

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

**OFFICER-INVOLVED SHOOTING 029-23**

**Division**                      **Date**                      **Duty-On (X) Off ( )**      **Uniform-Yes (X) No()**

West Valley                      7/9/23

**Officer(s) Involved in Use of Force**                      **Length of Service**

A, K./PO II                      7 years, 2 months  
B, J./PO II                      2 years, 7months  
C, J./PO II                      5 years, 3 months

**Reason for Police Contact**

Officers responded to multiple radio calls of a suspect assaulting community members with a metal pipe. The officers gave the suspect numerous commands to drop her weapon, but she continued to advance toward them. One officer struck the suspect with a 40 millimeter less-lethal projectile; however, the suspect continued and charged at an officer with the metal pipe raised above her head, resulting in an Officer-Involved Shooting (OIS) and the simultaneous discharge of a TASER. The suspect was struck by gunfire and transported by the Los Angeles Fire Department (LAFD) to Northridge Hospital Medical Center, where she was pronounced deceased.

**Suspect**                      **Deceased (X)**      **Wounded ( )**      **Non-Hit ( )**

Female, 35 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 suspect 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; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC. The following incident was adjudicated by the BOPC on May 21, 2024.

## **Incident Summary**

On Sunday, July 9, 2023, at approximately 0818 hours, Witness A was waiting to cross the street when she observed a female, later identified as the Subject, wearing a “gray onesie,” crossing south in the east crosswalk while holding a metal pipe. According to Witness A, as the Subject crossed the street, she struck a female in the crosswalk approximately eight times in the head with the metal pipe. That female was later identified as Victim 1. After assaulting Victim 1, the Subject continued south. Witness A reported the Subject’s assault, and at 08:22:17 hours, Communications Division broadcast the incident to patrol units.

Officers A and B were in the process of eating when the call was broadcast. Approximately 11 seconds later, Officer A requested the call and broadcast, “10A83, you can stack that last call.”

At approximately 0830 hours, Victim 2 was walking in front of her assisted living residence. According to Victim 2, while there, she was suddenly “slammed” in the face, causing her to be disoriented and lose all vision. Victim 2 was discovered bleeding on the ground, and the facility’s wellness coordinator advised Communications Division that someone struck Victim 2 while she was walking, causing her to fall. As a result, approximately 14 minutes after the first call, Communications Division broadcast the additional call and information.

When interviewed, both officers indicated they were eating breakfast when the radio calls were broadcast. Officers A and B finished eating and paid for their meals. Approximately six minutes after the second call was broadcast, the officers’ status showed they were en route to the call. Officers C, D, and E, were eating with Officers A and B and they also responded.

Unless otherwise noted, Officers A, B, D, E, and C were in full police uniform and operating out of a marked police vehicle equipped with a Digital In-Car Video System (DICVS). Additionally, each officer was equipped with Body Worn Video (BWV), a ballistic vest, Department-approved handgun, TASER, OC spray, handcuffs, Hobble Restraint Device (HRD), and a baton.

Officers A and B arrived approximately four and a half minutes later and placed themselves Code Six. The officers were immediately advised that an unknown person had struck Victim 1, in the head with a metal pipe [first radio call].

The Los Angeles Fire Department was already present at scene, and Officers B and A contacted Victim 2, who was on a gurney inside the rescue ambulance (RA) being treated by paramedics for the injury to her left eye. Officer B briefly interviewed Victim 2 in an attempt to obtain the suspect’s description and determine how she was injured. According to Officer B, Victim 2 stated she was walking when an unknown male hit her in the head with a pipe. She could not provide any further description or details of the

incident. The paramedics then advised that they were transporting Victim 2 to the hospital for treatment.

According to Officers A and B, realizing there were multiple victims, the officers discussed a plan to canvass and locate the suspect. As the RA transporting Victim 2 traveled south, the officers observed it pull over approximately 500 feet away. Officers A, B, D, and E drove to the RA's location and observed the paramedics now treating Victim 3, who was bleeding from her head. Victim 3 indicated to the officers that a female suspect, wearing a pink robe, struck her with a metal object before continuing south. Officer A requested an additional unit to assist with the canvass for an ADW suspect. While Officers D and E remained with Victim 3, Officers A and B continued to canvass for the suspect.

