

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

OFFICER-INVOLVED SHOOTING – 079-09

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

Wilshire 11/11/09

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

Officer C 11 years, 11 months

Reason for Police Contact

Victim A reported that she had been a victim of domestic violence. When officers later returned to Victim A's residence with Victim A, Subject 1 fatally stabbed Victim A, resulting in an officer-involved shooting (OIS).

Subject Deceased (X) Wounded () Non-Hit ()

Male Hispanic, 23 years old.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force 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 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 recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission. Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on November 2, 2010.

Incident Summary

On November 11, 2009, Officers A and B had just completed a pedestrian stop when they were approached by Victim A, who related to them that her ex-boyfriend, Subject 1, whom she had recently broken up with, had called her and told her that he was coming over to her residence to kill her and kill himself. Since Subject 1 had indicated he was on his way to Victim A's residence, the officers felt it would be safer to conduct their investigation at the Police Station. Victim A followed the officers in her own vehicle.

At the Police Station, Victim A further related to Officers A and B that she had been in a dating relationship with Subject 1 for approximately three months. During that time, she had been assaulted by Subject 1 numerous times. The officers noted a scar on the bridge of Victim A's nose, which she indicated was caused by Subject 1 in a prior assault. On November 10, 2009, Victim A had reported to the police that Subject 1 had vandalized her vehicle. Also, on the night of November 10, 2009, Subject 1 had gone to her residence, demanded entry and tried to break into her residence. Due to the commotion he was making, she allowed him to enter. Subject 1 then raped Victim A. Victim A's three year old daughter was in the residence at the time of the assault and Victim A feared for her daughter's safety if Subject 1 lost his temper. Subject 1 told her that he had a gun, and that he was under the influence of narcotics. Victim A did not see a weapon, but thought he had it rolled up in his pants, which he had used as a pillow. Victim A related that Subject 1 wanted to kill her because she had called Subject 1's mother and told her that Subject 1 had used money she had given him to purchase a gun and drugs. Officer A determined that Subject 1 had two prior domestic violence related convictions involving other victims.

Based on the information they had obtained from Victim A, Officers A and B contacted Detective A. After the officers explained the situation to him, Detective A obtained a booking photo of Subject 1. Detective A showed Victim A the booking photo, and she positively identified Subject 1. Detective A contacted Lieutenant A to request that Officers A and B assist him in the investigation. Lieutenant A advised Detective A that, due to overtime concerns, he would assign another unit. Officers C and D were directed by Lieutenant A to take over the investigation involving Victim A from Officers A and B.

After being briefed by Officers A and B, Detective A and Officers C and D contacted Victim A and interviewed her together. She reiterated that how, in fear, she had allowed Subject 1 into her house and that once inside, Subject 1 had raped her. After the rape, he spent the night in her apartment, and then she drove Subject 1 to where he worked. After she had dropped him off, Subject 1 began sending her text messages indicating that he wanted to kill her and that he was going to stab her. The officers attempted to send Victim A to the Rape Treatment Center, but she declined. She also stated that she did not want to discuss any further details of the rape. While Detective A and Officers C and D were speaking with Victim A, Subject 1 sent her a text message, which stated that he was at her house and he was burning it down. Based on this information, Detective A decided to drive his detective vehicle, which was a plain car equipped with

emergency equipment, to check her residence. Officers C and D rode with Detective A in his vehicle, leaving Victim A with the front desk officer.

Detective A and Officers C and D arrived at Victim A's residence. Detective A felt it would be better if he approached the residence alone, as he was in plain clothes and would not be noticed. Leaving Officers C and D with the vehicle, Detective A walked to Victim A's apartment, which was on the second floor. Detective A saw that the front entrance had a heavy metal security door with a deadbolt, which was secure, and an inner door that was ajar about four or five inches. According to Detective A, it appeared the inner door was left open to allow air circulation. The front window had security bars on it and there was a small opening where he could peer into the apartment. There were no lights on or sounds coming from within the apartment, and no indication of a fire. It appeared that the residence was secure. Detective A and Officers C and D drove back to the Police Station.

