

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

**OFFICER-INVOLVED SHOOTING – 051-21**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ()</u></b>	<b><u>Uniform-Yes (X) No()</u></b>
Newton	10/21/21		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	24 years, 10 months

**Reason for Police Contact**

Officers responded to a radio call of a woman armed with a knife, inside a residence, with a 10-year-old boy. Upon arrival, the officers learned that the Subject was holding the boy at knifepoint. The officers established communications with the Subject to get the child and Subject to exit the residence; however, she refused. While awaiting the arrival of Special Weapons and Tactics (SWAT) officers, the Subject began stabbing the boy with a knife, resulting in an Officer-Involved Shooting (OIS).

<b><u>Subject(s)</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
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Female, 31 years of age.

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent 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, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on August 23, 2022.

## **Investigative Summary**

On Friday, October 1, 2021, at approximately 1700 hours, Witness A arrived at her residence. Witness A did not have a key to her unit and responded to the front unit of the residence to obtain a key. When the 10-year-old boy (Victim) opened the residence's front door, Witness A noticed the Victim appeared sad and observed the Subject lying on the living-room floor. According to Witness A, the Subject seemed to be lost, appeared pale, her hair was disheveled, and she was staring at a wall.

According to Witness B, the Subject began using narcotics at the age of 14 and has spent some time in rehabilitation. According to Witness C, the Subject takes medication for depression.

Witness A entered the residence to obtain a key to her unit and noticed the Subject began to cry, as she asked for Witnesses C and D. When Witness A told the Subject that Witnesses C and D were attending a funeral, the Subject replied, "I saw you in the hospital. You were dead." Believing the Subject was under the influence of drugs and concerned for the Victim's safety, Witness A remained with the Victim inside the residence. According to Witness A, the Subject was hallucinating and talking as if she was having a conversation with someone else. Suddenly, the Subject began to move furniture around and asked Witness A, "Who are the men outside?" Then the Subject ran to the kitchen, opened a cabinet door, and retrieved a large gray knife. The Subject exited the residence's front door armed with the knife and said something inaudible to a package delivery man. The Subject re-entered the home, hid the knife in the front portion of her shirt, and told Witness A, "I have to do it. I'm going to go to hell." The Victim grabbed the Subject by the shoulders and told her that he was scared. The Subject sat down, continued to cry, and told Witness A that someone was going to kill Witnesses C and D.

At approximately 1800 hours, Witness A called Witness D and informed her of the Subject's condition. Witness D told Witness A that she would come home. According to Witness A, Witness D arrived at approximately 1830 hours. When Witness D entered the home, the Subject looked at Witness D with hatred while still concealing the knife underneath her clothing. Witness A stated she did not initially tell Witness D that the Subject was hiding a knife because she did not want the situation to escalate and have the Subject violently act out. Witness D informed the Subject that the social worker had told her that the Subject could not be at the house and had to leave the Victim with her. The Subject laughed and told Witness D that she would not leave.

Witness D exited the residence to feed her bird. Witness A told the Victim to go outside, and the Subject told her, "No. You're not taking him. The one who is going outside is you." The Subject then pushed Witness A out of the residence through the front door while the Victim remained inside with the Subject.

According to Witness D, the Subject called for her as she stood at the doorway with her left arm concealed behind her back. Witness D walked to the front porch and approached the front door of her residence. Suddenly, the Subject grabbed her by the arm and attempted to pull her into the residence. Fearing the Subject would hurt her, Witness D pulled away and began to yell for help. The Subject closed the front door

while the Victim remained inside. After this occurred, Witness A informed Witness D that the Subject was armed with a knife.

Witness D stated the Subject had told her in the past that if she reported to the police or her social worker that she was using drugs, she would kill herself.

At approximately 1849 hours, Communications Division (CD) received a 911 call from Witness E, who requested a police response. Witness E told the dispatcher that her neighbor (the Subject) was under the influence of drugs, inside a residence armed with a knife, and threatening to kill the Victim. During the 911 call, Witness D was heard in the background screaming hysterically.

At approximately 1853 hours, CD broadcast, "Newton units, 415 woman with a knife, [...]. Suspect is a female [...], 30-years old, wearing a white striped shirt, inside with an 11-year-old [...], armed with a knife. It's Code-Three[....] Unit to handle identify?"

At approximately 1854 hours, CD broadcast additional information, "Newton units, your 415 woman with a knife, [...], is now a violent female mental illness. Second-hand information, the subject is a female [...], suffers from PTSD, anxiety, and depression. Locked inside of the bedroom with [...] with a knife, now Code-Three, [...], any unit to handle identify?"

Communications Division initially assigned the call to Sergeants A and B.

At 1856 hours, Police Officers A and B canceled the supervisors and advised CD to assign the call to them. Officer A advised CD he/she was Code-Sam (less-lethal equipped) and was responding Code-Three (with emergency lights and siren activated) from Newton Station. Officers A and B were assigned as partners approximately three times in a one-deployment (28-day) period. According to the officers, they had prior tactics discussions regarding contact/cover responsibilities.

Officer A activated the vehicle's lightbar system and responded to the location. Officers A and B then activated their Body-Worn Videos (BWVs). As the officers responded, Officer B read the comments of the call to Officer A and advised him/her that the suspect was armed with a knife, possibly suffering from a mental illness, and threatening to harm the juvenile. Body-Worn Video captured the officers discussing tactics as they were enroute. Officer A advised Officer B that he/she would deploy the 40 millimeter Less Lethal Launcher (40mm LLL) and she would be the contact officer.

At 1902:20 hours, CD broadcast additional information, "P/R called for your violent female with mental illness, [...]. The subject is armed with a large kitchen knife, attempted to stab PR's [...]. Is now barricaded in the residence with [a 10-year-old boy]." Officer B acknowledged the updated information.

This incident, including the barricade negotiations, OIS, child's rescue, and Subject's arrest, occurred over the span of more than two hours. During the incident, officers' positions and roles changed multiple times. Therefore, unless a specific moment was deemed significant, the officers' general movements and actions were summarized.

At 1904:06 hours, Officer B broadcast that they were at the scene.

At 1904:28 hours, CD broadcast, "Newton units and [...] additional PR called. The suspect is under the influence of meth[.]"

The officers exited their police vehicle, at which time Officer A opened the trunk of his/her vehicle and retrieved a 40mm LLL. Officer A inserted a live 40mm eXact iMPact round into the chamber and slung the weapon. When asked by FID investigators why he/she retrieved the 40mm LLL, Officer A stated, "The comments of the call said that there was a person that was armed with a knife. And obviously, if we have to use less than lethal, that's a tool that we have to use in case we have to use the less-lethal."

Meanwhile, Officer B walked to the front of the residence and met with Witness F. Witness F was on the phone with a 911 operator and told Officer B that he had a key to the house and then gave it to her. Witness F then directed Officer B to Witness D, who was crying and sitting in the front yard of the residence. Officer B met with Witness D, who advised in Spanish that the Subject was on drugs, armed with a knife, and that the 10-year-old Victim was inside the residence. Witness D further stated that the Subject grabbed her while holding a knife in her hand and wanted to kill her. Witness F advised FID investigators that the Subject was scheduled to begin an in-patient drug treatment program on September 30, 2021. When she arrived at the facility, she refused to take a drug urinalysis test and was not accepted into the program.

At 1906:17 hours, Officer A broadcast for an additional unit. Officer A then broadcast that there was a possible barricaded suspect inside the residence who was refusing to exit.

In response to the additional unit request, the following personnel responded: Police Officers C, D, E, F, G, and H.

Officers G and H had been assigned as partners a total of three times. According to Officer H, they had discussed contact/cover responsibilities and the firearm systems they carry on their person. According to Officer G, they had also discussed contact/cover responsibilities and lethal/less-lethal options.

While waiting for the additional units to arrive, Officers A and B attempted to calm the witnesses. They gathered additional information and learned that the home was subdivided into two residences and that the Subject and the Victim were the only ones inside the front residence. Officer A controlled the scene by moving witnesses and bystanders away from the front of the home.

At approximately 1907 hours, Sergeant C, broadcast, "[...] can you have a MEU unit respond to that same call?" Communications Division broadcast, "Any SMART unit respond to [...]" A Systemwide Mental Assessment Response Team (SMART) unit did not acknowledge the broadcast.

A neighbor, Witness G, handed Officer B a cellphone and told him/her that the Subject was on the line. Officer B then began to converse with the Subject. Officer B's BWV captured him/her attempting to de-escalate the situation by informing the Subject that

he/she was there to help her and asked the Subject to release the Victim, but she refused. The Subject sounded delusional as she asked Officer B to locate her family. Officer B stated the Subject was agitated, screaming, and using profanity. Officer B repeatedly tried to reassure her that her family was at the scene, and the Subject stated, "You have them. You're not a real [expletive] cop." Despite Officer B's continuous efforts to convince her, the Subject refused to exit. Officer B spoke with the Subject for approximately 13 minutes and the conversation ended when the Subject disconnected the call. Officer B attempted to call her back multiple times, but the Subject did not answer.

At approximately 1910 hours, Officers G and H arrived at the scene. Officer A directed them to position their police vehicle in front of the residence and use the spotlights to illuminate the house, which they did.

At 1910:09 hours, Sergeant A broadcast that he/she was at the scene. Sergeant A met with Officer A and was informed that Officer B was on the phone with the Subject. Officer A further informed him/her that the Subject was inside the residence with the 10-year-old boy and refusing to exit, the door was locked, and the Subject was armed with a knife.

At 1911 hours, Officers C and D arrived at the scene. Officers C and D activated their BWVs, approached Officer A, and were informed that there was a female with a knife locked inside the residence with a child. Officer A directed Officers C and D to the rear of the residence to monitor the back of the location and told them to switch to Newton simplex frequency, so that they could communicate. As Officers C and D approached the front of the residence, they unholstered their service pistols. The officers entered the west walkway of the home and cleared it of any potential threats. Afterward, the officers discussed tactics, specifically lethal/less-lethal options, re-deployment, and communications.

Officer D stated, "I drew and unholstered my firearm because of the possible suspect being armed and unknown, at the time, that residence if there was a way for that possible suspect to exit the residence from the side or the rear."

