

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

OFFICER-INVOLVED SHOOTING – 011-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Hollenbeck	3/8/23		

Officer(s) Involved in Use of Force	Length of Service
Officer D	22 years, 11 months
Officer E	33 years, 10 months
Officer F	25 years, 11 months
Officer G	26 years, 6 months
Officer H	14 years, 5 months
Officer I	14 years, 11 months
Officer J	14 years, 5 months

Reason for Police Contact

On Wednesday, March 8, 2023, at approximately 1835 hours, Metropolitan Division K-9 (canine) Unit officers were conducting a search for a felony suspect (the Subject). The search led them to a storage area underneath a residence where they located the Subject. The Subject was pretending to be sleeping with his hands underneath his body and ignoring the officers' commands. The officers determined the Subject to be unsafe to approach, which resulted in the deployment of gas to gain his compliance. During the gas deployment, the Subject fired two pistols, striking three officers, resulting in an officer-involved shooting (OIS). The officers evacuated the location, treated the wounded officers, and set up containment. Metropolitan Division Special Weapons and Tactics (SWAT) officers responded and located the Subject, who was already deceased. The investigation determined that the Subject died from a self-inflicted gunshot wound to his head.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 41 years of age.

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 (OIG). 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 27, 2024.

Incident Summary

In January of 2023, a property owner, identified as Witness A, contacted Hollenbeck Area Senior Lead Officer A regarding a squatter on her property. Witness A informed Officer A that the squatter had broken into a storage area of her apartment complex and was refusing to leave. The property owner provided the squatter's name and gave Officer A the property address, which consisted of multiple bungalows with multiple addresses.

Based on the name and address, Officer A identified the individual (Subject) and discovered that he had an active felony warrant for Battery on a Police Officer and Possession of a Firearm. The Subject was also a Parolee at Large (PAL) for robbery and an arrest warrant was issued. Additionally, FID's investigation revealed that the Subject's warrant information indicated the following: "Caution: Armed and Dangerous Violent Tendencies".

Officer A's investigation also discovered that the Subject listed his residence as one that was owned by Witness A. Witness A was informed of this information and reiterated that the Subject was not a legal tenant and was therefore squatting on her property. Witness A further advised Officer A that the location underneath her property was a storage area, not a residential space. Officer A advised Witness A that he would search for the Subject and did so throughout the month of January.

On Tuesday, March 7, 2023, at approximately 1000 hours, Witness A entered the Hollenbeck Community Police Station and reported an extortion that occurred on February 7, 2023, involving the Subject. According to Witness A, the Subject entered her place of business and threatened her. The Subject demanded money from Witness A, while brandishing a pistol. In fear for her safety, Witness A wrote a check for \$3,000 and gave it to the Subject. The Subject left the location with the check and subsequently cashed it.

The following day on March 8, 2023, Hollenbeck Area Robbery Detective A was assigned the extortion report. Detective A reviewed the crime report and checked the Subject's criminal history. Detective A then spoke with Witness A on the phone and confirmed the details documented in the crime report. Witness A agreed to meet with Detective A at the police station, to view a photographic line-up containing the Subject.

Meanwhile, Detective A met with Officer A regarding the extortion reportedly committed by the Subject. Officer A informed Detective A that he/she was looking for the Subject because of his outstanding felony warrants and squatting on Witness A's property. Officer A agreed to assist Detective A with his/her investigation. Officer A further advised that he/she would request the assistance of Hollenbeck Area Narcotics Enforcement Detail (NED) in locating the Subject.

A photographic line-up was assembled and presented to Witness A, who positively identified the Subject as the person who extorted her.

Officer A spoke with Hollenbeck Area Gang Impact Team (GIT)/NED Officer-In-Charge, Lieutenant A, and Hollenbeck Area GIT/NED Police Officer B and requested their assistance to locate & arrest the Subject. Officer A briefed them on the preliminary information gathered on the Subject, including being a PAL with an additional outstanding felony warrant and a current open extortion case with a firearm. In addition, Officer A notified Officer B about where the Subject's family resided. According to Witness A, the Subject was not living with his family but was squatting in a storage area located to the rear of her property.

Lieutenant A agreed to have NED personnel assist with locating the Subject. Officer B was tasked with completing a criminal history work-up on the Subject and a Tactical Operation Plan to surveil the residence where the Subject was believed to be.

The tactical plan consisted of conducting a plain-clothes surveillance operation in search of the Subject. If the Subject were located, uniformed GIT, Gang Enforcement Detail (GED) officers would be assigned as the arrest team. Upon completion of the Tactical Operation Plan, Officer B submitted it for review and approval to Hollenbeck Area GIT, NED Detective B and Lieutenant A. Once approved, Officer B made all the necessary notifications to Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR), Communications Division, and the Hollenbeck Patrol Division Watch Commander.

On March 8, 2023, at approximately 1330 hours, personnel were briefed by Officer B and assigned individual roles prior to initiating the operation. The briefing included a discussion on the Subject's criminal history.

After the briefing, the team left the station and drove to the area where they believed that the Subject would be. Officers B and C were together in an unmarked vehicle. At approximately 1605 hours, while driving south, Officers B and C looked east down an alley and observed the Subject. The Subject was walking west in the alley, then turned in a northerly direction toward the rear of a residence. The officers situated themselves in a position of advantage, south of the entrance to the alley, and waited for the Subject to exit the location. When the Subject did not exit the alley, NED personnel opted to establish a perimeter and requested an air (helicopter) unit overhead.

Officer B briefed Detective B on their observations. At approximately 1617 hours, Detective B declared him/herself the incident commander (IC). Detective B then called Metropolitan Division and requested the assistance of the K-9 Unit.

Metropolitan Division K-9 Unit supervisor, Sergeant A, was in the K-9 office when he/she received a phone call from the Metropolitan Division desk advising him/her of the perimeter in Hollenbeck Division. Sergeant A called Detective B who advised him/her of their one block perimeter surrounding the area of the extortion Subject, who was also a wanted PAL, and his last known location. Sergeant A asked if the Subject was seen in possession of a gun. Detective B informed him/her that the Subject was not seen with a gun today. Sergeant A advised Detective B the K-9 unit would respond to his/her location to assist with the search. Sergeant A then notified his/her K-9 unit officers of the incident.

The following personnel from Metropolitan Division K-9 unit responded to the incident: Sergeant A and Officers D, E, F, G, H, I, J, K, L, & M.

Metropolitan Division K-9 Unit Officer D heard the request for K-9 units over the radio. Officer D notified the air unit, over the base frequency, that they were responding to the command post (CP). Officer D was the first K-9 unit to arrive at the CP. Upon his/her arrival, Officer D recommended that the CP be changed.

Once the CP was re-located, Officer D met with Officers B and C. The officers briefed Officer D on the information learned from their investigation and what occurred the day of the incident prior to Officer D's arrival. Officer D also learned that the suspect was a PAL, who was wanted for a felony warrant with an open extortion criminal case.

Officers B and C told Officer D that they were driving in their unmarked vehicles looking for a felony warrant suspect (the Subject) when they observed him in the alley before losing sight of him. The officers believed that the Subject did not see them because of their unmarked vehicles. The NED officers further stated that it was not known if the Subject was armed on the day of the incident. Additionally, Officer D learned that the Subject's family lived in the bungalows above the alley.

While Officer D was at the CP, an unidentified person approached with information regarding the Subject. According to Officer D, the unidentified person stated that the location of his residence was just south of the alley. The unidentified person informed Officer D that he saw the Subject loitering in one of the storage rooms in the alley and was a neighborhood nuisance. The unidentified person did not state whether he had seen the Subject on the day of the incident. Officer D noted the storage area as a potential search location.

On March 13, 2023, Force Investigation Division (FID) investigators attempted to interview the occupants of the residence south of the alley. The occupants of the residence declined to provide a statement for fear of retaliation from the Subject's family.

At approximately 1630 hours, Sergeant A arrived on scene and met with Detective B & Lieutenant A at the CP to be briefed on the incident. During the briefing, it was determined that because no gun was seen, a "limited certification" dog would be used for the K-9 search. A K-9 in limited certification can be used to search for felony Subjects who are not reasonably believed to be armed

The tactical plan was comprised of two search teams with K-9 officers only. The first team consisted of Officer K as the K-9 handler with his/her limited-certification dog, K-9 A, along with Officers D, F, H, and M. The second team consisted of Officer I as the K-9 handler with his/her certified dog, K-9 B, along with Officers E, G, J, and L. Officer K developed the search plan and explained it to Officer D. The plan was to start the search at the alley, and Officer D agreed.

Prior to conducting the K-9 searches, two separate K-9 search announcements were made by the following K-9 officers. At approximately 1702 hours, Officer G utilized the cellphone application and gave a K-9 search announcement in English and Spanish from the public address (PA) system of a police vehicle, positioned at a nearby intersection. At approximately 1704 hours, Officer M utilized the cellphone application and gave a K-9 search announcement in English and Spanish from a police vehicle PA system, positioned at a different location near the alley.

At approximately 1704 hours, the air unit broadcast the K-9 announcements from their PA system. At approximately 1705 hours, Officer K followed up with the CP and inquired if the K-9 announcements broadcast had been sufficiently heard by the personnel at scene. Sergeant A who was at the CP, confirmed that the announcements were heard at his/her location. After confirmation, the K-9 teams began their search of the area.

After completing the search of the alley, Officer K's team searched the north side of the alley and Officer I's team searched the south side of the alley.

At approximately 1740 hours, the first team lead, by Officer K, made their way toward the Subject's family residence. The property owner was on the phone with Officer A who advised the owner that officers were making their way to the storage area. The owner advised that no one should be inside the location and the officers had permission to enter it if it was locked.

As the team completed their search of the area, Officer D confirmed with the CP that the information provided by Officer B was correct, specifically, that the officers also had permission to cut the locks off and enter the storage area located underneath the residence.

At approximately 1757 hours, Officer K's search team approached the storage area and observed a large black tarp hanging from the awning, which obstructed their view of the building. The K-9 team removed the tarp to fully see the building. The officers observed that the east side of the storage room was secured by a metal security door

with a wooden interior door. They found the metal security door to be locked and the interior door to be closed. The door on the west side of the storage room was padlocked from the outside and there was no interior door. This allowed the K-9 team to look inside the room.

While standing outside of the building, Officers D and F discussed an entry plan. They decided that the best course of action was to cut the padlocks and have the K-9 team enter through the west door. It was not known if either door would give the officers access to the entire storage room. Officer D requested bolt cutters, a hooligan tool, and a sledgehammer in the event it became necessary to open the east door. A hooligan tool is a breaching tool used for prying.

At approximately 1803 hours, Officer B brought the bolt cutters to the location. Officer D used the bolt cutters to cut two padlocks off the west door. The west door was then propped open by a K-9 officer. Officer D looked inside and believed that it was uninhabited because of all the scattered debris and the broken drywall.

At approximately 1804 hours, Officer H made an additional K-9 search announcement prior to entering the building. With no response to the announcement, Officer K let his/her K-9 enter the building and search the area. The search team remained at the doorway, while the K-9 was inside searching. Once the K-9 searched the interior of the main entry room, the team entered the building and continued searching the additional rooms. The team searched the west room and the water heater room without locating the Subject.

The K-9 worked his way up to the partition room and continued the search. As the team approached, Officer D noted the room to be very small and initially believed that the partition room was a closet. When the team entered the partition room, they discovered that the east wall had an opening, which led further into the building. Officer D cleared some of the debris from the pathway for the search team. Officer K directed his/her K-9 to search deeper east into the building; however, each time the K-9 advanced further, he got distracted by various objects on the floor.

At approximately 1810 hours, Officer F observed the Subject laying down on a bed in a bedroom and advised Officer D of his/her observations.

At approximately 1814 hours, Officer D used a rake and created a hole in the drywall. With the hole, Officer D was able to see inside the adjacent room and observed the Subject laying on the bed. Officer K recalled and leashed his/her K-9, who had never alerted the team of the Subject's presence in the room.

Officer D observed the Subject facing away from the team, laying on his left side with his stomach down and his hands underneath him. The K-9 entry team believed that the Subject was pretending to be asleep on the bed. Officer D requested Officer B to enter the storage area and confirm that the person on the bed was the wanted suspect (the

Subject). Officer B looked over Officer D's shoulder and confirmed the Subject's identity. Officer D broadcast an update on the Subject's location to the CP.