When they were back at the station, Detective A directed Officers C and D to complete a crime report for Criminal Threats. According to Officer D, Subject 1 had told Victim A that if she called the police he would get a knife, stab her and shoot it out with the police. Victim A also indicated that she feared Subject 1 because she believed he was wanted for murder in Mexico. Detective A directed the officers to obtain an Emergency Protective Order (EPO). According to Officer C, he reviewed the requirements for an EPO, but concluded that the situation involving Victim A did not meet those requirements. Officer C advised Victim A that she should obtain a restraining order against Subject 1, and advised her of the process.

Detective A was told by Victim A that, while she was at the station, Subject 1 was continuing to call and text her. Detective A had Victim A attempt to set up a meeting with Subject 1 so the officers could arrest him. Victim A was initially able to convince Subject 1 to meet her at a laundromat, but Subject 1 then became suspicious and canceled the meeting.

After being unable to determine the whereabouts of Subject 1, Officer C offered Victim A various alternatives to go to a safe location, such as a shelter or to remain in the station lobby. Victim A elected to return home, because her daughter was safe at her grandmother's house, and because her residence was secured with iron bars on the front of the residence.

Detective A advised Victim A that the officers would escort her home. Detective A secured a plain vehicle for Officers C and D to use. He advised officers C and D to follow Victim A home and watch her residence. Lieutenant A gave approval for the officers to watch Victim A's residence for approximately two hours. Detective A advised Officers C and D to put out a backup call if anybody showed up and to use Department resources to take Subject 1 into custody.

Note: According to Lieutenant A, when Detective A told him that Officers C and D were going to take Victim A home, he told Detective A to “make sure we secure the apartment. Make sure it’s swept.” According to Detective A, Lieutenant A never told him to “sweep” Victim A’s apartment.

Prior to leaving the station, Officers C and D had formulated a plan, which consisted of following Victim A through the drive thru at McDonalds, and then having her wait while they parked first so they would be able to watch her walk to her apartment. Officer C decided they should go to McDonalds so that if Subject 1 was nearby, and saw Victim A, he would think that she had just gone out to get some food and he would not become suspicious. Victim A gave the officers her cell phone number and she was given Officer D’s personal cell phone number, and also given instructions to call 911 if Subject 1 should show up. After the officers parked their vehicle, Victim A parked behind them, and Officer C watched her walk across the street, up the stairs, open both the security screen door and front door, enter her residence and turn on a light.

Note: Officers did not escort Victim A into her residence because they were wearing police uniforms. As recalled by Officer C, “Because if we’re going to sit on this guy to capture the guy, we don’t want to burn the location by having police all over the location, in case he’s anywhere nearby. If he sees us, he’s not going to want to -- and we also didn’t want him to see what car we exited from.” Victim A had told the officers that she had the only key to the residence. Officer C had not checked the rear of the apartment for access, but was familiar with the building and believed that there was no rear access to the second story apartments.

After about 30 minutes, Officer D called Victim A’s cellular phone four times in a span of 10 minutes to make sure she was okay. These calls were disconnected without any conversation. Several minutes later, a call came from Victim A’s number, but was disconnected without any conversation. Officer D made a fifth call to Victim A, which was disconnected again without any conversation. Officer D called Victim A a sixth time and on that call Officer D heard Victim A screaming. Upon hearing the screaming, Officer D told Officer C that Subject 1 was in the residence.

Note: The subsequent investigation revealed that while Detective A, and Officers C and D were at the station, Subject 1 had gone to Victim A’s residence. Witness A had observed Subject 1 knocking on Victim A’s front door for 15 minutes. He then left and then came back about 30 minutes later and tried to force open the door. After he gave up and left, Williams heard noises on the roof. Physical evidence revealed that Subject 1 had climbed over the roof, forced the screen off of the second floor bathroom window, and climbed into Victim A’s apartment through the bathroom window.

Both officers exited the vehicle, ran across the street, and up the stairs to Victim A's apartment. Officer C looked into the front window, but he could not see or hear anything. Officer D had broadcast a back-up request. Based on the lack of activity inside the apartment, Officer C told Officer D to broadcast a Code Four, and Officer D broadcast "Code Four, false alarm." Right after this broadcast Officer C heard screaming, Officer D again broadcast a request for back-up.

