

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

OFFICER-INVOLVED SHOOTING – 079-13

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

Olympic	08/28/13		
---------	----------	--	--

Officers(s) Involved in Use of Force	Length of Service
---	--------------------------

Officer A	7 years, 6 months
Officer C	18 years, 5 months
Officer D	17 years, 10 months
Officer E	15 years, 11 months
Officer F	28 years, 2 months
Officer G	23 years, 5 months

Reason for Police Contact

Officers attempted to contact the Subject, who pulled a handgun and fired at them, resulting in an officer-involved shooting (OIS). A subsequent search for the Subject resulted in a second OIS.

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

Subject: Male, 28 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 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 Subject 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 Chief and made itself available for any inquiries by the BOPC.

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 August 19, 2014.

Incident Summary

Uniformed Police Officers A and B were assigned to conduct pro-active crime suppression.

While driving down a major boulevard, approaching a side street, Officer A observed the Subject standing near a street vendor at the northwest corner. The Subject had his back to the officers. Officer B thought the Subject was a documented gang member the officers had contact with in the past.

Officer A decided to contact the Subject and drove into the crosswalk. The officers' vehicle was facing westbound, directly toward the Subject who still had his back toward the officers. As both officers began to exit their vehicle, the Subject looked in their direction, grabbed his waistband with his right hand and began running westbound on the sidewalk.

Officers A and B exited and ran after the Subject. Officer A ran west on the major boulevard in the street next to the parked vehicles, and Officer B ran toward the sidewalk.

Officer B noticed the Subject was too far ahead of him, stopped his pursuit, and ran back toward his police vehicle.

The Subject ran past three parked cars on the sidewalk and then entered into the number two lane of the boulevard as he continued to run west. Officer A saw this and sought cover behind a parked car and unholstered his weapon. The Subject removed a revolver from his waistband with his right hand, held it in a close contact position and began to run in a southwesterly direction. The Subject then turned his upper body to his left and fired one round in the direction of the officers.

Officer A took a slightly crouched shooting stance behind a parked car. Believing the Subject was trying to shoot his partner, Officer A held his weapon in a two-hand shooting position and fired four rounds in a southwesterly direction from a distance of approximately 53 feet. The Subject pulled his arms into his torso, and Officer A thought the Subject might have been struck by the gunfire. Officer A lowered his weapon to assess when a vehicle drove by, causing him to momentarily lose sight of the Subject. After the car passed, the Subject was further west and in the middle of the street.

The Subject stopped, turned to his left, lifted the weapon from a close contact position and fired an additional round in the officer's direction. Officer A then fired one round from that same position at the Subject in a southwesterly direction from a distance of approximately 97 feet.

As the gunfire erupted, Officer B was at the rear of their police vehicle making his way toward his partner. He then sought cover behind a parked car at the northwest corner. Officer B then unholstered his weapon.

The Subject ran west on the major boulevard and then southbound, still holding the revolver in his right hand. Officers A and B checked the immediate area to see if anyone was injured and then got into their patrol car to pursue the Subject. Both officers holstered their weapons prior to entering their vehicle. Officer B then broadcast the Subject's direction of travel and requested help.

Note: Neighborhood business video footage captured the officers' initial approach, the Subject running westbound on the sidewalk, entering the street and firing his weapon at the officers.

Officer A drove west on the boulevard as unidentified citizens began pointing southbound on the next street. Officer A briefly stopped and asked other citizens where the Subject had gone. Several pointed westbound on the following residential street. Officer A then positioned the officers' vehicle in a northwest direction to view the residential street and started to set up a perimeter.

Over the next several minutes, numerous officers arrived to assist, as did an airship, K-9, Sergeant A and several K-9 officers who had been training in the area. SWAT was also requested to assist with the search.

Because of information received from witnesses within the perimeter, Captain A believed that in the interest of public safety, a K-9 search team should be deployed to search the hot spot locations within the perimeter.

The primary search team consisted of K-9 Police Officers C through G and Officer C's K-9 dog. Officer C was the lead officer, and his job was to mainly observe the dog and watch for signs that the dog was picking up a scent. The K-9 search team was to provide security for Officer C and his dog and watch for the Subject. The entire K-9 search team had their weapons deployed throughout the search.

