill him or one of his partners, fired one round from his handgun at the Subject. Officer G fired at the Subject from a standing two-hand shooting position, from a distance of approximately 104 feet.

Immediately after Officer G fired his first round at the Subject, he observed her still pointing her handgun at him and at Officers C and F, who were near him. Officer G fired a second round at the Subject from the same position. After the second shot, the Subject went down to the ground; however, Officer G was uncertain if she had been struck by gunfire.

Officer F observed the Subject standing to the rear of a compact silver vehicle with a handgun pointed to her head. Other officers were giving the Subject commands to put the gun down and drop the gun. The Subject removed the handgun from her head, and then pointed it in Officer F's direction, with her right arm extended as she stood to the rear of the vehicle.

According to Officer F, he had a clear, unobstructed view of the Subject as he stood in a barricaded position to the right of the concrete pillar. In fear for his and his partner's lives, Officer F fired one round from his shotgun at the Subject, from a distance of approximately 96 feet.

According to Officer F, in the time it took to absorb the recoil of firing the first round from his shotgun and realign his sights, he observed the Subject take a step back; however, he did not believe that she was struck by his round. The Subject was still pointing her handgun in Officer F's direction, and she appeared to be attempting to retreat and take cover behind the driver's side rear bumper area. With the same perceived threat, Officer F fired an additional round from his shotgun at the Subject. Officer F believed that his second round stuck the rear passenger window of the silver vehicle that the Subject was standing next to, causing the window to shatter.

After Officer F fired his second round, he saw the Subject duck down behind the driver's side of the silver vehicle with her head facing the rear bumper. The Subject was in a squatted/kneeling position, as if she were attempting to take cover behind the driver's rear passenger door of the vehicle. Officer F observed the top of the Subject's head through the rear passenger windows of the vehicle as she looked around as if to attempt to locate the officers' position.

Officer F could not see the gun in the Subject's hands; however, based on his training and experience, he believed that she was attempting to manipulate the weapon, possibly to load it, or clear a malfunction. His opinion was based upon his observations of her pointing the weapon at him for two to four seconds, but not discharging the weapon.

Officer F then moved from behind the pillar and walked three to four feet north to the rear of a black vehicle which was directly to his left in order to provide cover if it became necessary. He believed his new location would increase his shooting accuracy. To alert other officers that he was moving forward; he yelled, "Check your firing, I'm moving up, I'm moving up."

Approximately four to five seconds after firing his second shot, and not wanting to give the Subject the opportunity to fix the perceived malfunction and fire at him, Officer F aimed underneath the vehicle at the Subject's legs and fired his third round from an approximate distance of 92 feet.

The Subject reacted by yelling in pain as if she were stuck, and sprawled out her body near the rear of the vehicle. The Subject's upper body was then exposed, and Officer F could see that she did not have a gun in her hands.

According to Officer C, he did not fire his handgun when the Subject's weapon was pointed at him, because he did not feel that he could shoot accurately from that distance and knew that Officer F was armed with a shotgun. He had observed that Officer F's

sidesaddle was loaded with slugs and assumed that Officer F was shooting slug ammunition. Officer C believed that Officer G may have also fired, but he was not certain.

The OIS occurred while Officer A was still in the process of moving the police vehicle to a better cover position. He did not witness the OIS or the Subject pointing the gun at officers, but recalled hearing four to five gunshots. Just prior to the gunshots, he heard someone say, "She's pointing a gun at us; she's pointing a gun at us."

Officer B did not observe the OIS. He heard two shotgun discharges, but was unable to see the Subject when it occurred.

As Officer H began to walk back toward the other officers, he heard approximately four gunshots, but did not observe the OIS.

As Officer E held his handgun, pointed downrange, he observed Officer F to his left, armed with a shotgun, behind a pillar. Officer G was standing next to Officer F. As Officer E stood behind the driver's side door of the police vehicle assigned to Officers A and B, he heard Officer G giving the Subject commands to, "drop the gun." Officer E then observed Officer G fire his handgun approximately two times and heard unknown officers say that the Subject was down, but still moving. According to Officer E, he did not fire his weapon because he was unable to accurately see where the Subject was located.

Officer D was attempting to establish radio communications with CD in the enclosed parking structure staircase when he heard shots and returned to assist the officers, momentarily discontinuing his attempt to contact CD. Officer D heard approximately three gunshots; however, did not witness the OIS.