Officer C was able to look inside the apartment through the front window. The window was slightly open and there was a small hole in the horizontal blinds that allowed him to see inside the apartment. Officer C noted that there was a light on in the living room. Officer C then observed Victim A, who was screaming, enter the living room from her bedroom, followed by Subject 1. Victim A was facing Officer C as she entered the living room and he noticed that there was blood on her chest. After entering the living room, Victim A turned so that her back was to Officer C, such that Victim A was facing Subject 1. Subject 1 was holding up a knife in his right hand as though he was about to stab Victim A. Victim A was between Officer C and Subject 1, which prevented Officer C from having a clear shot at Subject 1. Officer C repeatedly screamed, "Police, police. Drop the knife. Drop the knife." Subject 1 stalled a bit as he apparently realized Officer C was at the window. Subject 1 then lunged forward and stabbed Victim A in the area of her chest, causing her to fall backwards to the floor.

After Victim A fell, Officer C told Subject 1, "Drop the knife." Subject 1 ignored him and started moving towards Victim A with the knife in his hand, held about head height. As recalled by Officer C, "And I saw him stab her. She fell. I had a clear shot of his chest area, so I fired one round. At that point, he -- dropped, and I kept my eyes on him, and then I tried to verbalize with the lady. I said, Sweetie, come to me. Come to me. Open the door. And she walked -- she crawled to the door, and she -- had her back to the door, and she wasn't able to get the -- the door open. Meanwhile, after being shot, Subject 1 had fallen face-down on the floor with the knife near his right hand.

Meanwhile, according to Officer D, as he ran to Victim A's apartment he could hear screaming. When Officer C reached the apartment, Officer D heard Officer C ask Victim A if Subject 1 was inside. Victim A responded that he was not in the apartment, and Officer C directed him to broadcast Code Four, which he did. Moments later, Officer D heard Victim A start screaming again, and he heard a "hitting" noise. Officer D asked Officer C if Subject 1 was inside, and at that time, Officer C told him that Subject 1 was inside. Officer D then put out a second broadcast for a back-up. After putting out the broadcast, Officer D heard Officer C state, "Drop the knife, drop the knife." Officer D heard Victim A say something and then he heard a "gurgling" sound, followed by a shot. Officer D asked Officer C if he had fired his weapon, and Officer C told him that he had. According to Officer D, he looked inside the apartment, through the window, and saw Subject 1 face-down on the ground, and noticed that Victim A had been able to crawl to the door, and was able to open the inner front door. The officers kept encouraging her to open the security door, but she stated, "I can't." Officer D requested a rescue ambulance (RA) for a male and a female.

In response to the back-up request and subsequent help call, Lieutenant A; Sergeants A, B, C and D; Detective A; and Officers E, F, G, H, I and J responded to the scene.

When Officers E and F arrived at the scene, they ran into the courtyard. According to Officer E, he heard officers shouting, looked upstairs and saw Officers C and D standing outside the apartment. He could not recall what they were saying, but he noticed Officer C had his pistol unholstered, and it appeared that he was yelling at the "suspect." Not knowing what was going on, Officer E was running to the east side of the courtyard to provide containment, when he heard a single gunshot from the area where he had last seen Officers C and D. Officer E unholstered his pistol, and, with Officer F, ran up the stairs and joined Officer C and D just outside of Victim A's apartment. Officer E recalled that Officer C was stating something to the effect of, "Honey, I need you to open this door. Can you open the door for us?"

According to Officer F, as they arrived in the courtyard he recalled hearing someone say, "We have a felon in here." At that point Officer F unholstered his pistol and assisted Officer E in making sure the area was clear. When Officer F heard a shot, he broadcast "shots fired." Officer F then followed Officer E upstairs, where he saw Officers C and D looking through the window into Victim A's apartment. Officer F took a position at the window and covered Subject 1, as the other officers attempted to pry open the front door.

