



## **Incident Summary**

On Sunday, January 25, 2015, Subject A became involved in a heated argument with Subject B, in the living room of their residence. Subject B decided to leave the residence. Subject A followed her for a short distance on foot, but ultimately returned to his residence to retrieve his vehicle to continue the search for Subject B. According to Subject A, he was concerned for the physical and mental well-being of Subject B, who he felt at that time was vulnerable.

Subject A located Subject B on a grass area on the east end of a cul-de-sac and a struggle ensued. According to Subject A he just wanted to get Subject B to return home.

Off-duty Detective A, was on the first floor of a residence when he was alerted by the intense barking of a dog on the east side of the residence. Detective A exited the residence via the pedestrian garage door to investigate. The detective scanned the cul-de-sac in front of the residence and did not observe any activity; however, he heard a female, subsequently identified as Subject B, screaming, "Don't touch me. Leave me alone. Stop grabbing me." Detective A also heard an male voice, later identified as Subject A, but was unable to discern what Subject A was saying.

As Subject B continued screaming, Detective A re-entered the residence, obtained his cellphone, and dialed 9-1-1. In addition, Detective A, fearing for the safety of the screaming woman, obtained his service pistol. Detective A ascended the staircase to the second floor and proceeded to the northeast bedroom and opened a window which provided a view of the cul-de-sac. Detective A scanned the roadway in search of the screaming woman with negative results.

Detective A established telephone contact with the Los Angeles County Sheriff's Department (LASD) Dispatch Center and advised the LASD emergency operator that he was an off-duty Detective from the Los Angeles Police Department (LAPD) and could hear a woman screaming at the end of the cul-de-sac. The detective also advised the operator that he could hear what he believed was a male voice and that it sounded like a domestic incident. As the conversation continued, Detective A noted that the screaming was getting louder and advised the operator that LASD personnel should respond quickly to the incident, because he could hear that the female was screaming for the male to let go of her. The operator advised Detective A that LASD uniformed personnel were en route.

During this time, off-duty Detective B heard Detective A running up the staircase and heard Detective A talking on the cellphone with an emergency operator.

As Detective A continued to monitor the event from the second floor bedroom of the residence, the screaming became louder and more intense. At one point, Detective A heard the female scream, "You're killing me" or "You're trying to kill me." Detective B, who was proceeding toward Detective A's location, heard the woman screaming, "He's

killing me. He's killing me." Although the detectives were not able to see the individuals who were involved in the confrontation, they opined that the incident was occurring on the grass area on the east end of the cul-de-sac, which was located east of the residence.

Detective B, fearing the female was in imminent danger obtained his service pistol. Detectives A and B then proceeded down the staircase and while at the north-facing front door of the residence they formulated a plan. As the detectives prepared to exit the residence, Detective B unholstered his pistol and dropped the holster on the floor near the front door.

Meanwhile, Witness A, another neighbor in the area, contacted LASD via 9-1-1 and advised the emergency operator that she heard a woman repeatedly screaming, "Let go of me."

LASD dispatch requested units to attend the disturbance. The call for service was acknowledged by LASD Sergeant A and additional uniformed deputies.

Detectives A and B, believing that an individual's life was in danger, exited the residence via the front door to investigate. Detective B was in the lead followed by Detective A.

Detective B, holding his pistol in a right-hand low-ready position, walked east across the driveway between two unoccupied parked vehicles toward the street. Detective B stated that at this point he was using the car as cover. He looked down to his right and could see a silhouette of a person (Subject A) over another person (Subject B) still screaming "He's killing me, he's killing me."

The individuals were on the grass area at the end of the cul-de-sac, which was elevated above street level, on the east side of a four-foot high wrought iron fence. According to Detective B, Subject A, was straddling Subject B, who was lying on the ground on her back, and he appeared to be strangling her with his hands. Detective B could not see Subject A's hands as he had his back to the Detective.