According to the PR, when police officers arrived, they told the Subject to put the gun down. The PR was unsure how many commands were given because she was handcuffed and placed in a police vehicle, where she was no longer able to see the Subject. The PR then heard approximately seven gunshots.

Observing that the Subject was no longer armed, and was laying on her left side, Officer F ordered her to roll onto her stomach and to keep her hands up. Officer F directed the other officers to move up and take the Subject into custody. As Officer F reached the Subject's position, he used his left foot to push her right shoulder down onto her stomach. Observing that the Subject's handgun was within four to five feet from where she was laying, Officer B used his left foot and pushed it further away from the Subject. Officer E was designated to guard the handgun.

Officer D holstered his weapon, approached the Subject, and applied bodyweight on her, utilizing a felony prone handcuffing technique, while the Subject was on her stomach. Officer C provided Officer D with his handcuffs and the Subject was

handcuffed without incident. Officer H conducted a pat-down search of the Subject and located and removed a pair of brass knuckles from the Subject's right rear pocket.

Once the Subject was handcuffed, Officers A and B were designated to establish radio communications and make a broadcast to CD. They drove to an upper level, where Officer A broadcast the OIS to CD and requested a Rescue Ambulance (RA) and a supervisor. Following the radio broadcast, Officers A and B returned to level P3. Sergeants A, and B arrived at the OIS scene. Sergeant A identified Officers F and G as the involved officers who fired their weapons in the incident. Sergeant A obtained a Public Safety Statement (PSS) from Officer F and Sergeant B obtained a PSS from Officer G.

The Los Angeles Fire Department (LAFD) RA received the alarm to respond to the location. LAFD RA arrived and treated the Subject for her multiple gunshot wounds and transported the Subject to the hospital for treatment.

The Subject was arrested and absentee booked for Assault with a Deadly Weapon (ADW) on a Police Officer, Section 245 (C) of the California Penal Code (PC).

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Officer F's tactics to warrant Administrative Disapproval. The BOPC also found Officers A, B, C, E and G's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer F's first two rounds and G's lethal use of force to be in policy. The BOPC found Officer F's third round to be out of policy.

Basis for Findings

A. Tactics

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

1. Tactical Communication

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

Officers A and B were the first officers to arrive on scene. Upon observing the Subject with a gun pointed to her head, they assumed a position of cover behind their ballistic doors and communicated their observations to each other. As additional resources arrived, they communicated the suspect's location and the fact that she was armed.

As the tactical situation quickly unfolded, the officers continued to communicate with one another and recognized the importance of having a less lethal force option available.

All of the officers were aware the parking structure is a "dead zone" that prevents them from being able to broadcast or receive any radio communication once inside. Officer D recognized it was critical that the officers establish radio communication with CD as soon as possible and advised the other officers that he was going upstairs to establish radio communications.

Officer C recognized there were several officers giving commands to the Subject at the same time and assumed the responsibility of giving the commands in an effort to reduce the confusion and get the Subject to comply.

2. Utilization of Cover

Officer F left a position of cover behind a concrete pillar to confront a suspect armed with a gun.

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

Although Officer F did communicate his intention to leave cover with his fellow officers, the communication was vague, and Officer F did not effectively articulate his intention to move. In this circumstance, remaining in a position of cover would have given Officer F the opportunity to have more time to react, to formulate a second plan, and to explore other options with his fellow officers.

Officer F's decision to leave a position of cover to engage a person armed with a handgun limited his tactical options and unnecessarily endangered his safety. In this case, Officer F acted independently without sufficient articulable facts to support that leaving a position of cover was reasonable under the circumstances.

The BOPC determined that Officer F's actions of leaving a position of cover to engage an armed suspect substantially and unjustifiably deviated from approved Department tactical training.

3. Stepping on Limbs

While designated as the cover officer for the arrest team, Officer F utilized his foot to push the Subject over onto her stomach while holding a shotgun in his hands.

In this case, Officer F was armed with his Benelli shotgun and had been designated as the cover officer for the arrest team. He also had sufficient personnel to physically control the suspect in the event it became necessary. Officer F's decision to contact the suspect while holding a shotgun created an unnecessary situation where the suspect could have grabbed Officer F's shotgun or his leg, causing him to lose his balance.

The BOPC determined that Officer F's decision to use his foot to initiate contact with a suspect while armed with a shotgun was a substantial deviation from approved Department tactical training without justification.

- 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.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officer F substantially and unjustifiably deviated from approved Department tactical training, requiring a finding of Administrative Disapproval.