Meanwhile, Officers G and H were running to the location and heard one gunshot. Along with Sergeant D, Officers G and H took up a position at the rear of the complex to provide containment. Sergeant A arrived at the location at the same time as Detective A. After hearing the shot, Sergeant A directed Detective A to the rear of the complex, and he approached Officers C and D and obtained a public safety statement. Sergeant A quickly realized that it would be necessary to force entry to the apartment to rescue the victim. Sergeant A ran to his police vehicle, where he retrieved a pry tool and handed it to Sergeant C, who had also gone upstairs to Victim A's apartment.

According to Officer C, as Officer D covered Subject 1, he attempted to reach through the window, in an effort to unlock the security door; however, he was unable to open it. Meanwhile, according to Sergeant C, he was made aware that Subject 1 had attacked Victim A, she was still breathing and it would be necessary for them to force open the door to rescue her. Sergeant A gave him a pry tool and he pried open the security door. Sergeants A, B and C; Officers C, D, E, F, I, and J entered the apartment. According to Officer C, he was the first officer to make entry into the apartment, followed by Officer D. Officer C kicked the knife away from Subject 1 to prevent him from rearming himself. Sergeant B and Officers I and J carried Victim A out of the apartment, down the stairs and to the front of the complex.

A Rescue Ambulance (RA) arrived at the location and treated Victim A, who was lying on a grassy area in front of the apartment complex. Victim A was subsequently transported to the hospital, where she was pronounced dead.

According to Officer C, he gave a public safety statement to Sergeant C by stating, "I shot a round at the suspect to preserve her life."

Meanwhile, Officers E and F searched the apartment for additional suspects or victims. Officer E searched the bathroom, while Officer F searched the bedroom. Officer C covered Subject 1, as Officer D handcuffed Subject 1. Based on information that Subject 1 may have a gun, Sergeant A directed Officer F to search Subject 1 for weapons. The search was conducted with negative results.

Note: Approximately seven minutes passed from the time of the OIS to when the officers made entry into the apartment.

Note: Although there had been a request from the scene for RAs for multiple victims, due to a miscommunication between Communications Division (CD) and the Fire Station, only one RA was initially dispatched. An RA subsequently arrived at Victim A's apartment to treat Subject 1. Subject 1 was subsequently transported to the hospital, and was accompanied by Officer G. Subject 1 was later pronounced dead by hospital staff.

Note: Officer C's pistol was examined and it was determined that it was two rounds short of full capacity. No other evidence was recovered to indicate that more than one round was fired during this incident.

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/Holstering 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 unanimously made the following findings.

A. Tactics

The BOPC found Detective A and Officer C's tactics to warrant administrative disapproval. The BOPC found Sergeant A and Officers D, E and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers C, D, E and F's drawing and exhibiting to be in policy.

C. Use of Force

The BOPC found Officer C's use of force to be in policy.

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. Fearing Subject 1's threats were credible, Officers C and D and Detective A responded to Victim A's apartment to ensure Subject 1 was not carrying out his threats and to attempt to take him into custody for criminal threats. Although responding to Victim A's residence was a prudent decision, the officers and detective failed to obtain a key to gain entry into the residence in order to verify if Subject 1 was inside. Detective A relied on looking through a front window and security door to clear the interior of the residence. Additionally, upon arrival, Detective A observed the security door to be secured and the inner wooden door was slightly ajar. Detective A made the determination Subject 1 was not inside Victim A's residence and returned to the police vehicle. At no point did Detective A share the information regarding the interior door being ajar, nor did he enquire with Victim A if that was the condition she left her apartment.

The BOPC was critical of the lack of tactical planning undertaken by Detective A and Officers C and D. Here, upon determining they were going to respond to Victim A's residence, the possession of a key would have been beneficial to gain access to the apartment in order to conduct a thorough search. Additionally, the request for additional personnel would have been appropriate to ensure that if they had encountered Subject 1 they would have sufficient personnel to detain him or secure the location/perimeter.