Officer C stated, "So the reason -- the reason I felt it was necessary was because as we're walking back there, like I said, our job is to clear, make sure there was no one else in the back. We knew obviously there was a threat inside that house. But we don't know if that person made their way to the back. They may, you know, they may be present in the back for all we know. So, there's always that possibility of that threat to -- to be there. And we know that she's possible -- they're possibly armed. At the time we didn't know it was a knife, but there was someone that was possibly armed."

At approximately 1915 hours, Sergeant A designated Officer G as the Designated Cover Officer (DCO) and told him/her to retrieve his/her Police Rifle (PR). Officer G responded to his/her vehicle, deployed his/her PR, and chambered a round. Meanwhile, Sergeant A retrieved a ballistic shield from the truck of his/her police vehicle. Officer H designated himself/herself as the less-lethal officer and obtained the 40mm LLL from Officer A. Officers E and F arrived at the scene and were assigned to the arrest team.

Officer A broadcast on Newton simplex frequency and directed Officer D to check the west side of the residence for any sign of movement within the house. Officer D holstered his/her service pistol, looked into the rear unit of the home (Witness A's residence), and advised Officer A that he/she could hear people conversing. The people talking ultimately turned out to be Witness A and her 11-year-old daughter. Witness A subsequently contacted Officers C and D and informed them that her part of the residence was subdivided by a permanently secured doorway and further blocked by her refrigerator. Witness A further advised the officers that the Subject was in the front half of the home. She gave them a key to her front door and granted them access to her unit. Witness A informed the officers that she needed to go to work and requested to leave. Witness A and her daughter were then escorted off the property.

According to Sergeant A, "So at that point I had two units on scene, as well as myself coming up. And I then I continued -- once again I jumped back over to Officer B. He/she began advising me of the situation. At that point I realized that I'm going to need additional units, so I went a step back and put out some additional unit requests to get more officers enroute, realizing that this may be a barricade and hostage situation."

Multiple personnel responded and arrived at various times at the location. The list included Sergeant D, as well as Police Officers I, J, K, and L.

According to Officer K, "We had responded from the station and during our time at the station, the DICV system had shut off completely. So when we began to respond, during our response, I was trying to power on the DICV system and then also as well as log in, but I was unable to do so by the time we got Code 6."

At approximately 1926 hours, Sergeant A formulated a rescue/arrest team consisting of Officer K, shield, Officer G, PR/lethal, Officer H, 40mm LLL, Officer A, less-lethal with TASER, Officer L, communications, Officer B, assigned to unlock the door, and Officers E and F, as the arrest team. Sergeant A advised the group that the Subject was armed with a knife, holding a 10-year-old boy hostage, and she had barricaded the front door. Sergeant A directed the team to don their ballistic helmets.

According to Sergeant A, "I explained -- basically advised them [the entry team] that in the event that an attack on the sus -- on the Victim begins, we have -- we have to act immediately at that point, so we would be making entry."

At approximately 1927 hours, as Officer D was inside Witness A's residence listening for movement, he/she broadcast on Newton simplex that he/she could hear movement from inside the front residence as if someone was moving items inside the home.

At approximately 1928 hours, Sergeant A phoned Sergeant E, and advised him/her of the barricade situation involving a potential hostage and that the rescue/arrest team was going to attempt to make entry into the residence once breaching tools arrived.

Sergeant E stated, "So he/she told me that they had set a team ready just in case the -- the child was -- became harmed. And he/she also said that -- now at that point I told him/her that he/she should have a CP ready, crime scene log started, and a chrono

going for the propensity that this incident could escalate. I told him/her that I – either myself or Sergeant C will be rolling out to the scene momentarily.”

At approximately 1935 hours, Sergeant D arrived at the scene. Sergeant A briefed Sergeant D of the barricade situation involving a potential hostage. According to Sergeant A, “Sergeant D -- Sergeant D was there as well. He/she was assisting in the front. We kind of quickly made a quick plan, and I went ahead and advised him/her I would go ahead and continue taking on the tactical side of it. He/she advised he/she would go ahead and take on the administrative side of it, communications and things of that nature.”

At approximately 1937 hours, the Subject opened a kitchen window located on the west side of the residence. Officer C notified Officer D of his/her observations and then broadcast on Newton simplex that the kitchen window had been opened. Officer D’s BWV then captured the Subject stating, “Go get my family,” as the Victim is heard crying and telling the Subject to stop. Officer C broadcast on Newton simplex that the Victim was yelling and crying.

Based on the officers’ BWV, it is possible that the Subject was physically harming the Victim due to his screams of pain; however, the officers were not in a position to observe the Subject’s actions.

Officer D obtained a chair and placed it near the kitchen window to gain a visual of the inside of the residence. Officer D stood on the chair and unholstered his/her service pistol. Officer D stated, “I believe that was also when we're at a low position of advantage, we didn't have the high ground. It was to protect myself and my partner of imminent threat of serious bodily injury or death. Not knowing what was on the inside. Although, knowing that there was a knife we weren't sure of any other additional weapons or if the suspect would possibly charge us from the inside of the window or try to attack us.” Officer C obtained an additional chair and placed it just south of the first chair, near the kitchen window. The officers shined their flashlights inside the window as Officer D looked into the residence.

Meanwhile, Sergeant D approached the rescue/arrest team and directed Officer H to reposition his/her police vehicle, to have the car facing the residence, which he/she did. Sergeant D stated, “I believe I suggested for him/her to reposition one of the black and whites that was -- or the police cars that were -- that was positioned in front of the house just because -- for tactical purposes. We want to be able to use the ballistic panels of the car or the doors to position ourselves in a better place and then also in the event that if we needed to, you know, call whoever was inside the house or PA them, the PA would be directed to where the house was at.”

Sergeant D also directed Officer J to obtain a signed Investigative Report (IR) from Witness D for Assault with a Deadly Weapon (ADW) before the rescue/arrest team approached the front door of the residence.

According to Sergeant D, “So one of the things for me in hearing that was, okay, is there a crime? Do we have anything that would, you know, allow us to be able to either, a,

make entry to rescue the kid that was in there or, b, you know, verify if this is someone that's just suicidal?"

According to Officer B, "[Sergeant D] gave me the impression that he/she wanted to see a signed Police Investigation Report (PIR) prior to us making entry. He/she wanted to know if there was a crime that had occurred. At that point, yes, I knew that a crime had occurred, not just what was happening inside with [the Subject and Victim]. I knew that prior to that, she had tried to attack [Witness D]. So I knew that there was a crime but I -- I didn't have the signed PIR that he/she was asking me for. So I kind of -- I tried to explain it but I guess I didn't do a very good job because he/she continued to need or request the PIR prior to us making entry."

At 1939:46 hours, Officer B's BWV shows Sergeant D asking him/her if she had a signed Investigation Report (IR), which he/she did not. Sergeant D stated that they should get an IR signed before making entry to "cover the bases." Officer B's BWV captured Sergeant A state, "I'll take the hit on it, it's a rescue effort."

At approximately 1940 hours, Sergeant A directed the rescue/arrest team, consisting of Officers A, B, E, F, G, H, K, L, and himself/herself, to approach the front door of the residence and attempt entry.

According to Sergeant A, "I explained -- basically advised them [the entry team] that in the event that an attack on the sus -- on the Victim begins, we have -- we have to act immediately at that point, so we would be making entry."

The team approached, and Officer B unlocked the door with a key as Officer K announced in a clear and loud voice, "Anybody in [the residence], this is LAPD. Come out with your hands up. We're not here to hurt you. We just want to talk." Officer A responded to the west walkway and told Officers C and D they were going to enter the residence.

Officer B pushed on the door but could not open it. He/she believed a heavy object behind the door prevented him/her from opening it. Officer K holstered his/her pistol and kicked the door three times but was unsuccessful in forcing the door open. Officer K handed the ballistic shield to Officer B and attempted to open the door by pushing the door with his/her hands and body weight but was unsuccessful. Officer B then unholstered his/her service pistol. Officer B was asked why he/she unholstered, and he/she stated, "Because at that point, I knew that Officer K was going to kick the -- kick the door in. And even though he/she had the shield, he/she had everything with him/her, he/she was going to kick the door so I knew he/she was going to be imbalanced. And if need be, then I would be the first one in if he/she lost balance -- somehow opened the door and lost balance and I would be the first one in, so I unholstered."

Sergeant A did not have his/her BWV activated at this point in time. Sergeant D showed himself/herself at the scene at 1934:32 hours; however, he/she did not activate his/her BWV until 1941:03 hours. Sergeant D stated he/she did not believe he/she had a late activation because he/she was communicating with Sergeant A.

As the rescue/arrest team attempted to enter, Officer D looked into the residence through the kitchen window and momentarily observed the Subject squatting behind a large mirror. Officer D called out to the Subject and identified himself/herself as a police officer. The Subject said something inaudible and then stated, "You're not the police." As Officer D communicated with the Subject, she began screaming and asking for her family. At one point, Officer D warned the Subject that force could be used. The Subject then yelled, "I'm going to die." Officer D advised Officer C that the Subject was possibly armed. Officer C broadcast this information on the police radio and advised the rescue/arrest team to stand by. This caused Officer K to stop his/her attempts to open the door. The rescue/arrest team re-deployed to various positions in front of the residence.

Sergeant C's chronological log indicates that at 1945 hours, Sergeant A called him/her and advised him/her that the Subject had barricaded herself inside the residence and that he/she planned on notifying SWAT of the incident.

At 1945:35 hours, Officer D's BWV captured him/her asking the Subject if she could stand up. The Subject refused to stand up and then told the Victim, "Get up son. Get up. They're not going to shoot you." Officer D asked the Victim where he was located, and he replied, "Right here." It was at this time that Officer D learned the Victim was with the Subject. Officer C broadcast on Newton simplex, "Hey, just be advised [the Victim] is with her inside. They're both inside. They're both inside the room hiding." The Subject is heard saying to the Victim, "You know I don't want to hurt you but I have to if they're going to come [Inaudible]." Officer C stated he/she heard the Subject say, "If you guys come in I'm going to -- I'm going to do it. I'm going to hurt him and I'm going to hurt me."

Officer D shined his/her flashlight inside the residence, as the Victim continued to cry frantically, and attempted to assure the Subject that he/she was a police officer. The Subject then told the Victim that the police would take and rape him.