Officer B drove approximately 400 feet south before turning west on. As they did so, Officer A broadcast to responding units that the suspect was a "female Black, approximately 30 years, wearing a pink robe and gray pants, armed with a pipe." Additionally, he/she retrieved their 40mm Less-Lethal Launcher, placed it between his/her legs with the muzzle directed toward the floorboard, and loaded it.

Officer C joined Officers A and B and the officers observed Victim 4 sitting on the sidewalk holding her head.

The assault on Victim 4, which occurred approximately five minutes prior to the officers' arrival, was captured on security video from two local businesses.

Security video captured the Subject walking west on the north sidewalk holding the pipe in her right hand as Victim 4 stood in front of a donut shop. The Subject walked behind Victim 4 and struck her on the head with the pipe causing Victim 4 to collapse to the ground.

The Subject then entered a liquor store with the pipe. She remained inside for approximately four and a half minutes. According to a witness the Subject was waving the pipe and making nonsensical statements.

After exiting the liquor store, the Subject walked to the adjacent gas station.

When the officers stopped their police vehicles and exited, a witness advised them that the suspect was at the gas station armed with a pipe.

As he/she exited his vehicle, Officer C began to acquire his/her 40mm launcher. However, upon seeing Officer A with one already deployed, he/she placed his 40mm launcher back into his/her vehicle. According to Officer C, as Officers A and B began moving toward the gas station, he/she acquired Officer A's 40mm launcher from him/her [A] and advised he/she would be less lethal, and Officers A and B would be contact and cover.

As they approached the edge of the gas station, Officer B broadcast that they had located the Subject.

As the officers approached the center of the gas station, the Subject can be seen on Officer A's BWV near the west sidewalk with her back toward the officers. The Subject then turned around, holding the metal bar with her right hand down at her side. Officer A and B observed the Subject with the "pipe," and in response, they unholstered their handguns. The Subject walked toward Officer A while raising the metal bar above her shoulder. Officer A stated, "She [the Subject] turned around, swiftly started walking towards me in an aggressive manner. She appeared agitated, um, and she - - she was holding her metal pipe and she began to raise it up and she was just staggering her way over to me." As the Subject advanced toward Officers A and B, Officer A repeatedly ordered her to "Drop the pipe!"

Officer C was approximately 37 feet east of Officers A and B. As the Subject walked toward Officers A and B, she was approximately 19 feet north of Officer C, who targeted her "torso" and discharged one 40mm round. The 40mm round struck the Subject's left arm above the elbow; however, the Subject continued advancing toward Officer A and B. According to Officer C, "She [the Subject] was facing westbound, um, and before I could give her any commands, she started running towards my - - Officer A that was standing on my left side. She started running with the pipe raising it up in the air as if she was going to hit him. Um, so I 40'd her at that point when she was running towards him." Officer C added that he/she discharged the 40mm launcher, "To protect my fellow officer who was about to be hurt by a metal pipe, um, which she - - which we know she had already done to previous victims and sent them to the hospital."

After being struck with the 40mm round, the Subject briefly lowered the metal bar; however, she continued walking toward Officer A and again raised the metal bar above her shoulders. As the Subject continued forward, Officer A backed up while continuing to order the Subject to drop the pipe. The Subject took approximately seven additional steps and was approximately 11 feet from Officer A, when she began running directly at him/her with the metal bar poised to strike him. Officer A continued backing up and began moving laterally to his/her right. In fear the Subject was going to strike him/her on the head with the pipe, cause significant injury, and possibly kill him/her, Officer A aimed his/her handgun at the Subject's chest and fired three rounds in 0.742 seconds from a decreasing distance of eight to one and a half feet. The Subject was struck by all three rounds and simultaneously tased, causing her to fall to the ground.

Round No. 1 – the Subject was approximately eight feet away and continuing to run at Officer A with the metal bar poised to strike him/her. As this occurred, Officer A continued to back up and moved laterally to his/her right as he/she fired his/her first round. According to Officer A, he/she assessed throughout the OIS and fired his/her first round when the Subject was approximately four feet from him/her. Officer A stated, "She's [the Subject] continuing to move forward. She's - - she was charging so fast that her head was already - - forehead was already pointing forward and the pipe was already coming down, raised up and coming down as if she was going to hit me with it."

