

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

OFFICER-INVOLVED SHOOTING – 013-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Southwest	3/16/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer N	22 years, 7 months
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Reason for Police Contact

Officers responded to a radio call of a male under the influence of narcotics shooting a gun in the rear yard. The responding officers contacted the Subject, via telephone, who advised he was armed and was going to shoot at the officers. The Subject refused to exit the residence. The Los Angeles Police Department (LAPD) Metropolitan Division, Special Weapons and Tactics (SWAT) responded. The Subject shot and injured a police officer and an Officer-Involved Shooting (OIS) occurred shortly thereafter.

Suspect	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 36 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 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 February 8, 2022.

Investigative Summary

The incident began at 1204 hours, when an Emergency Board Operator (EBO) received a 911 call from Witness A, who stated that the Subject was in the backyard of a residence (target location), on drugs, and armed with a BB gun. She further added that she was afraid. Additionally, the EBO received a second 911 call from Witness B, who was not at the location, and advised that Witnesses D, E, and F were inside the backhouse of the target location. He advised Communications Division (CD) that a man with a gun was outside the residence shooting in the air.

At 1204:38 hours, CD broadcast, "Any Southwest unit, 415 man with a gun, [at the target location], suspect in rear yard, male Hispanic, 34 years, in a blue shirt, NFD armed with a BB gun, under the influence of narco [...]."

At 1209 hours, CD assigned the radio call to Southwest Patrol Division uniformed Police Officers A and B.

As Officers A and B were responding to the location, the second radio call was generated at 1215:02 hours, by Witness B, at the back house of the target location.

The target location and the back house are located on the same lot. The target location is to the front of the property (south), while the back house is a second story apartment located above a garage to the rear (north) of the property. Both residences share a common driveway, which runs from the street on the east side of the property.

Communications Division broadcast, "Southwest units, shooting just occurred [the back house of the target location] in the rear yard. Suspect is a male [...], black shirt, unknown color pants, shot, correction shot unknown amounts of shots in the air."

Southwest Patrol Division uniformed Police Officers C and D responded to the second radio call.

During their response, Officers C and D discussed contact and cover roles. While en route to the radio call, Officer C removed the 40mm Less-Lethal Launcher, pointed the barrel toward the floorboard, and loaded it with one foam projectile.

Additionally, Southwest Patrol Division uniformed Sergeant A responded to the vicinity of the target location.

While responding, Officer A stopped the vehicle as Officer B contacted Witness A, via telephone, for additional information. Officer B placed the call on speaker phone, and according to Officer A, "I can hear her getting really animated. You can tell that she's kind of, you know, getting, you can tell that she's engaging with somebody that was, that was making her get excited. Kind of almost seem like at one point she seemed a little fearful and stuff." Once in the vicinity of the target location, Officer A observed numerous residents outside. According to Officer A, one unknown female stated that the Subject had a big gun, and it was loud. Additional pedestrians were pointing east

toward the target location. Officer A turned down the police radio while on the phone. He/she did not hear the additional broadcast of the second radio call.

Officer A parked west of the target location and did not approach the residence. Officers C and D arrived shortly afterwards with additional officers.

Upon their arrival, Officers A and B met with the second 911 caller, Witness B. Witness B advised the officers that Witnesses D, E, and F were inside the back house of the target location and unable to leave. According to Witness B, Witness D called him and stated she had heard a gunshot outside. When she attempted to exit the back house, she observed the Subject in the rear yard, holding a large gun. When the Subject observed Witness D, he told her to stay inside. Witness B stated he left the back house approximately 20 minutes prior and observed the Subject in the rear yard with a backpack.

At 1222:03 hours, as Officers A and B were speaking with both Witnesses A and B in the street, Witness G approached the officers. She stated to Officer A, that the Subject was armed with a BB Gun, and "drugged up." She added when the Subject hears noise in the backyard, he panics. Witness A advised Officer C that the Subject was in possession of a BB gun, which he fired into the air. She added they were afraid and did not want anything bad to happen. According to Witness G, the Subject attempted to scare her when she approached him, and he fired the gun to the side.

Witness G was initially adamant the Subject was not in possession of a real firearm. At 12:29:37 hours, Witness G was asked if the weapon was an air rifle or a pistol. Witness G responded, "I don't know, it's huge, I know it's in there somewhere, honestly I'm not gonna lie. The bullets are like this big, and they're round, they're not like, it's a, what do they call that, a shotgun? I don't know, they're pretty big." She continued to describe the shotgun as well as provide additional information to the officers regarding the shotshells.

At 1228 hours, Sergeant A arrived at the location and was briefed by the officers.

Witness G contacted the Subject, via the telephone, and asked him numerous times to exit and speak with the police. While on the phone, Witness G became emotional, while pleading for the Subject to exit the residence. Witness G gave Officer C and Sergeant A her phone to speak with the Subject. According to Officer C, "When I introduced myself as an LAPD officer, he said, 'I don't like the cops. I guess I'm going to die today.' I asked him to come out. He said, 'No. Come in and get me. I'm ready to shoot it out.'" Officer C described the Subject as sounding agitated, desperate, rambling, and under the influence. Officer C advised officers at scene that the Subject stated he was in possession of a real gun.

According to Sergeant A, "He seemed so irrational, and I wasn't sure whether a BB gun or a shotgun was used at that time. And I wasn't willing to risk the officers' livelihood, their lives. And I decided hey, I'm going to err on the side of [...] caution and if this guy

has a shotgun, then I'm going to redeploy the officers. It gives us time to think about how we're going to or how I was going to approach and my next step, but at least they're out of sight from danger."

Sergeant A redeployed officers at scene, moving them further from the residence. Additionally, he/she advised the officers he/she would establish a Command Post (CP). According to Sergeant A, "I [...] set up a CP and began coordination, trying to get more resources, units, UPR's were requested, shields were requested, and I requested I believe I said three more units for a perimeter." While at the CP, Sergeant A again spoke with the Subject, via telephone, continually requesting that the Subject exit the residence.

According to Sergeant A, "He seemed very angry, more agitated. At that time, he really seemed under the influence. He was speaking very fast. And at that time, that's when he started making the threats that if we went in there, he was going to spray us, meaning to me, it sounded like he wanted to shoot it out with us. And he never really said that he had a shotgun, but at one point he said that he had an AK-47."

Beginning at approximately 1232 hours, the police vehicle's public address (PA) system was utilized numerous times to request that the Subject exit the house unarmed. Additionally, Witness I used the PA system at 1253 hours to plea for the Subject to exit the residence. The PA was used over twenty times overall in both English and Spanish. During the time the PA was being utilized, the Subject could be heard yelling at the officers, various times unintelligibly, and making statements such as, "Come and get me, here I am," and, "You're being weak."

Sergeant A made notification to the Southwest Patrol Division Watch Commander, Sergeant B, that the Subject was barricaded within the residence and was possibly in possession of a shotgun or a rifle. Sergeant A also advised that he/she would notify Metropolitan Division for SWAT response. Sergeant A ensured that an Investigative Report for Shots Fired within the City Limits was signed by Witness B.

Sergeant A contacted Metropolitan Division, SWAT Officer In-Charge, Lieutenant A, at approximately 1300 hours. Sergeant A provided Lieutenant A with the nature of the radio calls, the information obtained from the Subject via phone conversations. He also provided witness statements, the Subject's descriptors, as well as criminal background, a description of the incident location, and location of the CP. Once Lieutenant A had all the necessary information, he/she briefed Metropolitan Division Assisting Commanding Officer, Captain A, who agreed the information met the criteria for SWAT response.