According to Subject A, he was laying on the floor by the side of Subject B holding her wrists which were pulled into her chest. According to Subject B, Subject A was holding her by her hands.

Detective A, while holding his pistol in a two-hand low-ready position, exited the residence and proceeded north on the brick walkway on the west side of the driveway toward the street. Detective B subsequently deployed in an easterly direction toward the altercation. Detective B was aware that Detective A was in the street, to his left and north of his location.

Detectives A and B verbally identified themselves as police officers and instructed Subject A to stop, however he did not comply. According to Subject A, he did not hear the instructions given by the officers and was unaware of their presence.

Detective A believed he could see Subject A straddling Subject B and could hear screaming. Subject A had his arms extended out, but Detective A was not able to see the Subject A's hands.

Detective A, aware that he and Detective B were in plain clothes, armed with pistols and involved in police activity, became concerned that responding LASD uniformed personnel would not readily recognize them as police officers and their safety could be jeopardized. He was also concerned that, although he had identified himself as an off-duty LAPD Detective during his initial 9-1-1 telephone call, LASD personnel were unaware that he and Detective B had exited the residence to investigate the incident. As a result, Detective A divided his attention between the incident at hand and the anticipated arrival of LASD uniformed personnel. At one point Detective A heard Detective B shout that Subject A was going to kill Subject B. He also noted that Subject B had stopped screaming.

Upon hearing the commands of Detectives A and B, Subject B stopped screaming. Detective B formed the opinion that Subject A had rendered her unconscious. Detective B, fearing that Subject B was in grave danger and near death, fired one round at the back of the head/shoulder area of Subject A. The round missed Subject A and struck a wrought iron fence behind him. Detective A indicated he did not witness the Officer-Involved Shooting (OIS); however, he heard the gunshot.

During this time, Witness A, who was on the line with the LASD emergency operator, advised that she had heard a gunshot. LASD dispatch advised responding units of the updated information.

After the shot was fired, Subject A stopped his actions. The detectives held their respective positions and ordered Subject A to raise his hands. Subject B walked toward the fence line. Detectives A and B ordered Subject A to assume a high risk prone position and he complied. Detective A directed Subject B, who was crying, to a gate in the wrought iron fence. Subject B proceeded through the gate and Detective A directed her to sit on the curb next to them. Detectives A and B then stood by in a guarding capacity, awaiting the arrival of LASD uniformed personnel.

Detective A dialed 9-1-1, established telephone contact with the LASD Dispatch Center, and provided the emergency operator with additional information. Detective A advised the operator that he and Detective B were off-duty LAPD officers, attired in plain clothes, and holding a subject at gunpoint at the end of the cul-de-sac. Detective A also provided a detailed description of their respective clothing and the direction they were facing. The LASD dispatcher broadcast the aforementioned information to responding LASD uniformed personnel. LASD Sergeant A advised dispatch that he was on scene. Shortly thereafter, he was joined by additional LASD deputies. Upon the arrival of

LASD uniformed personnel, Detectives A and B placed their respective firearms on a brick retaining wall on the east property line of the residence.

Los Angeles County Sheriff's Department personnel took Subject A into custody without further incident. There were no injuries as a result of the OIS.

### **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 weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC made the following findings.

#### **A. Tactics**

The BOPC found Detectives A and B's tactics to warrant a Tactical Debrief.

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

The BOPC found Detectives A and B's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Detective B's lethal use of force to be out of policy.

### **Basis for Findings**

#### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations.

##### **1. Off-Duty Tactics**

Detectives A and B, while off-duty, exited the residence to take police action after hearing a female (Subject B's) voice screaming for help outside.

The BOPC noted concerns in regards to the off-duty tactics displayed by Detectives A and B. The BOPC noted when the detectives exited the residence to take police action they had no manner in which to secure their service weapons, they were not in possession of their police identification, and they had limited equipment, including no access to a flashlight.