Officer D assigned Officer H as the less-lethal force officer, equipped with a Taser, and Officer F as the designated [lethal-force] cover officer (DCO). Officer H gave the Subject commands to get up; however, the Subject never made any movements. Members of the entry team believed that the Subject was either in a deep sleep or pretending to be asleep.

Officer D stated that they were ordering the Subject out with clear and concise orders. Officer D stated there was no question that the police were present and they were illuminating the Subject with light. Officer D stated that there was a lot of noise because he/she was moving stuff, and any reasonable person would know that there were people in this small, confined area.

At approximately 1815 hours, Officer D broadcast an update to the CP that the Subject was nonresponsive to their orders. Officer D decided not to approach the Subject because of the tight confined space and the way they would have had to maneuver through all the debris. Officer D stated that in the back of his/her mind, he/she knew that this situation was not good and it would be hard to get more than one officer to contact the Subject and render aid if necessary. Due to this, Officer D told everybody to hold back and continue to give the Subject commands from where they were at. Officer D wanted the Subject to come to them.

At approximately 1817 hours, Officer D broadcast a tactical discharge request with a beanbag shotgun to the CP. The K-9 officers wanted to use the tactical discharge to gain the Subject's compliance and de-escalate the situation. The request was approved by Sergeant A, who was at the CP. Officer D directed Officer H to deploy the beanbag round high above the Subject over the wall. Officer D broadcast to the units on the perimeter of a pending tactical discharge of one beanbag round. Officer D further reiterated it was a beanbag only, stand by.

Officer H fired one beanbag round at the wall. Once again the Subject did not respond. After the round was fired, the officers continued to give the Subject commands to get up. Officer D told the Subject, "Hey, that was a beanbag we just shot at you. The next one might hit you and it's going to hurt, so just give up." With no response from the Subject, at approximately 1818 hours, Officer D requested a second tactical discharge from the beanbag shotgun. The CP approved the request and Officer D notified the units on the perimeter of the pending second shotgun beanbag round. Following the second round being discharged, the Subject again did not react. The K-9 officers continued to communicate with him.

At approximately 1818 hours, Officer D requested the use of Oleoresin Capsicum (OC) gas canisters in an attempt to gain compliance from the Subject. Officer D stated that he/she communicated back to the CP to start working on a gas plan. Officer D did not believe the suspect to be barricaded, because he/she did not reasonably believe that

the Subject was armed. Officer D requested the gas because the Subject was in an advantageous position and unsafe at that point to approach.

At approximately 1819 hours, Sergeant A called the acting Officer-In-Charge (AOIC) of K-9, Sergeant B, for the approval to deploy gas and the deployment plan. At approximately 1821 hours, Sergeant B called and consulted with the Assistant Commanding Officer of Metropolitan Division, Captain B, and received approval to utilize OC gas.

After the Subject was located by the first search team, the second search team stopped their search of their designated area. The second team retrieved their gas mask from their vehicles, following the broadcast request for gas deployment. While waiting for the approval to utilize the OC gas canisters, Officers H and M retrieved their gas masks and their team members from the first search team, while the remaining officers from the first search team stayed inside the building.

At approximately 1824 hours, Officer D gave the Subject a verbal use of force warning. Officer D warned the Subject that if he did not comply, gas would be used and it would cause his lungs, mouth, and eyes to burn.

Before the use of the gas, Officer D directed that a padlock be placed on the east door to prevent the Subject from potentially exiting a different door, while the team was inside. Officer D stated that he/she locked the door so that the Subject could not run out and return back to them. At approximately 1824 hours, Officer B brought a padlock to K-9's location and Officer K secured the door with the lock.

Officer L, a Spanish speaker, was asked to repeat the commands given to the Subject in Spanish, which was done. The Subject continued to be unresponsive to the officers' commands.

When Officer G returned to his/her vehicle to retrieve his/her gas mask from his/her vehicle, he/she also retrieved his/her rifle. Upon Officer G's arrival to the entry team's location with his/her rifle, he/she replaced Officer F as the DCO.

At approximately 1826 hours, Officer D asked over the radio to the CP if the gas plan had been approved. Sergeant A, at the CP, advised that the gas plan was approved. Officer E broadcast on his/her radio that he/she would respond with a gas kit from his/her vehicle. The gas kit consisted of two variations of OC, vapor and blast, which were approved for deployment by the K-9 units.

Once the team was in position and had their gas masks on, Officer E brought Officer D two cans of OC gas. Officer D stated that the initial plan was to get the gas to where the Subject was located to see if they could gain compliance. Officer D stated that they were trying to utilize the tactical discharge of the beanbag shotgun, the commands from his/her voice, and the gas in an effort to minimize any escalated force and wake the Subject up so that he would give up.

At approximately 1831 hours, Officer D stepped around Officer G with two canisters of gas in his/her hands to deploy them in the direction of the Subject. Officer D threw the first canister of gas into the room, where the Subject was laying on the bed. The second canister immediately followed the first canister.

Within seconds after deploying the second gas canister, the Subject was up and moving from the bed. Officer G subsequently directed the Subject to show his hands and notified the team that he/she observed the Subject moving to the right. The Subject did not respond to Officer G's commands and instead fled south in the direction of the locked door and out of the officers' view. Officer D verbalized to the Subject that he was not able to exit out of the door and needed to come toward their lights. Officer D ordered the Subject to come to them through the pre-existing opening in the wall.

With no response from the Subject, Officer D requested two more cans of gas from Officer E. Officer D wanted to deploy the gas in the southern portion of the room to saturate the area to get the Subject to comply and come out. Officer D broadcast to the CP that the Subject moved deeper into the building out of their view. Officer D notified the CP they were going to deploy additional gas canisters. The CP acknowledged Officer D's broadcast. Officer D obtained two gas canisters to deploy a second volley from the officers' location to the southern portion of the building through a space between the wall and the ceiling. Officer D believed that the different positioning of the gas canisters in the Subject's room through an opening would allow the canisters to fall into the room, just east of the team.

At approximately 1833 hours, Officer D handed the canisters to Officer I and directed him/her to deploy them into the opening.

As Officer I deployed the canisters into the opening, Officer D saw the canisters disperse on the ceiling and did not drop into the room as planned. Based on his/her observations, Officer D gleaned there was either plywood or drywall on the other side room preventing the canisters from being effective. Officer D immediately told Officer E to get him/her two additional canisters to deploy two more into the Subject's room. Officer D broadcast to the CP that the Subject was still in a small area and out of their sight. The CP acknowledged Officer D's transmission.

At approximately 1834 hours, Officer D obtained the third set of canisters and walked back to the north portion of the room and positioned him/herself behind Officer G. Officer D told Officer G of his/her plan to deploy two additional gas canisters in the room. Based on the configuration of the room, Officer G knew that to achieve the deployment of the additional gas canisters into the southern portion of the room, they would have to step in the room for accurate placement of the canisters by Officer D. With his/her finger on the safety of his/her rifle and in a low ready position, Officer G stepped forward and bladed his/her body in a position where Officer D could get a position of advantage to throw the gas canisters deeper into the room. Officer D threw the first canister successfully into the room and it began to disperse. As Officer D threw the second canister, the Subject began shooting in the direction of the officers.

At 1834:58 hours, the Subject began shooting at the officers. The Subject fired a total of 9 rounds at the officers, striking Officers G, H, and F.

In response to the Subject's actions, Officers D, E, F, G, H, I, and J returned fire. Officers K, L, and M witnessed the shooting. At an undetermined time period during the fire fight, the Subject fired one self-inflicted fatal gunshot wound to his head.

The following paragraphs depict each officer's perception of the 24-second OIS:

Officer D

Officer D stated that as he/she threw the second canister (sixth overall), he/she could see a muzzle come around the corner near the broken drywall. Officer D stated that it happened really quickly and he/she could see the face of the Subject, who had an angry look. Officer D stated that as he/she was lobbing the canister, he/she could see a muzzle flash and hear the gun shot and then more rapid shots.

At that point, Officer D heard Officer G return fire or say "gun" and he/she stepped to the right. Officer D stated that because he/she didn't have his/her pistol out due to the gas deployment, he/she stepped to the right, tripped, and fell.

Officer D stated that he/she was afraid for his/her life and knew that shots were being fired at the officers to the left of him/her. Officer D could see officers fall to his/her left and he/she started crawling out. As Officer D was crawling to the door, he/she observed other officers crawling to the door in front of him/her and knew that there were additional officers inside behind him/her.

Once outside, Officer D realized that the other officers inside the building needed to get out or be rescued. Consequently, Officer D unholstered his/her pistol and moved to the east door, where he/she believed the Subject to be located. Officer D then fired into the door in an attempt to penetrate the door and provide cover fire for the remaining officers inside. However, Officer D noticed that his/her pistol had a malfunction and was unable to fire. Officer D quickly cleared the malfunction and fired into the door. Officer D maintained an angle on the door, where he/she believed the Subject would be located away from his/her team.

Officer D stated that when he/she arrived near the east door, he/she could still hear shooting and was concerned that officers behind him/her still needed to exit. Officer D believed that he/she needed to lay down some cover fire so that they could self-evacuate or other officers could get them out. Officer D stated that he/she needed to get some controlled, deliberate rounds on the east door where he/she thought the Subject was located. Officer D stated that he/she did not want to go too far past the door because his/her angle would widen up and he/she would be shooting back towards officers on his/her team. As such, Officer D stated that he/she had situational awareness.

At 1835:17 hours, Officer D, with a two-handed shooting stance, aimed at the east metal security door and returned fire from approximately 21 feet. The Subject was located approximately 12 feet north of that door. Officer D fired a total of 7 rounds from his/her pistol in a northwesterly direction in approximately 4 seconds. After firing his/her rounds, Officer D assessed the situation and noted that the gunfire stopped.

Officer D moved to the north side of the alley and east of the building near a block wall for cover and concealment. Officer D remained at that location for approximately 60 seconds to assess the situation and did not hear any additional gunfire. Officer D used this time to conduct a tactical reload of his/her pistol.

Officer E

As Officer D deployed the fifth canister of gas, Officer E immediately heard the Subject at the east door trying to get out. As Officer D deployed the sixth canister, Officer E heard the Subject firing. Officer E believed that the Subject was firing from the area of the east door, where the Subject had previously tried to exit. Officer E stated that there was no doubt in his/her mind that that the Subject was just inside that door. Officer E stated that the rounds were muffled, coming deep away from the officers that were inside the structure.

As the above was occurring, Officer E observed members of his/her team exiting the structure. Officer E, who was already outside, moved toward the east door and with cover fire, he/she fired rounds in a very deliberate manner into the door, where he/she believed the Subject to be located within the room.

Officer E stated that out of his/her left peripheral he/she could see officers that were taking fire and starting to redeploy out of the room. The gunfire was nonstop and Officer E believed that the Subject was firing at five or six officers. Officer E stated that at that point, in defense of those officers, he/she stepped towards the east door and in a very controlled manner he/she fired directly into that door area.

After firing a volley of rounds into the door, Officer E paused briefly to assess. Officer E observed some of his/her team members continuing to exit the building and he/she continued to hear gunfire. Officer E proceeded to provide cover fire. Officer E stated that his/her intent was to strike the Subject with gunfire to stop his actions. Officer E also wanted to provide a distraction so hopefully the Subject would stop shooting at the officers who were trying to redeploy out of the room.

At 1835:04 hours, Officer E with a two-handed shooting stance, aimed at the east metal security door and returned fire from an increasing distance of approximately 6 to 12 feet. The investigation revealed that the Subject was located approximately 12 feet north of the door. Officer E fired a total of 21 rounds from his/her pistol in a northeasterly direction in approximately 13 seconds. Officer E continued to fire until his/her pistol ran out of ammunition and went to slide lock. Once at slide lock, Officer E heard another officer firing to his/her right into the door. Officer E reloaded his/her

pistol, while assessing the situation. Officer E did not hear any more gunfire inside the location. Once Officer E reloaded his/her pistol, he/she did not fire any additional rounds.

Officer E began to account for the personnel inside the structure to ensure that everyone was accounted for. While Officer E was obtaining a head count of his/her team members, he/she heard a muffled voice saying, "I'm hit." Officer E did not recognize the voice as Officer G and continued to ask for the number of people who exited the building. It was not until Officer J, who was standing next to him/her, stated that he/she thought the muffled voice was Officer G; then Officer E heard and recognized Officer G's voice coming from inside the building and realized that Officer G was still inside. Officer E immediately stepped into the building with Officer J. Officer E knew Officer G's last known location during the OIS and approached the area. As Officer E approached the room, he/she saw Officer G's leg positioned to his/her right.