At 1948:30 hours, Officer D's BWV captured him/her telling Officer C that the Subject was armed with a kitchen knife. Officer C broadcast on the police radio, "Hey, just be advised, she is armed with a large kitchen knife. She is armed with a large kitchen knife. [The Victim] is inside." Officer D stated, "There were times where she would then adjust the mirror. And at one point she was adjusting the mirror I could see that she had an approximate eight-inch knife she was holding in her hand."

While this was occurring, Officers A and B went to the east side of the residence, looking for another point of entry. Officer A located a 50-degree stairway slope ladder and placed it under a window on the east side of the residence. Officer A climbed the ladder and removed the window screen. During this time, Officer C broadcast on the police radio, "Just be advised, she just stated she doesn't want to hurt [the Victim] but she's going to do it if you guys come inside." Officer A discontinued his/her attempt to gain entry and got off the ladder.

At 1948:58 hours, Officer A utilized the Public Address (PA) system of a police vehicle and announced, "This is the Los Angeles Police Department. We understand that you are under some stress right now, but you need to come outside right now or at least let

[the Victim] come out. You can stay in there all you want, just let [the Victim] come out, and we're fine with that. You hear me [the Subject]?" The Subject did not exit or allow the Victim to leave the residence.

Officer A then responded to the west side of the residence and observed Officer D standing on a chair. Officer A asked Officer D if he/she had a good shooting platform, and he/she replied that he/she did not. Officer A located a ladder and positioned it adjacent to the kitchen window allowing Officer D a better field of vision.

At approximately 1950 hours, Sergeant A called Metropolitan Division and advised of an armed barricaded ADW suspect holding the Victim hostage. Special Weapons and Tactics element members were notified of the call-out and began to respond from their respective locations. Approximately 39 minutes elapsed from the time Sergeant A arrived at the scene until he/she contacted Metropolitan Division.

Additionally, Metropolitan Division K9 platoon Sergeant F, as well as Police Officers M, N, and O were at Metropolitan Division Station and responded Code Three (with emergency lights and siren) to form an Emergency Rescue Team (ERT) in the event the Subject's actions necessitated an entry.

At 1951:03 hours, Sergeant D utilized the PA system of the police vehicle and announced, "[...] this is the police department. You're not in trouble. We just need you to come out and make sure that you are safe. We want to make sure [the Victim] is safe. You're not in trouble OK Just come out the front door. Your family is a little stressed out. We just want to make sure that you are OK. Come out the front door with your hands up and just be guided by officers, OK. Again, you're not in trouble; we just want to make sure you get the help that you need, OK. We're not leaving. We're here in the front; you're families [sic] in the front. But we need you to just come out and make sure that everything is OK. Come out with your hands up and be guided by officers." The Subject did not comply.

At 1951:47 hours, Officer D continued communicating with the Subject and requested she release the Victim, but she refused. Officer C took out his/her folding knife, approached the kitchen window, and cut the window screen. According to Officer C, "Since we were the two back there for the entire, it's myself and [Officer D] and since [Officer D] couldn't get a good view inside the house the best idea that, you know, myself and [Officer D] came up was, hey, we'll remove that screen. We'll try to get it out and then we'll be able to see inside again. The dark -- the house was dark, completely dark. It's dark back there -- or it's already nighttime. So myself and [Officer D] say, 'hey, we're going to remove the screen. We're going to try to make the best out of it.'"

Shortly after Officer C cut the window screen, the Subject stated, "I know what you guys want to do." As Officer D began to remove the screen, the Subject yelled, "Hey, don't do it. Don't [expletive] do it! Don't [expletive] do it, alright!" Officer D ceased his/her attempt to remove the kitchen window screen as the Subject yelled, "You guys keep [expletive] doing that [expletive] I'm going to [expletive] do it!" The Victim was heard crying in the background.

In the interim, Sergeant D entered the west walkway of the home and activated a motion sensor light attached to the roof facing the walkway. Sergeant D retrieved a mop and removed the light from the roof. Sergeant D stated, "When you're working at nighttime, your eyes can go in and out of focus. So when you have lights like that with that type of illumination and they're facing directly towards you, it'll prevent you from having good eyesight in the evening time. So that was one of my reasonings. And, secondly, it's providing suspect a position -- or at advantage because the lights are basically illuminating our movement and it's showing where the officers are going to be located outside of the home."

At 1955 hours, Officer C removed the kitchen window screen. As soon as Officer C pulled the screen, the Victim began to yell in pain. Officer D asked the Subject, "What are you doing [...]?" Officer D told Officer C and Sergeant D that he/she could not see her. The Subject stated, "I'm going to [expletive] do it!" The Subject was captured telling the Victim that the officers at the scene were not real police officers as she concealed herself and the Victim behind a large mirror.

At 1957 hours, Sergeant E arrived, broadcast he/she was at the scene, and declared himself/herself the Incident Commander. Sergeant D's BWV captured Sergeant D and Sergeant A agreeing that Sergeant A would be in charge of the tactical operation and Sergeant D would handle the administrative portion of this incident.

During Sergeant D's interview, he/she stated they agreed that Sergeant A would handle the administrative portion and Sergeant D would handle the tactical portion of this incident.

At 1959:45 hours, Officer D told Officer C, "I can see the knife, she's still armed with a knife, but now it's behind the mirror." Officer C broadcast that information on the police radio. Officer D stated he/she could only see the top of the Subject and the Victim's foreheads.

At approximately 2001 hours, Sergeant D broadcast a request to know the arrival time of the Mental Evaluation Unit (MEU). Communications Division replied that the MEU was enroute with a delay.

At 2001:27 hours, Officer D's BWV captured the Subject rapidly raising and lowering one of her hands with a knife in it. The Subject stated, "You guys aint going to get what you want. You all going to kill me but you going to kill him too." Officer D then told Officer C, "She just stated if we go inside, she's taking [the Victim] down with her."

At 2004:11 hours, Officer D's BWV captured the Subject raising a large silver knife as she continued to conceal herself and the Victim behind a large mirror. Officer D told Officer C, "There's a large knife," at which time Officer C broadcast that information on the police radio. Officer D continued to communicate with the Subject, attempting to assure her that he/she was there to help. The Subject continued to yell and request her family.

At approximately 2008 hours, Sergeant D requested that Witness F use the PA system of the police vehicle and ask the Subject to turn on her cellphone and exit the home.

Officer D told the Subject that Witness F was on the PA system when the Subject yelled, "Yeah, but you guys are not real [expletive] cops." The Subject stated her cellphone was dead and refused to exit the residence. Officer D told Officer C that the Subject was concealing herself behind the Victim. Officer C broadcast that information on the police radio.

At 2011:23 hours, Officer D's BWV captured the Victim screaming in pain and yelling, "Ouch." The Victim was captured telling the Subject that his finger was bleeding and that it hurt. The Subject was captured saying, "You see [expletive]. I'm not [expletive] playing." According to Officer D, the Subject displayed the Victim's finger and noticed it was bleeding. Officer C broadcast on the police radio that the Subject had cut the Victim's finger.

At approximately 2013 hours, Sergeant D used the PA system of a police vehicle, identified himself/herself, and requested that the Subject to exit the residence. The Subject did not comply.

At approximately 2014 hours, Sergeant D's BWV captured him/her asking Witness F if the Subject had turned on her cellphone. Witness F replied that Witness C attempted to call the Subject but was unsuccessful.

At 2014 hours, Officer D's BWV captured him/her telling Officer C to get approval from a supervisor for a hostage shot. Officer D stated, "And during that time knowing the fact that there was a possible hostage shot coming up I told my partner, I said, request permission for a hostage shot. I know I don't need permission. But that was my way of communicating that to fellow officers and supervisors there's a possibility that there's going to be a hostage shot coming to -- to be ready in case we have to gain entry into the front of the residence for rescue. And the possibility of crossfire."

According to Officer D, "Due to the high stress situation, I am on target. I am. The suspect had the knife in a downward position. She was telling [the Victim] it's not going -- it's going to be quick. At that point I believed she was getting ready to stab [the Victim]. So I was on target, my finger was on the trigger, and I was advising my partner to stand by. Meaning, with that I was trying to stay as calm as possible, finger was on the trigger, my sights were aligned due to the mirror being in place. I was -- I didn't want to possibly shoot [the Victim]. So because of that I was very calm, I was trying to be as smooth as possible to prevent shooting [the Victim] to protect his life from [the Subject]."

Officer C broadcast that Officer D had a shot and asked if they were allowed to take it. There was no response.

At 2016 hours, Sergeant D entered the west walkway of the residence and met with Officer C. Officer C told Sergeant D that the Subject was holding the Victim and had cut his finger. As Officer D was on the ladder, he/she told Sergeant D that the Subject and the Victim were behind a mirror.

Sergeant D returned to the front of the residence and told Sergeant E that the Subject had cut the child's finger. Sergeant E told Sergeant D that they had to enter the home. Sergeant D approached the rescue/arrest team and advised them that the Subject was

holding the child and had cut his finger and that they were going to enter the residence to rescue the child. Sergeant D assigned the following officers their specific assignments as part of the rescue/arrest team: Officer K, shield/ram, Officer G, PR/DCO, Officer H, less-lethal with 40mm LLL, Officer L, communications, Officer B, trailer, and Officers E and F, trailers/arrest team, with Sergeant D, now supervising the team.

At approximately 2017 hours, Officer D's BWV captured the Subject saying, "I'm only planning on it if you guys get the [expletive] in here. Once you guys get in, it's over." Officer D told Officer C, "She said if we make entry it's over," at which time Officer C broadcast, "Hey, she just stated that if we make entry then it's over."

Sergeant D stated, "Sergeant E had mentioned to me what was relayed to me from the officer that was doing the crisis negotiation. And we formed the opinion that it was probably best for us at this point to not make entry based on a comment that she had made if we were going attempt to go in, she would kill him. So obviously, you know, focusing on the preservation of life for me."

At approximately 2018 hours, Sergeant E asked for an update on the MEU's arrival time and requested for an ambulance to respond. Communications Division advised that a MEU was enroute with a delay and to stand by on the Rescue Ambulance (RA). Sergeant E directed CD to stage the ambulance nearby.