Additionally, the BOPC found Officers A, B, C, E, and G's tactics were consistent with approved Department tactical training and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place, with the objective of improving overall organization and individual performance.

The BOPC found Officers A, B, C, E and G's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- After entering the parking structure, Officers A and B observed the Subject holding a gun in her right hand, pointing it to the right side of her head. Believing the situation could escalate to the point where deadly force may be justified, Officers A and B exited the vehicle, drew their service pistols and assumed a position of cover behind their respective ballistic door panels.

Officer C drew his service pistol and moved to position of cover behind the concrete pillars located west of their location after observing the Subject north of his location armed with a handgun.

Officers E and F arrived and were immediately informed by other officers at scene that the Subject was north of their location with a gun pointed to her head. As a result, Officer E drew his service pistol and moved to a position of cover behind the driver's side door of Officer B's vehicle.

According to Officer F, he initially deployed a Beanbag shotgun but then put the Beanbag shotgun back and retrieved his Department approved Benelli shotgun after observing another officer with a Beanbag shotgun already deployed.

Upon arrival, Officer G exited his vehicle and drew his service pistol after hearing another officer say, "She's got a gun."

The BOPC determined that an officer with similar training and experience as Officers A, B, C, E, F, and G, 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, the BOPC found Officers A, B, C, E, F, and G's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer G** – (pistol, two rounds)

According to Officer G, the Subject raised her right arm, extended it, and pointed the gun at him. In defense of his life and the lives of the other officers, he fired one round at the Subject to stop her actions.

Officer G recalled, “I could clearly see the weapon pointed in my direction. And I could clearly Officer C also say, ‘She’s pointing the gun at us. She’s pointing the gun at us.’ [...] I took a side step to my right just to take more cover. I continue - - I took another side step. Officer F was there. I - - I took a small step just to be out of his - - so I won’t - - I could be out of his - - so he wouldn’t be in my cross fire.”

Officer G assessed and observed that the Subject was still pointing the gun in his direction. He then fired an additional round at the Subject from the same position.

Officer G recalled, “So I - - I made sure I aligned my sights and waited for her to raise the gun again. And then sure enough she did and that’s when I took a shot...I feared for my safety. She was going to kill me or one the - - one of my partners...I shot the first round. She still had it out there. Then I shot the second one then that’s when she went down.”

- **Officer F** – (semiautomatic shotgun, three rounds)

Officer F was in a position of cover behind a concrete pillar when he observed the Subject to the rear of a silver vehicle north of his location. Officer F had a clear view of the Subject when she pointed her gun in his direction. In fear for his life and lives of the other officers, Officer F fired one round from his Benelli shotgun at the Subject.

After firing his first round, Officer F observed the Subject take a step back but did not believe that she was struck by the round because she was still standing pointing the gun in his direction and appeared to be attempting to take cover behind the rear bumper of a vehicle that was parked in the garage. In defense of his life and the lives of the other officers, he fired an additional round from his shotgun at the Subject from the same position.

Officer F recalled, “She was still pointing the gun in our direction trying to retreat behind - - take cover behind that vehicle...I believed that she was still trying to hurt us, trying to kill us, trying to do something to my partners that stops us from going home.”

Officer F then observed that the Subject peeking over the rear window of a parked vehicle looking in his direction and believed that she was attempting to locate his position. Believing that the Subject may try to take one of the officers out, Officer F

stepped out from his position of cover behind a concrete pillar and walked forward three to four feet to the front of a parked black vehicle, where he felt he had a clear and accurate shot at the Subject, and fired a third shotgun round underneath the vehicle at the Subject.

Officer F recalled, "So if, again, fearing for her coming up and trying to take one of us out or take a pop shot, I tried to get a better spot [...]"

"And I took a third shot under the vehicle at the suspect's leg, which is the only thing I really had good eyes on, hitting the suspect. I know I hit the suspect because she kind of like sprawled forward, which was kind of like back towards the back of the vehicle. And I saw the upper half of her body, and she had her hands out and the thing that was in her hands."

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers F and G would reasonably believe that the Subject's actions of pointing a gun their direction presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officer G's use of lethal force and Officer F's use of lethal force, when he fired his first and second rounds, to be objectively reasonable and in policy.

However, the BOPC determined that an officer with similar training and experience as Officer F would not reasonably believe that the Subject's actions while standing behind a vehicle parked in the garage presented an imminent threat of death or serious bodily injury to Officer F at the time he fired his third round.

Therefore, the BOPC found Officer F's use of lethal force when he fired the third shotgun round was not objectively reasonable.