

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

OFFICER-INVOLVED SHOOTING – 010-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	2/22/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	14 years, 3 months
Officer D	1 year, 7 months
Officer F	1 year, 1 month

Reason for Police Contact

Officers responded to an “ADW suspect there now” radio call, indicating that the suspect (Subject) was armed with a revolver-pistol. Upon arrival, the Subject pointed the pistol in the officers’ direction, resulting in an Officer-Involved Shooting (OIS).

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject, Female, 42 years of age.	Deceased (X)	Wounded ()	Non-Hit ()
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Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) 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 (FID) 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 (UOFRB) recommendations, including any Minority opinions; the report and recommendations of the Chief of Police (Chief); and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on February 13, 2023.

Incident Summary

On Wednesday, February 22, 2023, Witness A and his wife were inside their residence. Between 1940 and 1950 hours, their neighbor, Witness B, came to the front door and advised them that the couple's vehicle was being vandalized by a homeless female.

Witness B refused to provide FID investigators with a statement regarding this incident.

According to Witness A, he exited his residence and was standing with Witness B when he observed a female "*transient*," later identified as the Subject, walking away from his black sport utility vehicle (SUV). Witness A observed damage to the SUV's driver door and directed the Subject to leave the area.

As Witness A stood approximately 10 feet from the Subject, she appeared agitated and produced a "*Western big-old, barrel gun*" from her coat. The Subject held the pistol in her right hand with her arm extended and pointed it at Witnesses A & B and yelled unintelligibly. The Subject fled the location while still armed with the pistol. Witness A called 911 as he and Witness B followed the Subject.

At 1953 hours, Communications Division (CD) received Witness A's call. Witness A advised the Emergency Board Operator (EBO) that there was a female wearing a trench coat, "*pointing a gun at everybody, she has a revolver.*"

As a result of the 911 call, at 1954:05 hours, CD broadcast over Rampart Area frequency the "*ADW suspect there now*" call."

At 1954:30 hours, Officers A and B broadcast that they were responding to the radio call Code Three (i.e., with emergency lights and siren activated) from Rampart Station.

Several additional patrol units responded to the radio call including, Police Officers C, D, E, and F. Sergeants A and B also responded.

As the units responded, Witness A remained on the line with the EBO for over eight minutes and continuously provided updates to the Subject's location. During the call, Witness A shouted for help multiple times and stated to the EBO, "*She's running after me sir, she's got a gun.*" Witness A can also be heard shouting toward unknown citizens multiple times, "*Run*" and "*Get out of here.*"

Prior to the officer's arrival at scene, CD made five additional broadcasts over Rampart Area frequency and updated the Subject's location as she moved through the area, armed with a pistol.

According to Officer D's body-worn video (BWV), while on their way to the location, he/she read the comments of the call to Officer C. Officer C reminded Officer D that

they were equipped with a forty millimeter Less-Lethal Launcher (40mm LLL) and Tasers, if necessary, and to ensure that he/she gave the Subject clear commands.

According to Officer E, while driving to the location, Officer F read the comments of the call, which included the Subject's description. Officers F and E also discussed what they would do if they came in contact with her.

Officer C

Officer C advised FID investigators that he/she had been assigned to the area patrol for eight years and based on the additional information provided by CD, he/she believed that the Subject was headed toward a homeless encampment. Officer C was concerned with a possible armed standoff with the Subject and wanted to intercept her before she made it to that area.

As Officers C and D drove north, Officer C turned off the police vehicle siren, leaving the forward-facing solid red & blue lights and the rear caution lights activated. Officer C advised Officer D to keep his/her "*eyes peeled*" moments before he/she broadcast that they were at scene.

As Officers C and D drove toward the area, they utilized the vehicle spot lights to scan the area for the Subject. After the officers drove north of the area, they observed the Subject running south along the east sidewalk in their direction. Officer C stopped the vehicle and asked, "*Is this her?*" Officer D replied, "*No, no trench coat,*" as the Subject rapidly closed the distance.

According to the officers' digital in-car video (DICV), as the Subject continued along the sidewalk and moved her arms back and forth, a dark object, later determined to be a replica revolver capable of firing metal pellets, was visible in her right hand.

Officers C and D advised FID investigators that they observed the Subject holding a revolver-pistol in her right hand as she ran south.

While still seated in the vehicle, Officer C opened the driver door, exited the vehicle, and unholstered his/her pistol.