At approximately 1305 hours, Officer C advised the officers on the perimeter to don their helmets. Southwest Patrol Division officers maintained the containment on the property and communication with the witnesses while they awaited the arrival of SWAT.

At 1345 hours, Sergeant B arrived at the CP and declared him/herself as the Incident Commander (IC), via radio, until he/she was relieved by Southwest Patrol Division, Commanding Officer, Captain B, at 1445 hours.

Lieutenant A contacted SWAT Sergeant C, to coordinate SWAT personnel response to Southwest Division. According to the SWAT Guide Book, the OIC works closely with the IC to provide options and recommendations, in concurrence with the Metropolitan Division Commanding Officer (CO), to resolve the critical incident. All tactical options initiated by SWAT commence after approval is received from the IC.

Lieutenant A briefed the responding SWAT element members via radio and email as to the nature of the crime, the Subject's background information, and the circumstances of the Subject being barricaded.

At approximately 1350 hours, SWAT personnel and equipment began to arrive at the CP. SWAT personnel were deployed to the exterior of the residence and were attired in dark blue utility uniforms, tactical vests, gas masks and ballistic helmets. Unless otherwise noted, each officer was armed with a Department approved rifle carried on their persons in a tactical sling, as well as a Department-approved handgun, and were equipped with Body Worn Video (BWV).

SWAT Sergeant D, was designated as the Squad Leader with SWAT Sergeant E, assisting. SWAT Officer D was designated as the Element Leader.

A Crisis Negotiation Team (CNT) was established with Detective A and SWAT Officers F and G. A Behavioral Sciences Services Section (BSS) Psychologist and Doctor was also included in the CNT.

Two Los Angeles Fire Department (LAFD) Tactical Emergency Medical Support (TEMS) Firefighter Paramedics responded, both of whom were part of a contingent of trained Firefighter/Paramedics (FF/PM) who deploy with SWAT assets during tactical operations to render immediate medical aid to injured citizens and police personnel. The LAFD TEMS remain in the back of the armored vehicles, until called to render medical attention if necessary.

After arriving at the CP, and obtaining a briefing of the incident, Sergeant D and Officer E began to develop their tactical plan, which included removing patrol officers who were in containment positions and replacing them with SWAT personnel. Sergeant D and Officer E, along with SWAT element members, entered the Ballistic Engineered Armored Response (BEAR) vehicle and proceeded to the target location. Already present at the target location, in a Ballistic Engineered Armored Response Counter Assault Tool (BEARCAT) vehicle were Officers H and V, who were positioned at the southwest corner of the residence, which was designated as the one-four corner.

The sides of each structure are given number designation by SWAT for deployment purposes. In this incident, side one was the southside of the residence, side two, the west side, side three to the north, and side four was the east side.

Officer E directed Officer H to reposition the BEARCAT to the one-two corner to relieve the patrol officers' positions, as well as requested gas and less-lethal options for all four sides of the target location. An additional BEARCAT vehicle arrived with additional resources, LAFD TEMS, and SWAT element members.

As the element members arrived, Officer E began to delegate teams to set up containment on the target location, and to assist with containment of the property. Officer E delegated the two, three, and four side containment to be equipped with a special type of gas, called 5230 Baffled gas, which is deployed using the 12-gauge shotgun gas launcher.

As the perimeter was being set, CNT Officer F began to interview witnesses at the CP. According to Officer F, Witness G stated that the Subject was on a two-day methamphetamine binge as well as a chronic user. She added that the Subject would become violent and unable to communicate when he was upset. Witness G first informed Officer F that the Subject was armed with a BB gun, but when confronted with witness statements, she replied she thought it may be a BB gun. Officer F attempted to get background information or interests to aid in the negotiations; but learned the Subject had none. The witnesses stated that Witnesses H and I got on well with the Subject. Both Witness H and Witness I (Spanish) recorded a tape for CNT to play for the Subject. On her recording, Witness H asked the Subject to come out and advised him they were there for him. Witness I stated, in Spanish, she loved him very much and his loved ones were outside, as well as advised him nothing would happen to him. According to Officer G, Witness H stated the Subject had been calling her and other witnesses and saying goodbye. The Subject told them that he was going to die and commit suicide.

While conducting his/her investigation for CNT, Officer F learned the Subject was speaking with Witness I. Witness I gave her phone to Officer F, who advised the Subject he/she was with the police. According to Officer F, the Subject yelled, and cursed so loudly he/she was unable to understand him/her. The Subject then disconnected the call.

This was the only verbal contact Officer F had with the Subject during this incident. According to Officer F, several additional attempts were made, via telephone, to speak with the Subject, who did not answer the phone.

Officer E continued to set the perimeter, as he/she assigned Officers J and K to containment on the two side of the residence. Officers J and K set up their containment

to the rear of the residence, the west of the target location. In addition to their gear, they were equipped with a 40mm Less-Lethal Launcher containing Oleoresin Capsicum (OC) and Chlorobenzyl Dene Malononitrile (CS) gas canisters (Ferrets), as well the 5230 Baffled gas which is fired from the 12-gauge shotgun launcher.

According to Officer K, "Once I arrived there, I began immediately evaluating if this was the best place for Officers I and J I to stand for cover during this entire incident and also to verify what type of doors or windows that we could see. I remember seeing three windows on side two that were a threat to [Officers J] and I. And based on the layout and the environment that we were in, I believed that standing at that three-four corner of the residence was the only and best cover that we had at the time because of the clutter that was- that was surrounding us in that backyard. We had nowhere else to go. There was very minimal space to work with." When referring to the three-four corner, Officer K was referring to the northeast corner of the residence to the west of the target location.

Separating the target location and the residence to the west was a six feet ten-inch-tall chain link fence, covered in ivy. The rear yard of the target location had six feet ten-inch-tall fence. North of the rear door of the target location was a large tree with thick, low hanging branches. There were two parked vehicles, facing north in the driveway, that the officers utilized as cover.

According to Officer K, the ivy and branches partially blocked their view of the target location. They discussed their designations, and their area of cover. Officer J was responsible for gas deployment, while Officer K was the Designated Cover Officer (DCO).

Covering the three side were Officers L and M, who positioned themselves in the rear yard of the adjacent property to the north. In addition to their gear, they were equipped with a TASER and the 5230 Baffled gas and launcher. The fence separating the two properties was six feet, ten inches high. Once positioned in the rear yard, Officers L and M discussed their various tactical options. Officers M and N were the DCOs, and Officer L was responsible for the gas deployment. They continued to discuss various tactical scenarios regarding gas deployment and points of egress available to the Subject.

Three armored vehicles were positioned in front of the target location to provide cover for SWAT element members. Sergeants D and E, and Officer E were positioned behind the BEARCAT, parked at the one-four corner of the target location.

At approximately 1500 hours, Officer E developed a tactical plan to evacuate the residents in the back house of the target location by entering the rear yard of the residence to the east. The BEARCAT relocated to the rear yard of the residence, east of the target location with Officers E, H, O, P, and Q. Utilizing a ladder, the officers

climbed over the common fence, verifying the target location was not in the line of sight so they could safely enter the rear yard. Once clear, Officer P utilized an additional ladder to reach the rear (north), second story window of the apartment. The residents were able to exit through the open rear window. Once down, a secondary ladder was utilized to assist in relocating the civilians to the residence to the east of the target location, before being safely escorted to the CP. At 1517 hours, Witness D advised Officer H that the Subject was armed with a weapon that looked like Officer H's rifle, and he had fired one shot.