At approximately 2022 hours, Sergeant A entered the west side of the residence and asked Officer C if he/she had any less-lethal options in his/her police vehicle. Officer C told Sergeant A he/she had a 40mm LLL and responded to his/her vehicle to retrieve it. Sergeant A stayed with Officer D until Officer A arrived. At approximately 2025 hours, Officer C returned, now armed with a 40mm LLL.

At approximately 2023 hours, Sergeant D responded to his/her police vehicle and retrieved his/her ballistic helmet and shotgun. When asked why he/she elected to deploy a shotgun, Sergeant D stated, "I remember one of the officers that was part of the rescue team, who was equipped with a rifle [Officer G], and at one point he/she had repositioned himself/herself to serve as a designated cover officer for the officers that were assisting with the crisis negotiation. In my opinion, the shotgun -- it would be a preferred weapon system, especially if you're going to be making an entry -- a dynamic entry. I realize that the officers that were part of that entry team were not equipped with any other resources, like a rifle or a slug or anything like that. So that's why I opted to grab the shotgun that I had available, secured in the backseat of my car, and bringing it to part of the team. Officer G was still with the rescue/arrest team, armed with his/her rifle, and had not been re-assigned to assist Officers C and D at this point."

Meanwhile, Sergeant A responded to the front of the residence and met with Sergeant E. Sergeant A advised Sergeant E that the Subject was hiding behind the Victim and had told Officer D that the minute the rescue/arrest team attempted to enter the residence, "I'm going to do him." The sergeants discussed placing a rifle-equipped officer on the west side of the home in the event a precision shot was needed.

At approximately 2028 hours, Officer A took over Officer D's position on the ladder. Officer A unholstered his/her service pistol and climbed the ladder. Officer A arrived toward the top of the ladder, used his/her flashlight to illuminate the inside of the residence, and began to speak to the Subject. Officer A stated, "I took Officer D's place to relieve him/her for fatigue and he/she needed to reposition himself/herself. I unholster my sidearm and I was pointing it into the room to monitor her movements while she was armed with a knife and -- and possibly threatening the boy."

Officer D approached Sergeants A and D, and he/she briefed them on the residence's layout, on the Subject's position inside the home, and that the Subject was armed with a knife. Afterward, Sergeant D located an additional ladder from the back of the house and placed it near the kitchen window. From the time Officer D stood on the kitchen chair and began to look inside the residence until he/she was relieved by Officer A, approximately 48 minutes, 49 seconds had elapsed. Officer D made his/her observations through a small kitchen window approximately 3 ½ feet in width and 2 feet, 10 inches in height.

At approximately 2030 hours, Los Angeles Fire Department (LAFD) personnel arrived and broadcast they were staged nearby.

At approximately 2031 hours, Sergeant A removed Officer G from the rescue/arrest team and assigned him/her as the DCO on the west side of the residence. Officer D briefed Officer G on his/her observations for the past 48 minutes and advised him/her of the Subject and the Victim's positions inside the home.

According to Sergeant A, "At that point I started to quickly think of a variety of different things, being that the officers were up on a ladder utilizing a handgun and not really as much of a stable platform as possible. We then -- I went back up to the front, discussed the fact that I did have less lethal back there, but at this point I felt that it was a necessary need to have a rifle up there, because it was going to be that -- more of a precision shot and I wanted the greatest amount of success, if that situation arose. At that point I advised Sergeant E that I was going to go ahead and withdraw Officer G from the initial entry team and I was going to take him/her -- have him/her redeploy to the rear of the -- to the two side of the house with Officer C and D as designated cover officer and shooter in this point -- in this incident, if need be."

Officer B turned off his/her BWV at 2034:30 hours. Officer B stated he/she turned off his/her BWV because he/she had to use the restroom; however, he/she did not utilize a restroom facility. Officer B turned his/her BWV back on at 2059:18 hours.

At approximately 2035 hours, Officer G relieved Officer A and climbed the ladder just outside the kitchen window. Officer G activated the Advanced Combat Optical Gunsight (ACOG) and light attached to his/her rifle and shined the light inside the residence. Officer D climbed the other ladder next to Officer G and continued his/her role as the communication officer.

According to Officer G, "I turned on the light. I illuminated the room. At which point, I saw a small room, maybe -- maybe 10 by 10, where the southern portion of it -- my view was obstructed. There was a bed, like a bed in the middle of the room. It was diagonal

functioned from, it was from east to west, where the subject and the child were behind the bed to the furthest eastern wall with a piece of cardboard blocking their right kind of on the edge of the bed. So they just kind of made their own little triangular cubby hole behind the bed, the wall, and -- and the portion of the room I couldn't see. I remember the subject asking me who I was. I identified who I was. I remember seeing the point about two inches of -- of a long -- of a knife from the right side of the -- the -- of the -- like the bed stand and what I assumed was a right hand. And the -- the child was to her left, being held by an unknown means."

At approximately 2036 hours, Sergeant D used the PA system of a police vehicle and announced that a phone would be placed inside the residence. At the direction of Sergeant D, Witness F used the PA system and announced that Witness D's phone would be given to her and for the Subject to call them. Officer B responded to the west side of the residence and gave the cellphone to Officer C. Officer D told the Subject that a phone would be placed inside the home. The Subject replied, "You better not. If you [expletive] drop anything in here, I'm going to stab him fool and then I'm going to stab myself and then you're [expletive]." Sergeant A ceased the plan to place a phone inside the residence due to the Subject threatening to harm herself and the child.

Between 1948 and 2037 hours, eight announcements were made in English on the PA system for the Subject to exit the residence. A review of Officer D's BWV, who was on the west side of the residence, determined that the announcements were clear and audible.

Sergeant E believed efforts using the PA system were ineffective and directed Sergeant D to position Witness F on the east walkway, behind a 6-foot, 5-inch-high cinder block wall, to establish communication with the Subject, de-escalate the incident, and gain voluntary compliance. Sergeant D and Witness F entered the yard, stood behind the wall, as Witness F began to talk to the Subject. Witness F asked the Subject if she was listening, and she replied, "Yes." When Witness F told the Subject to exit the residence, the Subject began screaming and crying. Officer G's BWV captured the Subject saying, "They're killing my family. They're already killing everybody."

At 2041:21 hours, Officer G's BWV captured him/her stating, "She has a blanket up now." Officer G told officers that the Subject was covering the Victim with a shirt and using him as a shield while armed with a knife in her right hand.

According to Sergeant D, "So at that point I noticed that she was either getting upset or for whatever reason she didn't want to hear [Witness F] anymore. So we made the decision of having [Witness F] withdraw from where he was at and then at that point I had joined the team." Sergeant D and Witness F returned to the front of the residence.

In the interim, Officer A responded to his/her vehicle, deployed his/her PR, and chambered a round. Officer A returned to the west walkway of the residence and advised Officer G that he/she could take his/her position when he/she needed to be relieved.

At 2051:33 hours, Sergeant D's BWV captured him/her chambering a round into the shotgun. Sergeant D stated, "In my opinion, when I retrieved the shotgun, I felt that the

situation wasn't to the point where we were going to use deadly force. When I did chamber the round, based on the information that I was hearing and observing and what the suspect had said in the event that, you know, the officers were going to go in there and make a breach, I felt like the situation was imminent and it was the possibility of us using deadly force. So I formed the opinion that it was probably the safest thing for me to do is to chamber a round in the event that I was going to pass it off or utilize the shotgun myself."

At 2052 hours, Officer G climbed down the ladder due to fatigue. Officer A replaced him/her and climbed up the ladder with his/her rifle. Officer A stated that he/she used the exterior security bars affixed to the kitchen window to rest his/her rifle and stabilize his/her shooting platform. Officer A pointed his/her rifle toward the Subject and placed his/her finger on the trigger. Officer A stated, "The low ready your finger is alongside the gun but I'm on target because I'm thinking that she's a suspect holding a little child hostage and anything can happen. So, I'm on target and I have the finger on the trigger." From the time Officer G climbed the ladder and began to look inside the residence until he/she became fatigued and climbed down the ladder, approximately 17 minutes and 45 seconds had elapsed.

Officer A stated that once he/she looked inside, he/she noticed the Subject displaying erratic behavior. Officer A stated, "I mean she was yelling; she was screaming but at the same time she would hold the little boy in front of her like this. She had the knife in her hand. What she did is she would hide behind him. She would take a quick peek to see where we are and she would be looking. And I'm not sure what she was trying to do but to me, it just -- she was not responding to what we're saying."

The Los Angeles Police Department (LAPD) Incident Details report indicates that at 2054:52 hours, the MEU arrived at the scene. From the time CD broadcast that a MEU SMART unit was enroute with a delay until the unit arrived at the scene, approximately 55 minutes had elapsed.

Officer D continued to communicate with the Subject and attempted to de-escalate the situation and have her exit the residence without success.

At approximately 2055 hours, Metropolitan Division K9 Sergeant F and Officers M, N, and O arrived at the scene. The officers donned their tactical vests, equipped themselves with their rifles, and collected breaching tools which included a ram, hook, and door-breaching shotguns. The officers then began their approach to the front of the residence.

Meanwhile, Sergeant D directed Officer Q to assist Officer D on the west side of the residence. Officer Q responded and was assigned to hold the ladder that Officer D was standing on to prevent him/her from falling.

At approximately 2058 hours, Officer A's BWV captured him/her telling officers that he/she saw the Subject quickly peek at him/her while using the Victim as cover. The Subject was captured praying, and then a scream was heard. Officer A stated, "I was up there. And as I'm looking at her I saw her kind of shift to the left, shift to the right and I'm not sure if -- if it looked like she had pushed the boy or the boy kind of tried to get

away from her. And as the little boy kind of went to her left, would be my right[,] that's when I saw her swinging the knife at him and I believe that she was about to stab him and seriously injure him or kill him or something so I had to act."

At 2059:07 hours, Officer A fired one round from his/her rifle, in a southeasterly direction, from an approximate distance of 11 feet. Officer A stated, "So, what I did is I took one shot center mass of when her -- she exposed her body because the mirror that was blocking them or blocking my view of them had fallen over. I'm not sure if it fell forward or to the side. And I shot one round. She reacted by going backwards and to the side. She was on her back face up." Officer A stated the Subject was still armed with a knife in her right hand, and he/she had lost sight of the Victim. However, he/she knew the Victim was near the Subject.