The primary K-9 search team began their search westbound on the residential street. They encountered an elderly Spanish speaking woman who told Officer D she observed the Subject hiding on the east side of her porch. The Subject asked her to let him inside so he could hide, but she told him to leave. The Subject pleaded with her to let him inside the residence and then tried to open her wrought iron metal door to get inside. The Subject then ran away and jumped over the west fence into her neighbor's backyard.

After searching several locations, the primary K-9 search team continued west to the location where the second OIS eventually occurred. They entered through the eastside gate, moved north to the end of the property, and searched the rear yard. The K-9 search team then made their way back south toward the rear of the house. The rear of

the house had several doors and windows and was covered by a metal patio cover. Contained within the patio area was a variety of furniture and a barbeque.

According to Officer C, as they walked under the patio cover, Officer C's dog gave an indicator that he was getting a scent. As Officer C began telling the team that his dog was getting a scent, the dog gave another indicator and within two to three seconds, a door located in the corner of the residence swung open outward in a westerly direction. The Subject, who had hidden in a water heater closet, exposed his upper torso and fired one round from a revolver held in his right hand.

K-9 search team Officers C through G, believing the Subject was shooting at them, engaged the Subject with their weapons.

Officer D saw a wooden door to a water heater closet to the left of him swing open and he simultaneously heard a gunshot and saw a muzzle blast coming from the closet. From Officer D's position, he could see two thirds of the Subject's upper body, from his right shoulder to his left hand, but couldn't see his right hand. Fearing for his safety, Officer D raised his rifle and fired a total of multiple rounds at the Subject.

As Officer D began to fire his rounds, he stepped to his right to get a better view of the Subject's right hand. In doing so, he slipped or tripped backwards into a seated position with his legs extended out in front of him. From that position, Officer D believed he fired his last two shots because he could still see the Subject moving. After the shots were fired, the Subject had fallen back into the closet, with his right hand and the gun no longer visible.

Officer C had his handgun in his right hand and maintained it in a single-hand indoor low ready position with his finger on the frame. Officer C had been looking at his dog, who was approximately 10 to 15 feet west from the water heater closet door, when it abruptly opened. The Subject's head appeared followed by what Officer C perceived as two muzzle flashes.

The Subject was holding a gun in his hand and it was pointed in the direction of Officer C. At that point, Officer D had engaged the Subject by returning fire. Officer D fell to the ground and Officer C believed Officer D was hit by gun fire. In defense of his life and the entire search team, Officer C raised his weapon and fired several rounds at the Subject. The Subject was struck by the gunfire and fell backwards into the water heater closet. Officer C could no longer see the weapon, and the Subject's right hand was not visible.

Officer E had just entered the patio area and was covering a door to his left, facing in a southeasterly direction. Officers D and C were to his right. Officer E noticed a barbeque covered by a blue tarp south of the door he was covering. Officer E believed either Officer H or F removed the blue tarp and then moved north of him. After that occurred, Officer E heard two extremely loud gun shots to the right of him. Officer E looked and saw a wooden door open and saw a small portion of the Subject's right torso in the doorway. The Subject had what appeared to be a small blue steel revolver in his

right hand extended out toward the officers. Officer E fired several rounds extremely quickly in the Subject's direction because he believed the officers were being ambushed. Officer D fell backwards, and Officer E immediately thought Officer D had been shot.

The Subject fell back into the water heater closet, and it appeared to Officer E that the Subject was making himself a smaller target. Officer E could not see the Subject's torso any longer and continued to shoot into the stucco wall behind the water heater closet, which he believed the Subject was using to conceal himself. Officer E stopped shooting when the Subject stopped moving.

Officer E went into officer rescue mode telling the search team they had to grab Officer D and pull him out while positioning himself in front of Officers C and D to further protect them. Officer D then stood up letting everyone know he was okay.

Officer G was looking toward the residence and was positioned near a bookcase that was standing upright on the patio approximately two feet west of the west wall of the rear bedroom of the residence. Officer G then noticed the water heater door open abruptly and saw a portion of the Subject's shoulder and a revolver extended out of the closet pointed in the direction of Officers C, D and E. Officer G then saw what he perceived were two muzzle flashes and observed Officer D fall to the ground. Officer G raised his weapon and fired multiple rounds in a southerly direction at the Subject. According to Officer G, the Subject then slumped down into a seated position on his knees. Officer G then stepped to his right to get a better position of advantage of the Subject. Officer G could not see the Subject's right hand or the revolver and noted his left hand was down between his legs.