In this case, Detectives A and B exited the residence to aid a person they believed to be in imminent danger. The detectives were diligent in notifying on-duty law enforcement personnel and took steps to ensure that the responding deputies had pertinent information as to their off-duty actions.

Based on the totality of the circumstances, the BOPC found that Detective A and B's actions did not substantially deviate from approved Department tactical training.

## **2. Utilization of Cover**

While off-duty, Detective A did not seek cover as he approached a potentially armed suspect and Detective B moved away from his cover to confront a potentially armed suspect.

In this case, Detectives A and B heard Subject B's voice screaming to the east of the residence and believed that she was in imminent danger. Upon locating the suspect, Detective A was standing in the street without the benefit of any cover, and Detective B stepped away from his position of cover. Although it would have been tactically prudent for the detectives to seek or remain behind cover rather than approach a potentially armed suspect, it is clear from their actions they were trying to render immediate aid and safeguard the life of Subject B. Furthermore, the BOPC considered that this was a rapidly unfolding situation, and Detectives A and B were off-duty, therefore limiting their tactical options.

Based on the totality of the circumstances, the BOPC found that Detectives A and B's actions, while off-duty, did not substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Detectives A and B's tactics to warrant a Tactical Debrief.

## **B. Drawing/ Exhibiting**

- While off-duty, Detectives A and B heard Subject B screaming for help outside in the cul-de-sac. Detectives A and B retrieved their Department issued service pistols and removed them from their holsters.

According to Detective A, he could hear a female voice screaming. She was telling Subject A not to touch her, to leave her alone, and to stop grabbing her. Detective A had his pistol downstairs with him and grabbed it as he went upstairs on the phone.

According to Detective B, he could hear Subject B screaming that Subject A was killing her. At this point Detective B obtained his pistol.

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

In conclusion, the BOPC found Detective A and B's drawing and exhibiting of a firearm to be in policy.

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

- **Detective B – (Pistol, one round)**

According to Detective B, he continued to hear Subject B screaming and moved towards the altercation. He observed Subject A on top of Subject B with his hands near her neck area. Believing that he was choking her, Detective B yelled out, "Police Officer, LAPD, Stop." The screams from Subject B immediately ceased. Fearing that she was being choked by Subject A and that she may have already lost consciousness, Detective B fired one round from his service pistol at Subject A to stop his actions.

According to Detective B, he yelled out, "Police Officers. LAPD. Stop." And immediately the screaming stopped. At that point he aimed his gun at Subject A's head and shoulder area.

According to Detective B he believed Subject A was killing Subject B. In order to preserve Subject B's life, Detective B fired to stop Subject A.

In its analysis of the lethal use of force, the BOPC took into consideration that Detective B was presented with a difficult set of circumstances and was in a difficult position as a result of his off-duty status, because of his lack of equipment and limited available resources.

In this instance, Detective B heard Subject B's voice screaming and then observed a silhouette of Subject A straddling over her with his hands near her neck area. He immediately verbally identified himself as a police officer and yelled, "Stop."

The BOPC understood that Detective B's underlying motivation was reverence for human life and to protect the life of an innocent victim. Due to the lack of light at scene, he was admittedly unable to see Subject A's hands or what he was actually doing with Subject B as he quickly transitioned to life saving mode and made the split-second decision to use lethal force.

The perception of officers using deadly force must be based on objectively reasonable belief that an imminent threat exists. In this case, Detective B should have taken a little more time to determine what was occurring and whether or not an imminent threat actually existed before resorting to the use of lethal force. Detective

B also knew on-duty law enforcement personnel had been notified and were en route to his location.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective B would not have reasonably believed that Subject B's actions at the time he fired his weapon presented an imminent threat of death or serious bodily injury and that the lethal use of force would be reasonable to address this threat.

In conclusion, the BOPC found Detective B's lethal use of force to be out of policy.