Immediately after the gunshot, Sergeant D directed the rescue/arrest team, now consisting of Officer K, ram, Officer H, less-lethal with 40mm LLL, Officers E, F, L, trailers/arrest team, and Sergeant D, shotgun and supervisor in charge, to make entry. The rescue/arrest team approached the front door, and Officer K began striking the door with the ram.

As the rescue/arrest team attempted to gain entry, Officer A stated, "She was lying down. She had the knife in her hand. She was still moving and I saw the knife come up and it looked like she was coming again towards the direction of the boy." Believing that the Subject was attempting to stab the Victim, Officer A fired a second round from his/her rifle toward the Subject's center mass, in a downward and southeasterly direction, from an approximate distance of 11 feet. Officer A stated that the Subject fell backwards onto her back, and he/she could no longer see the Victim. Officer A called for the Victim to get up.

Approximately 12 seconds elapsed from the time Officer A fired his/her first round until he/she fired his/her second round. When asked what his/her background consisted of at the time of the OIS, Officer A stated, "The background was a wall of a room and kind of like the corner of the wall in the room where the wall meets the -- the floor."

At 2059:17 hours, Officer Q broadcast, "Shots fired at [...]. Officer needs help. Shots fired again." Communications Division broadcast, "All units, officer needs help, [...]. Officer needs help, [...], shots fired."

Simultaneously, Officers G, M, N, and P were on the street, just west of the residence, when they heard gunshots. The officers entered the front yard of the residence and joined the rescue/arrest team. Officer K was unable to breach the door with the ram. Officer M approached and told the team he/she was going to breach the door with the breaching shotgun. Officer M fired two breaching rounds between the deadbolt and door jamb which defeated the lock.

Officer M activated his/her BWV late. According to Officer M, "After I stepped back and the Newton officers were making entry, I realized I hadn't put my -- my body worn video on my vest, so I took the time to put my body worn on my vest and secure it before stepping in. [...]. It just -- there were other things that were taking place that necessitated my -- I felt needed my attention."

According to Officer M, "They defeated the door jamb and I -- and it moved open. And I tried to give it just a quick kick. You know, sometimes you can -- you can defeat that and get a quick kick. I gave it a kick and it didn't go and so I got out of the way. So, I got out of the way and let the Newton guys go to work." Officer M placed the safety to the "on" position and placed the breaching shotgun on the ground near the front entryway stairwell.

Sergeant D directed the officers to get into the residence, approached the front door, and, while holding the shotgun with his/her left hand, used a forward thrust motion striking the door with his/her right shoulder and ultimately forcing the door open. Sergeant D transitioned the shotgun into his/her right hand and entered the residence, followed by Officers E, F, G, H, K, L, M, N, and P.

Sergeant D stated, "I noticed that there was a delay in the team attempting to open the door. So, my mindset at the time, just from hearing the child, you know, yelling and crying during the whole time that we were there, asking for help, telling [the Subject] that he doesn't want to die, and then hearing the shots and then not hearing the child screaming or talking anymore, in my mindset, it was an immediate defense of life. I knew and I recognized that the priority was to go in there and rescue the child."

A large couch and bed headboard were used to barricade the front door of the residence.

Once inside the residence, Officer K took the lead and approached the kitchen. Officer K stated that he/she observed the Subject on the kitchen floor and a large piece of cardboard covering the Victim. According to Officer M, he/she observed a mirror lying on top of the Victim's legs, moved the mirror out of the way, and observed a pool of blood near the Victim as he lay face down and adjacent to the Subject. Officer M told the team to get the Victim out of the house.

Officer N made his/her way to the front of the rescue/arrest team and observed a kitchen knife between the Subject and the Victim. To prevent further harm to the Victim, Officer N picked up the knife and placed the knife on top of a kitchen table.

The Victim was turned onto his back as Officers F, M, and N lifted him onto his feet. Officers F and N escorted the Victim out of the residence and onto the street. Officers F and N removed the Victim's shirt and then observed several stab wounds on his person. The Victim was placed in a seated position while Officer N applied pressure on a neck wound while LAFD personnel were summoned.

Officer M grabbed the Subject's left arm and attempted to roll the Subject onto her stomach. As Officer M was doing this, Officer O entered the residence. Officer E put on a pair of gloves, grabbed the Subject's right arm, and assisted Officer M in placing the Subject onto her stomach. Officer O then handcuffed the Subject. Officers E and O then put the Subject in the right-lateral recumbent position.

Sergeant F advised Officer M that LAFD personnel would not enter the residence and the Subject had to be carried out of the house for medical treatment. According to

Officer M, "And I was told [Sergeant F] in person that the RA was refusing to enter. They didn't feel the scene was secure. And that we would have to extract or bring the suspect out to the front lawn for them to treat her." SWAT officers were clearing the front bedroom when Sergeant F told Officer M that LAFD personnel would not enter the residence.

Officer E held the Subject's right arm while Officer M grabbed the Subject's left arm. Officer E's BWV captured the Subject kicking her feet as Officer P attempted to grab her legs. Officer P was able to hold her legs as officers carried the Subject out of the residence. As Officers E, M, and P moved her down the front entrance stairwell, Officer M slipped on the stairs, at which time the Subject was placed on the ground. Officers E, M, and P lifted the Subject off the ground and eventually placed her on the front sidewalk of the residence. Los Angeles Fire Department personnel responded from the staging area and began to treat the Subject.

At approximately 2102 hours, Sergeant C broadcast, "[...] on the help call, it's a Code-Four, suspect in custody, and downgrade everybody's response."

At approximately 2115 hours, RA No. 15, staffed by Firefighter/Paramedics, transported the Victim to the Los Angeles County, University of Southern California Medical Center (LACUSCMC).

The Victim was admitted into the Intensive Care Unit (ICU) and treated by doctors for ten penetrating wounds consistent with stab wounds and one penetrating wound to the right buttock consistent with a gunshot wound. The Victim sustained two stab wounds to the right side of the neck, five stab wounds to the back, one stab wound to the right arm, and two stab wounds to the right and left waistline. According to the medical report, the Victim sustained an injury on the right buttock consistent with a gunshot wound from ballistic fragments.

According to the Supervising Criminalist chemical processing results, an examination of the clothing could not determine if bullet fragments entered the clothing. The defects were not caused by bullet fragments independently.

At approximately 2119 hours, RA No. 66, staffed by Firefighter/Paramedics, transported the Subject to California Hospital Medical Center. Officer J rode in the back of the RA as Officer I followed in his/her police vehicle. The Subject was admitted into the ICU and treated by doctors for two gunshot wounds to the back. One of the bullets exited the left breast.

At 2118 hours, Newton Area Watch Commander, Sergeant C, notified the Department Operations Center (DOC) of the Categorical Use of Force (CUOF) Incident.

## **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
Sergeant A	No	Yes	No	N/A	N/A
Sergeant D	Yes	Yes	No	N/A	N/A
Sergeant E	N/A	N/A	N/A	N/A	N/A
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	No	Yes	Yes
Officer C	Yes	Yes	Yes	N/A	N/A
Officer D	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	N/A	N/A
Officer G	Yes	Yes	Yes	N/A	N/A
Officer K	Yes	Yes	Yes	No	No
Officer M	No	Yes	No	N/A	N/A

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

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

### **A. Tactics**

The BOPC found Officers B, C, G, K, and M's tactics to warrant a finding of Tactical Debrief. The BOPC found Officers A, D, E, Sergeants A, D, and E's tactics to warrant a finding of Administrative Disapproval.

### **B. Drawing and Exhibiting**

The BOPC found Officers A, B, C, D, E, G, K, M, and Sergeant D's drawing and exhibiting of a firearm to be In Policy

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

The BOPC found Officers A's lethal use of force to be In Policy.

## **Basis for Findings**

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

enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

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

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

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

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

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

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

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

**Drawing or Exhibiting Firearms:** Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary,

the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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

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

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

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

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

**Rendering Aid:** After any use of force, officers shall immediately request a 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 does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Tactical De-Escalation Techniques: **Planning**; **Assessment**; **Time**; **Redeployment** and/or **Containment**; **Other Resources**; and, **Lines of Communication**.

**Planning** – Officers C and D had been partners for approximately one year and had numerous discussions on lethal/less-lethal and contact/cover roles; they further discussed their roles before contacting the Subject. After speaking with Officers A and B, Sergeant A formed a rescue/arrest team in case immediate entry into the residence was needed. After Officer D established communication with the Subject, Sergeant A contacted Metropolitan Division for SWAT to respond. While waiting for SWAT, Sergeant D verified the officers' roles on the rescue/arrest team and instructed them on the criteria for forcing entry into the residence if needed.

**Assessment** – Arriving at the scene, Officers A and B met with witnesses who advised that the Subject was locked inside the house with the Victim and was armed with a knife. Witness D also alleged that she had been assaulted by the Subject with a knife. Officer B assessed the need to speak with the Subject, to obtain her surrender and/or the Victim's release.

Arriving at the scene, Sergeant A was briefed by Officer A and assessed the need to form a rescue/arrest team. Arriving at the location, Sergeant D, spoke with the Witnesses and assessed the need to obtain a signed Investigative Report (IR).

After officers heard the Victim screaming, Sergeant A assessed the need to enter the residence to preserve the Victim's life. As the rescue/arrest team attempted to force entry, Officer D advised Officer C that the Subject was possibly armed. In response, Officer C advised the rescue/arrest team to stand by and the rescue/arrest team stopped their efforts to enter the residence.

While speaking with the Subject, Officer D heard the Victim yell out in pain. The Subject then displayed the Victim's bleeding finger. Based on the Subject's actions, Sergeant D assessed the need to force entry into the residence. When the Subject threatened to seriously injure or kill the Victim if officers tried to enter, Sergeants A, D, and E assessed the Victim's injury versus the potential for more serious injury if officers attempted to enter and determined that they would wait for SWAT to arrive. During different points of the incident, Officers A, D, and G each stood at the kitchen window and spoke with the Subject. Each officer assessed that the Subject posed an imminent threat to the Victim but could only observe a small portion of her head. Officer A heard praying from inside the residence and then screaming. When the mirror fell, Officer A observed the Subject attempting to stab the Victim. Officer A assessed the need to use lethal force.