Officer F was positioned at the northeast portion of the patio. Officer F was ensuring the rear area was covered and took a position where he could see to the east and out of his peripheral vision a portion of the patio. Officer F noticed movement out of the corner of his right eye and saw a door swing open to a water heater closet located south of him. He noticed the possible muzzle of a gun and slight muzzle flash. He actually observed smoke coming from the water heater closet. Part of the Subject's arm and shoulder came out enough for a split second, and he knew the officers were in imminent danger. Officer F took a barricaded position at the southwest corner of the rear portion of the house and fired a round in the Subject's direction. Officer F then lost sight of the Subject from his position and heard an officer indicate the Subject was down.

The K-9 search team began giving the Subject commands to show his hands with no response from him. Officer C deployed his dog, which made contact with the Subject's left hip. There was no response from the Subject. At this time Officers E and H approached with Officer F as their cover. Officer H grabbed the Subject's upper torso and pulled him from the closet and handcuffed him in a face down position, with his hands behind his back. It was later determined the Subject died of a self-inflicted gunshot wound.

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 unanimously made the following findings.

A. Tactics

The BOPC found Captain A's, Sergeant A's and Officers A through H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, through H's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found the use of lethal force by Officers A, C, D, E, F and G to be in policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Code Six Broadcast

Officers A and B did not broadcast their location before attempting to conduct a pedestrian stop on the Subject.

The investigation revealed there was a surveillance camera located on a near-by business, which captured a portion of the OIS and memorialized the timeframe of the officers' encounter with the Subject. According to the video footage, approximately four seconds after Officers A and B opened the doors to their police vehicle, the Subject, facing in the officers' direction, turned and ran away from their location. The video footage also captured the Subject reaching into his waistband area as he turned away from the officers.

Although, the OIS was not depicted in the video footage, the time that elapsed from the period the Subject reached into his waistband until Officer A returned to the north curb following the OIS was approximately 10 seconds. The video footage also depicted Officer B with his handheld radio in one hand and his service pistol in another hand. Approximately 17 seconds after exiting their vehicle, Officer B appeared to be broadcasting the help call. Based on the video footage, the entire encounter between the Subject and the officers lasted approximately 23 seconds. This time period includes the officers' initial approach in their police vehicle until they returned back to their police vehicle.

While evaluating the officers' actions, the BOPC took into consideration their initial observations, coupled with the incident rapidly unfolding from a pedestrian stop to a lethal force situation requiring Officers A and B to make split-second decisions. The quick escalation of force from verbalization to a lethal force situation consequently dictated the officers' reactions requiring them to balance broadcasting their Code Six location with their officer safety considerations. In this case, the officers pre-determined roles likely minimized any inherent delay when reacting to the Subject's actions under such life threatening situation in order to enhance their ability to quickly respond to the sudden lethal actions of the Subject. Accordingly, Department tactical training allows for officer safety concerns in certain situations to supersede a Code Six broadcast to Communication Division (CD). For this reason, the officers must be afforded some discretion in determining the appropriate time a Code Six broadcast should be completed. Officer B's broadcast immediately following the OIS, facilitated the prompt response of additional resources which contained the Subject.

Although, the officers' actions were a substantial deviation from approved Department tactical training, based on the totality of the circumstances their actions were justified.

2. Tactical Communication

Officers A and B maintained continuous communication with each other during this incident that resulted in two separate OISs with the Subject.

Officers A and B had worked together for approximately three or four months at the time of this incident. During this time frame, the officers had discussed numerous tactical scenarios and indicated that they usually debrief stops to enhance their future performance. During their past discussions, the officers established designated contact and cover roles.

Officers A and B routinely discussed tactical situations, which included their pre-designated roles during encounters with potential Subjects in order to react in a safe and effective manner when reacting to a Subject's actions.

Officers A and B's continuous communication of pertinent information was in all likelihood a contributing factor to the outcome of no injuries to sworn personnel or community members, during the officers' encounter, search and capture of the Subject.

3. Cover Fire

In this instance, following the completion of two residential searches, the primary search team continued west to the next location. As the officers searched the backyard, the police K-9 alerted to a water heater closet. Simultaneously, the water heater closet door opened and the officers could see various portions of the Subject's body and/or clothing protruding from the closet. Shortly thereafter, the Subject fired his weapon at the K-9 officers. Officers C through G responded by firing their weapons at the Subject (see Lethal Use of Force). During the gunfire, Officer D fell onto the ground. Believing Officer D was shot by the Subject's gunfire, Officers C, E and G fired their weapons to cover Officer D in preparation for an officer rescue.