Round No. 2 – After the first round, the Subject continued to run at Officer A with the metal bar now raised at head level. When she was approximately four feet away, Officer A continued to back up and move laterally as he/she fired his/her second round. Officer A believed the Subject was approximately two feet from him/her when he/she fired his/her second round.

Round No. 3 – After the second round, the Subject continued to run at Officer A with the metal bar now swinging in a downward motion. Officer A continued to back up and moved laterally to his/her right as he/she fired his/her third round from an approximate distance of one and a half feet. Officer A stopped firing his/her pistol when he/she observed the Subject fall onto the ground.

Officer B was approximately 10 feet southwest of Officer A when the Subject was struck with the 40mm round. As the Subject continued walking toward Officer A and as he/she continued to back up, Officer B holstered his/her handgun, transitioned to his/her TASER, and switched the safety to the “off” position. As the Subject was running at Officer A, and immediately after Officer A fired his/her first round, Officer B discharged the TASER from an approximate distance of nine feet. The Subject continued running at Officer A, and .762 seconds after Officer A fired his/her third round, Officer B discharged the TASER a second time, from a distance of approximately ten feet. The Subject dropped the metal bar and fell to the ground. When the second TASER discharge neared its five second activation cycle (4.795 seconds), Officer B pressed the trigger a third time, “re-energizing” the TASER for 3.029 seconds. The third TASER activation ended when Officer B re-engaged the safety.

When describing why he/she discharged the TASER the first time, Officer B stated, “She was running at my partner with the pipe or like the dumbbell bar. Closing the distance in a striking stance. So I wanted to tase her to avoid my partner having to use [his/her] firearm, try to preserve her life, and get her in - - into custody without deadly force.” When describing his/her decision to discharge the TASER the second time,

During his/her interview, Officer B indicated he/she discharged his/her TASER twice. When FID detectives contacted him/her to address the third trigger press of the TASER, Officer B informed detectives that he/she had left the Department. He subsequently declined to be interviewed.

### **Timeframe Analysis**

Force Investigation Division, Video Technology Unit, performed a Sound Graph Analysis of the BWV footage to identify when each round was fired and when the TASER activations occurred. The investigation determined that Officer A’s three lethal rounds were fired in .742 seconds. Officer B’s first TASER discharge occurred .254 seconds after Officer A’s first round. Officer B’s second TASER discharge was .76 seconds after Officer A’s third round. Additionally, Officer B activated his/her TASER a third time 4.795 seconds after his/her second discharge.

## Background Analysis

Upon examining the scene and relevant video evidence, FID investigators determined that Officer A's background consisted of a parked vehicle with a witness sitting in the driver's seat, a concrete pillar, a fuel pump, and a cinderblock wall. All three rounds struck the Subject; two were retained within her body, and the third was collected from the ground. No associated impacts were identified.

## Post-OIS

Immediately after the OIS, Officers D and E arrived and assumed the role of an arrest team. Officer A remained unholstered, and Officers B and C maintained their roles with less lethal. Officer D donned gloves, and approximately 52 seconds after the OIS, the team of officers approached the Subject and handcuffed her. Immediately after, Officer A directed the officers to begin medical aid. The Subject was placed into a recovery position on her left side as Officer B requested an RA. Approximately 30 seconds later, an LAPD Firefighter Paramedic (FFPM), arrived from where they (LAFD) were treating Victim 3. Officer C advised him/her that the Subject needed immediate medical attention.

While the Subject was in a left lateral recovery position, Officer E monitored her breathing. Upon assessing that the Subject had a gunshot wound to the right side of her chest, Officer D went to his/her patrol vehicle to retrieve a chest seal. Officer D returned approximately 50 seconds later, and he/she and Officer E removed the Subject's handcuffs to aid in providing medical treatment. Upon removing the handcuffs, Officer E observed that the Subject had stopped breathing and immediately began Cardiopulmonary Resuscitation (CPR). Officers E and D continued CPR for approximately one minute and 30 seconds until LAFD personnel relieved them.

At 0908 hours, an RA staffed by FFPMs transported the Subject to the hospital where the doctor pronounced the Subject deceased.

Force Investigation Division detectives reviewed the documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID.

## BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
42545	Officer A	No	Yes	No	Yes	Yes
44621	Officer B	No	Yes	Yes	Yes	Yes
43542	Officer C	No	Yes	Yes	Yes	Yes

## **Los Angeles Board of Police Commissioners' Findings**

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

### **A. Tactics**

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

### **B. Drawing/Exhibiting**

The BOPC found Officers A and B's Drawing/Exhibiting to be In Policy.

### **C. Less-Lethal Use of Force**

The BOPC found Officer B and Officer C's first two TASER applications to be In Policy. The BOPC found Officer B's third TASER application to be Out of Policy, finding Administrative Disapproval

### **D. Lethal Use of Force**

The BOPC found Officer A's Lethal Use of Force to be In Policy.

## **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the

Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

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

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

**Fair and Unbiased Policing:** Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.



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

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

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

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

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

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

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

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

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

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

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

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

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

**Shooting at or From Moving Vehicles:** It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming

vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

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

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

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

## Definitions

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

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

**Imminent:** Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

**Necessary:** In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances

from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

**Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). Graham states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

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

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

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

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

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

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

## **A. Tactics**

### **Tactical De-Escalation**

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain

voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Tactical De-Escalation Techniques:

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

**Planning** – According to Officer A, this was his second time working with Officer B. At their start of watch, they discussed tactics including confronting armed suspects as well as contact and cover roles. According to Officer A, before responding to the radio call, he appointed him/herself the designated cover officer (DCO) and Officer B as the less-lethal officer with the TASER. After realizing there were multiple victims, Officers A and B discussed a plan to canvass and locate the Subject. Officer A retrieved the 40mm LLL from the locked rack inside the police vehicle. When Officer C joined them, Officer A handed Officer C the 40mm LLL, assigning him/her the role as an added less-lethal cover officer, as Officer A resumed the role of DCO. After seeing the Subject with the pipe in her hand, Officer B unholstered his/her service pistol. When Officer C discharged one 40mm eXact iMPact round, striking the Subject, Officer B saw it was ineffective. Officer B transitioned from his/her service pistol to his/her TASER to allow for another less-lethal option to de-escalate and avoid the need for lethal force.

The UOFRB assessed Officer B's actions as it pertained to planning. The UOFRB noted the initial plan was for Officer B to be the less-lethal officer, but he/she unholstered his/her service pistol. Although the UOFRB would have preferred Officer B follow through with the initial plan, they commended his/her quick transition from his/her service pistol to his/her TASER in attempt to preserve the Subject's life.

**Assessment and Time** – Officers A, B and C assessed the Subject's behavior upon finding her at the gas station. As the Subject started advancing on Officer A, Officer C assessed the Subject was going to hit him/her with the metal pipe as she had already done to other victims. Officer C discharged one 40mm round, striking the Subject on the left arm, and determined it was ineffective as she continued advancing toward Officer A. Officer A assessed between each of the three rounds fired from his/her service pistol and stopped firing once the Subject fell to the ground.

After observing Victim 4 sitting on the ground, Officers A and B were directed to the Subject's location at the gas station. The officers quickly deployed on foot to the gas station where Officers A and B observed the Subject holding the metal pipe. The Subject raised the metal pipe above her shoulders and rapidly advanced on Officer A, thus minimizing their ability to use distance and time.

**Redeployment and/or Containment** – As the Subject advanced toward Officer A, he/she redeployed by backing up and moving laterally to his/her right to seek cover behind a parked vehicle. This attempt to redeploy was ineffective as the Subject quickly advanced and closed the distance to Officer A.

**Other Resources and Lines of Communication** – After Officers A and B discovered a third victim, Officer A requested an additional unit to assist with canvassing efforts. Upon locating the Subject at the gas station, Officer A requested a backup and then requested "help" after the OIS. After requesting a backup, Officer A broadcast the Subject's description and that she was armed with a pipe to responding units. Officer A gave verbal commands to the Subject to drop the pipe upon the initial contact and continued to do so until the OIS.

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

#### **Debriefing Point No. 1 – Cover/Concealment**

Upon finding Victim 4, Officers A and B were advised that the Subject was at the gas station. According to Officer A, he/she believed there were more injured victims and, if not confronted, the Subject would continue attacking others. Officers A, B and C deployed into the gas station parking lot on foot and Officer A saw the Subject near the west sidewalk. The Subject, still armed with the metal pipe, suddenly turned toward the officers and began advancing on them. Officer A intended to sidestep toward a parked vehicle to use as cover; however, in reaction to the Subject's behavior, he/she stopped between the fuel pumps and a parked vehicle, leaving him/her without cover.