After exiting the vehicle, Officer C initially stood behind the vehicle engine block and pointed his/her pistol toward the Subject with a two-handed grip.

Due to their vehicle positioning and the Subject's movement, Officer C believed that there was a chance the Subject was going to begin shooting.

Officer C noticed that the Subject had a blank stare on her face and she did not respond to commands. Based on his/her training and experience, Officer C believed that the Subject was under the influence of narcotics.

As the Subject continued to move along the sidewalk, Officer C redeployed to the rear of his/her vehicle when he/she observed the Subject running toward another police vehicle arriving at scene (later determined to be Officers E and F). Officer C shouted, "*Hey she has a handgun,*" to alert the officers of the Subject's presence.

According to Officer C's BWV, at 1958:01 hours, the Subject turned to her right, extended her right arm, and pointed the pistol in Officers C and D's direction.

Officer C advised FID investigators that he/she observed the Subject look in his/her direction as she took a "*one-handed shooting stance*" and pointed the pistol at them.

Officer C stood in the roadway, raised his/her pistol with a two-handed grip, and pointed it toward the Subject. According to Officer C, he/she aimed his/her pistol at the Subject's center body mass, fired five times, and assessed between each round. While firing, Officer C simultaneously stepped backward toward his/her vehicle.

According to Officer C, the Subject was pointing the pistol in their direction as he/she (Officer C) fired each round. Officer C stopped firing once the pistol was no longer pointed in their direction and the Subject fell to the ground.

Officer C initially stated, prior to the OIS that the Subject pointed the pistol toward them; and he/she observed her hand and forearm move upward as though she fired and the pistol recoiled. Officer C also heard additional gunfire and was unsure if the Subject fired at them.

Officer C advised FID investigators that the background in the direction of which he/she aimed his/her pistol was the hillside and the concrete overpass.

Four seconds after the OIS, Officer C broadcast, "*shots fired*", followed by a request for a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) to respond for a "*female approximately 40-years of age. conscious and breathing, stand by.*"

After the OIS, Officer C's pistol remained unholstered while he/she provided lethal-force cover until the Subject was taken into custody.

Officer D

Officer D described the Subject's pistol as a revolver with a "*very long barrel.*" This was the first time, while on duty, Officer D observed a suspect armed with a firearm.

Immediately after noticing that the Subject was armed, Officer D shouted unintelligibly as he/she exited the vehicle and unholstered his/her pistol.

Officer D initially stood behind the passenger door and pointed his/her pistol toward the Subject with a two-handed grip. According to Officer D, the Subject continued south and ran by Officer D's door which he/she was using as cover.

Officer D shouted, “*Hey, put your hands up, now, now, now,*” as he/she simultaneously moved in what Officer D stated was an attempt to gain cover, along the driver side of the police vehicle.

Officer D continuously pointed his/her pistol toward the Subject with a two-handed grip as the Subject ran in the direction of Officers E and F, who had just arrived at scene. According to Officer D, he/she observed the Subject stop, face his/her direction, and point a pistol at him/her.

Officer D advised FID investigators that he/she aligned the sights of his/her pistol on the Subject’s chest and fired a “*controlled pair,*” and he/she assessed between the rounds. After firing the second round, Officer D observed the Subject drop the pistol and fall to the ground.

For approximately one minute, Officer D provided lethal-force cover along the passenger side of his/her vehicle until Officer C instructed him/her to redeploy to the other side of their vehicle. Officer D’s pistol remained unholstered while he/she provided lethal-force cover until after the Subject was taken into custody.

Officer F

Based on the comments of the radio call, as Officers E and F arrived at scene, Officer F unholstered his/her pistol with his/her right hand. Officer F held his/her pistol with a single-handed grip as his/her vehicle came to a stop.

Officer F advised FID investigators that after he/she unholstered his/her pistol, he/she observed the Subject holding a “*dark brown or black long barrel revolver*” in her right hand, running in his/her direction, away from Officers C and D.

According to Officer F’s BWV, at 1957:57 hours, while still seated in the police vehicle and holding his/her pistol in his/her right hand, he/she reached across his/her body and opened the passenger door with his/her left hand. Officer F exited the vehicle, stood behind the passenger door, and assumed a two-handed grip on his/her pistol.

Officer F aligned his/her pistol sights and aimed his/her pistol at the Subject’s center mass and fired four times. Officer F continuously assessed and observed the Subject pointing her pistol at Officers C and D as he/she fired each round. Officer F stopped firing when the Subject dropped the pistol and fell to the ground.