With permission from the residents, Officers N and R climbed the ladder and entered the apartment to provide visual coverage of the rear yard, driveway, and back of the target location. In addition to their Department approved rifle and a Department-approved handgun, they were also equipped with the 40MM Gas Multi Launcher with Ferret OC and CS gas canisters, as well as a ballistic shield. Officer N positioned him/herself on the two-side, overlooking the rear yard of the target location. From his/her position, he/she could see Officers J and K to the west as well as a portion of the two-three corner of the target location. Officer N was able to verbally communicate with Officers J and K. They discussed their field of view regarding the rear of the location.

Officer R positioned him/herself, supplementing the coverage on the three and four side of the target location. Officer R utilized the shield to provide cover in the front window. Officer E advised there was no crossfire concerns with element members, and in the event the Subject exited, Officers N and R would remain on the second story.

According to Officers J and K, there was a back door on the northwest (two-three) corner of the target location, and the door was raised with a small stairway leading down to the patio. Officers J and K only had a visual on the top of the door, due to the vehicles in the drive and the vegetation. According to Officer K, the door was their primary concern, as they did not have a clear and unobstructed view. There were also three windows on the two side, which they could clearly see.

Also covering the three side, on the property east of Officers L and M, were Officers O, S, and T who were positioned in the rear yard, at the residence to the northeast of the target location. Officer O was equipped with a 40MM Gas Multi Launcher with Ferret OC and CS gas canisters. Officer S was deployed with his/her police K-9 dog.

Officer F attempted to call the Subject a total of nine times, leaving three voice messages. It became clear to him/her that he/she would have to respond to the residence and attempt to communicate via the bullhorn or the Long-Range Acoustic Device (LRAD). Once the target location was contained, Officers F and G responded to the BEAR to play the recorded audio from Witnesses H and I, which was ineffective. Officer F requested that the Subject come outside, move to the door, and/or window to

communicate with him/her. The Subject responded by yelling and screaming incoherently.

As CNT was attempting to contact the Subject, Sergeant D requested pre-approval for a gas plan, in the event negotiations stalled. The gas plan included the use of four 5230 Baffled gas canisters.

An emergency response gas plan was also approved in the event the Subject began to open fire at the element members. Sergeant D detailed the emergency plan as such, "And we broadcast, we wanted another round of 5230s which would be another four canisters and on side one, we did have a 40-millimeter launcher for Ferrets, and I had that incorporated only in the emergency gas plan should it be needed."

The gas plan included a fire plan, which included LAFD staging with ingress and egress routes open for their response.

The gas plan went up the chain of command with approval issued by Captain B at 1615 hours.

As the Subject was not responding to Officer F's attempts to communicate, Officer F requested that Sergeant D issue a Use of Force Warning. Review of Sergeant D's BWV shows he/she issued the warning at 1625 hours. After the warning was issued, he/she continued to request the Subject to exit, with no response. The K-9 warning was also given in English and Spanish, at 1627 hours, and again, met with no response.

According to Officers J, K, L, M, N, and R, they were able to clearly hear the warnings given from their positions.

According to Officer F, after approximately two hours of attempting to communicate with the Subject, Officer F, as well as Officer G, felt they had exhausted all available options. After a conversation with Sergeant D and the BSS Doctor, an impasse was declared at 1631 hours. According to Sergeant D, "So we tried the face to face. We did the TPIs [...]. We did the SWAT warning in English. We did a K-9 announcement that was, um, I believe that was [...] and that actually broadcast in Spanish and in English. We went through the whole cycle. That whole CNT process probably lasted about 45 minutes I'm guessing. I got on the air. Um, actually telephonic and on the air with [Lieutenant A] let him/her know I don't have any other ideas. I mean, I think we've exhausted everything. I mean, they've been on this call since noon. We're deep into this thing. He knows we're here. Um we've tried everything. There's no sign of him coming out. My recommendation at that point was to go ahead and declare the impasse and go to tactics. Um, that was approved. He/she said, 'Go ahead and get prepared for the gas plan,' and basically once you guys are ready, it's on me."

Sergeant D communicated via radio the gas plan as well as the emergency gas plan to all element members. The element members donned their gas masks, and the initial gas plan was initiated at 1637:49 hours at the direction of Sergeant D. Officer K, the DCO, and Officer J, armed with the gas launcher, moved south through the driveway, utilizing the parked cars for cover. Once they cleared a large tree in the Subject's rear yard, Officer J fired one gas canister into the north window on side two at 1637:59 hours. Officer J guided Officer K back to their position of cover and notified Sergeant D via the police radio that the gas was successfully deployed into side two. According to Officer K, "I remember seeing gas coming out of the window, so I knew that it was success, successfully deployed inside and that the gas was emitting from the can because I could see the gas coming out the window. Maybe a couple seconds to a minute later, I could hear the suspect coughing and gasping from air somewhere in that general vicinity, but I still couldn't see him because of the tree, the ivy, and the whiteout caused by the gas, but I knew he was somewhere there."

Officers P and Q utilized a ballistic shield to deploy from the BEARCAT to the residence east of the target location. Once the gas plan was initiated, Officer P, equipped with the ballistic shield, provided cover as Officer Q fired one gas canister into the first window on the one-four corner of the target location at 1638:04 hours. They backed to a position of cover behind the residence to the east of the target location. Officer P signaled that the officers had successfully deployed the gas into the four side; Officer L utilized a ladder to fire the gas canister over the fence, while Officer M was his/her DCO. Officer L fired one gas canister into the three side at 1638:07 hours and notified Sergeant D via the police radio that the gas had been successfully deployed.

Officer U was positioned at the Bearcat, at the one-two corner. Officer U moved from his/her position behind the Bearcat to the driver's side door frame, with Officer V as his/her DCO. Officer U fired one gas canister into the first window on the two-side at 1638:11 hours. Officer V notified Sergeant D via the police radio that the gas had been successfully deployed.

After successful deployment of four 5230 baffled gas canisters, there was an audible sound of a gunshot heard from inside the residence, which was captured on Officer J's BWV at 1638:17 hours.

After review of the BWV, Officer K was heard on BWV asking Officer J if he/she heard a gunshot. According to Officer J, it was unclear if the sound was from gas deployment or a gunshot as he/she was wearing earplugs and there was chatter on the radio.

Sergeant D utilized the LRAD system to communicate with the Subject at 1638:48 hours. He/she requested the Subject to exit the residence unarmed and follow the directions given by the police. While Sergeant D was requesting the Subject to surrender, at 1639:48 hours, the Subject began to exit the rear door. Officers J and K

immediately began to give verbal commands to the Subject to show his hands. Officer J broadcast via radio, "Suspect's coming out the two-three corner of the door."

According to Officer J, "And then I believe he came out of that door 'cause I could see his head. I'm not sure if he came out before the shot or, or the shot came out first. But he did exit that two-three corner door. I saw his head. I was trying to put it out. They were talking on the radio. I let [Officer K] know. I let [Officer N] know verbally. At that point I lost sight of him."

According to Officer K, "I could hear the suspect coughing and gasping for air somewhere in that general vicinity, but I still couldn't see him because of the tree, the ivy, and the white out caused by the gas, but I knew he was somewhere there."

As Officer K was giving verbal commands to the Subject, at 1640:00 hours, the Subject fired one round from his 9mm pistol, striking Officer K's tactical vest's magazine pouch. The projectile entered the bottom of the right magazine pouch, struck the magazine, and remained in the pouch. According to Officer K, "I remember giving the suspect a command to come out, let me see his hands, and that's when a round was fired in our direction. I immediately felt like a light tap on the front of my vest, and I immediately stepped back around cover completely to get myself out of the area just to kind of evaluate what just happened."