According to Officer A, the Subject approached rapidly and he/she was unable to effectively use cover. According to Officer B, he/she considered the background when trying to seek cover and did not have time to redeploy to cover because of the Subject's sudden approach. Officer C stepped in front of a parked vehicle so he/she could have a clear shot for the 40mm LLL deployment, which left him/her without cover.

The UOFRB assessed Officer A, B and C's tactics as it pertained to the use of cover. As the officers ran toward the gas station, they were unaware of the Subject's exact location. There was no substantial deviation from training standards with the officers' L-configuration or lack of cover as the officers' intent was to get around people and cars to locate the Subject to stop her continued assaults. As they approached the center of the gas station, the Subject turned in their direction

and started moving toward them while ignoring Officer A's commands to drop the metal pipe. The UOFRB concluded the rapid movement by the Subject minimized the time the officers had to redeploy or obtain effective cover. The UOFRB also noted there were occupied vehicles parked at the gas pumps, which limited the use of those vehicles for cover.

Therefore, based on the totality of the circumstances, the BOPC determined that the tactics used by Officers A, B and C did not substantially deviate from Department approved training.

## **Debriefing Point No. 2 – Firearms Safety Rules**

The UOFRB assessed Officer C's placement of his/her finger on the trigger of the 40mm LLL. The UOFRB opined although Officer C placed his/her finger on the trigger, it was not a substantial deviation because he/she was coming up on target. Within two seconds of coming up on target, Officer C assessed the Subject had fallen to the ground and was no longer a threat and therefore, removed his/her finger and came down to the low ready position. Had Officer C maintained his/her finger on the trigger while on target or maintained his/her finger on the trigger in the low ready position, that would have been a substantial deviation. The UOFRB opined any concerns, specifically with Officer C stating he/she did not apply pressure to the trigger or with his/her finger being in the trigger well, could be addressed through a tactical debrief.

Based on the totality of the circumstances, the BOPC determined that the tactics used by Officer C did not substantially deviate from Department approved training.

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

### **Additional Tactical Debrief Topics**

**Less-Lethal Verbal Warning** – According to Officer C, he/she saw the Subject running towards Officer A with the pipe raised above her head and there was insufficient time to provide a less-lethal warning before discharging the 40mm LLL. Officer B did not supply a less-lethal warning prior to deploying the TASER, stating he/she did not have time to provide a warning because the Subject was running toward Officer A with a pipe raised above her head to assault him/her. The UOFRB opined due to the Subject's swift advance, a warning from either officer was not feasible. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

**Maintaining Control of Equipment** – While Officers were rendering medical aid to the Subject, Officer B placed his/her TASER on the ground near the Subject's feet and walked away observing "there [were] a lot of officers there." During Officer B's FID interview, he/she said he/she did not think of removing the spent cartridge and re-holstering the TASER. The TASER was recovered and returned to Officer B to

re-holster it. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

### **Command and Control**

Sergeant A was the first supervisor to arrive on scene after the OIS. Sergeant A declared him/herself Incident Commander (IC), provided supervisory oversight and directed evidence preservation efforts. He/she identified and separated the involved officers. Approximately two minutes after his/her arrival, Sergeant A directed Sergeant B to complete a Public Safety Statement (PSS) on Officer A. Sergeant A directed Officers E and D to follow the RA to the hospital and told them the Subject was in police custody. Sergeant A relinquished his/her duties as the IC to Lieutenant A.

Sergeant B monitored Officers A and C, obtained a PSS from each officer and transported them to West Valley Community Police Station. He/she monitored them until relieved by a Sergeant from Topanga Division. Sergeant B returned to the Command Post to provide FID detectives with the information garnered from Officers C and A.

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

### **Tactical Debrief**

In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A, C, and B did not substantially deviate from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, with the benefit of hindsight, the UOFRB identified areas for improvement. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Therefore, the Chief directed Officers A, B and C to attend a Tactical Debrief to discuss the identified topics.

### **General Training Update (GTU)**

- Officers A, B and C completed a General Training Update (GTU) on July 17, 2023.