As addressed in Debriefing Point No.1 below, Sergeants A, D, and E should have assessed the need to contact Metropolitan Division's Watch Commander without delay.

**Time** – Approximately two hours elapsed from the time Officers A and B arrived until the OIS. During that time, officers spoke with the Subject to obtain her surrender; however, she refused to surrender or release the Victim. The situation rapidly escalated when the Subject began to stab the Victim, limiting officers' ability to continue to use time as a de-escalation technique.

**Redeployment and/or Containment** – Officers remained outside the residence and established communications with the Subject. At one point, officers attempted to force entry into the location but ceased their efforts after Officer D advised that they should stand by. Officers maintained containment around the residence while waiting for SWAT to arrive. When the Subject began to stab the Victim, officers had to force entry to preserve life and render medical aid.

**Other Resources** – Officer A requested additional units for a barricaded suspect. In response, multiple officers responded to the scene. Sergeant C requested a Mental Evaluation Unit (MEU) Systemwide Mental Assessment Response Team (SMART) to respond to the incident; however, a SMART unit did not acknowledge that request until approximately 2001 hours when they advised they would respond with a delay; they were handling another call for service. Sergeant D responded to the scene with breaching tools. Sergeant A contacted Metropolitan Division for SWAT to respond. Metropolitan K9 officers also responded to the scene and formed an Emergency Response Team (ERT) with breaching tools. Observing that officers were unable to breach the front door, Officer M used his/her breaching shotgun to defeat the lock.

**Lines of Communication** – Arriving at the scene, Officer B contacted the Subject using a cellular telephone and asked her and/or the Victim to exit the residence; the Subject refused. Using a chair and then a ladder, Officer D established communication with the Subject through the kitchen window. He/she continuously spoke with her for approximately 48 minutes to de-escalate the situation. Officer D communicated his/her observations to Officer C, who broadcast that information to the officers at the scene. As the incident progressed, Officers A, D, and G took turns speaking with the Subject as they rotated the position at the window. Their respective observations were relayed to other officers. Although officers repeatedly asked the Subject to exit the residence and/or release the Victim, she refused. Sergeants D and E allowed Witness F, to speak to her via a police vehicle PA system and then later from behind a neighboring cinder block wall; the Subject still refused to exit the residence and/or release the Victim. Throughout the incident, Sergeants A and D each spoke with the rescue/arrest team and the officers at the kitchen window to receive updates, give directions, and brief Sergeant E. Immediately following the OIS, Sergeant D directed the rescue/arrest team to enter the residence. Officers continued to communicate as they rescued the Victim, apprehended the Subject, and facilitated medical aid.

- During its review of this incident, the BOPC noted the following tactical considerations:

### **1. Barricaded Suspects/Subjects**

At 1910:09 hours, Sergeant A broadcast that he/she was at the scene. Sergeant A met with Officer A and was informed that Officer B was on the phone with the Subject. Officer A further informed him/her that the Subject was inside the residence with a child and refusing to exit, the door was locked, and the Subject was armed with a knife. At approximately 1950 hours, Sergeant A called Metropolitan Division and advised of an armed barricaded ADW suspect holding [the Victim] hostage. Approximately 39 minutes elapsed from the time Sergeant A arrived at the scene until he/she contacted Metropolitan Division. During that time, Sergeant A formed a rescue/arrest team and attempted to force entry into the residence; however, the team was unable to make entry at that point.

The BOPC noted that before contacting Metropolitan Division, Sergeant A assembled a rescue/arrest team in case the Subject began to inflict serious bodily injury or death to the Victim. The BOPC noted that the Victim was crying and then began to scream. At that point, officers were unable to see inside the residence. Per Officer B's BWV, the Victim could be heard screaming from the street. The BOPC noted the Victim's screaming led Sergeant A to form the opinion there was a need to immediately enter the residence to save the Victim's life.

The BOPC noted that when Sergeant A directed the rescue/arrest team to force entry, the barricaded suspect criteria had been met; however, the BOPC noted that based on the threat to the Victim's life, the incident also met the definition of Immediate Action/Rapid Deployment. The BOPC noted that the rescue/arrest team stopped their efforts to enter the residence after Officer D spoke with the Subject and advised that the rescue/arrest team should stand by; officers had been unable to breach the front door. At that point, the Victim had stopped screaming but was still talking.

Reviewing the sequence of events, the BOPC noted that at approximately 1902 hours, CD broadcast updated information, advising that the Subject was armed with a knife and was barricaded in the residence with the Victim. This information was broadcast before Sergeant A arrived at the scene. Arriving at the scene, Sergeant A met with Officer A. Per Officer A's BWV footage, he/she advised Sergeant A that the Subject was armed with a knife inside the residence, with the Victim, and that she had locked or blocked the door. Based on CD's broadcasts and his/her conversation with Officer A, Sergeant A should have recognized this as a barricaded suspect incident.

When Sergeant A arrived at the scene, Officer B was speaking with the Subject on the phone. At approximately 1921 hours, the Subject disconnected the call with Officer B. During the phone call, Officer B had advised Sergeant A that the Victim was in the residence, but the Subject would not confirm where in the residence they were. After the Subject disconnected, Sergeant A did not ask

Officer B how the call ended or whether the Subject was refusing to surrender. Had Sergeant A debriefed Officer B, he/she likely would have advised him/her that the Subject had refused to exit the location and/or release the Victim. Regardless, based on the totality of the circumstances, at this point, Sergeant A should have recognized that this incident met the criteria for a barricaded suspect situation and should have immediately contacted Metropolitan Division's Watch Commander to request SWAT. Instead, Sergeant A formed an entry team and unsuccessfully attempted to force entry. Approximately 14 minutes passed between the team's formation and the failed entry. Approximately 10 more minutes passed before Sergeant A contacted Metropolitan Division regarding the barricaded suspect. Although the BOPC understands why Sergeant A formed the rescue/arrest team, there was time to contact Metropolitan Division before, during, or immediately after forming the team.

Regarding Sergeant D, the BOPC noted that when he/she arrived at the scene at 1935 hours, he/she was the second supervisor to arrive. Per his/her transcript, Sergeant D learned from witnesses that the Subject was armed with a knife and had barricaded herself inside the house with the Victim. Sergeant D also learned that the Subject had mental health issues and had allegedly assaulted Witness D with the knife. Sergeant D then relayed this information to Sergeant A. Based on the comments of the call, combined with his/her conversation with witnesses, Sergeant D should have recognized this situation as one involving a barricaded suspect, requiring immediate notification to Metropolitan Division's Watch Commander to request SWAT. The comments of the call and the conversation with witnesses also should have prompted Sergeant D to ask Sergeant A if Metropolitan Division had been notified. If they had not been notified at that point, Sergeant D should have ensured that notification was facilitated.

As it pertains to Sergeant E, the BOPC noted that at approximately 1928 hours, he/she received a telephone call from Sergeant A. Per Sergeant E's transcript, Sergeant A advised him/her that there was a female inside a house, potentially barricaded with a ten-year-old victim, and she was refusing to come out. Sergeant E was also told that the Subject had shown a propensity toward violence and was refusing to release the Victim. Per his/her transcript, Sergeant E had heard the initial broadcast of the call and believed an edged weapon was involved. Based on the comments of the radio call and his/her conversation with Sergeant A, Sergeant E should have recognized the situation as one involving a barricaded suspect, requiring immediate notification to Metropolitan Division's Watch Commander to request SWAT. During the call with Sergeant A, Sergeant E should have asked if Metropolitan Division had been notified. If they had not been contacted at that point, he/she should have ensured their immediate notification.

While the BOPC understands the chaotic nature of this incident and appreciates Sergeant A's efforts to manage the scene, had he/she delegated some of his/her tasks to senior officers, he/she may have recognized the need to contact Metropolitan Division much sooner. As a result, notification to Metropolitan Division was unjustifiably delayed. Had Metropolitan Division been contacted shortly after the Subject disconnected the call, they may have arrived before the

OIS. Also, while the BOPC understands there was some confusion regarding the neighbor's involvement, she was quickly eliminated as the suspect, and this should not have delayed the notification.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Sergeants A, D, and E were a substantial deviation, without justification, from Department-approved tactical training.

## **2. Basic Firearm Safety Rules**

During this incident, Officers A, D, and G rotated the position at the kitchen window. Positioned at the window, the officers functioned as DCOs while communicating with the Subject and Victim. At various points, all three officers placed their fingers on the triggers of their firearms but did not discharge a round. As the rescue/arrest team entered the residence, Officer E moved past several officers. As the team approached the Subject and Victim, Officer E unintentionally covered one of his/her partner officers with the muzzle of his/her service pistol unholstered.

The BOPC assessed Officers A, D, E, and G's adherence to the Basic Firearm Safety Rules.

Concerning Officer A, while he/she ultimately discharged his/her rifle, the BOPC noted that per Officer C's BWV footage, Officer A placed his/her finger on the trigger of his/her service pistol for approximately 22 seconds but did not fire. The BOPC also noted that at the time, he/she was holding his/her pistol in a modified close contact position and his/her sights were not aligned on a target. While officers are trained to shoot in the close-contact position, there was no indication that Officer A intended to take a close-contact shot. While accuracy matters, the close-contact position is not a precision shot and would not have been prudent at this point in the incident.

As it pertains to Officer D, the BOPC has consistently stated that an officer's decision to place his/her or her finger on the trigger of a firearm must generally not be a preparatory move but rather a fluid motion that occurs only when the use of deadly force is imminent and the officer intends to shoot. The BOPC also noted that there are exceptions to this rule, specifically as it pertains to a hostage shot. However, as noted in Officer D's second interview, when he/she placed his/her finger on the trigger he/she intended to shoot "if the hostage shot were to come, meaning if the suspect was possibly going to take the life." Reviewing Officer D's interviews with FID, the BOPC believed that he/she did not articulate an imminent deadly threat that would justify his/her finger remaining on the trigger of his/her service pistol for approximately one minute, fourteen seconds.