Officer E stepped partially into the threshold of the room, while maintaining his/her focus on the openings in the drywall in front of him/her. Due to the room being too dark, Officer E was not able to see the Subject through the openings in the drywall. Officer E told Officer G to stand up. Officer G responded that he/she was not able to stand up on his/her own.

The threshold of the room was small and only wide enough for Officer E. Officer E grabbed Officer G by the front of his/her vest and pulled him/her to Officer J. Officer J pulled Officer G out of the building, while Officer E provided cover as they exited.

While Officer E maintained cover on the door, Officer D approached him/her. Officer D stated that he/she had a rifle, and he/she replaced Officer E as the cover officer. Officer E turned around and observed Officer G laying on the ground in the alley. Officer E told Officer J to get Officer G out of the area. Officer E further called for additional officers at the top of the alley to come down and help with an officer rescue.

Officer F

Officer F observed Officer D walk back into the room with two canisters in his/her hands. As Officer D moved up, Officer G moved further into the room and out of Officer F's view. As Officer F heard the fifth canister being dispersed, he/she heard a gunshot and immediately felt an impact to his/her lower abdominal area.

Officer F stated that he/she knew it was a bullet round because he/she could feel the impact on his/her vest and a burning sensation in the lower abdominal area. After feeling the impact, Officer F heard multiple additional bullet rounds being fired.

One of the bullet rounds fired by the Subject struck Officer F's dog leash, worn around his/her waist with the buckle positioned in the front. A non-penetrating impact was located on the metal clasp of the dog leash. The firearms analysis concluded that the

impact was consistent with a bullet strike. No direction could be determined, due to the condition of the impact.

After being struck by gunfire, Officer F redeployed out of the hot zone, exiting the location. As Officer F reached the door, he/she knew that he/she was injured due to the pain in his/her lower abdomen. While hearing the continued gunfire from inside the room, Officer F looked back toward the doorway and saw two officers falling to the ground and crawling out of the door. Officer F unholstered his/her pistol and stepped forward back toward the doorway.

Officer F stated that he/she could see other officers coming out and falling, and he/she knew that they were in peril. Officer F believed that some officers were either injured or trying to not get shot, and he/she could see one officer down in the doorway.

As Officer F reached the doorway, he/she observed Officer I in a barricaded shooting position providing cover fire inside the room, as Officer H was crawling to get out of the room.

Officer F stated that Officer H was crawling on all fours and attempting to get up. Officer F could see that Officer H was bleeding profusely from his/her left arm. Officer F stepped forward and believed that the Subject was no longer in the back room due to the amount of gunfire which seemed to be increasing. Officer F believed that the Subject was advancing and knew that for the Subject to exit the back room and get outside, he would have to go by the area where Officer G had been located.

Officer F stated that as Officer H was down, he/she fired one round at that particular corner where he/she felt the Subject was at in order to suppress his advance of making it to the opening. Officer F believed that Officer H was the last officer inside the structure.

At 1835:14 hours, Officer F, with a two-handed shooting stance, aimed at the northern portion of the east wall and returned fire from approximately 20 feet. The Subject was located about 10 feet east of the wall. Officer F fired one round from his/her pistol in a northeasterly direction. After Officer F fired his/her round, he/she heard Officer I state that he/she needed to reload. Officer F stepped to his/her left and took a cover position by the doorway. Officer E joined them and advised that he/she would assume the cover position.

Officer F took a step back and asked Officer I to assess him/her for injuries, particularly near the lower portion of his/her vest. Officer I saw that Officer F was shot and advised Officer F. Officer I escorted Officer F up the alley and to the street for medical treatment.

Officer G

As the sixth canister of gas was deployed by Officer D, Officer G observed the vapor coming out and saw the Subject's face & look of anger. The Subject began to shoot in the direction of the officers, and Officer G immediately returned fire.

Officer G was struck by the Subject's gunfire and fell to his/her right and into the southwest corner of the room. While on the floor, Officer G attempted to reacquire his/her grip on the front of his/her rifle with his/her left hand. However, Officer G had sustained a gunshot wound to his/her left arm and could not move his/her left arm from his/her lap. With his/her right hand, Officer G moved his/her rifle up and braced it on his/her left knee. As he/she did so, Officer G felt the wound on his/her torso and realized that he/she had been shot. Officer G acquired his/her sights and began returning fire in the direction of the Subject.

Officer G stated that he/she picked a spot to the right of the door frame where he/she was thinking the Subject was going to come out. Officer G was afraid that the Subject was going to come out and try to shoot him/her while he/she was down or shoot his/her partners that were out in the open. Afraid for his/her life, Officer G chose to shoot just to the right of where he/she had last saw the Subject where he would have to come out. In the event that the Subject did come out, Officer G was hoping to stop him from being able to shoot at him/her again. Officer G stated that you could call his/her rounds "cover fire."

At approximately 1835 hours, Officer G returned fired from approximately 10 feet. Officer G fired a total of 28 rounds from his/her rifle in a northeasterly direction in approximately 10 seconds before his/her rifle went empty. Officer G yelled to his/her team that he/she was struck by gunfire. After a few seconds, Officer G pushed his/her rifle to his/her right and unholstered his/her pistol. Officer G used the light on his/her pistol to illuminate the area surrounding him/her and wanted to be armed in case the Subject came out. Officer G continued to yell that he/she was struck by gunfire and needed help exiting the location. With no response from his/her team, Officer G holstered his/her pistol and repeated his/her radio broadcast for help, as exiting the structure. Shortly thereafter, Officer G was rescued and provided medical attention.

One of the rounds fired during the fire fight between the officers and Subject struck Officer G's helmet. It was a non-penetrating impact, located on the top surface of Officer G's helmet. The Firearms Analysis Unit's (FAU) concluded that the bullet pathway was consistent with the bullet traveling from back to front. No further directions could be determined due to the condition of the impact. The FID investigation determined that a back-to-front impact would only be caused by an officer's round. However, the investigation was unable to determine which officer's round impacted Officer G's helmet, nor could the investigation determine the specific time the impact occurred.

Officer H

As Officer D threw the gas canisters into the room, Officer H observed the muzzle flash before feeling pain in his/her left arm, like a hot rod. Officer H was struck by the Subject's gunfire and sustained a gunshot wound to his/her left arm. The bullet entered near the armpit and exited through his/her back shoulder. Officer H fell backwards and continued to see repeated muzzle flash.

Officer H believed that being struck by gunfire caused him/her to fall backwards. However, based on BWV footage, it was Officer D who inadvertently knocked Officer H to the floor when the Subject began firing his pistol. As Officer H attempted to use his/her left hand to broadcast from his/her radio's microphone, he/she found his/her left arm to be immobile.

Officer H stated that the muzzle flash was coming from darkness. Officer H, with his/her pistol unholstered, used his/her right hand to aim his/her red dot in an area where the muzzle flash was coming from and started to return fire. Officer H believed that he/she may have fired 5 or 6 rounds.

At approximately 1835 hours, Officer H returned fire from approximately 19 feet from the Subject. Officer H fired a total of 10 rounds from his/her pistol in an easterly direction within approximately 5 seconds. After firing his/her rounds, Officer H made the decision to stop shooting and crawl out of the building. As Officer H reached the door, he/she felt someone grab and pick him/her up to his/her feet. Officer H was then escorted out of the area by Officers L and M to the sidewalk, where he/she received medical aid.

Officer I

During the gas deployment, Officers I and L were positioned in the water heater room. After Officer I deployed the two gas canisters as directed in the adjacent room, two additional gas canisters were deployed north of him/her. It was during this gas deployment when Officer I heard gunshots coming from the area where the Subject was located. Officer I then heard an exchange of gunfire between the officers and Subject. Officer I, along with additional officers, evacuated the building. Officer I took a position of cover next to the west door and observed who he/she thought was Officer F crawling out and believed that Officer F was the last officer inside the building. The investigation determined that it was actually Officer H who was crawling out.

At 1835:14 hours, Officer I with his/her right hand aimed at the northern portion of the east wall, fired 15 rounds from his/her pistol in about 7 seconds from approximately 18 feet. The Subject was located approximately 10 feet east of the wall. Once Officer I believed that the last officer was completely out of the building, he/she stopped firing and conducted a tactical reload of his/her pistol.

Officer J

When the shooting began, Officer J observed the entry team running out of the room and followed them out into the alley. Once out in the alley, Officer J looked to the east and observed Officers D & E firing into the east metal security door. Officer J knew that this was the area where the Subject was located. Officer J ran toward Officer E and observed Officer E's pistol to be at slide lock. Officer J heard muffled gunfire coming from inside the structure and believed that the gunshots were still being fired by the Subject. Officer J unholstered his/her pistol and placed his/her left hand on Officer E's right shoulder. Officer J used a single right-handed grip on his/her pistol and fired into the east metal security door.

Officer J stated that he/she believed that shots were coming from inside the east door towards him/her and the other officers. Officer J stated that he/she wanted to suppress that threat from any more officers getting shot at and/or injured.

At 1835:17 hours, Officer J, with a single right-handed shooting stance, aimed at the east metal security door and returned fire from approximately 12 feet. The Subject was located approximately 12 feet north of that door. Officer J fired a total of 8 rounds from his/her pistol in a northeasterly direction in approximately 2 seconds.

Officer J stopped firing to assess the situation. During his/her assessment, Officer J did not hear any more rounds being fired, so he/she stopped firing. Officers E and J repositioned themselves near the opened west door of the structure.

Officer K

Officer K was outside of the building with his/her K-9 because of the gas deployment during the shooting. Officer K observed his/her teammates exiting the building and returning gunfire. Officer K observed several officers to be injured and immediately broadcast shots fired and officer down, and he/she requested a rescue ambulance (RA). Officer K then observed that Officer M was providing medical aid to Officer H. Knowing that Officer M was an Emergency Medical Technician (EMT), Officer K stepped away to secure his/her K-9.

Officer K stated that as he/she was watching all the officers come out of the structure, he/she was trying to get a head count and believed that some of the officers were still inside. Officer K was also observing officers falling and did not know if they had been shot. As Officer K observed some of the officers standing back up, he/she was trying to determine if anyone was hit, and he/she was told that Officer H was hit.

As Officer K was walking away, Officer F approached and stated that he/she was also shot. Officer F pointed to an area just below his/her vest to the left side of his/her abdomen. Officer K instructed Officer F to sit down near a vehicle on the west side of the street. Officer K designated two distinct areas for the injured officers to stage for the RA's arrival. Officer K directed Officer B to tend to Officer F, while he/she left to secure

his/her K-9. Officer K returned and provided medical aid to Officer F and located one wound to his/her abdomen. Officer K packed the wound with gauze and applied a pressure wrap around it.

Officer L

Officer L was positioned with Officer I in the water heater room when Officer D was deploying the gas canisters. Soon thereafter, Officer L heard gunshots. Officer L observed the officers exiting the building and followed them out of the building. When Officer H crawled out of the building, Officer L assisted him/her to the street and provided medical aid.

Officer M

Officer M was inside the building as a member of the arrest team. Officer M positioned him/herself just outside the entry door of the building because there were enough officers inside. Officer M continually checked in with the team to verify if he/she was needed to assist the entry team. At one point during the gas deployment, Officer M heard the Subject inside the east door of the structure attempting to exit. Officer E, located outside the building, told the Subject to not exit the east door and surrender to the officers inside the building.

Officer M was outside the building when he/she heard gunshots and observed Officer H kneeling near the doorway. Officer M grabbed Officer H and escorted him/her to the street and provided medical aid.

The officers maintained containment on the building, evacuated the injured officers to the care of the RA, and waited for the arrival of Metropolitan Division Special Weapons and Tactics (SWAT) personnel.

Officer N was the first SWAT officer to arrive at scene. Officer N met with Officer E and received a briefing about the incident. With the arrival of enough SWAT personnel, the SWAT personnel replaced patrol and K-9 personnel on the containment positions around the building. Additional Metropolitan Division personnel not involved in the OIS also replaced the patrol officers on the outer perimeter.

Officers O and P were assigned as the robot operators. Using the robots, Officer O located the Subject inside of the building and noted that he was not moving. The Subject's medical condition was unknown, and the officers did not know if he had been struck by gunfire. A plan was developed to deploy chemical agents into the location to determine if the Subject reacted to it.

