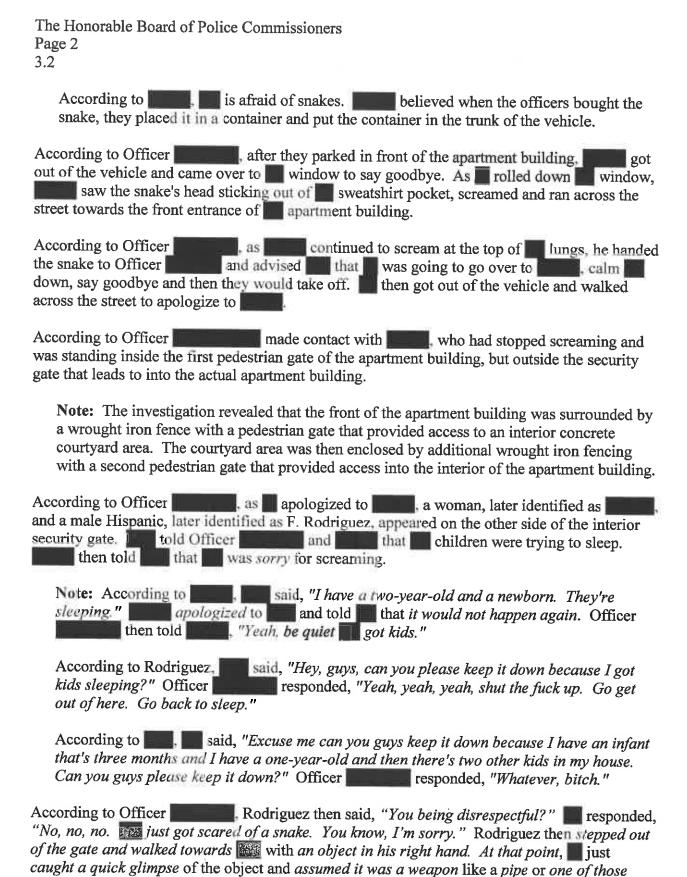
INTRADEPARTMENTAL CORRESPONDENCE

October 18, 2018 3.2 TO: The Honorable Board of Police Commissioners FROM: Chief of Police SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 080-17 Honorable Members: The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 080-17. A Use of Force Review Board (UOFRB) was convened on this matter on October 1, 2018. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy. Note: The investigation identified a number of concerns regarding the off-duty conduct of Serial No. and and Serial No. Mission Patrol Division, which will be investigated through a Personnel Complaint (CF No. **SUMMARY** On December 20, 2017, at approximately 0100 hours, Officers and were offduty, dropping off two friends, later identified as and in front of residence located at Orion Avenue, Los Angele Note: The investigation revealed that on December 19, 2017, at approximately 2000 hours. and completed their assigned shift. Officer had made Officers prior arrangements to purchase a snake later in the evening from a seller on Craigslist. Officer agreed to accompany Officer The officers picked up went to dinner, purchased the snake and then drove back to sresidence. Officer parked vehicle on the east side of the street, facing north, directly across from the front entrance of sapartment building. According to the officers, when they got the snake, it was really cold, so they decided to put the snake in the front pouch of Officer sweatshirt to warm it up until they could get it home.



little wooden souvenir Dodger bats.

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Note: The investigation revealed that Rodriguez was armed with a metal flashlight that was approximately 15 inches in length. According to Officer Rodriguez walked up to and stood less than a foot away from face. In an attempt to de-escalate the situation, took a step back, put his hands up and said, "Hey, man, no disrespect. We're -- I'm sorry." Approximately two seconds later, Rodriguez hit in the side of head with the object. Note: According to _____ after Rodriguez and Officer started fighting, turned around and walked back towards apartment. began to experience a loud ringing noise in ears, and for a According to second, everything was white and then started to kind of go black and fuzzy. In had never been hit with anything that hard and knew immediately that the object was heavier than a Dodger bat and was metallic. According to Officer Rodriguez continued attacking and swinging at and believed Rodriguez was not going to stop and was going to kill assumed Officer was still back at the car and believed that if did not stop Rodriguez, was going to die. In fear for life, fired two rounds from personally owned, five-shot revolver at Rodriguez to stop the threat (Lethal Use of Force). Note: According to Officer did not recall drawing revolver prior to the OIS. However, prior to the OIS revolver was secured in a pocket holster in the right front pocket of blue jeans (Drawing/Exhibiting). According to did not know where the gunshots came from. According to Officer and after firing, Rodriguez stopped attacking and fell to side. Rodriguez then got up and retreated backwards through the pedestrian gate and into the apartment complex. didn't know where went. According to Officer turned and went back towards the car. Officer helped into the car and they drove northbound on Orion Avenue towards Nordhoff Street. Approximately halfway up the block, advised Officer that just shot Rodriguez. Officer then drove to the corner of Orion and Nordhoff and pulled into the 7-11 parking lot. then called 911 and requested help.