Officer F advised FID investigators that the background in the direction of which he/she fired his/her pistol was a dirt hillside and there was never crossfire with Officers C or D.

After the OIS, Officer F redeployed to the driver side of his/her vehicle, where he/she was later assigned to the arrest team and holstered his/her pistol.

Officer E

According to Officer E, as he/she and Officer F approached the overpass, he/she observed the Subject running in his/her direction, along the east curb. Officer E observed the Subject holding a black revolver with brown wooden grips in her right hand as she ran by Officers C and D. Officer E stopped his/her vehicle as he/she felt a need to prevent the Subject's access to the tents along the overpass to avoid a hostage situation.

According to Officer E's BWV, at 1958:02 hours, he/she exited his/her vehicle and unholstered his/her pistol. Officer E stood behind his/her vehicle door as he/she raised his/her pistol in a two-handed grip and aimed at the Subject.

Officer E heard someone yell, "*She has a gun.*" Officer E observed the Subject raise her pistol and point it toward Officers C and D when the OIS occurred.

Officer E observed Officers C & D fire and was unsure if the Subject fired at the officers. Officer E observed the Subject drop the pistol as she fell to the ground.

Twenty-nine seconds after the OIS, Officer E holstered his/her pistol, designated him/herself as less-lethal force officer, and retrieved a 40mm LLL from his/her vehicle.

Sergeant A

According to Sergeant A's BWV, he/she arrived at scene and stopped his/her vehicle south of Officers E and F's vehicle. As Sergeant A's vehicle came to a stop, sounds of gunfire can be heard. Sergeant A advised FID investigators that he/she observed two officers directly in front of him, standing behind their vehicle doors (later determined to be Officers E and F). Sergeant A simultaneously observed two additional officers (later determined to be Officers C and D) standing to the rear of a second police vehicle further north. According to Sergeant A, he/she heard five or six gunshots but never observed any of the officers fire.

Sergeant A exited his/her vehicle and moved to a position near Officer E on the driver side of his/her vehicle. Sergeant A observed the Subject lying on the ground and noticed a black or blue steel revolver on the ground approximately 10 or 15 feet away from her.

Sergeant A shouted to the officers, "*Watch crossfire, watch crossfire. I got communications.*"

Less than a minute after the OIS, Officers A, B, and G arrived at scene. All officers took a position on the driver side of Officers E and F's vehicle and stood near Officers E, F, and Sergeant A.

According to Officer A's BWV, he/she stood at the apex of the driver door and initially unholstered his/her pistol.

Officer B stood to the left of the driver door and unholstered his/her pistol.

At 1958:59 hours, Sergeant A directed Officer E to form a team of officers to take the Subject into custody. Officers B, C, and D provided lethal-force cover with their pistols; Officer E was designated as less-lethal-force cover with a 40mm LLL; and Officers A and F were designated as the arrest team.

According to Officer A's BWV, at 1959:42 hours, 1 minute and 39 seconds after the OIS, the team of officers approached the Subject. Officers A and F handcuffed the Subject, and she was taken into custody without further incident. Officers A and F searched the Subject for additional weapons with negative results and placed her on her left side, in the recovery position.

After the Subject was taken into custody, Sergeant A separated Officers C, D, and F and directed them not to speak to each other.

Thirty-six seconds after the Subject was handcuffed, Officer G began to apply a tourniquet to her right leg. Officer G appeared to have difficulty with the operation of the tourniquet when Officer E stepped in and completed the application. While doing so, Officer E advised Sergeant A that the Subject sustained "one or two" gunshot wounds to her right leg.

According to Officer H's BWV, at 2001:18 hours, Officer H and his partner arrived at scene. Sergeant A directed the officers to stand by and go with the Subject to the hospital if she was transported by LAFD. Officer H advised FID investigators that as he/she stood near the Subject, she appeared to be conscious and at times, moved her head as though she were looking around.

According to Sergeant A's BWV, at 2001:25 hours, he/she broadcast a second request for an RA for a *"female conscious breathing, GSW lower extremities, about 30 years old."*

Over the next eight minutes, Officer A's BWV depicted the Subject on her left side, in the recovery position as Officers A and B continuously monitored her and looked for additional injuries. At 2005:34 hours, Officer A asked the Subject if she can hear him as he/she squeezed her upper right arm. The Subject appeared to respond by shaking her head back and forth. Officer B advised Officer A that the Subject was conscious.