After the Subject fired at Officer K, Sergeant D was attempting to ascertain if the Subject had fired at the officers, while Officer K assessed his/her vest, "So while I'm wearing my gas mask, I'm looking down, trying to look for any obvious evidence of my vest being hit: such as like any type of damage to my vest, any frayed material, or any blood, bleeding. And I couldn't see any of that and obviously didn't feel any pain." Officer K advised Officer J he/she had been struck in the vest then resumed his/her position, as he/she wanted to maintain visual coverage, in the event the Subject came out to ambush them. Officer J broadcast, via radio, that Officer K had been hit in the vest, and was not injured.

The projectile fired at Officer K, perforated the corner molding of the house prior to striking Officer K.

According to Sergeant D, "I told Officer E, they're telling me that [he/she] was okay, but I told the team leader I still wanted [him/her] to be removed and checked by the Tactical Emergency Medics." Officer E requested a Rescue Ambulance (RA) stage nearby, to provide medical treatment for Officer K. Sergeant D directed Officer E to have two element members to deploy to Officer K's location, and to remove him/her from his/her post.

At 1640:28 hours, Officer K gave a verbal command to the Subject to come out with his hands up; the Subject responded with, “[Expletive] you,” followed by a gunshot at 1640:33 hours. According to Officer K, “So it was right after the first volley of gas. I had the round that struck the vest. I was giving him commands. And I heard two rounds being fired from a possible shotgun, because I could hear the racking, the normal sounds you would hear of someone racking a shotgun and not a rifle, what the callout said that the suspect was armed with.”

Evidence indicated the Subject fired one slug round from inside the residence toward Officer K. An empty shotshell was recovered on the kitchen floor, on top of the broken glass and curtain, with a pathway out the kitchen window to a shed located behind Officer K’s position.

Officer K gave additional verbal commands to the Subject to show his hands. The Subject could be heard inside the residence breaking glass.

Sergeant D advised the element members to repeat the gas plan. At 1641:17, Officer L fired a gas round into the side three window with Officer M providing cover. Officer J advised Officer K he/she would fire from their position. Officer K, providing cover, stepped out slightly into the driveway at 1641:24 hours, as Officer J fired one gas round into the side two bay window, just south of the window he/she had previously deployed gas into.

Officer K’s BWV shows that as he/she stepped out into the driveway to provide cover for Officer J to deploy the second round of gas, Officer K placed his/her finger on the trigger for approximately three seconds.

According to Officer K, “So during the incident, I obviously was hit in the vest by a round by the suspect. Our next step, our tactical plan was to initiate emergency gas plan, which is just to reinstate gas again into the structure. And so, my mindset was, you know, I had already been hit. I’m at a tactical disadvantage. The suspect can see us but we can’t see him, but we needed to get gas into that location. So, I decided to give my partner and I a fighting chance in that type of situation, if you want to say that, by taking the safety off just to get me that half second, one second of disengaging the safety and getting into a fire fight with the suspect that was fairly close to us, which was around seven to eight yards away from us. So, I decided to disengage the safety and just place my trigger finger on the trigger just in case that gun -- that gun fire prevent -- presented itself at that time. [...] He [the Subject] was somewhere in that two-three corner of his structure. From what I recall and what I think, he was at the back door on side two.”

After the deployment of the gas, they moved back to their positions at the northeast corner of the residence. Officer K observed, “Seconds after that, approximately five to ten, I could see a small portion of the black iron door open. At that time, I had a lot

going on in my mind tactically, mostly my position. So, I knew I was hit by something in my vest while I was standing, so I figured he could see me standing up. So just a quick thought process in my head was to, hey, try to change your position, try to change your position to make yourself smaller, so the suspect couldn't see me through the branches and ivy. And also, if I took a knee, maybe I could use a little portion of the parked cars in the driveway as cover."

Officer K took a kneeling position. He/she placed his/her finger on the trigger at 1641:30 hours, saying, "I think I placed my finger on the trigger as soon as that door opened out of the second volley. I had a lot, I was thinking about a lot, everything at that moment. You know, I had just been shot at numerous times. I got hit, possibly once already." The Subject fired one round from his 9mm pistol, striking Officer K in the left cheek. Officer K immediately fell backward to the ground. According to Officer J, he/she observed Officer K attempt to lower his/her center of gravity, followed by a gunshot. Officer J observed Officer K drop to the ground. He/she immediately broadcast, "[Officer K's] down, officer down, officer down, [Officer K's] down." According to Officer J, "I looked down, [He/she's] looking at me. [He/she's] holding [his/her neck]. Saw a lot of blood. I thought it was, I thought [he/she] got hit in the neck. And I thought [he/she] was going to bleed out." Officer J grabbed Officer K's vest and began to pull him/her west, to move him/her away from the corner.

According to Officer J, as he/she pulled Officer K, he/she was able to see the fence, and was watching for the Subject. Officer J was not able to see what was behind the fence; he/she could only see Officer N in the window.

According to Officer Z, "[He/she] starts yelling. I think that's when I hear again, "Officer down, officer down." And I make the decision that this definitely falls under that emergency gas plan that we -- we always have, so even though it wasn't the initially (sic) plan that [Officer E] had, once an officer is down, I thought, okay, look, it doesn't sound like we're returning fire. And the suspect sounds like he's deep inside the location. He's concealed, or he's got some sort of cover and we need to get him out so that we can stop him. That's when I made the decision to grab the 40-millimeter gas launcher. And I started firing multiple rounds through the front window. It was a big window on the suspect's location." Officer Z fired five ferret gas rounds into the front window. He/she reloaded the 40 mm launcher and fired one additional ferret gas round into the front window.

Officer I stated, "But once there was a second volley of shots occurred that's when I remember hearing that there was an officer down. During that time, they were trying to determine who was hit, where he/she was at, so they can get him/her out of there. And they continued to deploy gas. At that time, I asked [Officer E] if he/she needed more gas from my ferret. Because I know they had a limited amount of 52 -- or the stronger gas, the 52 Bravo gas. He/she said go ahead and put in two more rounds of ferret gas.

Which at that time that's when I deployed the gas. So, I shot two rounds into the side opening -- side 1 opening, which was a window.”

According to Officer N, “And I remember, from what I could see from my vantage point when that shot was fired, I could see [Officer K] fall. [He/she] fell, I want to say, backwards and on [his/her] side. At which point [Officer J] broadcast shots fired, officer down. At that point, just based on what I had seen because [Officer K] was just lying on the floor, I thought [Officer K] had been killed at that point. I thought that the suspect got lucky and hit him/her in the face or the head because of the way [he/she] dropped. [Officer J], I could see [him/her] move up to the back, back portion of [Officer K]. [He/she] picked [him/her] up and started dragging [him/her] back away from the corner. And as he/she’s dragging [him/her], I could see a large blood trail. And I was thinking, oh my god, they just, he just killed [Officer K].

As Officer J was pulling Officer K back, Officer N believed they were vulnerable, as they had no cover. Officer N leaned out the window in an attempt to locate the Subject, “So as I’m watching that area and I could see [Officer J] pulling [Officer K] on the other side, the suspect came down. I didn’t see him come down the stairs. I just saw him under the tree. So, as he’s coming under the tree, it looked like he was almost -- I don’t remember if he had shouldered the weapon or if he had it under his arm -- like under -- in his armpit towards that section, but he was pointing it in the direction of where [Officers J and K] were at. So, at that point it almost seemed like he was hunting. And I say hunting because I can’t think of -- for lack of a better term, but it looked like he was hunting or looking to see if he could shoot them again.”