Additionally, Detective A's failure to communicate his observations regarding the interior door being ajar was a breakdown in basic investigative skills. The BOPC expects a detective supervisor to ensure that a complete and thorough investigation is completed. The BOPC found that the actions of Detective A and Officer C unjustifiably and substantially deviated from approved Department tactical training.

The BOPC found that although Officer D's actions substantially deviated from approved Department tactical training, based on his limited training and experience, Officer D was relying on proper guidance and direction from Officer C and Detective A. Therefore, the BOPC found that Officer D's actions during this incident were justifiable.

2. Officers C and D accompanied Detective A to conduct a follow up investigation at the victim's residence. Upon arrival, Detective A directed the officers to remain in the police vehicle while he approached the location alone.

Note: Detective A believed it was best that he approached the apartment alone due to the fact that he was in plain clothes attire and he would not alert Subject 1 had he come in contact with him.

As Officers C and D waited in the police vehicle, they were not in a position which afforded them the opportunity to maintain site of Detective A as he approached the location's front door. As stated earlier, the purpose of responding to the residence was to ensure Subject 1 was not carrying out his threats and to take him into custody; however, Detective A elected to approach the residence alone and out of Officers C and D's sight.

In conclusion, the tactics utilized by Detective A and Officers C and D resulted in a situation where Officers C and D were not in a position to effectively monitor Detective A as he approached the residence alone. This placed Detective A and Officers C and D at an unsafe distance from each other and created a barrier which would have delayed Officers C and D from rendering immediate aid to Detective A had he encountered Subject 1.

The BOPC found that the use of this tactic by Detective A and Officer C, unjustifiably and substantially deviated from approved Department tactical training. The BOPC found that although Officer D's actions substantially deviated from approved Department tactical training, based on his limited training and experience, Officer D was relying on proper guidance and direction from Officer C and Detective A. Therefore, the BOPC found that Officer D's actions during this incident were justifiable.

3. Victim A advised the officers that she was in fear for her life, due to Subject 1 sexually assaulting her the previous day, and that she believed Subject 1 possessed a handgun and was under the influence of cocaine during the sexual assault. Additionally, Subject 1's mother advised Victim A that Subject 1 intended to *harm her* and that she should call the police. After returning from Victim A's residence, Detective A and Officers C and D were informed that Subject 1 had contacted Victim A and told her that if she called the cops, he [Subject 1] would get a knife and stab her before the police got there and shoot it out with the cops, and he would kill a cop and he didn't care.

Armed with this information, Detective A advised Officers C and D to take an EPO. Officer C recalled, *"She didn't meet the requirements for an EPO. So we were unable to get that. But we advised her to get a restraining order."*

According to current Domestic Violence laws, an EPO can be issued in a domestic violence situation by a judicial officer when a police officer asserts *reasonable grounds that a person is in immediate and present danger of domestic violence, child abuse or child abduction.*

Detective A and Officers C and D are to be reminded of the criteria needed to obtain an EPO and when warranted, it is their responsibility to apply for an EPO and allow the presiding judge to determine whether the circumstances warrant the issuance of an EPO. As this issue is non-tactical the BOPC found that the combined failure by Detective A and Officer C to obtain the EPO unjustifiably and substantially deviated from approved Department policies and procedures. The BOPC found that although Officer D's actions substantially deviated from approved Department tactical training, based on his limited training and experience, Officer D was relying on proper guidance and direction from Officer C and Detective A. Therefore, the BOPC found that Officer D's actions during this incident were justifiable.

4. Victim A advised the officers she wanted to go back to her apartment. The officers were directed by Detective A to respond to the location with Victim A and monitor the apartment for approximately two hours in case Subject 1 were to return. Prior to returning to the location, according to Lieutenant A, he advised Detective A to have the officers sweep the apartment and provide her with a safe place to stay prior to allowing Victim A back inside; however, this task was not completed. Additionally, the investigation revealed the perimeter of the residence was not checked for potential signs of forced entry and had this been completed, the officers may have noted the screen to the open bathroom window had been removed, which was subsequently discovered to be Subject 1's point of entry into Victim A's residence.