## **B. Drawing/Exhibiting**

### **Officer A – First Occurrence**

While running north through the gas station parking lot, Officer A saw the Subject standing on the west sidewalk holding a pipe in her right hand. Based on the radio calls, his/her observations and interaction with the victims, Officer A knew the Subject used a metal pipe to seriously injure multiple people. He/she unholstered his/her service pistol believing the tactical situation may escalate to the point where deadly force would be justified.

### **Officer A – Second Occurrence**

After the OIS, Officer A holstered his/her service pistol. Officer C set up an arrest team and assigned Officer A as the DCO. Officer A unholstered for a second time providing DCO coverage as the arrest team took the Subject into custody.

### **Officer B**

While in the gas station parking lot, Officer B saw the Subject turn towards them holding a pipe in her right hand. Officer B unholstered his/her service pistol because he/she knew the Subject had already struck four other victims in the head with the pipe and he/she believed the Subject was trying to kill people. Believing the tactical situation may escalate to the point where deadly force would be justified, Officer B unholstered his/her service pistol.

The UOFRB assessed Officers A and B's drawing of their respective service pistols. The UOFRB noted the Subject advanced on the officers with a metal pipe raised to strike them. The officers knew the Subject struck multiple victims with the pipe causing serious bodily injury. Given the proximity of the officers to the Subject and her actions, she posed a threat to them. The UOFRB opined the officers' decision to unholster their service pistols was within Department policy.

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

Therefore, the BOPC found Officers A and B's Drawing/Exhibiting to be In-Policy, No Further Action.

## **C Less-Lethal Use of Force**

**Officer C – 40mm LLL - Discharged one round from approximately 19 feet.**

As the Subject walked toward Officers B and A, Officer C took a position east of the fuel pumps and discharged one 40mm LLL eXact iMPact sponge round, striking the Subject in the left arm. However, the Subject continued to advance on Officers B and A.

The UOFRB would have preferred Officer C maintain his/her cover behind a parked vehicle or stayed with Officers A and B to minimize the potential for crossfire; however, the UOFRB opined Officer C recognized the Subject was a threat and tried to resolve the situation with minimal injury to her by intervening with less-lethal munitions. Even though the 40mm LLL was ineffective, it was objectively reasonable as he/she discharged the round to prevent Officer A from being struck by the metal pipe.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer C in the same situation, would reasonably believe the use of less-lethal force was objectively reasonable and proportional to the actual and perceived threat posed.

Therefore, the BOPC found Officer C's Less-Lethal use of force to be In Policy, No Further Action.

**Officer B - TASER** – Two discharges from an approximate distance of nine to ten feet and one reactivation.

0.254 seconds after Officer A's first lethal round, Officer B discharged his/her first cartridge for a duration of 0.966 seconds from nine feet.

0.76 seconds after Officer A's third lethal round, Officer B discharged the second cartridge for a duration of 4.795 seconds from ten feet.

Officer B "re-energized" the TASER for 3.029 seconds. The third TASER activation ended when Officer B re-engaged the safety.

**First Occurrence** (Probe mode) – After Officer C struck the Subject with the 40mm LLL eXact iMPact sponge round, the Subject continued to charge Officer A. Officer B holstered his/her service pistol and transitioned to his/her TASER. To preserve the Subject's life and protect Officer A, Officer B discharged his/her TASER.

**Second Occurrence** (Probe mode) – After Officer B discharged the TASER the first time, he/she saw the Subject still running toward Officer A. Believing the first TASER deployment was ineffective; Officer B discharged the TASER a second time to stop the Subject.

**Third Occurrence** (Re-energized) – During Officer B's interview, he/she indicated his/her belief he/she discharged the TASER twice. An equipment audit of his/her

TASER revealed he/she discharged his/her TASER twice and re-energized it once with the TASER trigger.

The UOFRB assessed Officer B's first and second TASER applications. They unanimously agreed, given the Subject's actions, his/her deployment of the TASER was appropriate to protect Officer A from being struck by the metal pipe. Furthermore, the TASER application was an attempt to de-escalate and prevent the need to use lethal force to stop the Subject.

The UOFRB assessed Officer B's third TASER application rendering Majority and Minority opinions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B in the same situation would reasonably believe TASER applications one and two were proportional and objectively reasonable applications of less-lethal force.