According to Officer A, while awaiting the response of LAFD, he/she could feel the Subject breathing and he/she observed her chest rise and fall. Officer A was not aware that the Subject had any additional injuries.

Officer B advised FID investigators that, in addition to his/her Department training, he/she had received training in the military on how to treat gunshot wounds.

At 2002:44 hours, Sergeant B arrived at scene. Sergeant B obtained a Public Safety Statement (PSS) from Officers C, D, E, and F.

According to Sergeant C's BWV, at 2005:04 hours, he/she broadcast his/her arrival at scene and identified him/herself as the Incident Commander (IC).

According to Officer A's BWV, at 2009:27 hours, Sergeants A and C directed Officer A to check the Subject's vital signs. Sergeant C asked if the Subject was still breathing and directed Officer A, "*Do CPR if needed.*"

Officer A rubbed the Subject's clavicle and attempted to communicate with her. After there was no response, Sergeants A and C directed Officer A to begin CPR (cardiopulmonary resuscitation).

Officer A rolled the Subject onto her back and began chest compressions.

At 2010:30 hours, after 32 seconds of chest compressions, Officer A conducted an assessment of the Subject and felt that she had a pulse. Officer A discontinued CPR as the LAFD RA arrived at scene.

Sergeant A advised LAFD personnel that the Subject sustained two gunshot wounds to the lower extremities, a tourniquet was applied to her right leg, and she had a pulse.

At the request of LAFD, at 2014 hours, Officer A removed the handcuffs from the Subject. While conducting their assessment, LAFD personnel discovered the Subject had an additional gunshot wound to her right arm.

The Subject was transported to the hospital. Officers H and his partner followed the RA to the hospital.

The Subject was pronounced deceased at 2045 hours by the treating physician at the hospital.

FID investigators reviewed all documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators.

BWV and DICV Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer C	Yes	Yes	Yes	Yes	Yes
Officer E	No	Yes	Yes	N/A	N/A
Officer D	Yes	Yes	Yes	Yes	Yes
Officer F	No	Yes	Yes	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) 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 C, D, E, and F's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers C, D, E, and F's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers C, D, and F'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. The Los Angeles Police Department also recognizes 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 principle 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, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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), stating 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 allowance 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:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender

expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover,

any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of

future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “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 allowance 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 test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

Detention

Officers responded to a “*ADW suspect there now*” radio call. As they arrived, officers observed the Subject, running in their direction holding a pistol in her right hand. Officers attempted to detain the Subject by giving her verbal commands. The Subject failed to comply with the officers’ commands, turned towards officers, and pointed a pistol in their direction, resulting in an OIS. Based on the totality of the circumstances, the officers had reasonable suspicion to detain the Subject.

A. Tactics

- **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.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**

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.

- **Planning** – The day of the incident was the first time Officers C and D worked together. They advised that they had discussions regarding tactics including, contact & cover roles and how to handle radio calls. While en route to the call, Officer D read the comments of the call to Officer C. Officer C reminded Officer D that they were equipped with a 40mm LLL and Tasers, and Officer C advised Officer D to give the Subject clear commands. Officer C believed that the Subject was headed toward a homeless encampment under an overpass. Officer C was concerned with a possible armed standoff with the Subject, and his/her plan was to intercept her before she made it to that area.

Officers E and F had worked together on approximately ten occasions and had regular discussions regarding contact and cover, de-escalation, pursuits, and lethal force situations. Officer F read the comments of the call to Officer E, and the officers discussed what they would do if they encountered the Subject.