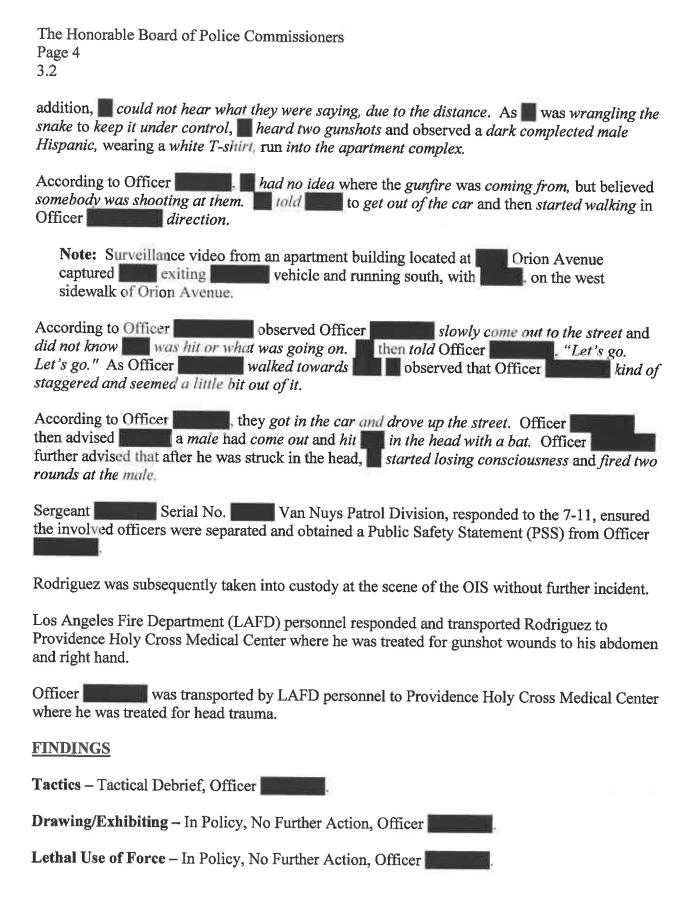
According to Officer was standing on the passenger side of the vehicle and had a difficult time seeing Officer and was standing on the passenger side of the vehicle and had a difficult time seeing Officer and was standing on the passenger side of the vehicle and had a

Note: According to Officer at some point after entered the vehicle, placed

floorboard in front of (Additional Tactical Debrief Topics - Maintaining Control of

revolver back into the pocket holster and then set the gun and the holster on the

Equipment).



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ANALYSIS

Detention

Does not apply.

Tactics

Department policy relative to Tactical Debriefs 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."

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

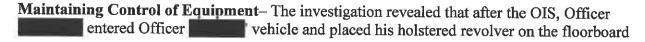
Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).

Tactical de-escalation does not require that an officer compromise his or 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 off-duty officer was confronted by a suspect who was armed with an object, which he believed to be a pipe or a small bat. In an attempt to de-escalate the situation, the officer took a step back, put his hands up and attempted to verbalize with the suspect to calm him down. The suspect then struck the off-duty officer on the side of the head with the object and then punched the off-duty officer multiple times in the face with his hands.

Faced with an imminent threat of serious bodily injury or death, the off-duty officer utilized lethal force to stop the deadly threat.