In the BOPC's assessment of the cover fire by Officers C, E and G, they took into consideration the rapidly unfolding life threatening situation that is generally inherent in an armed Subject scenario; however, it was compounded by their belief that one of their fellow team members had been shot by the Subject.

The officers' swift and strategic response during what appeared to be an officer rescue situation was reasonable and consistent with Department expectations. Each officer discharged their weapon in a controlled and deliberate manner at a specific target. The use of cover fire was implemented with the primary intent to extract what appeared to be an injured officer from the danger zone. This cover fire resulted in a large number of rounds being discharged by Officer E with his rifle (see Lethal Use of Force and Additional Tactical Debrief Topics).

Although, Officer E's cover fire was rapid, it was controlled and deliberate. While the Department tactical training identifies cover fire to be controlled and deliberate, under these circumstances, Officer E's decision to discharge the rifle in a rapid but controlled manner was warranted during this phase of fire in order to extract what appeared to be an injured officer.

4. Cursory Search for Weapons

In order to safely handcuff the Subject, Officer H pulled him out of the water heater closet and positioned him onto the ground, where he was handcuffed.

It is uncertain if Officer H or another officer conducted a cursory search of the Subject for additional weapons following the handcuffing. The Coroner investigator completed his scene investigation and the decedent was transported to the Coroner's office. After the Subject was transported to the Coroner's office, a second revolver was discovered from his right front shorts pocket.

In this case, it was clear that the Subject had a high propensity for violence, due to his deliberate discharge of his revolver(s) at officers on two separate occasions. Furthermore, it is likely that an armed Subject may have more than one weapon on his person. Therefore, a cursory search for additional weapons to ensure the situation was rendered safe was appropriate in this matter.

5. Command and Control

Captain A:

Upon arriving to the CP, Captain A assumed the responsibility of the IC after he was briefed on the incident by the previous IC. Shortly thereafter, K-9 personnel arrived at the scene. Captain A met with a K-9 sergeant and informed the sergeant that the Subject discharged his revolver without provocation at Officers A and B, resulting in an OIS. Based on the Subject's deadly action and several reports from members of the community that the Subject was attempting to enter their residence, Captain A reasonably concluded that the Subject posed an unmistakable and imminent threat to the community.

After taking into consideration the Subject's proven predisposition for violence, coupled with his unknown whereabouts within the established perimeter in an unevacuated residential area, Captain A made the decision not to wait for SWAT to begin the search for the Subject and authorized a limited search within the perimeter of the identified hot spots by K-9 personnel.

Captain A also decided not to conduct a K-9 announcement prior to the commencement of the search.

Captain A's situational awareness and leadership during this incident was likely a contributing factor to the capture of the Subject without injury or death to any community member or sworn personnel.

Sergeant A:

Sergeant A, along with other members of his K-9 Platoon, responded to the OIS CP. After it was determined K-9 personnel would conduct a limited search for the Subject within the perimeter without SWAT, Sergeant A was identified as the K-9 supervisor who would monitor the actions of the simultaneous limited search of the designated locations by two K-9 search teams downrange in his police vehicle.

As the K-9 officers were searching the area, Sergeant A observed specialized unit officers arriving at the CP. Realizing the K-9 search teams were only charged with conducting a limited search of identified hot spots for the Subject and if he was not found, it was expected that SWAT would join the K-9 officers in their search, Sergeant A returned back to the CP and developed a plan with

SWAT to meet with the K-9 search teams at an appropriate juncture for a search to continue as a K-9/SWAT configuration. Upon completion, Sergeant A was returning back to the search teams to continue monitoring his K-9 officers' activity, when he heard the gunshots.

Following the OIS and the broadcast that the incident had resolved by Officer C, Sergeant A responded to the officers' location. Upon his arrival, Sergeant A ensured that none of the officers were injured and that the Subject was in custody. Sergeant A also observed that there were several impacts to the residence and verified the well-being of the occupants, followed by obtaining the Public Safety Statement (PSS) from each of the five involved officers and the percipient officer. He also replaced the K-9 search team officers with uninvolved officers to monitor the evidence and the Subject in order to maintain the crime scene until other resources arrived.