Lastly, while outside of Victim A's residence, Officer D attempted to utilize his personal cellular telephone to contact Victim A and verify her well being. Over a ten minute timeframe, Officer D attempted to call Victim A's cellular telephone several times and received two calls from Victim A's cellular telephone, all of which were disconnected for unknown reasons, prior to any conversation taking place. Officer D called Victim A's cellular phone one last time which connected and heard a woman screaming through the cellular telephone. Officer D notified Officer C that Subject 1 was inside the location.

In conclusion, by allowing Victim A to re-enter her apartment without clearing it for potential suspects, failing to check the perimeter for signs of forced entry, and failing to investigate why the telephone calls were being disconnected until screaming was heard in the background, the officers failed to perform the basic duty of protecting the public. In doing so, they substantially deviated from approved Departmental tactical training. The BOPC found that although Officer D's actions substantially deviated from approved Department tactical training, based on his limited training and experience, Officer D was relying on proper guidance and direction from Officer

C and Detective A. Therefore, the BOPC found that Officer D's actions during this incident were justifiable.

5. Officers A and B exited their vehicle and ran toward Victim A's residence as Officer D broadcast a backup request. Once at the front door of Victim A's apartment, Officer C listened and looked through the front window into Victim A's apartment. When he did not observe any disturbance, he advised Officer D to cancel the backup request. As a result, Officer D broadcast, "*code four false alarm.*"

In conclusion, based on the screams heard on the telephone line and not being able to contact Victim A, it was premature to cancel the back-up request. Both officers should have verified the status of Victim A and ensured that Subject 1 was not inside the location prior to broadcasting the "*code four.*" Officers C and D are to be reminded that the purpose and definition of a "*code four*" is to advise responding personnel they are no longer needed at the scene. The BOPC found that although Officer D's actions substantially deviated from approved Department tactical training, based on his limited training and experience, Officer D was relying on proper guidance and direction from Officer C. Therefore, the BOPC found that Officer D's actions during this incident were justifiable.

6. After cancelling the initial backup request, Officers C and D heard screams coming from inside Victim A's apartment prompting Officer C to direct Officer D to broadcast an additional backup request. After hearing the request and realizing the incident had risen to the level of a help call, Sergeant B appropriately upgraded the request to a "*help call*" and requested an airship while he was en route to the location.

In conclusion, based on the totality of the circumstances, the officers' failure to recognize the gravity of the emergency and make the appropriate broadcast, substantially deviated from established Department tactical training. However, the BOPC found that based on his limited training and experience, Officer D was relying on proper guidance and direction from Officer C. Therefore, the BOPC found that Officer D's actions during this incident were justifiable.

7. Officer F, a female, conducted a pat down search of Subject 1. It appears that circumstances at hand would have allowed Officer E, or another male officer at scene, to conduct the search. The BOPC noted that Sergeant A directed Officer F to conduct this search.

In conclusion, Officer F, a female, conducted a pat down search of Subject 1 upon the initial entry to the residence. It appears that the circumstances at hand may have allowed Officer E or another male officer at scene to conduct the search; however each officer was focused on the tactical incident. While Officer F's actions substantially deviated from Department tactical training, her actions were justified due to the ongoing dynamic tactical event. Sergeant A and Officer F are reminded that a female officer should not search male suspects, unless it is necessitated by exigent circumstances.

8. Following the OIS, Sergeant C directed Officers E and F to search the location for additional suspects. In doing so, the officers elected to separate and search the bedroom and bathroom independent from one another. Current tactical guidelines require that at least two officers enter any room while conducting a search.

In this circumstance, the primary suspect was already in custody, the areas to be searched were relatively small in size, and there were additional personnel on scene which could respond to the search location without delay. Additionally, there was no information to suggest that an additional suspect may be inside the location. Therefore, when examining the totality of the circumstances, Officers E and F's actions did not substantially deviate from approved Departmental tactical training.

9. The investigation revealed that after Subject 1 was shot he fell forward onto the floor. Officer D broadcast a request for *two* Rescue Ambulances (RA) needed for *one man and one female*. The Los Angeles Police Department (LAPD) Radio Telephone Operator (RTO) repeated Officer D's request. Simultaneously, LAPD Bureau Communications Coordinator (BCC) operator contacted the Los Angeles Fire Department (LAFD) dispatch operator and requested two RA units.