Additional Tactical Debrief Topics

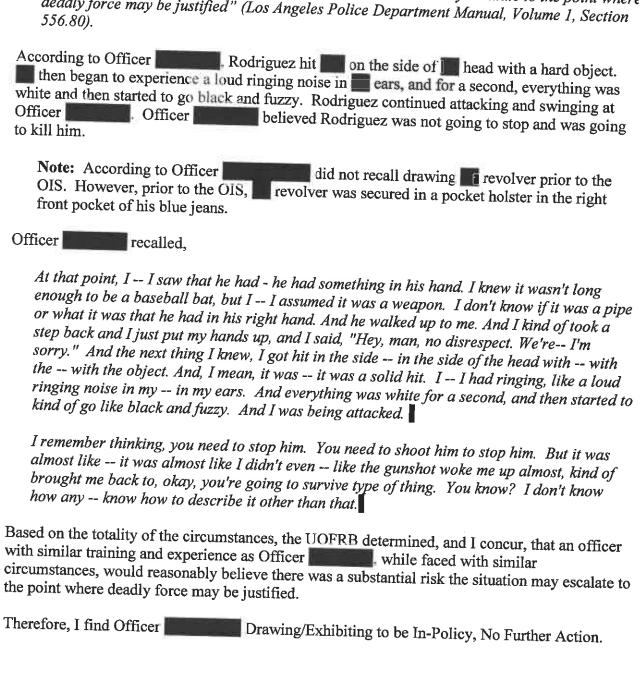


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of the vehicle. Although, it is understandable that Officer was feeling the physical effects of being struck several times on the head, is reminded of the importance of ensuring firearms are properly secured. I will direct that this be a topic of discussion during the Tactical Debrief.
Command and Contro
Sergeant responded to the 7-11, separated the involved officers and obtained a PSS from Officer
Lieutenant Serial No Watch Commander, Mission Patrol Division, responded to the scene of the OIS and assumed the role of IC. also ensured that the involved personnel were separated and monitored.
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 and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.
Therefore, I will direct that Officer attend a Tactical Debrief and that the specific identified topics are covered.
Note: Additionally, the Tactical Debrief shall 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 December 29, 2017, Officers attended a GTU. In addition to the mandatory topics, the officer received training on Force Option Simulator and Off-Duty Tactics.

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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).



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 — .38 caliber, two rounds in a northwesterly direction from a distance of one to two feet.

According to Officer — Rodriguez continued attacking and swinging at believed Rodriguez would not stop and was going to kill — Officer — assumed Officer — was still back at the car. Officer — believed that if he did not stop Rodriguez was going to die. In fear for — life, — fired two rounds from — revolver at Rodriguez to stop the threat.

I knew is he was attacking me, and he wasn't going to stop. And at that point, I -- I thought -- I thought to myself, he's going to kill me. There's -- either -- either I'm going to die. I -- I didn't know where where my partner was at that point. I assumed he was still back at the car. I thought if I don't stop him, I'm -- I'm going to die. And -- and -- and that's when I fired two rounds at the suspect.

I didn't know what I was getting hit with at that point. I -- I mean, I thought I was going to die. I thought he's - - I - - he was already being irrational. He -- there was no no absolutely no reason for him to hit me. I had no -- I didn't know him. I didn't know who he was or what -- what -- what set him off, because there was absolutely -- I mean, I didn't say a negative word to him. I wasn't confrontational at all. And he just out of nowhere hit me with that thing. No one's going hit you that hard unless they're going to try to kill you. I've never been hit with anything that hard

And I thought -- I mean, I almost didn't have enough time to have this lengthy thought

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process. I just knew if I didn't stop him, he would kill me. That's that's the thought that went through my mind. \blacksquare

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer would reasonably believe Rodriguez's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer Use of Lethal Force to be In Policy, No Further Action.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Officer was off-duty and therefore, not equipped with DICVS or BWV at the time of the OIS.

Outside Video – Surveillance cameras located on the exterior of Orion Avenue captured events that occurred on the street. The surveillance cameras did not capture the events leading up to the OIS or the OIS.

Respectfully,

MICHELR. MOORE

Chief of Police

Date: 10-18 18