Officer P operated a robot and deployed the chemical agent near the Subject. The Subject did not react to the chemical deployment. With no reaction from the Subject, the decision was made to enter the building and take the Subject into custody. After an

arrest team was formed, they entered the building, located the Subject, and handcuffed him without incident.

Officer N noticed that the Subject sustained an injury to the head and advised that they needed Los Angeles Fire Department (LAFD) Tactical Emergency Medical Support (TEMS) paramedics to enter the building to provide medical aid to the Subject. Paramedics A and B entered the building, assessed the Subject, and determined him to be deceased at 2059 hours.

Body-Worn Video (BWV) and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Captain A	N/A	N/A	N/A	N/A	N/A
Lieutenant A	N/A	N/A	N/A	N/A	N/A
Sergeant A	N/A	N/A	N/A	N/A	N/A
Sergeant B	N/A	N/A	N/A	N/A	N/A
Detective B	N/A	N/A	N/A	N/A	N/A
Officer B	N/A	N/A	N/A	N/A	N/A
Officer D	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	N/A	N/A
Officer F	Yes	Yes	Yes	N/A	N/A
Officer G	Yes	Yes	Yes	N/A	N/A
Officer H	Yes	Yes	Yes	N/A	N/A
Officer I	Yes	Yes	Yes	N/A	N/A
Officer J	Yes	Yes	Yes	N/A	N/A

Metropolitan Division K-9 vehicles are not equipped with DICV.

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. For every incident, 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 incident, the BOPC found the following:

A. Tactics

The BOPC found that a Tactical Debrief was warranted for Captain A, Detective B, and Officers B, G, H, & I. The BOPC found that Administrative Disapproval of tactics was warranted for Lieutenant A, Sergeants A & B, and Officers D, E, F, & J.

B. Drawing and Exhibiting

The BOPC found Officers B, D, E, F, G, H, I and J's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers G and H's lethal use of force to be In Policy. The BOPC found Officers D, E, F, I and J's lethal use of force to be Out of 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 Subject 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 Subjected 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 Officers 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, subjects, suspects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the Officers 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 Officers 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 Subject.

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 Subject 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.

Cover Fire: Controlled and deliberate fire, directed at a life-endangering threat, where an officer reasonably believes the threat to be located. It can be utilized when exposed to an immediate life endangering threat in order to protect others and stop the threat in order to protect others and stop the threat and should be consistent with the threat and should be considered deadly force. A supporting contact team can utilize controlled cover fire to distract the assailant from shooting officers moving to gain a tactical advantage or conduct an officer/victim rescue operation” (LAPD Training Bulletin, IARD, July 2003)

A. Tactics

Tactical De-Escalation

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 – After receiving information from Officer A, Officer B completed the Tactical Operation Plan and conducted a brief in the NED office. The brief involved Hollenbeck NED personnel, Officers A, Q, and R. During the brief, Officer B discussed roles and responsibilities of each officer, as well as the Subject’s criminal history. Personnel assigned to NED would conduct surveillance in plainclothes and GED officers were assigned as uniformed support and arrest team. The plan was to arrest the Subject away from the area or, if he fled, set up containment and request additional resources. The operation started at a residence to see if they were able to locate the Subject. While in the area, Officers B and C observed the Subject, then lost sight of him, resulting in a perimeter being established and the response of Metropolitan Division’s K-9 Unit. Upon Officer D’s arrival, he/she was briefed by Officers B and C regarding the Subject’s PAL and felony battery warrant, the open extortion case, and the Subject’s family history. Officer C was involved in an OIS with the Subject’s brother a few years ago. The Subject’s brother was shot and died in that incident.

When the K-9 search team encountered the storage area, Officers D and F discussed a plan to enter through the west door of the storage room. Once inside, they located the Subject lying on a bed in a room east of them. The Subject was not complying with their commands and a plan was formed to complete two tactical discharges of the beanbag shotgun. The Subject was non-responsive to the two beanbag rounds discharged; and an OC gas plan was discussed by Officers D, H, M, K-9 Unit, Metropolitan Division. Shortly after donning their gas masks, they received the approval to deploy OC gas.

Assessment – During the briefing at the CP, it was determined that because the Subject was not seen with a gun, a “limited certification” dog would be used for the K-9 search. While conducting a search of the area for the Subject, Officer D assessed the lower portion of a residence and took note of the two metal security doors. Officer D received information that the Subject was known to loiter in one of the storage rooms in the alley where the two doors were located and was a neighborhood nuisance. Officer D took his/her team back to that area and completed a further assessment. Looking through the west security door, officers made the assessment that the location was a storage area and it appeared to be uninhabitable.

After Officer D deployed a third volley of OC gas, the Subject fired his pistols at officers, resulting in an OIS. Each officers’ assessment will be covered in the Lethal Use of Force section of this report.

Neither Officer D, nor Sergeants A & B, nor Lieutenant A considered contacting Metropolitan Division’s SWAT personnel prior to the OIS for a possible barricaded-suspect situation. Officer D assessed this structure and determined that it met the criteria for OC gas deployment. Sergeants A and B neither personally assessed the structure, nor did they inquire further to make a proper independent assessment,

instead relying on D's determination. These concerns are addressed and discussed under Debriefing Points and Command and Control.

Time – Due to the confined space, debris, and serpentine hallways, the officers' cover and distance were limited. After locating the Subject lying on the bed, the K-9 officers discussed a plan and attempted to gain compliance from the Subject. The K-9 officers attempted to de-escalate the situation by providing instructions to the Subject and completing two tactical discharges of the beanbag shotgun. The Subject was unresponsive. When the efforts of the beanbag shotgun were exhausted, the K-9 officers moved to an OC vapor gas deployment plan.

The UOFRB noted there was no exigency to apprehend the Subject immediately as he was contained. The UOFRB determined that there was sufficient time for Officer D to reassess the team's lack of tools and insufficient cover and for Sergeant A to physically observe the scene before proceeding. This additional time and assessment likely would have led Sergeant A to contact SWAT. After the OC deployment, the Subject fired two pistols at officers, quickly escalating the incident and limiting the officers' efforts to use other de-escalating techniques to gain the Subject's compliance.

Redeployment and/or Containment – Officers B and C lost sight of the Subject and immediately set up containment. After locating the Subject lying on the bed and receiving approval for the OC gas deployment, Officer D requested a padlock to be placed on the east door to contain the Subject and encourage him to comply with the officers' commands to surrender. Once the Subject began firing his pistols at the K-9 officers, the officers redeployed to the alley, attempting to create distance.

The UOFRB Majority was critical of Officer D's role as a team leader. The Majority opined that Officer D did not appropriately assess the structure for OC gas deployment, as the space did not meet Department criteria for a confined space. The Majority further opined that Officer D did not recognize the significant tactical disadvantage that he/she and his/her officers were positioned in after the first OC gas deployment and after the Subject moved out of sight. Officer D did not consider their lack of tools in this situation, such as a gas launcher, to provide distance while considering the limited cover, concealment, and serpentine walls. The UOFRB Majority would have preferred that Officer D had redeployed officers outside of the structure and contacted Sergeant A to provide him/her with detailed information to request a SWAT assessment. The Majority noted that a team leader is elevated to a supervisory level role in the field and is expected to make proper assessments. Officer D was standing next to Officer G when the Subject fired at the officers and Officer G went down. The UOFRB Majority was critical of Officer D, who fled the structure after the Subject started firing, thus losing sight of his/her team. As a consequence, as officers fired into the location, Officer G was left inside. These concerns are addressed and discussed under Debriefing Points and Lethal Use of Force.

Other Resources – SWAT responded and used robots to locate and verify the condition of the Subject. LAFD TEMS personnel also responded and provided medical aid to the Subject and pronounced him deceased. The LAFD RA was dispatched and transported injured officers to the hospital. After the OIS, Officer E requested multiple RAs. Lieutenant A broadcast a “help call” for shots fired, prompting the response of numerous resources.

Lines of Communication – Officer D was the first Metropolitan K-9 officer to arrive and he/she met with Officers B & C. Officer D received information on the Subject’s criminal history, PAL status, and that he was wanted on the open extortion case that occurred a month earlier. Officer D relayed the information to the remaining K-9 personnel. During the deployment of gas, Officer D broadcast the deployment of two volleys of OC gas and received approval. On the third volley, Officer D did not broadcast or make a request, therefore, Sergeants A and B only believed that there were two volleys deployed instead of three. These concerns are addressed and discussed under Debriefing Points and Command and Control.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1: Oleoresin Capsicum (OC) Gas Deployment Protocol

After exhausting efforts of utilizing tactical discharges with the beanbag shotgun, Officer D requested approval to disperse OC gas into the room where the Subject was lying. Officer D received approval to use OC gas and deployed two OC gas canisters into the room. The Subject immediately got up from the bed and fled south toward the east door and refused to follow commands to return to the officers. Officer D requested the second deployment of OC gas, which was approved. Officer I deployed the second set of OC gas canisters through an open space between the wall and the ceiling south of Officer D’s first deployment. Officer D saw the canisters disperse on the ceiling, which meant the gas canisters did not drop into the room as planned. Officer D immediately told Officer E to get him/her two more canisters. Officer D broadcast that the Subject was still in a small area and out of the officers’ sight; however, Officer D did not request approval to deploy the third volley of OC gas canisters.

The UOFRB evaluated the tactics employed by Officer D, Sergeants A & B, Lieutenant A, and Captain A as it pertained to OC gas deployment. The tactics recommendations for Sergeants A & B, Lieutenant A, and Captain A are discussed in the Command and Control section of this report.

The UOFRB Majority was critical of the lack of communication about the description of the area where the OC gas was deployed into, leaving questions as to whether the area was a confined space for the purposes of OC gas deployment. The Majority noted what appeared to be a makeshift bedroom with a mattress on the floor and water heaters, indicating that the structure was partially being used as a residence. The Majority noted that the K-9 Manual described confined spaces as

attics, trash cans, vehicles, crawl spaces, underneath residences, and beneath large piles of debris -- not larger areas such as storage areas and garages. The Majority opined that the room where the Subject was in did not meet the definition of a confined space and therefore, they should not have deployed the OC gas but should have instead called SWAT. Furthermore, Officer D requested and received approval for only two deployments and not the third deployment, as prescribed in the K-9 Manual. The UOFRB Majority was also critical of Officer D's actions as the team leader. By actively inserting him/herself by deploying the first and third volleys of OC gas canisters, he/she limited his/her perspective, thus hindering his/her role as team leader.

The UOFRB Minority opined that Officer D assessed the room and relayed all information back to the CP. The officers were not aware of the size of the area where the Subject had secreted himself into. It was not until after the investigation when it was determined that the space was not as confined as the officers had thought. Therefore, it was unfair to use information gathered from the investigation that the officers were not reasonably aware of during the incident. Furthermore, the Minority opined that a team leader's role could change and was expected to assume many functions.

During the UOFRB's deliberation, a Subject Matter Expert (SME), Officer S, K-9 Unit, Metropolitan Division, provided insight on the Department's policy and training on OC gas deployment in confined spaces. Officer S described a confined space or area as one with limited access in and out. Officer S further described an OC gas deployment as consisting of two distinct types - - blast canister and vapor. The OC blast canister is a powder gas capable of covering between 8 to 10 feet in diameter and approximately 10 feet high when it disperses. When OC vapor gas is dispersed, it also has an 8-to-10 feet diameter, but it is harder to tell because it is an invisible gas and does not contain powder like the OC blast. Officer S stated that canisters can be effective when deployed into areas such as a Conex box which is approximately 54 feet long, 10 feet high, and 10 feet wide. Officer S stated that there is no set limit on the amount of OC gas canisters that can be deployed into a room; it is at the discretion of the officer in attempt to get the Subject into custody. However, he/she did state that there are only four OC blast canisters and four OC vapor canisters per OC gas kit.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer D were a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 2: Cover/Concealment

After the first two OC gas deployments, officers were unsure where the Subject was located inside the structure. Officer D returned to the north end of the location and stood inside a door frame while discussing the plan for the third volley of OC gas with Officer G. Officer D advised Officer G that he/she wanted to throw the OC gas

deeper into the room where the Subject was last seen. Officer G stepped into an open area away from cover and bladed his/her body to allow for more space and a better angle for Officer D to step in and throw the third volley of OC gas into the structure where the Subject was located. Officer D held onto the door frame with his/her left hand as he/she threw the canister into the bedroom with his/her right hand. During the third OC gas deployment, Officer D was standing in the open doorway with Officer H behind him/her. All three officers were without cover or concealment.