Officer N described the Subject as walking quickly north through the backyard, as he had the shotgun on his right side, pointed west as he was looking west, toward Officers J and K. Officer N also noted that Officers L and M were positioned behind the north fence.

According to Officer N, “So in my mind, there was imminent threat of death to [Officers J and K], especially being that he already shot at [Officer K] twice and hit him/her once. And I also knew that I had [Officers L and M] that were on ground level, and he was headed in their direction. So, as I fired, I could clearly see. I felt like I was assessing every single round. And the entire time I was firing, he was still up and moving. And it wasn’t until he started falling forward was when I stopped firing my rifle.”

Officer N fired a total of five rounds, toward the Subject’s center mass, from a decreasing distance of seventeen to fifteen feet five inches, at 1641:50 hours. A review of Officer N’s video after the OIS depicted the Subject on his back, with a shotgun underneath him. The Subject rolled himself over, onto his stomach, and the shotgun was underneath his right arm. At that point Officer N began to give commands to the Subject. He/she advised the Subject numerous times to not reach for the rifle. Officer N advised Officer R that the Subject was down, which he/she broadcast via the radio. Officers N and R held their positions on the second floor after the OIS.

According to Officer N, "So as I fired the first round, he [the Subject] just continued walking. It was like I didn't even hit him [...] And as the rounds started going, it's almost as he was looking to see where the shots were coming from to acquire a target [...] So as I fired, I could clearly see. I felt like I was assessing every single round. And the entire time I was firing, he [the Subject] was still up and moving. And it wasn't until he started falling forward was when I stopped firing my rifle."

According to Officer N, the Subject was able to walk maybe five to ten feet between Officer N's first round and the time the Subject began to fall forward.

Sergeant E along with Officers H, U, and V responded to Officer K's location. They assisted in moving Officer K to the west side of the residence to the west of the target location. According to Sergeant E, "So my first instinct was to assess [his/her] wound and make sure that the bleeding was stopped. So, when I looked at [him/her], I asked [him/her], 'Hey, where's because I, [his/her] hand was up to [his/her] neck. I said, 'Where are you hit?'. And I was trying to assess the wound to see exactly where [he/she] was bleeding from. So, at some point, Officer U told [him/her] to move [his/her] hand. And -- and I could see [he/she] was bleeding from [his/her] face and [his/her] neck.

So, I removed a -- some combat gauze. Combat gauze is gauze that is permeated well, it's kind of impregnated with a hemostatic agent, so it has hemostatic agent in the gauze itself. It's like this white gauze. And it has hemostatic agent, meaning that if you apply it to a wound, it will stop the wound from bleeding because of the agent. So, I applied that to [his/her] face and neck. Officer U applied a pressure bandage and wrapped it around [his/her] face to stop the bleeding. And as I looked at the wound, I told [Officer K], 'Hey, it looks like a graze wound to me.'

Sergeant E developed an extraction plan as TEMS FF/PM arrived to assist with medical attention. Officer K advised he/she would be able to walk to the awaiting LAFD RA.

A Los Angeles Fire Department RA transported Officer K to a local hospital, where he/she was admitted for a gunshot wound to the face.

Officer W consulted with Officer E and formed an arrest team to take the Subject into custody. Officer Y led the team along the two side of the target location to the rear yard, with Officers W, X, and Z following. The pathway was narrow and covered with thick vegetation. The Subject was observed lying face down with his head in a north direction. Once in the rear yard, Officer Y provided lethal cover while Officer X went to the right (east) side of the Subject. According to Officer X, "As we got to the corner of the house to the backyard area, I could see a male, [...] face down. His head was in a northern direction. You could see what looked, appeared to be a rifle at the time under him. The barrel was facing kind of in a southeaster direct, easterly direction. As I approached, just grabbed the barrel and slid the gun, which ultimately, upon further

review later, was a shotgun. It appeared to have two magazine tubes and a barrel, so kind of a triangular shape at the front.”

Officer Z placed his/her handcuffs on the Subject’s left wrist, Officer X brought the Subject’s right arm to Officer Z, who placed the handcuffs on his right wrist.

According to Officer Y, “Once we got up, I held cover on him, and I believe it was Officer Z and Officer X -- I believe Officer X took his -- the suspect's right side as he was laying on the ground and Officer Z took his left side. The suspect was laying on top of the shotgun. It was a Kel-Tec shotgun. They handcuffed him, and once they started handcuffing him, I kind of spun around to kind of check the area to make sure there wasn't a second suspect, and then held -- kind of held cover on the back side of the house while they did it. And then once I, I turned back around, I looked back at the suspect, he was laying on his, on his stomach and he had a -- what appeared to be a nine-millimeter pistol in his right front pocket. And pointed that out to Officer X, I think it was Officer X.”

Officer X stated, “And at one point shortly thereafter, [Officer Y] alerted me that the suspect had a pistol in his front right pocket. I'm not a medic. I don't know, I know the suspect hadn't moved, but I don't know the condition of the suspect. So, I removed the handgun. As I removed the handgun, it was obvious that the handgun was slightly out of battery. About three quarters to an inch of the barrel was exposed. And I took the handgun, which appeared to be a, a Glock type of weapon on further review later. Shortly thereafter, it, it read Glock 19. But I put that on the little landing that was just southeast of where the suspect was. And that's where those guns laid to rest until FID took them over.”

According to Officer W’s BWV, at 1646 hours, Officer W requested that LAFD respond for medical treatment. Officer O, who is an Emergency Medical Technician, jumped over the rear fence at 1647 hours to assist with providing the Subject with emergency medical attention until LAFD arrived. At 1649 hours, LAFD FF/PM arrived at the Subject’s location and began his/her assessment. At 1700 hours, according to LAFD FF/PM, the Subject had no signs of life, and he/she declared death.

A search team, consisting of Officers H, I, P, Q, W, Y, and Z entered the residence and verified there were no additional Subjects or any victims within the structure.

At approximately 1648 hours, Officer E identified Officer N as being involved in an Officer-Involved Shooting. Sergeant D began the separation process and at 1700 hours, Sergeant E took a Public Safety Statement from Officer N.

At approximately 1655 hours, Department Operations Center (DOC) was notified of the Categorical Use of Force by Captain A.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Captain B	N/a	N/a	N/a	N/a	N/a
Lieutenant A	N/a	N/a	N/a	N/a	N/a
Sergeant D	Yes	No	Yes	N/a	N/a
Officer E	Yes	Yes	Yes	N/a	N/a
Officer I	Yes	Yes	Yes	N/a	N/a
Officer J	Yes	Yes	Yes	N/a	N/a
Officer K	Yes	Yes	Yes	N/a	N/a
Officer L	Yes	Yes	No	N/a	N/a
Officer N	Yes	Yes	Yes	N/a	N/a
Officer Q	Yes	Yes	Yes	N/a	N/a
Officer U	Yes	No	Yes	N/a	N/a
Officer Z	Yes	Yes	Yes	N/a	N/a

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 Captain B, Lieutenant A, Sergeant D, and Officers E, I, J, K, L, N, Q, U, and Z's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers J, K, and N's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers N'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 rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, 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 Techniques

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

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

Planning – Sergeant D and Officer E developed tactical plans to replace patrol officers in containment positions with SWAT personnel, evacuate the back house of the target location, and safely take the Subject into custody. The CNT personnel responded to the location and began de-escalation efforts while attempting to negotiate with the Subject and encourage him to cooperate with police and surrender. Once the back house of the target location was evacuated, Officer E placed Officers N and R on the second floor of the back house of the target location to cover side three, side four, and the two-three corner of the target location. Sergeant D and Officer E developed a gas plan in the event CNT negotiations failed, an emergency gas plan in the event the Subject fired upon officers, and a fire plan in the event a fire developed inside the residence. The tactical plan included efforts to resolve the situation safely and systematically. The plan was to utilize as much time in the CNT process as practicable. All tactical plans were reviewed by Lieutenant A and approved by the IC.