One minute later, Sergeant B broadcast, "*one shot fired, suspect down.*" Subsequent to Sergeant B's broadcast, the LAPD BCC operator who was still on the telephone with the LAFD dispatch operator incorrectly but unintentionally changed the request as follows: "*One shot fired suspect down. So I guess one RA.*" An RA was notified of the OIS and dispatched to the scene.

Sergeant B broadcast the suspect was in custody and repeated the request for an RA. Four minutes later, an RA arrived on scene and began to treat Victim A. Six minutes later, LAPD Captain A observed Subject 1 was also in need of medical treatment and requested an additional RA to the scene.

Note: Los Angeles County Coroner's Office conducted a post-mortem examination of Subject 1's remains. The examination noted one gunshot wound to Subject 1's chest area and two stab wounds to his upper torso and left lower leg. The identified cause of death was multiple traumatic injuries to Subject 1's chest area, including a self-inflicted stab wound. The stab wound punctured the left chest through the left ventricle of the heart. Although there was a delay in the request and response of medical attention for Subject 1, the medical examiner determined that Subject 1's injuries were rapidly fatal and any immediate medical treatment would have been futile due to the overwhelming injuries to the major organs in his body.

While this miscommunication was inadvertent, the BOPC will direct the Commanding Officer, CD, to ensure that this becomes a topic of discussion for CD personnel during subsequent roll calls.

10. During the post OIS inspection of Officer C's service pistol, it was determined that Officer C's service pistol was not loaded to capacity at the time of the OIS and was short one round.

Officer C explained that during his last qualification period that he most likely did not remove and fully load his magazine after reloading his weapon at the range.

In conclusion, Officer C's actions unjustifiably and substantially deviated from approved Department tactical training as Officer C is required to maintain his pistol magazines in a fully loaded capacity.

Based on the considerations above, the BOPC determined that the tactics utilized by Detective A and Officer C unjustifiably and substantially deviated from approved Department tactical training, requiring a finding of Administrative Disapproval.

The BOPC determined that the tactics utilized by Officers D and F substantially deviated from approved Department tactical training; however, their actions were justified.

The BOPC found that the tactics utilized by Officer E did not unjustifiably deviate from approved Department tactical training.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer D placed the final telephone call to Victim A's cellular telephone and heard her screaming in the background. Officers C and D exited their police vehicle and ran up the stairs toward Victim A's apartment as Officer D broadcast a back up request. Officer D un-holstered his pistol when they reached the top of the stairs. Officer C heard Victim A screaming and observed her emerge from her bedroom with her shirt soaked in blood. Officer C un-holstered his pistol.

Officers E and F responded to the backup request and began to run through the courtyard to the rear of the location to possibly contain any outstanding suspects. Officers E and F heard one gunshot coming from Officer C and D's location. Officers E and F unholstered their service pistols, held them in a two hand low ready position and ran up the stairs to Officers C and D's location.

Therefore, the BOPC determined that Officers C, D, E and F possessed a reasonable belief that the situation may escalate to the point where deadly force could become necessary, and found the officers' drawing/exhibiting to be in policy.

C. Lethal Use of Force

The BOPC noted that Officer C observed Victim A through the window and Subject 1 behind her with a knife. According to Officer C, "I can see her face and I can see her screaming. And the as she turned, I saw the blood on her." "Well I Guess I started - - I said, 'Drop the knife.' At that point, he realized I was there. So he stalled a little bit. And then, like I said, her back was facing me blocking - - blocking the suspect. So all I can do is verbalize. And then at that point, he stabbed her one more time. She collapsed, opening up his chest area to me. I fired one round."

The BOPC determined that an officer with similar training and experience and upon observing what Officer C described would reasonably believe that Subject 1 presented an immediate deadly threat and that the use of Lethal Force would be objectively reasonable to protect Victim A and, therefore, determined that Officer C's use of lethal force to be in policy.