- **Assessment** – As Officers C and D arrived, they observed the Subject running with a pistol in her right hand. Although they observed the Subject running with her arms moving back forth in a running motion, the officers assessed that those actions were not an immediate threat to them at that point. Officer C noticed that the Subject had a blank stare on her face and did not respond to commands to get her hands up. Based on his/her training and experience, Officer C believed that the Subject was under the influence of narcotics.
- **Time, Redeployment and/or Containment** – As Officers C and D arrived at scene, they observed the Subject running with a pistol in her right hand. They stopped their police vehicle to maintain distance from the Subject, exited their police vehicle, and used the ballistic doors as cover. As the Subject continued to run toward them, Officer C redeployed to utilize the engine block of the police vehicle as cover. As the Subject ran past the officers, Officer D lost the cover provided by the vehicle door. Officer C redeployed from the front of the police vehicle to the rear to assist Officer D, recognizing that he/she may no longer have sufficient cover. As Officers E and F arrived on scene, they observed the Subject running with a pistol, so they exited their police vehicle and used their vehicle doors as cover.
- **Other Resources** – While responding to the call, Officer B requested an airship (helicopter), but an airship was unable to respond due to the weather. Officer B also requested further information from the person reporting (PR) to get updated information about the Subject. After the OIS, Officers C broadcast a help call, leading to the response of additional resources. Officer C, as well as Sergeant A, requested the response of LAFD RA personnel to provide medical attention to the Subject.
- **Lines of Communication** – As Officers C and D arrived on scene, they observed the Subject running toward them with a pistol in her hand. Officers C and D exited their police vehicle and attempted to detain her by directing her to put her hands up. As Officer C redeployed to the rear of his/her vehicle, he/she communicated to Officers E and F that the Subject was armed with a pistol.

During its review of this incident, the BOPC noted the following tactical considerations:

- **Cover**

As the police vehicle came to a stop, Officer D exited and stood behind the passenger door, using the door as cover as she gave commands to the Subject. The Subject continued south and ran by Officer D's door, causing Officer D to lose cover. Officer D simultaneously moved along the passenger side of the police vehicle to redeploy to an additional position of cover. When the Subject turned to her right, extended her arm, and pointed the pistol in Officers C and D's direction, the OIS occurred. For approximately one minute, Officer D maintained his/her position along the passenger side of the vehicle until Officer C instructed him/her to redeploy to the other side of their vehicle.

Officer C exited the police vehicle and initially took a position behind the vehicle's engine block. As the Subject continued to move south along the sidewalk, Officer C redeployed to the rear of his/her vehicle, recognizing that the Subject's movement left Officer D in a position with little to no cover. Officer C was concerned that the Subject could begin shooting at Officer D, and he/she wanted to assist him/her and engage the Subject if necessary. As Officer C reached the rear of the vehicle, he/she observed that the Subject had continued running south. Officer C stated that he/she ran past the rear portion of his/her vehicle because of his/her intent to reach Officer D and assist him/her. When Officer C observed the Subject turn to her right and point her pistol in his/her and Officer D's direction, he/she fired his/her pistol at the Subject. Officer C stood in the roadway while firing and simultaneously redeployed back toward his/her vehicle as the OIS occurred with the intention of getting behind cover.

The Use of Force Review Board (UOFRB) noted that upon locating the Subject, Officers C deployed the police vehicle at a reasonable distance from the Subject and positioned the vehicle facing toward her. The UOFRB noted that the officers exited their vehicle and took a position of cover behind the vehicle doors and engine block as they issued commands to the Subject. The UOFRB noted that it was the Subject's actions that caused Officer D to be in a position without cover at the time he/she discharged his/her pistol.

The UOFRB also noted that Officer C was positioned on the driver side of the police vehicle and had initially used the vehicle's engine block as cover. As the Subject ran south, Officer C redeployed to the rear the vehicle to engage the Subject. Officer B believed that the Subject, by running south, had put Officer D in a position without cover, and the Subject was possibly going to shoot at Officer D. Although the UOFRB would have preferred that Officer C had used the rear of the police vehicle as cover, the UOFRB determined that, based on his/her intent to aid Officer D, that Officer C actions were not a substantial deviation.

Based on the totality of the circumstances, the BOPC determined that Officers C and D's lack of cover during the OIS was not a substantial deviation from Department-approved tactical training. To enhance future performance, the BOPC directed this to be a topic of discussion during the Tactical Debrief.

- **Code Six**

In this case, Officers F and E failed to "place themselves Code Six on the incident" (i.e., broadcast to CD that on scene). While responding to the radio call, Officer E wanted to keep the police radio frequency clear, as pertinent information was constantly being broadcast. Prior to Officers E and F's arrival, Officers C and D had broadcast that they were Code Six. As Officers F and E approached the area in their vehicle, they observed the Subject running toward their direction holding a pistol and away from Officers C and D. Officer F did not find it feasible at the time to

show his/her unit Code Six due to the immediate threat presented by the Subject. After the OIS, Officer E attempted to broadcast that they were Code Six; however, Sergeant A advised that he/she would handle communications and directed them to stay off the radio. Shortly after the Subject was taken into custody, Officers E and F were separated and monitored by Sergeant A.