During the third and final OC gas deployment, when the Subject began firing, Officers D, E, and J stood in the alley, in front of the east door, firing rounds into the location without cover. After Officer J stopped firing, he/she sought cover behind an electric pole until he/she assisted Officer E with the rescue of Officer G. Officer D also redeployed to cover, behind a block wall, after firing and clearing his/her pistol of a malfunction.

The UOFRB evaluated Officer G's decision to step forward into an area with no cover. The UORFB noted that when Officer G stepped forward to allow room for Officer D, he/she attempted to make him/herself a smaller target by blading his/her body while shouldering his/her rifle. Although they would have preferred that he/she had not stepped forward, they understood that Officer G was the DCO for Officer D while Officer D deployed the OC vapor in a limited space. As it pertained to Officer D's tactics, the Majority found that D deviated from Department training when he/she stepped beyond available cover to deploy OC gas while unaware of the Subject's location.

As it pertained to Officers D, E, and J's use of cover while in the alley, the UOFRB Majority noted that Officer D, E, and J stood in front of the east door without attempting to move to cover and fired their pistols into the closed door. Officer E walked straight to the east door as he/she fired his/her pistol and did not seek cover. Officer J placed his/her left hand on Officer E's right shoulder as he/she fired his/her pistol into the east door without moving to cover. Officer D walked in front of the officers' muzzles as he/she made his/her way to the east door and stood in front of the door and fixed a malfunction before firing his/her pistol into the door. The UOFRB Majority opined that all three officers were without cover while believing that the Subject was firing at them from inside. The Majority noted that there was not much cover in the alley for officers. However, the Majority would have preferred that the officers had moved to the block wall or other available cover as they were firing their pistols instead of walking toward the door which they could not see into, essentially toward a threat believed to be firing at them.

The UOFRB Minority considered the same evidence and came to a different conclusion with regard the use of cover for Officers D, E, and J. The Minority opined that the officers did not choose the location where the OIS occurred. To utilize cover, the officers would have had to redeploy to the mouth of the alley, too far to render aid to other officers. With no meaningful cover and limited vision due to the

gas masks, the Minority noted that Officers D, E, and J relied on angles, where cover was not readily available, as taught in Department training. Upon locating a telephone pole, Officer J redeployed to the pole to use it as cover after the OIS. The UOFRB Minority concluded that although this was a substantial deviation, it was justified and therefore, merited a Tactical Debrief for Officers D, E, and J.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers G and H did not deviate from Department-approved tactical training; but the tactics employed by Officers D, E, and J were a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 3: Tactical Planning/Communication

Officer B completed the Tactical Operation Plan for a surveillance operation prior to responding to the area. Officer B attached the warrant summary and parole information for the Subject to the Tactical Operational Plan. The warrant summary printouts did not include the warning, "Caution: Armed and Dangerous Violent Tendencies." The information was not seen during the supervisory review of the plan or relayed to the K-9 unit. While completing the Tactical Operation Plan, Officer B documented the extortion report but did not include the details of a pistol being used in the commission of that crime. Officer B received approval from Detective B and Lieutenant A, both of whom were aware that a pistol was used by the Subject during the extortion and were familiar with his criminal history. Officer B notified the Hollenbeck Watch Commander, LA CLEAR, and Communications Division (CD) of the operation as required.

The UOFRB assessed the tactics employed by Officer B. Based on their review, the UOFRB opined that Officer B authored the Tactical Operation Plan and completed it to the standards for a surveillance operation. The UOFRB noted that the information documented in the plan lacked the totality of the events that occurred during the extortion one month prior and did not mention that a pistol was used during the crime. The UOFRB further noted that, although Officer B did not include a printout for the warrant summary sheet that stated "Caution, Armed and Dangerous," he/she did include the criminal history of the Subject. The UOFRB also considered that Officer B verbally provided this information during the tactical brief and later to Officer D and Sergeant A when they arrived at the CP; therefore, the information was distributed to all involved team leaders.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer B did not deviate from Department-approved tactical training.

Debriefing Point No. 4: Basic Firearms Safety Rule

Once the Subject began firing at officers, Officer F exited through the west door. Once in the alley, Officer F unholstered his/her pistol and pointed it toward the west door, with the muzzle covering Officers J and L as they exited. As Officer F

attempted to deploy on the west door, he/she walked forward as Officer I walked in front of him/her. When Officer I used a post to stabilize his/her shooting platform, Officer F's muzzle appeared to cover Officer I at that time.

Officer H exited the location by crawling out of the west door. Officer F used his/her pistol mounted flashlight and illuminated Officer H as he/she crawled out. Officer F's muzzle appeared to cover Officer H at that time.

The UOFRB assessed Officer F's adherence to the basic firearm safety rules. The UOFRB Majority noted that Officer F was struck by gunfire in the stomach prior to exiting the west door. The Majority also noted that once in the alley, Officer F turned around after unholstering and allowed his/her muzzle to cover officers who were exiting the west door. The Majority opined that Officer F was not aware of his/her foreground when he/she allowed his/her muzzle to cover officers exiting. The Majority further noted that there were already officers positioned in front of Officer F with their pistols drawn and targeting the inside of the location. The Majority considered the chaos that was occurring, but they would have preferred that Officer F, who was injured, had recognized that there were other officers ready to engage the threat instead of having his/her muzzle cover other officers.

The UOFRB Minority disagreed, noting that Officer F had limited visibility due to having the gas mask on, and each time Officer F observed an officer move in front of him/her, he/she adjusted and attempted to lower his/her pistol so that he/she would not cover the officers. The Minority opined that despite being shot, Officer F chose to stay in the fight and was aware of his/her foreground. The Minority concluded that although a deviation from policy, Officer F's briefly covering other officers with his muzzle was justified.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer F were a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 5 Barricaded Suspect

During the incident, none of the NED officers saw the Subject armed or observed indications that he might be armed on that day.

After several attempts to communicate with the Subject and two tactical discharges of the beanbag shotgun, Officer D deployed the first volley of gas including two OC gas canisters. The Subject stood up from the bed, fled south, and disappeared behind a wall, causing officers to lose sight of him.

The UOFRB assessed Officer D's decision to continue to deploy OC gas instead of conducting a re-assessment and possibly redeploying and calling SWAT. When the Subject stood up, officers did not see his hands nor any weapons, and they believed that the Subject was not armed. The UOFRB noted that Officer D did not observe

other indications such as ammunition or magazines or hear the manipulation of a firearm while in the location.

The UOFRB Majority would have preferred that Officer D had given greater consideration to the Subject's criminal history in determining the possibility of the Subject being armed. The Majority also opined that after the Subject moved out of sight after the first OC gas volley, his location was no longer reasonably confirmed and as such, he was in a greater position of advantage warranting additional assessment. The Majority opined that the Subject's decision to move rather than comply should have raised the possibility to Officer D that the Subject was either armed or moving to arm himself. Furthermore, the K-9 officers were not equipped with the tools to navigate the structure safely with the debris and serpentine walls, causing the officers to be in a tactically disadvantageous position. The Majority further recognized that there was no exigency in this situation and concluded that Officer D should have asked Sergeant A and the CP to contact SWAT personnel to conduct an assessment.

The UOFRB Minority assessed the available evidence and noted that the K-9 Manual included a statement that not all Subjects who refuse to surrender are considered barricaded necessitating a SWAT response. The Minority considered Officer D's statements to FID investigators that there was no evidence of the Subject being armed. The UOFRB Minority noted that Officer D was aware of the criteria for a barricaded Subject but determined the criteria was not met for a notification to SWAT in this incident. The Minority concluded that a Tactical Debrief for Officer D was sufficient in this case.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer D were a substantial deviation, without justification, from Department-approved tactical training.

To enhance future performance, the Chief directed all the Debriefing Points to be topics of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

K-9 Deployment Protocol – Sergeant A and Officer K decided to use a limited certified K-9 to conduct the search for the Subject because they reasonably believed that the Subject was not armed. In making their assessment, Sergeant A and Officer K placed undue weight on what the Officers observed that day, that no officer had seen the Subject armed. Greater consideration should have been given to the Subject's criminal & family history and recent crime involving a pistol in determining the level of K-9 search.

One-Handed Shooting Platform – Both Officers I and J chose to fire their pistols utilizing one hand, although neither officer had sustained an injury to their other

hands. Officers I and J are reminded of the stability in their shooting platforms by using both hands while firing their pistols.

Properly Donning and Doffing Ballistic Helmet – Officer E did not don his/her ballistic helmet after he/she placed his/her gas mask on and prior to the OIS. Officer E entered the location and completed an officer rescue of Officer G without donning his/her ballistic helmet, which was on his/her equipment belt. When Officers H and J were exiting, their ballistic helmets fell off. In addition, when Officer G was being extracted out of the location, his/her ballistic helmet fell off.

It was noted during the review of BWV that there were several officers who did not have their helmets' chin strap latched under their chins. The UOFRB saw this as a concern, given the fact Officer G was struck in the helmet by gunfire while down inside the location. The UOFRB opined that if Officer G had been without his/her helmet, this incident could have resulted in a different outcome. The equipment deficiency identified in the UOFRB's discussion, with respect to simultaneous use of helmets and gas masks, will also be covered as a Chief Direction.

Officer Down Rescue Tactics – Officers D, E, F, I, and J laid down cover fire from outside the structure; however, Officer G was still inside. Officers E and J later entered the structure and performed a rescue of Officer G, who could not self-evacuate.

To enhance future performance, the Chief directed all of the Additional Tactical Debriefing Points to be topics of discussion during the Tactical Debrief.

Command and Control

Detective B met with Hollenbeck Area robbery detectives to obtain information regarding the month-old extortion case in which the Subject brandished a pistol. In addition, Detective B was aware of an OIS in which the Subject's brother was shot and killed by LAPD officers after a struggle for an officer's pistol. Detective B reviewed and approved the Tactical Operation Plan completed by Officer B. After the Subject was observed by officers, Detective B declared him/herself the IC and requested a tactical frequency and for the air unit to contact Metropolitan Division's K-9 Unit. Detective B relinquished his/her role as the IC to Lieutenant A. After the OIS, Detective B directed GED officers to prepare to transport the injured officers if needed and assisted Lieutenant A at the CP with documentation.

The UOFRB discussed Detective B's role in this incident from approving the Tactical Operation Plan for surveillance to assuming the role of the initial IC and concluded that he/she was substantially involved. The UOFRB noted that Detective B was present during the briefing when a detailed background, including prior weapons possession, was discussed. Detective B also stated in his/her interview that the Subject's information was relayed to the Metropolitan K-9 officers prior to commencing with their search. The plan, according to Detective B, was to arrest the

Subject away from the location, if located, by using GED uniformed officers or set up containment and call for resources. The UOFRB opined that the Tactical Operation Plan was adhered to as the Subject was observed by NED officers walking toward apartment buildings. Rather than have the officers pursue the Subject, Detective B identified him/herself as the IC and requested additional resources for containment as planned.

Lieutenant A was advised by Senior Lead Officer (SLO) A of the PAL warrant and extortion report on the Subject. Lieutenant A did not talk to robbery detectives about the extortion report, nor did he/she review the Subject's criminal history; but he/she did note that Officer B included narcotics sales, firearms possession, and robbery on the Tactical Operation Plan. Lieutenant A also approved the Tactical Operation Plan but was not present for the briefing, as it was not required. Lieutenant A did not request that Metropolitan Division be contacted because there was no requirement for a SWAT screen down at that time. Lieutenant A heard the broadcast for a perimeter, responded to the scene, and assumed the role of IC from Detective B and declared so over the radio. Lieutenant A did not recall discussing the Subject with Sergeant A nor was he/she aware of how many tactical discharges of the beanbag shotgun were deployed. Lieutenant A did recall a community member appearing at the CP to pass on information of the Subject's whereabouts but did not indicate if that information was passed on to everyone.

Lieutenant A did not hold a command briefing to ensure that all personnel assigned to this incident had the pertinent information, nor did he/she have SLO A, who was a tenured officer at Hollenbeck Area and was familiar with the Subject's family history, respond to the CP. Lieutenant A released the air unit once the Subject was located and contained. Lieutenant A did not request an RA to the scene to stand by during the incident as the incident progressed. Lieutenant A notified the Hollenbeck Watch Commander of the progression of the incident.