The only available evidence of Officer B's perspective for the third TASER application is that which is provided through BWV and surveillance footage. This perspective depicts the Subject being tased while lying on the ground. Based upon the totality of the circumstances and upon considering all available evidence, the BOPC determined an officer with similar training and experience as Officer B in the same situation would not reasonably believe that the Subject, while lying on the ground posed an immediate threat to the safety of the officers or others.

Therefore, the BOPC found Officer B's first two applications of Less-Lethal use of force to be In Policy, No Further Action. The BOPC found the third application of Less-Lethal use of force to be Out of Policy, Administrative Disapproval.

## **Lethal Use of Force**

**Officer A** – 9mm semi-automatic pistol, three rounds in an easterly direction, in approximately 0.742 seconds, from a decreasing distance of eight feet to one and a half feet.

**Background** – According to Officer A, his/her background was the fuel pumps, and a vehicle parked at the fuel pumps. Due to his/her focus on the Subject, Officer A was unaware of anyone sitting in the parked vehicle.

After Officer A saw the Subject holding the pipe, he/she ordered her to drop it, but she refused. The Subject raised the pipe above her head and charged Officer A causing him/her to fear she was going to strike him/her on the head. When the Subject was approximately four feet away, he/she aimed his/her service pistol at the Subject's chest and fired his/her first round. Officer A perceived the round was ineffective as the Subject continued her advance. Officer A fired two more rounds at

the Subject until her direction changed, she was no longer in line with him/her and she dropped the pipe.

The UOFRB evaluated Officer A's use of lethal force. As it pertained to Officer A's three rounds, the UOFRB considered as Officer A tried to redeploy to cover, the Subject refused to listen to commands, instead rapidly advancing toward him/her while raising the metal pipe to hit him. Officer A feared the Subject was going to strike him/her in the head which would seriously injure or kill him/her. The Subject's actions forced Officer A to make a split-second decision to defend himself with his/her service pistol. The UOFRB determined Officer A fired three rounds from his/her service pistol at the Subject in the immediate defense of his/her life.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would in the same situation, reasonably believe the use of lethal force was objectively reasonable, proportional and necessary.

Therefore, the BOPC found Officer A's use of Lethal Force to be In Policy, No Further Action.

### **Medical Treatment/Rendering Aid**

Officers placed the Subject in a left lateral recovery position while Officer E monitored her breathing. Upon assessing the Subject's injuries, Officers E and D saw she sustained a gunshot wound to the right side of her chest. Officer D went to his/her patrol vehicle to retrieve a chest seal but was unable to locate one. When Officer D returned, he/she and Officer E removed the Subject's handcuffs to facilitate their medical treatment. After removing the handcuffs, Officer E observed the Subject stopped breathing and immediately began CPR. Officers E and D continued CPR until LAFD personnel relieved them approximately one minute and 30 seconds later. At 0908 hours, the Subject was transported by RA to the hospital where the doctor pronounced the Subject deceased.

### **Requirement to Intercede**

Based on a review of this incident, the BOPC determined the force used given the circumstances was not clearly beyond that which was necessary, as determined by an objectively reasonable officer. Therefore, there was no requirement for an officer to intercede.

### **Additional/Equipment**

**Required Equipment** – Officers A and B were not equipped with a baton on their person and had their side handle baton in their police vehicle. Additionally, Officer B did not have his/her hobble restraint device (HRD) on his/her person, leaving it in his/her police vehicle at the time of the incident. Officer A received Informal Training

at the Divisional Level for his/her baton, with the concurrence of Operations- Valley Bureau (OVB) and Office of Operations (OO), the Chief deemed no further action necessary. Officer B has separated from the Department since this incident; therefore, no action was taken in regards to his/her equipment.

### **Audio/Video Recordings**

**AXON Media** – Force Investigation Division investigators identified 79 BWVs and four Axon Fleet videos as being related to this incident. These videos were tagged in Evidence.com remain available for review.

**Other Department Video** – None

**Outside Video** – Security video footage from multiple locations near the OIS scene was downloaded during the investigation. The footage was reviewed by FID investigators and vaulted at TID Electronics under their respective Media Control Numbers.

**Social Media** – Force Investigation Division monitored social media sites from the date of the incident until the submission of this report. No relevant social media posts were found.

**Photographs** – During this investigation, TID took photographs and saved the photographs.