A purpose of the basic firearm safety rules is to prevent the potential of an unintentional discharge. By preemptively placing their finger on the trigger, especially under stressful conditions, officers increase the risk of unintentionally discharging their firearms. While the BOPC commends Officer D for his/her ongoing assessment and his/her restraint, it is the BOPC's expectation that

his/her finger remained along the frame until he/she decided to shoot. By prematurely placing his/her finger on the trigger and allowing it to remain there for an extended duration, he/she increased the risk of hitting an unintended target.

In terms of Officer E, the BOPC noted that when the rescue/arrest team was directed to force entry, after the OIS, Officer E was to the rear of the team. As the team made entry, Officer E passed several officers as he/she moved toward the front of the line. Entering the residence, Officer E unholstered his/her service pistol. As the team moved through the living room, Officer E raised his/her service pistol and may have unintentionally covered one of the officers in front of him/her with his/her muzzle. As the team approached the Subject and Victim, Officer E raised his/her service pistol, prompting the officer to his/her right to push his/her pistol down and away from the officer in front of him/her. Based on the BWV footage, the BOPC opined that Officer E momentarily covered the officer in front of him/her with his/her service pistol, in violation of the Basic Firearm Safety Rules. While the BOPC understood the chaotic nature of this incident, they opined that this violation could have been avoided had Officer E maintained a safe muzzle direction as he/she moved through the residence.

Regarding Officer G, the BOPC noted that he/she initially recalled placing his/her finger on the trigger of his/her patrol rifle approximately three times. According to Officer G, each time he/she placed his/her finger on the trigger, he/she had identified a target and intended to shoot. However, as he/she was making the conscious decision to press the trigger, his/her target, which he/she described as the Subject's forehead would be gone. Officer G would then remove his/her finger from the trigger. While the BOPC did not note any BWV footage of his/her finger on the trigger, according to Officer G, his/her finger was never on the trigger for more than a "split second."

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer G were not a deviation from Department-approved tactical training. The BOPC also determined that the tactics employed by Officers A, D, and E were a substantial deviation, without justification, from Department-approved tactical training.

### **3. Rendering Aid**

After the Subject was handcuffed, Officers E and O placed the Subject in a right-lateral recumbent position. Officer O then assisted with clearing the residence as Officer E remained with the Subject. Officer E monitored the Subject's breathing and checked the pulse on her wrist; however, he/she did not apply direct pressure to her gunshot wound. When LAFD refused to enter the residence, officers carried the Subject out to the sidewalk so that LAFD could treat her injuries. While outside, Officer E directed LAFD personnel to a gunshot wound on the Subject's back.

The BOPC noted that after the Subject was handcuffed, approximately five minutes passed before she was carried outside and received medical treatment.

Although Officer E helped to place her on her side and monitored her condition, he/she did not apply direct pressure to her gunshot wound. The BOPC noted that according to Officer E, while he/she observed blood on the Subject's back inside the house, he/she did not observe active bleeding. According to Officer E, he/she observed that the gunshot wound to the Subject's back was actively bleeding after carrying her out to the sidewalk. However, the BOPC also noted that per BWV footage, while inside the house, Officer E pointed to a gunshot wound in the middle of the Subject's back as he/she checked her for injuries. Per the footage, the wound appeared to be actively bleeding. As such, the BOPC opined that Officer E should have noticed the injury. The BOPC considered that Officer E was unaware of how long it would take for LAFD personnel to arrive; however, based on the totality of the circumstances, the BOPC determined that he/she should have rendered aid by applying direct pressure until LAFD assumed patient care.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer E were a substantial deviation, without justification, from Department-approved tactical training.

- The BOPC also considered the following:

**Contact and Cover Roles** - During this incident, Officers A, D, and G rotated the position at the kitchen window. While positioned at the window, the officers functioned as DCOs while communicating with the Subject and Victim. Alternatively, a separate officer could have been assigned throughout the incident to communicate with her, which would have allowed Officers A, D, and G to function solely as DCOs.

**Third-Party Negotiator** - At various points during this incident, Sergeant D allowed Witness F to communicate with her to obtain her surrender. While the BOPC commends the Sergeant's efforts, generally it is recommended that a third-party negotiator not be introduced into the negotiation process unless it is unavoidable.

**Maintaining Control of Equipment** - After using his/her breaching shotgun, Officer M engaged the safety, placed it on the right side of the front stoop of the residence, and entered the location. Officer N also placed his/her breaching shotgun on the right side of the front stoop and then entered the location. Although the location was a sterile environment in that there were numerous officers present, Officers M and/or N could have directed an officer to secure or monitor the breaching shotgun.

**Initiating Contact with Rifle Slung** - Officer M had his/her rifle slung in front as he/she made physical contact with the Subject. Alternatively, Officer M could have secured the rifle to his/her body with one hand, passed it off to one of his/her partners, or allowed someone else to contact the Subject.

**Non-Medical Face Coverings** - Officers A, B, C, D, E, K, M, and Sergeants A and E were not wearing a non-medical face covering at the scene as directed by the Chief in May 2020.

## Command and Control

Sergeant A was the first supervisor to arrive at the scene. Although he/she did not declare himself/herself as the Incident Commander (IC), he/she assumed the role and there was no confusion amongst the officers as to who was in charge of the incident. Sergeant A met with Officers A and B and assessed the incident to determine if the Subject was a barricaded suspect. As additional units arrived, Sergeant A directed the officers to don their ballistic helmets and assigned specified roles, including communications, DCO, less-lethal, ballistic shield, rescue/arrest team, and trailers. Sergeant A phoned Newton's Assistant Watch Commander, Sergeant E, and advised him/her of the barricade situation involving a potential hostage and that the rescue/arrest team was going to attempt to make entry into the residence once breaching tools arrived. Per Sergeant E, Sergeant A told him/her that the team would make entry if the Victim was being harmed. Although Sergeant E responded to the scene, he/she did not verify if Metropolitan Division had been notified at that point, nor did he/she contact Metropolitan Division himself/herself. Additionally, Sergeant A was at the scene for approximately 39 minutes before he/she notified the Metropolitan Division Watch Commander of the barricaded suspect. The BOPC determined that this delay was unjustified.

Arriving at the scene, Sergeant D spoke with the witnesses and learned of the barricade situation involving a potential hostage. However, Sergeant D did not verify with Sergeant A if Metropolitan Division had been contacted, nor did he/she help facilitate notification. Sergeants A and D directed officers to obtain a signed Investigative Report (IR) from Witness D naming the Subject as the suspect of an assault with a deadly weapon. After hearing the Victim scream, Sergeant A directed the rescue/arrest team to force entry into the residence. When officers ceased efforts to breach the front door, Sergeant A called Newton Watch Commander, Sergeant C, and advised that he/she planned to call SWAT.

Sergeant E arrived at the scene and declared himself/herself the IC via his/her police radio. While the rescue/arrest team had planned a second attempt to force entry into the residence, Sergeants D and E canceled the plan when the Subject insinuated that she would kill the Victim if officers made entry. Assessing the need for a shotgun, Sergeant D retrieved one from his/her vehicle.

Sergeant E assigned a rifle operator as DCO at the kitchen window in case a precision shot was needed. After determining that previous attempts at communication had been ineffective, Sergeant E authorized Sergeant D to allow Witness F to act as a third-party negotiator.

Immediately following the OIS, Sergeant D directed the rescue/arrest team to force entry into the residence. While holding a shotgun, he/she used his/her shoulder to push open the front door and then directed officers into the residence. Sergeant D directed officers to the Victim and Subject. He/she then directed one officer to cover the Subject while another secured the Victim. Sergeant D began to direct additional officers out of the residence after it was determined there were sufficient personnel inside. After the Victim was extracted from the residence, Sergeant D helped escort him to the street where he could receive medical aid.

The BOPC noted that during the incident, Sergeant E delegated Sergeant A to handle operations and Sergeant D to handle logistics. As the incident progressed, Sergeant D assumed control of the rescue/arrest team while Sergeant A transitioned between the rescue/arrest team and the contact team at the kitchen window. The BOPC opined there was some confusion regarding their roles and opined that they should have clarified those roles with Sergeant E. The BOPC also noted that at various points during the incident, Sergeants A and D opted to relay directions and/or updated information to officers directly. The BOPC opined that it would have been better for everyone at the scene if they had broadcasted the information via their police radios.

As it pertains to Sergeant D, the BOPC noted his/her decision to deploy a shotgun. While the BOPC understood his/her concerns, the BOPC would have preferred that he/she had designated an officer with the weapon instead. The BOPC also noted Sergeant D's actions after the OIS. Although Sergeant D communicated clearly with the rescue/arrest team, the BOPC opined that by directing them to breach the door without communicating with the officers at the kitchen window, he/she created a potential crossfire situation. Also, the BOPC would have preferred that Sergeant D had not bypassed the rescue/arrest team. Using his/her shoulder to force open the door while holding the shotgun caused Sergeant D to enter the residence ahead of his/her team. Additionally, while the BOPC understood his/her compassion for the Victim, they would have preferred that Sergeant D had remained inside the house. By helping escort the Victim outside, Sergeant D was not in a position to oversee the Subject's apprehension.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Sergeant D were a substantial deviation, without justification, from Department-approved tactical training. Also, the BOPC determined that the tactics employed by Sergeants A and E were a substantial deviation, without justification, from Department-approved tactical training.

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

In conducting an objective assessment of this case, the BOPC determined that the actions of Officers B, C, G, K, and M did not deviate from Department-approved tactical training. The BOPC also determined that the actions of Officers A, D, and Sergeant A were a substantial deviation, without justification, from Department-approved tactical training. Additionally, the Chief determined that the actions of Sergeants D and E, and Officer E were a substantial deviation, without justification, from Department-approved tactical training.

Accordingly, the BOPC found Officers B, C, G, K, and M's tactics to warrant a finding of Tactical Debrief. The BOPC found Officers A, D, E, Sergeants A, D, and E's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer A - First Occurrence - Pistol**

At approximately 2028 hours, Officer A took over Officer D's position on the ladder. Officer A unholstered his/her service pistol and climbed the ladder. According to Officer A, he/she took Officer D's place to relieve him/her due to "fatigue." Officer A unholstered his/her service pistol because the Subject was armed with a knife and possibly threatening the Victim.