During their assessment, the UOFRB noted that the purpose of the Code Six policy is for officers to advise CD of their location and the nature of their activity, should the incident necessitate the response of additional personnel. Although the UOFRB would have preferred that Officers E and F had advised CD that they were at scene, the UOFRB noted that other officers were already Code Six, and that Officers E and F were immediately encountered by the Subject who was pointing a pistol at Officers C and D as they (Officers E and F) arrived. The UOFRB further noted that following the OIS, Officer C broadcast a help call; and Sergeant A directed officers to stay off the radio and that he/she (Sergeant A) would handle communications. Considering the totality of the circumstances, the UOFRB opined, that it was necessary for the officers to defend themselves and their partners from an imminent lethal threat. Additionally, other officers knew of Officers E and F's location and were able to provide assistance as needed.

Based on the totality of the circumstances, the BOPC determined that Officers E and F's failure to broadcast their Code Six location prior to initiating contact with the Subject was a substantial deviation, with justification, from Department-approved tactical training. To enhance future performance, the BOPC directed this be a topic of discussion during the Tactical Debrief.

The BOPC also considered the following additional debriefing topic:

- **Profanity** – As Officer C exited the vehicle, he/she stood behind the vehicle engine block and pointed his/her pistol toward, and shouted profanities at, the Subject. Officer C advised that he/she used profanity toward the Subject to de-escalate the situation and change the Subject's mindset. To enhance future performance, the BOPC directed that this be a topic of discussion during the Tactical Debrief.

Command and Control

- Sergeant A arrived as the OIS was occurring and stated that he/she heard the shots but did not observe any of the officers fire their pistols. Sergeant A exited his/her vehicle and moved to a position near Officer E on the driver's side of the police vehicle. Sergeant A assumed command & control and advised officers on scene that he/she would be responsible for communications. Sergeant A directed Officer E to form an arrest team to take the Subject into custody. As the arrest team took the Subject into custody and rendered medical aid to her, Sergeant A directed officers on scene to monitor the Subject's condition and later directed officers to conduct CPR on the Subject. After the Subject was taken into custody, Sergeant A initiated the separation and monitoring of Officers C, D, E, and F; and Sergeant A ordered

them not to speak to each other regarding the incident. Additionally, Sergeant A directed officers to establish inner and outer crime scenes, directed the canvassing for witnesses and possibly injured citizens, established a Command Post (CP), and requested the response of additional supervisors.

Sergeant B arrived at scene and was directed by Sergeant A to obtain a Public Safety Statement (PSS) from Officers C, D, E, and F. After the officers provided their PSS, they were separated and individually monitored by additional arriving supervisors. Sergeant C responded to the incident and was briefed by Sergeant A before assuming the role of IC. Sergeant C made notifications to the Department Operations Center (DOC) of the OIS.

The BOPC determined that the overall actions of Sergeants A, B, and C were consistent with Department training.

Tactical Debrief

In conducting an objective assessment of this case, the BOPC determined that the actions of Officers C and D were not a substantial deviation from Department-approved tactical training and the actions Officers E and F were a substantial deviation, with justification, from Department-approved tactical training. The BOPC found Officers C, D, E, and F's tactics to warrant a finding of Tactical Debrief.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident. Therefore, the Chief directed Officers C, D, E, and F to attend a Tactical Debrief and that the specific identified topics be discussed.

General Training Update (GTU)

- Officers C, D, E, and F attended a GTU on March 2, 2023.

B. Drawing and Exhibiting

- **Officer C**

According to Officer C, he/she observed the Subject running toward him with a pistol in her right hand. Officer C exited his/her police vehicle and unholstered his/her pistol because he/she believed that the situation could escalate to lethal use of force.

- **Officer D**

According to Officer D, he/she observed the Subject running toward them while holding a pistol. Officer D exited his/her police vehicle and unholstered his/her pistol because he/she believed the situation could escalate to lethal use of force.

- **Officer F**

According to Officer F, he/she observed a female running toward him and his/her partner, who matched the description of the ADW suspect pointing a pistol at a passerby. Officer F unholstered his/her pistol because the suspect was armed and led him to believe the situation could escalate to lethal use of force.

- **Officer E**

According to Officer E, he/she observed the Subject armed with a pistol as he/she and Officer F approached the scene in their police vehicle. Officer E drew his/her pistol when he/she exited his/her vehicle. Believing that it was a lethal force situation, Officer E unholstered his/her pistol.