As such, Sergeant A displayed exceptional oversight and leadership while managing two search teams and a secondary OIS scene with an armed Subject. One of the components for a successful tactical operation is effective leadership.

6. Stable Shooting Platform

During the search for the Subject, Officer C's primary duties were K-9 handler and team leader of the primary Search Team. These duties are substantial from monitoring the actions of his K-9 to communicating with his search team members and/or via his handheld radio. Due to the number of required tasks for the above designated roles, Officer C was surrounded by the other officers on the search team who were assigned along with monitoring the area for the Subject to covering Officer C's primary assignments naturally diverted his attention from monitoring the area for the Subject. Therefore, in this instance, an encounter with the Subject resulting in the use of lethal force based on the position of Officer C would have made the use of his service pistol a secondary duty, if discharging his pistol was necessary. Additionally, Officer C's primary duties required the freedom to use one hand to either control the K-9 or hold his radio. As such, Officer C maintained his service pistol at a single-hand low ready with his right hand. After the Subject fired his handgun at the K-9 officers, the K-9 officers still providing a 360 degree protection around Officer C with the exception of Officer H, the rear guard, responded by firing their weapons at the Subject. During the gunfire, Officer D fell onto the ground. Believing Officer D, the point officer, had been shot, Officer C, with a single-handed grip, discharged his service pistol at the Subject.

Although a two-handed shooting platform will increase the probability of target acquisition, in this particular situation, Officer C discharging his service pistol with a single-hand grip was reasonable due to the perceived injured officer requiring rescue. Furthermore, K-9 personnel are trained to discharge their service pistols with a single-hand grip, as K-9 handler and team leader, and may discharge their service pistol if the circumstances warranted.

7. Public Safety Statement

The investigation revealed Sergeant B was the first supervisor at scene. Sergeant B assisted with establishing the perimeter and CP. While the perimeter was being established, several witnesses were reporting sightings of the Subject running through their backyards. Based on those reports, Sergeant B dealt with the tactical situation first to ensure the perimeter was set in order to contain the Subject.

This drew his attention away from the administrative phase of a post-CUOF incident, obtaining a PSS of Officers A and B. However, minutes following Sergeant B's arrival, Sergeant C arrived and obtained a PSS from Officers A and B.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC determined that the involved personnel could benefit from a discussion of the below mandatory points to enhance future tactical performance. The BOPC found Captain A's, Sergeant A's and Officers A through H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B exited their vehicle to conduct a pedestrian stop on the Subject. Seconds after exiting their vehicle, the Subject looked in the officers' direction, grabbed for his waistband area and ran west down the boulevard. Officers A and B utilized the parked vehicles on the north curb for cover and followed the Subject, at which time the Subject removed a handgun from his waistband area and turned toward the officers' direction. Officers A and B drew their service pistols in defense of their lives and their partners' lives. The Subject fired his revolver at the officers, resulting in an OIS (see Lethal Use of Force).

Following the OIS, Officer A drove in the direction that the Subject was last seen. It was at this time that an unknown male flagged down Officers A and B and pointed them in a specific direction. The officers responded to the area, and Officer A deployed his Police Rifle.

Subsequent to the OIS, K-9 personnel responded to the CP and formulated two K-9 search teams. Based on the information provided by Officers A and B, the search teams knew the Subject was armed with a revolver and had fired his weapon at the officers. Consequently, all members of both search teams drew and/or exhibited their respective weapon systems, as they searched for the armed felony Subject approximately an hour after the Subject shot at Officers A and B.

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

C. Lethal Use of Force

- **Officer A** –pistol, five rounds

Officers A and B were attempting to conduct a pedestrian stop on the Subject when the Subject ran, grabbed his front waistband area and fled on foot. Officer A ran a few feet after the Subject and then took cover behind a parked vehicle on the north curb. The Subject removed the revolver from his waistband with his right hand, turned his upper torso to the left toward the officers' location, pointed his handgun and from a close contact position fired it.

After discharging the first four rounds, Officer A stopped firing his pistol. As he assessed the situation, Officer A observed the Subject running to the middle of the roadway. The Subject stopped running, turned again toward the officers with the revolver still in his hand and pointed it at them. According to Officer A, the Subject appeared to fire another round at them. In defense of his life and the life of his partner, Officer A fired an additional round at the Subject.