The BOPC noted that the gas plan, emergency gas plan, and fire plan were properly developed, communicated, and implemented. After Baffled gas was successfully

deployed into the target location and the Subject fired at officers, SWAT element members initiated the emergency gas plan. The BOPC noted that officers and supervisors were flexible in their plans, considered changes that may need to be implemented during the incident, and communicated changes to SWAT element members as well as to the IC.

Assessment – Assessing the danger the Subject posed to community members, Sergeant D and Officer E determined the area around the target location should be evacuated. In addition to evacuating surrounding residences, Sergeant D and Officer E determined that occupants trapped in the back house of the target location needed to be evacuated by element members before the initiation of any tactical procedures. When CNT personnel declared an impasse in negotiations with the Subject, Sergeant D transitioned to the tactical plan for gas deployment. After deployment of Baffled gas into the target location, the Subject discharged a round, striking Officer K's tactical vest. Assessing, Officer K determined that he/she had been struck by the round but was not injured. Assessing the need to contain the Subject, Officer K resumed his/her position. Assessing the need to verify Officer K's condition, Sergeant D and Officer E directed two-element members to replace Officer K. Based on the Subject's actions, Sergeant D directed element members to repeat the gas plan. Observing Officer K fall to the ground after being struck by one of the Subject's rounds, Officer J immediately moved him/her away from the three-four corner. Observing the Subject walking through the backyard of the target location, armed with a shotgun, ostensibly "hunting" for Officers J and K, Officer N assessed the deadly threat that the Subject presented to officers.

The BOPC noted that after he/she was struck in the vest, Officer K assessed his/her condition. Officer J also checked on Officer K's condition and offered to take over as DCO, but Officer K declined, allowing Officer J to deploy gas.

Time – Before SWAT's arrival, Witnesses close to the Subject and patrol officers spent approximately one hour and twenty minutes attempting to obtain the Subject's surrender. All their efforts were met with threats of violence and refusals. Arriving at scene, SWAT and CNT personnel continued efforts to obtain the Subject's surrender for approximately one hour and forty-five minutes, declaring an impasse after exhausting all available options. After declaring an impasse, SWAT members implemented their gas plan to obtain the Subject's surrender without the use of force. In response, the Subject began shooting at Officer K, striking him/her twice. The Subject then exited the residence, ostensibly to shoot Officer K again.

The BOPC noted that despite several hours of attempted negotiations, the Subject refused to surrender. Based on the Subject's actions, the BOPC opined that it was reasonable for SWAT and CNT to declare an impasse, initiating tactical measures to affect the Subject's arrest. The BOPC further opined that despite everyone's best efforts, the Subject chose to eliminate Time as a feasible de-escalation technique.

Redeployment and/or Containment – Believing that the Subject was armed with a firearm, Sergeant A redeployed officers, moving them further from the residence. Sergeant A also requested units for a perimeter. Arriving at scene, SWAT personnel relieved patrol officers as they contained the target location. Assisting with containment, Officers N and R took positions in a second-floor apartment to the rear of the target location. After being struck in the vest, Officer K redeployed further behind his/her original position. Officer K advised Officer J that he/she had been struck on the vest, then resumed his/her original position on the three-four corner to ensure the Subject was contained. Before replacements could reach Officer K, he/she was shot again. After Officer K fell to the ground, Officer J moved him/her away from the three-four corner.

The BOPC discussed the need for Officers J and K to hold their position versus redeploying. The BOPC noted that Officers J and K 's options were limited in terms of containing side two of the target location. The BOPC also noted that despite the visual obstructions, Officer K assessed the need to hold his/her position to ensure the Subject did not exit the target location undetected. The BOPC noted that while he/she was uninjured by the round that struck his/her vest, efforts were underway to relieve Officer K when he/she was shot the second time.

Other Resources – Believing that the Subject was armed with a firearm, Sergeant A requested units equipped with patrol rifles, units equipped with ballistic shields, additional units for a perimeter, and a tactical frequency. To obtain the Subject's surrender, Southwest Patrol personnel used cellular telephones to speak with the Subject. Loved ones also spoke with the Subject in the hopes he would surrender. Believing that the Subject was a barricaded suspect, Sergeant A contacted SWAT; CNT, BSS, and SWAT personnel responded after it was determined that the Subject met the barricaded suspect criteria. Members of LAFD TEMS also responded. When CNT negotiations reached an impasse, the approved gas plan was implemented, and gas was deployed by SWAT element members into the location.

The BOPC noted that Officer K considered using a ballistic shield while serving as DCO, weighing the shield's protection against his/her ability to utilize his/her rifle. Because the shield would have provided limited cover and would have required him/her to transition to his/her pistol, Officer K opted not to obtain a shield. The BOPC also discussed the feasibility of parking a BEAR or BEARCAT in the driveway of the residence to the west of the target location, using it to cover side two of the target location. However, based on the size of the driveway in relation to the size of the armored vehicles, as well as the foliage, the BOPC opined it would not have been feasible.

Lines of Communication – Before SWAT's arrival, loved ones and patrol officers spent approximately one hour and twenty minutes attempting to obtain the Subject's surrender. In addition to patrol's efforts, CNT personnel attempted to negotiate with the Subject for approximately one hour and forty-five minutes, using a cellular telephone, the LRAD, and recorded messages from loved ones. After an impasse

was declared, SWAT personnel continued attempts to communicate with the Subject. Sergeant D and Officer E communicated with SWAT element members on a dedicated tactical frequency, briefing them on the tactical plans and any information or directions during the incident. Throughout the incident, Officers J and K communicated with each other, discussing their observations, the gas deployment, and Officer K's condition after being shot both times. Before being struck in the vest, Officer K ordered the Subject to show his hands, the Subject cursed in response. Immediately after receiving gunfire, Officer J used his/her police radio to update SWAT personnel. After the Subject started shooting, Sergeant D utilized the LRAD to command him to stop firing at officers. Officer N maintained verbal communication with Officers J and K from his/her elevated position at the back house of the target location. Following the OIS, Officer N ordered the Subject numerous times not to reach for his shotgun. Officer N also told Officer R that the Subject was down; Officer R broadcast the information via his/her police radio. Consulting with Officer E, Officer W formed an arrest team with Officers X, Y, and Z to secure the Subject. After being advised that the Subject had a handgun in his pocket, Officer X removed it.

The BOPC noted that during this incident, patrol, CNT, BSS, LAFD, and SWAT personnel effectively communicated with each other, witnesses, and the Subject's loved ones. The BOPC also noted patrol, CNT, BSS, and SWAT's ongoing efforts to communicate with the Subject throughout the incident.

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

1. Basic Firearm Safety Rules

At approximately 1637:59 hours, Officer K provided cover as Officer J successfully deployed one gas canister into the north window on side two of the target location. Officer J then guided Officer K back to the officers' position on the three-four corner of the residence to the west of the target location.