The UOFRB assessed Officers C, D, E, and F's drawing and exhibiting of their pistols. The UOFRB noted that the officers responded to a radio call involving a woman pointing a pistol at a passerby. Arriving at the scene, Officers C, D, E, and F observed the Subject running with a pistol in her right hand.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, D, E, and F would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified. Therefore, the BOPC found Officers C, D, E, and F's drawing/exhibiting to be In Policy.

C. Lethal Use of Force

- **Officer C** – five rounds fired from approximately 41 feet.

Background – The investigation determined that the background was a concrete overpass and an unoccupied camping tent to the south.

According to Officer C, he/she observed the Subject holding a *“big revolver”* in her right hand as she ran south on the sidewalk. Officer C stated that the Subject ran past them at a full sprint and that both officers recognized that the Subject was holding a pistol. Officer C stated that he/she felt afraid and believed that there was a chance that the Subject was going to shoot at them as she ran toward them. After exiting the police vehicle, Officer C deployed behind the vehicle engine block for cover and pointed his/her pistol toward the Subject. Officer C directed the Subject to put her hands up while observing that she had a blank stare on her face and she did not respond to commands. Due to their vehicle's positioning and the Subject's movement, Officer C believed that there was a chance that the Subject was going to

begin shooting at Officer D, who he/she perceived to have lost cover as the Subject ran past him/her. As the Subject continued to move along the sidewalk, Officer C redeployed to the rear of his/her police vehicle when he/she observed the Subject running toward another police vehicle arriving at scene (later determined to be Officers E and F). Officer C shouted to them that she had a pistol to alert them of the threat the Subject presented.

According to Officer C, the Subject turned to her right, extended her right arm, and pointed her pistol in Officer D's and his/her direction. Officer C observed the Subject look in his/her direction as she took a one-handed shooting stance and pointed the pistol at him/her and Officer D. Officer C stated that he/she was in fear that he/she and his/her partner were going to be shot. Officer C stood in the roadway, raised his/her pistol with a two-handed grip, and pointed it toward the Subject. He aimed his/her pistol at the Subject's center body mass and fired five times, assessing between each round. While firing, Officer C simultaneously stepped backward toward his/her police vehicle. According to Officer C, the Subject was pointing the pistol in their direction as he/she fired each round. Officer C stopped firing once the Subject's pistol was no longer pointed in their direction and she fell to the ground.

Officer C stated that when the Subject pointed her pistol at them, he/she believed that lethal use of force was his/her last resort as there was not enough time to verbalize or use any less-lethal-force options at that point. Officer C stated that the Subject pointed the pistol toward them and he/she observed the pistol recoil as her hand & forearm moved upward as though she fired. Officer C also heard additional gunfire and was unsure if the Subject had fired at them. Officer C stated that he/she observed the Subject's arm moving up and down in between the fourth and fifth round he/she fired.

- **Officer D** – two rounds fired from approximately 43 feet.

Background – The investigation determined that the background for both rounds was a concrete overpass and multiple camping tents.

According to Officer D, the Subject was holding a revolver with a very long barrel. Officer D initially stood behind the passenger door providing him/her cover and pointed his/her pistol toward the Subject. According to Officer D, the Subject continued south and ran by Officer D's door, which he/she had been using as cover. Officer D shouted at the Subject to put her hands up as he/she simultaneously moved to regain cover. According to Officer D, he/she observed the Subject stop, face his/her direction, and point the revolver-pistol straight at him/her. Officer D observed the Subject's eyes directed at him/her and that the Subject was in a fixed and posted-up position with her feet planted on the ground like she was in a firing position. Officer D stated that he/she could see the Subject's eyes had a "menacing" look toward him/her and Officer D believed that the Subject intended to kill him/her. Officer D was waiting to hear that "pop" sound and see the muzzle flash from the Subject's pistol, causing Officer D to be in fear for his/her and his/her partner's life.

Officer D stated that he/she observed the Subject's arm go up, as if her pistol had gone off, but Officer D did not recall hearing any sound. Officer D stated that he/she aligned the sights of his/her pistol on the Subject's chest and fired a "*controlled pair*" and assessed between the two rounds. After firing the second round, Officer D observed the Subject drop her pistol and fall to the ground.

- **Officer F** – four rounds fired from approximately 26 feet.

Background – The investigation determined that the background was a concrete overpass and a landscaped hillside.