As IC, Lieutenant A approved the use of OC vapor gas. Lieutenant A acknowledged that as IC, he/she had the ultimate authority and active leadership over this incident; however, he/she relied on the specialized units' expertise, such as K-9, on how to tactically address the incident with their specialized training and tools, including the appropriateness of OC gas deployments. When the Subject did not respond to the officers' commands or beanbag shotgun tactical deployments and disappeared after the first OC gas volley, Lieutenant A did not reassess the incident or consider contacting SWAT.

Lieutenant A remained at the CP after the OIS because as IC, he/she needed to have situational awareness, exercise active leadership, and send appropriate resources. After hearing the announcement of a "help call" with shots fired, Lieutenant A had the call downgraded due to the number of resources already at scene prior to knowing that officers were injured. Although he/she did not have any RA units on stand-by prior to the OIS, he/she did request them after learning that officers were injured. Lieutenant A broadcast the ingress and egress for the

responding RAs and personnel. Lieutenant A remained as IC until relieved upon the arrival of Captain A. Lieutenant A delegated monitoring duties of some involved personnel at the CP. Lieutenant A remained at the CP to assist with the management of the incident.

The UOFRB considered Lieutenant A's involvement prior to and during the incident and concluded he/she was substantially involved. The UOFRB discussed the information Lieutenant A had knowledge of and noted the K-9 officers' interviews had varying accounts, which indicated that not all the information was disseminated to all the involved personnel. The UOFRB was critical of the lack of communication among personnel at scene and opined that Lieutenant A should have coordinated a command brief of all personnel to ensure that pertinent information was disseminated to all who were at scene. The UOFRB would have preferred that Lieutenant A had discussed the OC gas plan with Sergeant A and asked questions if he/she was unaware of requirement protocols for the OC gas deployment and K-9 protocols. The UOFRB further noted that Lieutenant A should have considered the possibility that the Subject could have been armed based on his history and after the Subject failed to respond to commands while concealing his hands and later moving out of sight of officers. Lieutenant A acknowledged that he/she was the IC and final approving authority of all aspects in a tactical incident; however, the UOFRB opined that he/she was over-reliant on the guidance from Metropolitan's K-9 Unit personnel. In the absence of exigent circumstance and the presence of several factors placing the team at a substantial tactical disadvantage, Lieutenant A should have slowed the incident down, inquired about K-9 & OC gas protocols, and considered other resources & options, including contacting SWAT.

Sergeant A, the K-9 Unit supervisor, was in the K-9 office when he/she received a phone call from the Metropolitan Division desk advising him/her of the perimeter in Hollenbeck Division. Sergeant A called Detective B, who advised him/her of their one-block perimeter for the Subject, who was wanted for extortion and a PAL warrant. Sergeant A spoke with Detective B and determined that the K-9 criteria was met.

Sergeant A arrived on scene and met with Detective B & Lieutenant A. According to Detective B, he/she briefed Sergeant A on the Subject's criminal history, last-seen location, and that he was a PAL & wanted for extortion. During the briefing, Sergeant A determined that because no gun was seen, a "limited certification" dog would be used for the K-9 search. However, according to Sergeant A, he/she did not convene a briefing with K-9 personnel and was not aware if one had occurred.

As the sole K-9 supervisor on scene, Sergeant A remained at the CP throughout the incident to act as a liaison between his/her team leader, Officer D, and the IC, Lieutenant A. Sergeant A determined that his/her assistant squad leaders were experienced and had the tactical expertise to lead the teams throughout the search. Sergeant A ensured that the K-9 announcements were completed and heard before the search teams were launched. Later, when the search team was addressing the

Subject's likely location, he/she directed Officers B and C to take breaching tools to the K-9 officers. Sergeant A approved the tactical discharges of the beanbag shotgun. After the discharges of the beanbag shotgun were unsuccessful, Sergeant A sought and obtained approval for the deployment of OC vapor gas from Sergeant B, who was the acting K-9 unit Officer-in-Charge (OIC). Sergeant A said he/she consulted Lieutenant A about its use and Lieutenant A, as the IC, ultimately authorized its use. After approval for OC vapor gas was requested and approved, Sergeant A remained at the CP. Sergeant A did not assess the location to determine if it was appropriate for OC vapor use, nor was he/she with his/her K-9 officers when the gas was deployed; and he/she was aware of only two deployments of the gas, not three.

The UOFRB assessed Sergeant A's role in this incident prior to and after the OIS. The UOFRB Majority discussed that it was Sergeant A's responsibility to ensure that he/she was briefed and obtained pertinent information to pass on to search personnel prior to allowing his/her K-9 officers to search for and contact the Subject. The UOFRB Majority considered that Sergeant A was the only K-9 supervisor available but also noted that the K-9 Manual was clear in its documentation that OC gas deployment be conducted in the presence of a K-9 supervisor. Furthermore, given the Subject's history, his lack of response to commands, and the tactical disadvantage to the officers in the structure, the Majority opined that had Sergeant A personally assessed the environment as required, he/she would have given greater consideration to contacting SWAT for advisement. The Majority further noted that had Sergeant A personally assessed the location in person where gas was being deployed, he/she would have recognized that the structure was not a confined space for the purpose of OC gas deployment and that such deployment would not be appropriate. The UOFRB also considered Sergeant A's awareness that Sergeant B was responding to the scene, and in the absence of an exigency, there was no need to rush the deployment of OC gas. The UOFRB Majority opined that Sergeant A could have waited until Sergeant B arrived so that Sergeant A could respond to the structure and gain sufficient situational awareness to make a determination on how best to proceed as required by K-9 policy. In this case, the UOFRB Majority concluded that Sergeant A's tactics with respect to command and control were a substantial deviation, without justification, and recommended a finding of Administrative Disapproval.

The UOFRB Minority opined that the K-9 supervisor will generally remain at the CP to ensure proper information from the search team is conveyed to the IC as well as to make sure the IC is informed of the K-9 Unit's capabilities, procedures, and policies. A K-9 supervisor is tasked with overseeing multiple search teams, which is most effectively accomplished at a centralized location, such as the CP. The UOFRB Minority further noted that the only access to the Subject was through a hole in the drywall and the Subject appeared to be in a small, confined area, making it unsafe for officers to approach him. Officers made the determination that the Subject was secreted in a tactically advantageous position, refusing verbal

commands to surrender, and not believed to be armed at the time; therefore, the incident met the criteria for the deployment of OC vapor.

The Minority noted that the extortion crime involving a pistol was committed a month prior. Based upon experience, criminally-possessed firearms used in the commission of crimes routinely change hands and are often discarded after the commission of a crime. The Minority pointed out that K-9 officers are often times specifically tasked with conducting searches for Subjects who have a history of violent crime and firearms-possession-related arrests and as such, have extensive experience in the area of evaluating the likelihood of a Subject being armed. The UOFRB Minority further considered that although investigators determined the room was not as confined as officers believed it to be, it would be unfair to use information gathered after the incident against Sergeant A. The adjudication requires the UOFRB to assess the incident from the perspective of the officer at the time the incident occurred and based upon the facts known at the time.

The UOFRB Minority believed that the issues raised by the UOFRB are best addressed through a revision to Department policy and procedures, specifically requiring more than one K-9 supervisor to respond to K-9 deployments and clarification of the contradiction in terms used in the barricaded-suspect criteria (probably armed) and the K-9 Manual (possibly armed) in determining when to notify SWAT. Finally, the outcome of this incident was dictated by the Subject, and even if Sergeant A had done all that the UOFRB would have liked, there was no reason to believe that the incident would have had any other outcome. The Minority concluded that Sergeant A's tactics in this case were a substantial deviation, with justification, from Department policy and training and therefore, recommended a Tactical Debrief.

Sergeant B, the acting OIC of the K-9 Unit, received a call from Sergeant A requesting approval for gas deployment after two beanbag shotgun tactical discharges were unsuccessful. Because the Subject was not seen armed, Sergeant B believed that the incident did not meet the criteria for SWAT response. Sergeant B approved the use of gas and contacted Captain A who, based on the information received, also approved the use of the OC gas deployment. Sergeant B stated that he/she advised Captain A telephonically of the circumstances of the incident and gas deployment; however, according to Captain A, he/she believed that it was being deployed into a shed. Based on the phone conversation, Captain A believed that Sergeant B was at the scene. However, Sergeant B responded from his/her home and heard via the radio the warnings provided prior to the requests for two gas deployments and deployment of the gas. Sergeant B was not aware there was a third gas deployment.

Upon arriving at scene, Sergeant B responded to Officer E's location to assess what was needed and later responded to Sergeant A at the CP to assist with the coordination of SWAT's response. Although Officers D and J were involved in the incident, Sergeant B allowed them to be attached to SWAT personnel as K-9

components, rather than use uninvolved and available K-9 personnel. At the direction of Sergeant B, Officer E ordered all the officers not to discuss the incident while his/her body-worn video (BWV) was activated as there were no supervisors present with them at that time.

The UOFRB discussed Sergeant B's approval for gas deployment and his/her phone call to Captain A. The UOFRB Majority opined that Sergeant B violated the K-9 Manual by not contacting the OIC of SWAT. The Manual states, "upon obtaining the incident commander's approval, the on-scene K-9 supervisor shall contact the K-9 OIC, or in his/her absence the SWAT OIC, for approval of the use of OC gas." The Majority noted that this was not done, but instead Sergeant B, who was acting OIC, contacted Captain A. The UOFRB Majority assessed Sergeant B's role and expressed concern that Captain A was under the belief that Sergeant B was on scene when he/she requested authorization for OC gas deployment and that the deployment of gas, as Captain A understood it, was to be dispersed into a shed. The UOFRB was critical of Sergeant B not being clear in his/her communication with Captain A. Additionally, the UOFRB Majority noted that there was no exigency in this case; therefore, no need for gas to be deployed prior to Sergeant B's arrival, which would have allowed him/her the opportunity to assess the structure and consider additional options or tools. In this case, the UOFRB Majority concluded that Sergeant B's tactics with respect to command and control were a substantial deviation without justification, warranting an Administrative Disapproval recommendation.

The Minority agreed with the Majority in that it is the responsibility of supervisors to know all the facts and ask pertinent questions about the incident. However, the Minority disagreed with the Majority, stating that Sergeant B was the acting K-9 OIC in the absence of the K-9 lieutenant and in that capacity had the authority to approve the deployment of the OC gas. The Minority noted that there was no specific requirement in the K-9 Manual for the K-9 OIC to respond to OC gas deployments; however, Sergeant B elected to respond. The Minority pointed out that Sergeant B's interview was conducted two days after the OIS. In that interview, Sergeant B advised investigators that he/she provided Captain A with the most accurate description available to him/her at the time. The UOFRB Minority expressed concern that the Majority gave greater weight to the statement provided by Captain A, which occurred eight and a half months after the incident, than to the statement provided by Sergeant B, which occurred two days after the incident. The Minority opined that it was also Captain A's responsibility to verify that Sergeant B was at scene and had seen the structure, rather than make assumptions; however, the UOFRB recommended a Tactical Debrief for Captain A. The UOFRB Minority concluded that Sergeant B's tactics, with respect to command and control, were a substantial deviation, with justification, warranting a Tactical Debrief recommendation.

According to Captain A, when Sergeant B briefed him/her on the incident, Sergeant B described the location as a shed in a backyard and explained that it was a

confined space. Captain A believed that Sergeant B was at scene and had seen the structure, so Captain A approved the use of the OC gas deployment. According to Captain A, when he/she arrived at the CP, he/she heard shots being fired and believed that Sergeant B was with the K-9 officers at the residence. Captain A met with Lieutenant A at the CP, assumed IC responsibilities, and broadcast such over the air. Captain A directed Lieutenant A to manage operations. Captain A met with Sergeant B at the CP and believed Hollenbeck Area supervisors were implementing command and control where the OIS occurred. Captain A contacted Lieutenant B, from Metropolitan Division's SWAT unit. Captain A delegated supervisors to go the hospital and to contact family members for Officers F, G, and H. After arrival of Assistant Chief A, Office of Operations, Captain A and Lieutenant B managed the introduction of the remote controlled, unmanned ground vehicle and chlorobenzylidenemalononitrile (CS) Gas into the structure. According to Captain A, after Officers F, G, and H were transported to the hospital, Deputy Chief B, Operations-Central Bureau (OCB), arrived and took over IC responsibilities. Deputy Chief C, Counter Terrorism and Special Operations Bureau (CTSOB), also arrived and took over special operations from Captain A.