At approximately 1639:48 hours, the Subject began to exit the rear door of the target location. Officers J and K immediately began commanding the Subject to show his hands. According to Officer K, he/she heard the Subject coughing and gasping for air in the vicinity of the two-three corner. Because his/her view was obstructed by the tree, the ivy, and the gas, Officer K could not see the Subject. At approximately 1640:00 hours, the Subject fired one round at Officer K, striking the magazine pouch attached to his/her tactical vest. Assessing, Officer K advised Officer J that he/she had been struck on the vest, then resumed his/her original position on the three-four corner. According to Officer K, he/she wanted to maintain visual coverage on the target location in the event the Subject exited to ambush them. Officer K ordered the Subject to exit with his hands up; the Subject responded, "[Expletive] you!" At approximately 1640:33 hours, the Subject fired one slug

round from his shotgun in Officer K's direction; the round did not strike Officer K.

At approximately 1641:24 hours, Officer K provided cover as Officer J fired his/her second gas canister into the side two bay window of the target location. As Officer J deployed the gas canister, Officer K pointed his/her rifle toward the door on the two-three corner of the target location, disengaged the safety, and placed his/her finger on the trigger. After the gas was deployed, Officer K took his/her finger off the trigger as he/she and Officer J moved further back behind the three-four corner of the residence to the west of the target location. To obtain better cover, Officer K took a kneeling position on the three-four corner of the residence to the west of the target location. At approximately 1641:30 hours, Officer K raised his/her rifle, placed his/her finger on the trigger, and was shot by the Subject.

The BOPC noted that before disengaging his/her rifle's safety and placing his/her finger on the trigger, Officer K had been shot at and struck by a round fired by the Subject. After shooting Officer K the first time, the Subject refused to surrender and continued shooting at Officer K. The BOPC also noted that the situation was dynamic, chaotic, and that the Subject demonstrated he was an actual deadly threat.

The BOPC noted that during the interviews of Lieutenants A and B, they discussed the Department's firearms training regarding the five-count Pistol Presentation. During count four of the presentation, the pistol is raised to eye level as the sights are aligned on the target. The index finger is simultaneously placed on the trigger of their firearm and the slack is taken in. Lieutenants A and B emphasized that pressing the trigger, which is the use of lethal force, occurs during Count Five, a related but separate portion of the presentation.

Lieutenants A and B also provided insight into SWAT's training and practices. According to Lieutenants A and B, during SWAT training, element members conduct what is known as a "Contact ready Drill." Element members begin the drill by raising their rifles to Count Four with the selector switch set to fire. While element members have the intent to shoot when their finger is on the trigger, they are required to constantly assess and can only discharge their firearm if presented with a deadly threat. The drill is intended to prepare personnel for practical field applications and the technique is only to be used if necessary.

The BOPC considered the facts of this case, along with Officer K's articulation for placing his/her finger on the trigger twice during this incident. Before placing his/her index finger on the trigger of his/her rifle, Officer K had been repeatedly shot at and struck by the Subject's gunfire. Officer K had heard the Subject coughing near the door and had seen the top portion of it open

before being shot the first time. This led Officer K to believe the Subject was near the door. Although Officer K did not see the Subject when he/she placed his/her finger on the trigger, he/she had identified a life-endangering threat (the Subject) and had aimed his/her rifle where he/she reasonably believed the Subject to be (the door). While Officer K had his/her finger on the trigger, he/she was not going to use deadly force without assessing as the Subject could have surrendered. The BOPC also noted the brief duration Officer K's finger was on the trigger during both occasions. The investigation determined that Officer K's finger was on the trigger during the first occasion for approximately three seconds before he/she returned his/her finger to the frame after redeploying behind cover. During the second occasion, Officer K's finger was on the trigger less than one second, and he/she removed his/her finger from the trigger after he/she was shot. Based on the information provided by Lieutenants A and B, the BOPC believes Officer K's actions were consistent with Department training.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer K were not a deviation from approved Department tactical training. The BOPC additionally noted that the Chief of Police has directed that the practice and associated training of an officer placing his or her finger on the trigger in advance of the decision to shoot is to be immediately discontinued.

- The BOPC also considered the following:

Code Six – While Sergeant A notified CD that he/she was responding to this incident, he/she did not change his/her status to Code Six when he/she arrived at scene. Approximately 20 minutes after arriving at scene, Sergeant A confirmed he/she was Code Six when CD verified his/her status. The purpose of conveying a Code Six location is so that other units know an officer's location. While the BOPC would have preferred that Sergeant A had broadcast or transmitted his/her location upon arrival, multiple units and Air Support were at scene when he/she arrived. Had Sergeant A needed assistance, other officers would have immediately known his/her location. Also, CD was aware that Sergeant A's destination was the target location.

Incident Commander – Sergeant A was the first supervisor at scene and determined the Subject was barricaded within the residence while possibly in possession of a shotgun or rifle. While Sergeant A established a CP and assumed the responsibilities of IC, he/she did not declare him/herself as the IC.

Utilization of Cover – During this incident, Officers J and K sought cover on the three-four side of the residence to the west of the target location, while containing side two of the target location. Because his/her view was obstructed by foliage and the subsequent gas, Officer K could not see the Subject when he began to exit the door. After being struck in the vest by the Subject's round, Officer K stepped behind the structure, determined he/she was uninjured, and resumed his/her original

position on the three-four corner. Despite the visual obstructions, Officer K assessed the need to hold his/her position to ensure the Subject did not exit the target location undetected, ambushing officers. To obtain better cover, Officer K knelt shortly before being struck by another of the Subject's rounds.

Profanity – Following the OIS, Officer N used profanity while ordering the Subject not to move. In using profanity, Officer N intended to gain the Subject's compliance.

Handcuffing Protocols – At approximately 1645:51 hours, the Subject was taken into custody. Due to his injuries, the Subject was left in a prone position. The Subject was rolled to his side to check for additional weapons then rolled back to a prone position. At approximately 1647 hours, Officer O, a trained Emergency Medical Technician (EMT), tended to the Subject until the FF/PM arrived. Officer O could not locate a pulse. At approximately 1648:02 hours, officers rolled the Subject onto his right side; the Subject came to rest in a supine position. At approximately 1648:45 hours, the FF/PM arrived and tended to the Subject.

Preservation of Evidence – Officer X was not wearing gloves when he/she moved the Subject's shotgun and handgun. While the BOPC recognized the dynamic nature of this incident, when feasible officers should don gloves before handling evidence.

Command and Control

Sergeant A was the first supervisor to arrive at the scene. Sergeant A redeployed officers at the scene, moving them further from the residence and establishing a CP. Sergeant A requested units equipped with patrol rifles, units equipped with ballistic shields, additional units for a perimeter, and a tactical frequency. Sergeant A spoke with the Subject via cell phone, asking him to exit the residence. During the conversation, the Subject stated he had an AK-47. Sergeant A determined that a crime occurred and ensured that Witness B signed a crime report. Believing that the Subject was a barricaded suspect, Sergeant A notified Sergeant B and Lieutenant A. Sergeant A informed Lieutenant A of the tactical situation, the nature of the radio calls, and the information obtained from the Subject via phone conversations. Sergeant A also provided witness statements, the Subject's descriptors, his criminal background, a description of the location, and the location of the CP.

Sergeant B arrived at the CP and declared him/herself as the IC via radio until he/she was relieved by Captain B.