According to Officer F, he/she observed the Subject holding a "*dark brown or black long barrel revolver*" in her right hand and running in his/her direction, away from Officers C and D. Officer F stood behind the passenger door of his/her police vehicle and assumed a two-handed grip on his/her pistol. Officer F believed that if the Subject closed the distance while armed with the revolver-pistol, she could use the pistol against him/her and his/her partner. Officer F observed the Subject raise the pistol and point it in the direction of Officers C and D. After seeing the Subject point her pistol in an "*aggressive manner*" toward Officer C and D, Officer F believed that if he/she did not shoot the Subject to stop the threat, the Subject was going to shoot his/her partners & him/herself and possibly seriously injure them or kill them. Officer F aligned his/her pistol sights, aimed his/her pistol at the Subject's center mass, and fired four times. Officer F continuously assessed between each round fired. Officer F stated that he/she observed the Subject pointing her pistol at Officers C and D as he/she fired each round. Officer F stopped firing when the Subject dropped the pistol and fell to the ground.

The UOFRB assessed Officers C, D, and F's lethal use of force. The UOFRB noted that the officers were responding to a radio call of an ADW suspect pointing a pistol at a passerby. The UOFRB further noted that Witness A remained on the phone line and provided updated locations and information to CD regarding the Subject. The UOFRB took into consideration that upon locating the Subject, Officers C, D, and F observed the Subject running with a pistol in her right hand. The UOFRB noted that Officers C and D stopped their vehicle, unholstered their pistols, and took cover behind their police vehicle doors. The UOFRB opined that Officers C and D showed significant restraint and respect for human life by not using lethal force as the Subject ran toward and then past them, swinging her arms back and forth while holding a pistol. The UOFRB noted that none of the officers fired a round at the Subject until after she pointed her pistol at Officers C and D. The UOFRB also noted that all 11 rounds were fired during the time the Subject was in possession of her pistol and had it pointed in the direction of the officers. The UOFRB noted that 11 rounds were fired in under two seconds, leading the UOFRB to believe that Officers C, D, and F observed the same imminent threat posed by the Subject and that they stopped firing their pistol at the time the imminent threat had ceased.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, D, and F, in the same situation, would reasonably believe that lethal use of force was proportional, objectively reasonable, and necessary. Therefore, the BOPC found Officers C, D, and F's lethal use of force to be In Policy.

Medical Treatment/Rendering Aid

Approximately 31 seconds after the OIS, Officer C requested an RA for the Subject. The Subject was taken into custody within two minutes, placed into a recovery position, and assessed for injuries by Officers A and B. Sergeant A broadcast a second request for an RA while Officer E applied a tourniquet to the Subject's right leg. At approximately 2005 hours, Officer A continued to assess the Subject, who responded by shaking her head back and forth. Officer B advised Officer A that the Subject was conscious. Officers had only identified gunshot wounds to the Subject's right leg.

Sergeants A and C directed Officer A to monitor the Subject's vital signs, leading Officer A to begin chest compression. After approximately 32 seconds of chest compressions, Officer A conducted an assessment of the Subject and felt that she had a pulse.

Officer A discontinued CPR as LAFD personnel arrived and took over medical care for the Subject. Officer A removed the handcuffs from the Subject at the request of LAFD personnel, who discovered an additional gunshot wound to the Subject's right arm. A LAFD RA unit arrived at scene at approximately 2016 hours and assisted in rendering aid before transporting the Subject to the hospital, where the Subject was pronounced deceased by the treating physician.

Requirement to Intercede

Based on their review of this incident, the BOPC determined that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and that the officers did not deviate from the requirement to intercede.

Additional/Equipment

- **Bloodborne Pathogens** – Officer E did not don protective gloves before he/she applied the tourniquet to the Subject, which resulted with him/her making contact with and being exposed to the Subject's blood. Officer E is reminded of the importance of donning protective equipment when feasible in order to prevent unnecessary exposure to bloodborne pathogens. As this issue was addressed at the divisional level via informal meeting, with Operations-Central Bureau (OCB) and Office of Operations (OO) concurrence, the BOPC deemed no further action necessary.

- **Approved Ammunition** – Officer C's 3rd pistol magazine contained 16 rounds of Department-approved ammunition and 1 round of outdated/unapproved 9-millimeter Winchester ammunition. The currently approved ammunition is Speer LE. All personnel are to ensure that each of their pistols and magazines are loaded with only the Department-approved ammunition. As this issue was addressed at the divisional level via a Comment Card with OCB and OO concurrence, the BOPC deemed no further action necessary.