- **K-9 Platoon, Primary Search Team OIS:**

Officers C through H were tasked with searching within a perimeter for an armed felony Subject who fired his handgun at Officers A and B, resulting in an OIS. As the officers were searching the backyard where the second OIS occurred, Officer C noticed that his K-9 appeared to pick up a scent and advised the other search team members. Simultaneously, the water heater located in the backyard of the above location swung open. Each officer observed different portions of the Subject's body and/or clothing, based on their positions, followed by a gunshot and/or muzzle flash from the water heater closet. Fearing for their safety and the safety of their partners, Officers C through G fired their weapons at the Subject from different shooting positions.

Officer D - rifle, five rounds

Officer E - rifle, fifteen rounds

Officer C – pistol, six rounds

Officer G – pistol, three rounds

Officer F – pistol, one round

Based on the totality of the circumstances, an officer with similar training and experience as Officers A and Officers C through G would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and therefore the use of lethal force would be reasonable.

The BOPC found the use of lethal force by Officers A, C, D, E, F and G to be in policy, accordingly.

K-9 Contact Findings

- The BOPC found the deployment of the K-9 to be consistent with established criteria.

The BOPC found the contact of K-9 to be consistent with established criteria.

The BOPC found the post K-9 contact procedures to be consistent with established criteria.

D. Deployment of K-9

- In this instance, the K-9 personnel responded to the CP due to the “officer needs help” call. Captain A, the IC, directed the K-9 personnel to conduct a limited search of areas identified as hot spots without SWAT, for the safety of the community due to the Subject's proven propensity for violence against police officers and several reports from community members that had encountered the Subject within the perimeter.

Based on the Subject's unprovoked attack against Officers A and B, as well as his attempts to hide within a community member's residence, Captain A was concerned for the safety of the community members and the officers in the vicinity. Captain A felt any further delay to begin a search for the Subject would unnecessarily put lives at risk. Therefore, in an effort to safeguard individual lives within the surrounding area, Captain A made the decision not to wait for SWAT and authorized the K-9 search teams to immediately begin searching for the Subject within the perimeter. In an effort to maintain a tactical advantage, Captain A also authorized a K-9 announcement exemption. As a result, a K-9 announcement was not provided during this incident.

- In its analysis of this incident, the BOPC identified the following K-9 deployment considerations:

1. K-9 Search Announcement

After taking into consideration the circumstances involved in this incident and conferring with a K-9 supervisor, Captain A decided not to have a K-9 announcement preceding the search for the Subject. The BOPC determined that the specific circumstances of this incident made a K-9 announcement and/or warning impractical, as such a warning would have likely placed the officers at a tactical disadvantage by alerting the Subject of their impending approach. In addition, the Subject was not contained in the area.

The BOPC found that the decision by Captain A to forgo the K-9 announcement was reasonable and consistent with established criteria.

E. Contact of K-9

- During their search within the perimeter, Officers C, D, E, F, G and H encountered the Subject in the backyard of the second OIS. The officers believed the Subject fired his handgun at them, causing an OIS. The Subject remained inside of the water heater following the OIS. Officer C repeatedly directed the Subject to exit the water heater closet; however, he received no response. Additionally, none of the officers could see the Subject's hand with the revolver in it. Believing that the Subject was attempting to conceal himself from the officers, and potentially playing possum for the purpose of ambushing them, Officer C decided the safest course of action under these circumstances would be a direct deployment of his K-9.

Shortly thereafter, Officer C sent his dog to the Subject's location for a direct contact. Upon the police dog's approach to the water heater closet, the dog conducted a bite hold on the Subject's left hip and pulled him out of the water closet.

During the dog's bite hold, there was no response from the Subject, prompting Officer C to recall his dog. The arrest team comprised of Officers E, F and H approached the Subject and handcuffed him.

Officer C's decision to complete a direct contact deployment on the Subject was reasonable under these specific circumstances. Therefore, the BOPC determined the K-9 contact was consistent with established criteria.

F. Post Contact Procedures

- Prior to the K-9 search, an RA unit was dispatched to the CP and standing by due to the potential of injury. Following the OIS with the K-9 officers, the RA unit was called into the OIS scene. The Subject was determined to be dead by the LAFD paramedics based on the GSW to the head. Sergeant A responded to the scene and proceeded with the post-CUOF protocols.

In conclusion, the BOPC determined that the post-contact procedures were consistent with established criteria.