- **Officer A - Second Occurrence - Patrol Rifle**

Officer A responded to his/her vehicle, deployed his/her patrol rifle, and chambered a round. Officer A returned to the west walkway of the residence and advised Officer G that he/she could take his/her position when he/she needed to be relieved. According to Officer A, he/she believed that the Victim's life was "in danger" and preferred the rifle because it is more precise than a service pistol.

- **Officers C and D - First Occurrence - Pistols**

Officer A directed Officers C and D to the rear of the residence to monitor the back of the location and told them to switch to the Newton simplex frequency so that they could communicate. As Officers C and D approached the front of the residence, they unholstered their service pistols. The officers entered the west walkway of the home and cleared it of any potential threats. According to Officer D, he/she unholstered his/her service pistol because the Subject was possibly armed and it was unknown if she could exit the residence from the side or rear. According to Officer C, he/she was aware that the Subject was possibly armed, although he/she did not know it was with a knife.

- **Officer C - Second Occurrence - Pistol**

According to Officer C, there was a door behind the refrigerator that led to the front residence, so the "threat" was going to be "right there." The resident advised Officer C that the door was bolted shut, but Officer C could not be certain that was true. Officer C unholstered his/her service pistol because he/she did not know if the Subject could open that door and "come at" him/her and his/her partner with "any type" of weapon.

- **Officer D - Second Occurrence - Pistol**

Officer D obtained a chair and placed it near the kitchen window to gain a visual of the inside of the residence. Officer D stood on the chair and unholstered his/her service pistol. According to Officer D, he/she knew there was a knife involved but was not sure if there were additional weapons or if the Subject could charge him/her from inside the residence.

- **Officer C - Third Occurrence - Pistol**

According to Officer C, he/she unholstered his/her service pistol to provide lethal cover for Officer D. Officer D was standing on a chair, trying to see inside the kitchen and speak with the Victim.

- **Officer D - Third Occurrence - Pistol**

According to Officer D, while standing on the ladder looking into the residence, he/she observed the Subject holding the knife in a “downward” position. Believing that the Subject would stab the Victim, Officer D unholstered his/her service pistol. Officer D heard the Subject tell the Victim to “calm down” and “relax” because “it’s going to be quick.” Officer D held his/her service pistol at a “high ready” position in case he/she needed to protect the Victim’s life.

- **Officer G - Patrol Rifle**

At approximately 1915 hours, Sergeant A designated Officer G as the DCO and told him/her to retrieve his/her patrol rifle. Officer G responded to his/her vehicle, deployed his/her patrol rifle, and chambered a round; meanwhile, Sergeant A retrieved a ballistic shield from the truck of his/her police vehicle. According to Officer G, he/she was “holding” the front door of the residence.

- **Officers E and K - First Occurrence - Pistols**

At approximately 1940 hours, Sergeant A directed the rescue/arrest team, consisting of Officers A, B, E, F, G, H, K, L, and himself/herself, to approach the front door of the residence and attempt entry. According to Officer E, he/she approached the door with the team in case they had to make entry. Officer E unholstered his/her service pistol because the Subject was armed with a knife. According to Officer K, he/she unholstered his/her service pistol because the call involved a suspect with an edged weapon.

- **Officer K - Second and Third Occurrences - Pistol**

Officer K holstered his/her pistol and kicked the door three times but was unsuccessful in forcing the door open. Officer K handed the ballistic shield to Officer B and attempted to open the door by pushing the door with his/her hands and body weight but was unsuccessful. According to Officer K, after kicking the door, he/she unholstered his/her service pistol for cover because officers were still dealing with a suspect with a possible edged weapon. Officer K observed the door was open a “little bit” and holstered his/her service pistol again to use his/her hands to push the door but was met with a lot of resistance. Officers decided to pull back behind cover. Officer K unholstered his/her service pistol again because he/she was not sure if the Subject would exit through the front armed with the knife.

- **Officer E - Second Occurrence - Pistol**

According to Officer E, officers were on the east side of the residence past a window. Officer E unholstered his/her service pistol in case the Subject had a firearm or came to the window with a gun.

- **Officers E (Third Occurrence) and K (Fourth Occurrence) - Pistols**

Sergeant D directed the officers to get into the residence, approached the front door, and, while holding the shotgun with his/her left hand, used a forward thrust motion striking the door with his/her right shoulder and ultimately forcing the door open. Sergeant D transitioned the shotgun into his/her right hand and entered the residence, followed by Officers E, F, G, H, K, L, M, N, and P. According to Officer E, he/she unholstered his/her service pistol because the Subject was armed with a knife and shots had been fired. According to Officer K, he/she took over as “point” and unholstered his/her service pistol because he/she was inside the residence with the Subject, and she was possibly armed with a knife.

- **Officer B - Pistol**

Officer K handed the ballistic shield to Officer B and attempted to open the door by pushing the door with his/her hands and body weight but was unsuccessful. Officer B then unholstered her service pistol. According to Officer B, she “knew” Officer K was going to be “imbalanced,” so she would be the first officer to enter the residence.

- **Officer M – Rifle**

At approximately 2055 hours, Metropolitan Division K9 Sergeant F and Officers M, N, and O arrived at the scene. The officers donned their tactical vests, equipped themselves with their rifles, and collected breaching tools which included a ram, hook, and door breaching shotguns.

- **Sergeant D – Shotgun**

At approximately 2023 hours, Sergeant D responded to his/her police vehicle and retrieved his/her ballistic helmet and shotgun. Sergeant D opined that the shotgun was a preferred weapon system for dynamic entries and had realized that the entry team was not equipped with a rifle or a slug shotgun. Before making entry, Sergeant D chambered a round so that the shotgun would be loaded if he/she passed it off or had to use it himself/herself.

Officer G was still with the rescue/arrest team, armed with his/her rifle, and had not been re-assigned to assist Officers C and D at the point Sergeant D retrieved his/her shotgun.

The BOPC noted that the officers and sergeant responded to a radio call where the Subject was armed with a knife, inside a residence with a 10-year-old boy. During the investigation, Witness D told officers that the Subject grabbed her while holding a knife and had wanted to kill her. As the incident progressed, officers spoke with

the Subject. The Subject refused to surrender and/or release the Victim, who she threatened, cut, and ultimately stabbed repeatedly with a knife.

The BOPC noted that as Officers C and D walked toward the rear of the location, they unholstered their service pistol because they did not know if the Subject would emerge from a doorway. While covering a window, Officer E unholstered his/her service pistol; he/she knew the Subject was armed with a knife and was concerned that she may have a firearm. The BOPC noted that as part of the rescue/arrest team, Officers B, E, and K drew and exhibited their firearms. The BOPC also noted that Officers E, K, and Sergeant D drew and exhibited their firearms when the rescue/arrest team subsequently forced entry into the residence. The BOPC further noted that Officers A, D, and G drew and exhibited their firearms while functioning as DCOs and speaking to the Subject through the kitchen window. The Subject was concealed behind a mirror, threatening the Victim with a knife.

The BOPC noted that Officers A, B, C, D, G, and K drew and exhibited their firearms only when prudent and secured them as soon as practicable. Based on witness statements, officers' observations, and the Subject's actions, the BOPC opined that it was reasonable for the officers and sergeant to believe the situation may escalate to the point where deadly force may be necessary.

As it pertains to Officer E's third occurrence, the BOPC noted that while his/her drawing and exhibiting conformed to policy, they would have preferred that he/she had remained holstered despite being part of the rescue/arrest team. The BOPC opined that there were sufficient lethal options in front of him/her. The BOPC was also concerned by the fact that he/she unintentionally covered one of his/her partners with the muzzle of his/her service pistol. This issue was addressed in Debriefing Point No. 2 above. In terms of Sergeant D's decision to enter the residence while armed with the shotgun, the BOPC noted that while his/her drawing and exhibiting also conformed to policy, they would have preferred that he/she had designated an officer with the weapon instead. This issue was addressed in the Command and Control section of this report above.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, D, E, G, K, M, and Sergeant D 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 A, B, C, D, E, G, K, M, and Sergeant D's drawing and exhibiting of a firearm to be In Policy.

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

- **Officer A** – (rifle - two rounds)

#### **Volley One**

At approximately 2058 hours, Officer A's BWV captured him/her telling officers that he/she saw the Subject quickly peek at him/her while using the Victim as cover. The

Subject was captured praying, and then a scream was heard. At 2059:07 hours, Officer A fired one round from his/her rifle, in a southeasterly direction, from an approximate distance of 11 feet. According to Officer A, the mirror had fallen over and exposed the Subject. Officer A had observed the Subject swinging the knife at the Victim and believed she was about to seriously injure or kill him.

## **Volley Two**

Believing that the Subject was attempting to stab the Victim, Officer A fired a second round from his/her rifle toward the Subject's center mass, in a downward and southeasterly direction, from an approximate distance of 11 feet. Officer A stated that the Subject fell backward onto her back, and he/she could no longer see the Victim. According to Officer A, he/she had observed the Subject raise the knife and move toward the Victim.

The BOPC evaluated Officer A's use of lethal force. The BOPC noted that throughout the incident, the Subject demonstrated that she posed a deadly threat to the Victim. The Subject threatened the Victim's life and at one point displayed his finger after cutting it. The BOPC noted that for nearly two hours, officers tried to convince the Subject to surrender and/or release the Victim. Despite their efforts to de-escalate the situation, the Subject suddenly began to stab him. Fearing that the Victim would be seriously injured or killed, Officer A discharged one round from his/her patrol rifle and assessed. Observing that his/her first round had failed to stop the Subject's deadly attack, Officer A discharged a second round approximately 12 seconds later. Assessing that she was no longer an imminent deadly threat, Officer A ceased firing. Based on the totality of the circumstances, the BOPC opined that it was reasonable for Officer A to believe that the Subject posed an imminent deadly threat to the Victim.

The BOPC commended Officer A for his/her restraint. Despite the horrific nature of this incident, Officer A discharged his/her rifle only after the mirror fell, exposing the Subject. According to Officer A, the Victim was not in his/her line of fire during the OIS. As such, the BOPC opined that Officer A had a clear line of sight on the Subject and he/she was sure of his/her target. The BOPC also noted that Officer A discharged only two rounds, both of which the BOPC opined were necessary to stop the Subject's deadly actions.

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

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