The UOFRB assessed Captain A's tactics and opined that by the time Captain A was called by Sergeant B, Sergeant B had already given the approval for OC gas deployment. The UOFRB noted that when Captain A spoke to Sergeant B on the phone, he/she believed that Sergeant B was at scene and had situational awareness of the events occurring. Although not required to do so, Captain A then self-deployed and responded to the incident. The UOFRB further noted in Captain A's statement that upon arriving at scene, he/she discovered that the location was not a shed but a larger structure. The UOFRB would have preferred that Captain A had asked additional questions of Sergeant B to obtain a clear understanding of the circumstances; however, the UORRB opined that Captain A was relying on his/her supervisors' assessment, believing that they were in a position at scene to monitor and appropriately evaluate the conditions for the OC gas deployment. The UOFRB concluded that although there were some areas identified for improvement, Captain A's tactics in the area of command and control did not deviate from approved Department policy and training.

The remaining supervisors' roles were limited, occurred after the OIS, and therefore were deemed not substantially involved; however, they were reviewed for various post-incident administrative aspects of command and control.

The K-9 officers had their K-9s at scene and they had to be taken back to the station; therefore, Deputy Chief B gave the approval for each K-9 officer to drive themselves to Metropolitan station. Once at Metropolitan Division, the officers were separated and monitored by a supervisor. The Chief would have preferred that an alternative means had been identified, given the traumatic event the involved officers had just endured as well as post-OIS protocols. This will be addressed as part of the Tactical Debrief.

Sergeant C, Metropolitan Division, obtained a public safety statement (PSS) from Officer E. Sergeant D, Metropolitan Division, obtained a PSS from Officer D. Sergeant E, Newton Area, obtained a PSS from Officer I. Sergeant F, 77th Street Patrol, obtained a PSS from Officer J.

Sergeant G, Metropolitan Division, met with Officers F, G, and H at the hospital and attempted to obtain a PSS from those officers, but all three officers were receiving intravenous medication, but they were ordered not to talk about the incident. The BOPC determined that the overall actions of Sergeants D, E, F, & G, Detective B, Captain A, and Deputy Chiefs B & C were consistent with Department training.

In evaluating tactics of those deemed substantially involved in command and control leading up to this OIS, the BOPC determined that Captain A did not deviate from Department-approved tactical training.

With respect to the tactics employed by Lieutenant A, the BOPC determined that his/her tactics were a substantial deviation, without justification, from Department-approved tactical training.

Finally, in evaluating the tactics for Sergeants A and B, the BOPC determined that their tactics were a substantial deviation, without justification, from Department-approved tactical training.

Tactical Debrief

In summary, in conducting an objective assessment of this case, the BOPC found that the actions of Captain A, Detective B, and Officers B, G, H, & I did not deviate from Department-approved tactical training. The BOPC found that the actions of Lieutenant A, Sergeants A & B, and Officers E, F, D, & J were a substantial deviation, without justification, from approved Department tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that occurred during this incident.

Although not identified as substantially involved, as part of the K-9 team that responded to this incident, Officers M, K, and L would also benefit from attending the Tactical Debrief.

Therefore, the Chief directed Captain A, Lieutenant A, Detective B, Sergeants A & B, and Officers B, D, E, F, G, H, I, J, K, L, & M to attend a Tactical Debrief and that the specific identified topics be discussed.

B. Drawing/Exhibiting

Officer B

Standing in the street, just north of the alley on the east sidewalk, Officer B heard gunfire and unholstered his/her pistol because he/she believed that he/she might have to defend him/herself.

Officer D – Two Occurrences

First Occurrence (Pistol)

As Officer D deployed the OC vapor gas into the bedroom, he/she saw a muzzle appear from around the corner, saw the Subject's face, heard a boom, and saw muzzle flash. Officer D exited the location to the alley and unholstered his/her pistol. As Officer D unholstered, he/she heard shots being fired and saw his/her partners shooting into the east door from outside.

Second Occurrence (Rifle)

Officer G was still in possession of his/her rifle as Officer J dragged him/her out of the location. Officer D grabbed Officer G's rifle from his/her body and took a barricaded position on the door as officers rendered medical aid to Officer G.

Officer E

Although Officer E was not directly asked why he/she unholstered his/her pistol, he/she stated that he/she was outside in the alley when he/she began to see officers redeploy themselves out of the room as they were being fired upon by the Subject.

Officer F

After Officer F was struck by gunfire, he/she exited the west door, unholstered his/her pistol, and saw officers falling and scrambling out of the location trying to not get struck by gunfire.

Officer G – Two Occurrences

First Occurrence (Rifle)

After the tactical discharges of the beanbag shotgun were ineffective, Officer D called Officer E and requested a rifle to be deployed. Officer E directed Officer G to get his/her rifle from his/her police vehicle. Once inside the location, Officer G took over the position of designated cover officer (DCO) from Officer F.

Second Occurrences (Pistol)

After Officer G was struck by gunfire, he/she fell to the ground and fired all the rounds in his/her rifle magazine. Then he/she placed the rifle on his/her knees, pushed it to the right, and unholstered his/her pistol. Although Officer G does not remember unholstering his/her pistol, he/she said that he/she did so because he/she wanted to be armed in case the Subject returned.

Officer H

After Officer H donned his/her gas mask, he/she returned, slung the beanbag shotgun, and unholstered his/her pistol.

Officer I

Although Officer I was not directly asked about unholstering his/her pistol, he/she stated he/she heard muffled gunshots from inside the location, heard that officers were injured, and saw Officer H crawling toward the door. Officer I unholstered his/her pistol to provide cover fire.

Officer J

Officer J heard the shots being fired and he/she unholstered his/her pistol.

The UOFRB assessed Officers B, D, E, F, G, H, I, and J's drawing and exhibiting of their pistols, as well as Officers D and G's exhibiting of Officer G's rifle. Although officers were not asked during their interviews why they unholstered their pistols, the UOFRB opined that officers were either on a search team for a Subject with a violent history, heard gunfire coming from inside the location, or were being fired at by the Subject. The UOFRB noted that Officer G assumed the position of DCO with his/her rifle while inside the structure; and after the OIS, Officer D utilized Officer G's rifle as a cover officer outside the structure as injured officers were removed from the area. The UOFRB had no concerns with the deployment of a rifle as an additional tool and superior weapon system in this incident.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers B, D, E, F, G, H, I, and J would reasonably believe that there was a substantial risk that the situation could have or had escalated to the point where lethal force may be justified.

Therefore, the BOPC found Officers B, D, E, F, G, H, I, and J's drawing/exhibiting to be In Policy.

C. Lethal Use of Force

Officer D – Glock, Model 45, 9-millimeter Luger semi-automatic pistol, 7 rounds in a northwesterly direction, in approximately 4 seconds, from approximately 21 feet.

According to Officer D, as he/she threw the sixth canister into the bedroom area, he/she saw the muzzle of a pistol and the Subject's face around the corner of the wall, followed by a muzzle flash. After seeing the muzzle flash, Officer D heard return fire from Officer G, as Officer D redeployed toward the west door. Officer D saw officers falling and crawling out of the door. As Officer D exited the west door, he/she saw officers engaging the east door with gunfire. Believing that the Subject was parallel with that door inside the room, Officer D fired what he/she believed to be 5 to 6 rounds from his/her pistol into the east door to provide cover fire for the officers inside the location. According to Officer D, he/she was aware that other officers were in the location, and he/she was cognizant of the angle in which he/she was shooting to avoid hitting the other officers inside.

Officer E – Staccato P, Model 2011, 9-millimeter semi-automatic pistol, 21 rounds in a northeasterly direction, in approximately 13 seconds, from an increasing distance of approximately 6 to 12 feet.

According to FID investigators, for accuracy, they did not identify volleys or groupings for Officer E's shots because they were so close together and hard to distinguish.

Officer E is the only shooter who stated that he/she fired volleys.

Volley One per Officer E

According to Officer E, while standing in the alley, he/she heard the Subject attempting to exit the east security door. Shortly after that, he/she heard muffled gunfire coming from inside the location. Officer E saw K-9 officers exiting the west door as he/she heard the muffled gunfire coming from inside the location. Due to the Subject's previous actions of attempting to exit the east door just prior to hearing the gunfire, Officer E stepped toward the east security door and fired his/her pistol in the direction where he/she strongly believed the Subject to be. According to Officer E, he/she fired his/her pistol to stop the Subject's action of firing at officers.

Volley Two per Officer E

According to Officer E, he/she saw officers redeploying out of the west door and he/she continued to hear muffled gunfire from inside. Officer E continued to fire his/her pistol at the east security door to provide cover fire for the officers exiting and stop the Subject's actions.

Officer F – Glock, Model 45, 9-millimeter Luger semi-automatic pistol, 1 round in a northeasterly direction, from approximately 20 feet.

According to Officer F, immediately after the gas canisters were deployed and dispersed, he/she heard a gunshot and felt an impact on his/her lower abdomen area. Officer F redeployed outside the structure and saw Officer I using a post as a barricade, actively engaging in cover fire where Officers D and G had deployed the gas.

Officer F recalled standing approximately 2 to 3 feet behind Officer I when he/she saw Officer H crawling out the west door and bleeding profusely. In an immediate defense of life, believing that the Subject had an automatic firearm and was no longer in the back room, Officer F fired 1 round aiming at the drywall approximately 6 to 12 inches to the south of the interior door opening and about 4 to 5 feet off the ground. Officer F believed that the Subject was going to come around that corner and continue to engage the officers. According to Officer F, he/she provided cover fire for Officer H as he/she redeployed to safety.

Officer G – Colt, Model M4 Carbine, semi-automatic rifle, 28 rounds in a northeasterly direction, in approximately 10 seconds, from approximately 10 feet.

According to Officer G, while Officer D deployed the sixth canister of OC gas, he/she saw the Subject's face with a grimace and wide eyes as he/she was shooting at officers. Officer G does not remember disengaging his/her safety, going on target, or pressing the trigger of his/her rifle. Officer G picked a spot to the right of the door frame where he/she last saw the Subject and fired 28 rounds from his/her rifle.

Officer H – Staccato P, Model 2011, 9-millimeter semi-automatic pistol, 10 rounds in an easterly direction, in approximately 5 seconds, from approximately 19 feet.

According to Officer H, as Officer D threw the gas canister into the room, he/she saw muzzle flash and then felt the burning of a hot rod going through his/her arm. According to Officer H, he/she remembered having his/her pistol unholstered, finding his/her red dot in his/her optic, and targeting the area where the muzzle flash was coming from. After being struck, Officer H fired 10 rounds from his/her pistol before crawling out of the location.

Officer I – Glock, Model 45, 9-millimeter Luger semi-automatic pistol, 15 rounds in a northeasterly direction, in approximately 7 seconds, from approximately 18 feet. According to Officer I, he/she was in the room where the water heaters were located. Officer I deployed two canisters of OC vapor gas above the wall into the room east of him/her. Officer D deployed additional canisters of OC vapor gas into the room north of him/her. Officer I heard an exchange of gunfire and evacuated from the structure. Once in the alley, while Officer I moved to a position of cover, he/she heard what he/she believed to be a bullet round passing his/her ear. Officer I took a position of cover next to a post to the west of the west door and saw officers

crawling out. Officer I believed that Officer F was the last officer inside the location and was the one crawling out; but based on the investigation, it was Officer H crawling out. Officer I stepped forward and began to provide cover fire in the general area where he/she believed that the Subject was shooting from to provide cover for the officers receiving medical treatment behind him/her.

Officer J – Glock, Model 45, 9-millimeter Luger semi-automatic pistol, 8 rounds in a northeasterly direction, in approximately 2 seconds, from approximately 12 feet.

According to Officer J, when Officer D was going to throw the fourth or fifth canister of OC vapor gas, that is when shots were fired from inside. The entry team began to run out and he/she followed behind them into the alley. Officer J looked east and saw Officers D & E firing into the east security door. As Officer J ran up to Officer E, he/she saw that Officer E's pistol was at slide lock. Officer J heard gunfire inside the location and believed that shots were being fired out toward officers. Officer J unholstered his/her pistol to provide cover fire, shooting through the east door.

The UOFRB evaluated the lethal force used by Officer G, who fired 28 rounds from his/her rifle, and Officer H, who fired 10 rounds from his/her pistol. In both cases, the UOFRB noted that Officers G and H observed a muzzle flash or saw the Subject firing and engaging them. Both officers were shot and engaged in a fire fight with the Subject, and both were fighting for their lives. The UOFRB and Chief concluded that all 28 rounds fired by Officer G and all 10 rounds fired by Officer H were In Policy.