Lieutenant A briefed Captain A, who agreed the incident met the criteria for SWAT response. Lieutenant A then contacted Sergeant C to coordinate SWAT personnel's response to the scene. Lieutenant A briefed responding SWAT element members via radio and email regarding the nature of the crime, the Subject's background information, and the circumstances of the Subject being barricaded. Arriving at the location, Lieutenant A coordinated and approved SWAT personnel's roles and

assignments. Lieutenant A ensured that SWAT personnel replaced patrol assets and residential evacuations were completed. Lieutenant A conducted a command briefing involving the tactical, gas, and fire plans. All tactical plans were reviewed by Lieutenant A and approved by the IC.

Sergeant D was designated as the Squad Leader with Sergeant E assisting. Officer E was designated as the Element Leader. After arriving at the CP, and obtaining a briefing of the incident, Sergeant D and Officer E began to develop their tactical plan, which included replacing patrol officers who were in containment positions with SWAT personnel. As the element members arrived, Officer E began to delegate teams to set up containment on the target location. As CNT personnel were attempting to contact the Subject, Sergeant D requested pre-approval for a gas plan, in the event negotiations stalled. The gas plan included the use of Baffled gas. An emergency response gas plan was also approved in the event the Subject began to open fire at the element members. The gas plan included a fire plan involving LAFD. The gas plan was discussed with Lieutenant A and approved by the IC. When CNT personnel declared an impasse, Sergeant D communicated both the gas plan and the emergency gas plan to all element members via his/her police radio. The element members donned their gas masks, and the gas plan was initiated at Sergeant D's direction.

After deploying gas into the two, three, and four sides of the target location, Sergeant D utilized the LRAD to communicate with the Subject, asking him to exit the residence unarmed and follow the officers' directions. While Sergeant D was asking the Subject to surrender, the Subject began to exit the rear door and fired one round, striking the magazine pouch on Officer K's tactical vest. After the Subject fired at Officer K, Sergeant D attempted to ascertain if the Subject had fired at the officers. Using his/her police radio, Officer J broadcast that Officer K was hit in the vest but was not injured. In response, Sergeant D directed a repeat of the gas plan and requested a RA to provide medical treatment for Officer K. Sergeant D directed Officer E to have two element members relieve Officer K, and Officer E to broadcast Sergeant D's direction.

After Officer K was shot the second time, Officers H, U, V, and Sergeant E responded to his/her location. Sergeant E ensured Officer K was receiving emergency medical care as he/she developed multiple plans to extract Officer K. Sergeant E adjusted his/her plan when Officer K managed to walk after being assisted to his/her feet. Officer E identified Officer N as being involved in an OIS. Sergeant D began the separation process and Sergeant E took a PSS from Officer N.

The BOPC noted that Captain B, Lieutenant A, Sergeant D, and Officer E displayed active leadership and used clear language to convey tactical plans, accomplish tasks, and manage a dynamic, chaotic, and dangerous scene. Captain B maintained situational awareness and went through all tactical options and available resources with Lieutenant A.

The overall actions of Captain B, Lieutenant A, Sergeants A, D, E, and Officer E were consistent with Department supervisory training and the BOPC's expectations of command staff, supervisors, and senior officers during a critical incident.

The BOPC found Captain B, Lieutenant A, Sergeant D, and Officers E, I, J, K, L, N, Q, U, and Z's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

- **Officer N (rifle)**

According to Officer N, he/she responded to Southwest Division for a barricaded suspect, armed with "an AK-47," who was wanted for discharging a firearm within city limits. To provide visual coverage of the rear yard, driveway, and back of the target location, Officers L and N took a position inside the back house. Officer N positioned him/herself on side two of the back house, overlooking the rear yard of the target location. From his/her position, Officer N could see a portion of the two-three corner of the target location. During deployment of gas into the Subject location, Officer N provided cover for Officer L.

- **Officer K (rifle)**

According to Officer K, he/she responded to a SWAT request in Southwest Division. Officer K was informed the incident involved a man with a rifle who previously fired a round, and that there were members of the public trapped in a back house. According to Officer K, the Subject was to be arrested for discharging a firearm within city limits. Officer K was tasked with containing side two of the target location and providing cover for Officer J as he/she deployed Baffle gas into the target location.

- **Officer J (rifle)**

According to Officer J, he/she responded to a SWAT request in Southwest Division for a Subject "armed with an AK-47," who stated he "will shoot it out." The Subject was observed by a witness shooting in the air and an investigative report for discharging a firearm within city limits was signed. Officer J was tasked with containing side two of the target location with Officer K. Before switching roles, Officer J was Officer K's DCO. After Officer K was shot the second time, Officer J provided cover while simultaneously extracting his/her partner.

The BOPC evaluated Officers J, K, and N's drawing and exhibiting of their rifles. The BOPC noted that the officers responded to the location where the Subject had discharged a firearm within city limits then barricaded himself inside the residence, armed with a shotgun and a pistol. The Subject was allegedly on a methamphetamine "binge" and expressed suicidal/homicidal ideations. During the

incident, the Subject shot at Officer K. The BOPC noted that at various points, Officers J, K, and N were tasked with providing lethal cover for their partners. Specifically, after Officer K was shot the second time, the Subject emerged from the target location, ostensibly “hunting” for Officers J and K.

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

Therefore, the BOPC found Officers J, K, and N’s drawing and exhibiting to be In Policy.

C. Lethal Use of Force

- **Officer N:** (rifle, five rounds)

According to Officer N, shots were fired at Officer K. Officer N observed Officer K fall back onto his/her side and heard Officer J broadcast, “shots fired, officer down.” At that point, Officer N believed that Officer K had been killed. As Officer J dragged Officer K away from the three-four corner, Officer N observed a “large blood trail.” Officer N then observed that the Subject had exited the target location and was pointing a shotgun in Officers J and K’s direction. To Officer N, it seemed like the Subject was “hunting” Officers J and K. Officer N also noted that Officers L and M were on ground level and that the Subject was “headed in their direction.” Believing that the Subject posed an imminent threat of death, specifically to Officers J and K, Officer N discharged one round at the Subject’s center mass, but the Subject “continued walking” as if Officer N “didn’t even hit him.” Officer N perceived that he/she had fired three rounds at the Subject, assessing each round. The Subject was “still up and moving” as Officer N discharged his/her rounds. Officer N stopped firing his/her rifle when the Subject “started falling forward.”

The BOPC assessed the reasonableness, necessity, and proportionality of Officer N’s use of lethal force. The BOPC noted that during this incident, the Subject had expressed both suicidal and homicidal ideations. The BOPC also noted that during this incident, the Subject shot at Officer K multiple times, striking him/her twice. The second time the Subject shot Officer K, Officer N observed him fall to the ground and heard Officer J broadcast that Officer K was down. Soon after, Officer N observed that the Subject had exited the target location and was pointing a shotgun in Officers J and K’s direction. To Officer N, it seemed like the Subject was “hunting” Officers J and K. Officer N also noted that Officers L and M were on ground level and that the Subject was headed in their direction. Based on the Subject’s actions, the BOPC opined that he demonstrated his intention to kill a police officer, specifically Officer K.

Based on the Subject’s actions, it was also clear he had no intention of surrendering. Believing that the Subject posed an imminent threat of death, specifically to Officers

J and K, Officer N discharged a total of five rounds at the Subject. The BOPC noted that while the OIS rapidly unfolded, Officer N assessed as he/she fired each round, ceasing fire as soon as he/she perceived that the Subject no longer presented an imminent threat of death or serious bodily injury.

Based on the totality of the circumstances the BOPC determined, that an officer with similar training and experience as Officer N, in the same situation, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Officer N's lethal use of force to be In Policy.