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

The UOFRB had a significant discussion regarding the use of cover fire as it pertained to lethal force and the number of rounds fired by Officers D, E, F, I, and J during this incident, specifically those fired by officers from outside the structure.

The UOFRB Majority assessed that although it was known that the Subject was inside, the officers had not conclusively eliminated the potential for other occupants, including children, in the structure.

The UOFRB assessed Officer D's firing of 7 rounds from his/her pistol into the structure. The UOFRB Majority expressed concern that Officer D was the team leader and took no time to assess as he/she ran out of the location. Furthermore, Officer D observed Officer E firing into the east door and then positioned him/herself as a DCO, firing into the structure after he/she observed Officer E firing. The Majority noted Officer D's statements that he/she could not see into the structure and stopped firing after he/she observed the officers to his/her left stop firing. The

UOFRB Majority did consider Officer D's consideration to the trajectory of his/her rounds and angles; however, the Majority opined that Officer D lost all situational awareness once he/she exited the structure. The Majority was critical of Officer D having left his/her team inside and being unaware that Officer G was still inside the location. The Majority opined that the lethal use of force by Officer D did not meet the Department standard for the use cover fire.

The UOFRB Minority considered the same set of facts and came to a different conclusion. The Minority opined that Officer D directed his/her cover fire in a specific area where he/she believed the Subject was located, while being mindful of where his/her officers were positioned inside the structure. Officer D believed that his/her officers were inside and needed to get out, so he/she was careful of his/her angles when firing. Officer D laid down fire so the officers could self-evacuate and described his/her shots as controlled & deliberate through the east door. The Minority concluded that Officer D's lethal use of force was objectively reasonable, proportional, and necessary.

The UOFRB assessed Officer E's discharge of 21 rounds from outside the structure with his/her pistol until he/she went to slide lock. The UOFRB Majority noted Officer E's articulation of hearing the east door being manipulated and believing it was the Subject. The UOFRB Majority expressed concern that Officer E had no certainty whether this door manipulation was by the Subject or others within in the structure. Officer E neither saw the Subject nor knew his/her definitive location. The Majority opined that Officer E's bullet rounds were deliberate and intentional, but by his/her own statement, Officer E did not have a target and there was no effort to identify if all the officers had exited the location. The Majority noted Officer E's awareness of his/her angles to avoid striking officers who may still be within the structure but, as already established, there was no certainty of the Subject's precise location or if there were additional persons inside the location. The Majority opined that the lethal use of force by Officer E did not meet the Department standard for the use of cover fire.

The UOFRB Minority came to a different conclusion. Officer E stated in his/her interview that he/she delivered controlled and directed fire into the east doorway where he/she heard the Subject trying to exit that door, which was padlocked. The Minority noted that Officer E did so in what he/she described as his/her first volley of shots to "shoot the suspect" and "stop his/her violent attack on the officers." Officer E further stated that after a pause in which he/she reassessed, he/she continued to hear "muffled rounds." The Minority considered Officer E's assessment that he/she fired his/her second volley going into "more of a cover fire" and was attempting to keep the Subject from shooting at the other officers. The UOFRB Minority also noted Officer E referencing his/her line of fire as trying to maintain an 'L' configuration and knowing that officers would not step into the area of the east door where he/she had evidence that the Subject was positioned. The Minority concluded that Officer E's cover fire met the criteria as defined in Department

documents; therefore, Officer E's lethal use of force was objectively reasonable, proportional, and necessary.

The UOFRB assessed Officer F's firing of one round from his/her pistol. The UOFRB Majority had concerns over Officer F's lack of muzzle discipline as he/she was seen covering and sweeping officers in at least two instances and then chose to fire his/her pistol from behind Officer I. The Majority opined that had Officer I leaned over to assist Officer H, Officer I would have been struck. Officer F indicated that he/she fired his/her bullet round to suppress the Subject's advance but lacked a specific target and did not know that Officer G was still inside. The Majority opined that the lethal use of force by Officer F did not meet the Department standard for the use of cover fire.

The UOFRB Minority came to a different conclusion with regard to Officer F firing a bullet round. The Minority considered that despite being shot, Officer F remained in the fight, taking up a position next to Officer I. Officer F expressed fear that the Subject would continue to engage them and did not know what kind of firearm system the Subject had in his possession. As Officer H was down, Officer F fired a round at a corner in the wall to suppress the Subject's aggressive actions. The Minority opined that Officer F's decision to fire was objectively reasonable, proportional, and necessary based on his/her statements and the evidence.

The UOFRB assessed Officer I's firing of 15 rounds from his/her pistol. The UOFRB Majority opined that although Officer I believed a round had gone by his/her ear, Officer I did not know where the rest of his/her team was and believed that there was an exchange of gunfire between the officers and Subject. In his/her own statement, Officer I then took a barricaded position by a metal gate. Officer I indicated that he/she observed Officer F crawling out and believed him/her to be the last officer exiting; however, it was Officer H crawling out. The UOFRB Majority opined at that point, Officer I could have remained covering down on the possible threat and if needed, fire; however, Officer I did not know where the threat was, nor did he/she account for the other officers who were engaged with the Subject. The Majority opined that the lethal use of force by Officer I did not meet the Department standard for the use of cover fire.

The UOFRB Minority disagreed with the Majority's opinion. While positioning him/herself behind cover outside the doorway, Officer I indicated that he/she felt a bullet round go by his/her ear, reasonably believing that he/she and the other officers were being fired at by the Subject. The Minority noted that while behind cover, Officer I observed downed officers attempting to escape the gunfire that was still coming from within the room. The Minority opined that this met the criteria of the use of cover fire. The UOFRB Minority assessed that Officer I was concerned that the Subject was coming around that wall and continuing to fire at officers. The Minority concluded that Officer I fired 15 rounds of cover fire in defense of an imminent threat of death to him/herself and the other officers; therefore, Officer I's

lethal use of force in this case was objectively reasonable, proportional, and necessary.

The UOFRB assessed Officer J's firing of 8 bullet rounds from his/her pistol into the structure while standing outside. The UOFRB Majority noted that Officer J observed Officer E's pistol go to slide lock and provided cover fire on the east metal door so that Officer E could reload. The Majority discussed Officer J's statement of hearing muffled gunfire inside the structure. Officer J did not observe the Subject and was not in a position to account for the Subject's movements. The UOFRB Majority opined that Officer J never heard the Subject near the door and keyed in on the fact that Officers D and E had targeted the door. The Majority opined that the lethal use of force by Officer J did not meet the Department standard for the use of cover fire.

The UOFRB Minority disagreed with the Majority opinion with regard to Officer J's lethal use of force as cover fire. The Minority noted Officer J's statement of hearing muffled gunfire coming from within the structure after Officer E had fired. The Minority opined that Officer J reasonably believed that the Subject was still firing at the officers; therefore, Officer J's 8 rounds of cover fire were objectively reasonable, proportional, and necessary.

In conclusion, the UOFRB Majority noted that cover fire is regulated under the use of lethal force and part of Department training in officer down rescue tactics. The Majority found Officers D, E, F, I, and J's use of cover fire to be an objectively unreasonable use of lethal force.

The UOFRB Minority referenced Department training materials, including the "Immediate Action/Rapid Deployment" Training Bulletin and its statement defining cover fire as "controlled and deliberate fire" that can be utilized "where an officer reasonably believes the threat to be located." In addition, the Minority referenced POST Learning Domain 23, "Crimes in Progress," which states, "Cover fire does not have to be directed specifically at the suspect, but instead, the specific area where the officer believes the suspect to be," and "Cover fire can be fired through walls to suppress the suspects assault upon the downed officer." The UOFRB Minority also referenced a previous FID case from 2013 that was similar and noted that the officers who used cover fire in that case were all found to be in policy. Upon evaluating Officers D, E, F, I, and J's actions in the context of these standards the Minority found their lethal use of force to provide cover fire to be objectively reasonable, proportional, and necessary under the circumstances.

The BOPC determined that based on the totality of the circumstances, an officer with similar training and experience as Officers D, E, F, I, and J, in the same situation, would not reasonably believe that the lethal use of force was objectively reasonable, proportional, and necessary. Therefore, the BOPC found Officers D, E, F, I, and J's lethal use of force to be Out of Policy.

Medical Treatment/Rendering Aid

Los Angeles Fire Department (LAFD) arrived and treated Officer G. Rescue Ambulance (RA) 12 transported Officer G at 1854 hours to a nearby hospital. Officer F sustained a gunshot wound with bullet fragments in the lower front abdominal wall. The wound did not penetrate the abdominal cavity.

Officer G sustained a gunshot wound to his/her left arm. The bullet entered through his/her left forearm, near the elbow area, and continued out through the back of his/her arm. The bullet fractured his/her humerus bone and struck his/her body near his/her armpit but did not penetrate his/her chest cavity. Officer G also sustained a gunshot wound to the lower left side of his/her abdomen above his/her hip bone, and a gunshot wound to the inside of his/her right knee with a small piece of copper jacketing imbedded behind his/her right knee. Officer G also sustained a gunshot wound to his/her upper right thigh and a gunshot wound to his/her right shin.

Officer H sustained a gunshot wound to the left arm. The bullet entered near the armpit and exited through his/her back shoulder. Officer H also sustained an abrasion to the front of his/her left leg.

All gunshot wounds sustained by the officers were determined to have been fired by the Subject's pistols. While Officer G was struck in the helmet by a round determined by the FID investigation to be caused by an officer, it did not cause injury.

An LAFD RA arrived at approximately 1843 hours and treated Officers F and H before transporting them to a nearby hospital where they were treated and later released.

Firefighter Paramedics (FF/PM) A and B, assigned to TEMS, were directed to the Subject's location inside the structure. According to FF/PM A, the Subject sustained penetrating trauma to the head with evisceration to the brain. Firefighter Paramedic A determined the Subject to be deceased at 2059 hours.

At an undetermined time period during the fire fight, the Subject fired one self-inflicted fatal gunshot wound to his head resulting in his death.

The UOFRB reviewed the circumstances and evidence related to the rendering of medical treatment to the Subject, as well as the injured officers and had no concerns.

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 duty to intercede.

Additional/Equipment

Required Equipment – Officer D had his/her hobble restraint device (HRD) stored in his/her vehicle at the time of the incident. Officers F and M had their side-handle batons stored in the police vehicle at the time of the incident. As these issues were addressed at the divisional level via informal meetings, with Center-Terrorism and Special Operations Bureau (CTSOB) and Office of Special Operations (OSO) concurrence, the Chief deemed no further action necessary.

Protocols Subsequent to a Categorical Use of Force – During the review of Officer D's BWV at approximately 1850:57 hours, Officers D, J, and M were standing to the rear of a police vehicle located on the street discussing the incident. Officer D was heard discussing the location of where he/she fired his/her rounds and that he/she did not know that Officer G was still inside. Approximately two minutes later, at 1853:26 hours, Officers E and I joined Officers D, J, and M and discussed the incident further on where they fired their pistols. As these issues were addressed with Divisional training and the issuance of a Supervisory Action Item (SAI), with CTSOB and OSO concurrence, the Chief deemed no further action to be necessary.

Late Department Operation Center (DOC) notification – The incident occurred at 1835 hours and the DOC was not notified until 2020 hours. As this issue was addressed at the divisional level via training, with OCB and OO concurrence, the Chief deemed no further action necessary.

Chief of Police Direction

The Chief directed the Director of Office of Special Operations to update the Metropolitan Division 2021 K-9 Manual to ensure that the language used in determining the criteria for armed suspects for the purposes of K-9 selection and the use of OC gas is clarified and consistent with the "Barricaded Suspects/Subjects" Training Bulletin, dated December 2019. Additionally, the Department will add further clarifying language regarding the restrictive deployment of OC vapor gas to a confined space or area such as attics, trash cans, vehicles, and crawl spaces with limited access.

Additionally, as noted in this incident, there were some equipment deficiencies identified with the donning of ballistic helmets and gas masks simultaneously. The Chief directed the Uniform and Equipment Committee to evaluate the fit of the current ballistic helmet in conjunction with the donning of a gas mask for Department personnel and source alternate solutions, such as a helmet strap extender or other viable solutions, to ensure the safety of personnel while operating in the field.