

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

OFFICER-INVOLVED SHOOTING – 055-21

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

Central 10/6/21

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

Sergeant B 25 years, 4 months

Reason for Police Contact

Officers responded to a radio call of a female with a gun. As the responding officers attempted to make contact with the Subject, she discharged a firearm. Additional personnel from Metropolitan Division K9 and Special Weapons and Tactics (SWAT) also responded. While setting up containment on an open-area barricaded suspect, a hostage situation occurred. The Subject held a firearm to the head of a civilian victim, resulting in an Officer-Involved Shooting (OIS).

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

Subject: Female, 36 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (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 (UOFRB) 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 September 13, 2022.

Incident Summary

The incident began on Wednesday, October 6, 2021, at approximately at 2245 hours, when an Emergency Board Operator (EBO) received a 911 call from Witness A, a resident of a homeless encampment. According to Witness A, she was sleeping in her tent when she was awakened by loud music. After approximately 30 minutes of hearing the music playing, she used the flashlight on her cellphone to illuminate the area outside her tent. Witness A observed a heavy-set female, later identified as the Subject, wearing a black hoody, armed with a black handgun, squatting to the east of her tent. Witness A asked the Subject what she was doing and if she could do it somewhere else. According to Witness A, the Subject did not respond, and instead, gave a blank stare for approximately five minutes before standing up from the squatted position and walking behind a nearby tree. It was at that point that Witness A left the encampment through an opening in the chain-link fence and called 911.

At 2245:25 hours, Communications Division (CD) broadcast the call.

Police Officers A and B responded to the radio call and were the first to arrive at the scene. At 2247:12 hours, Officers A and B were flagged down by Witness A. Witness A provided the Subject description and directed the officers to the opening in the fence which led into the undeveloped embankment of the freeway off-ramp. According to Officer A, he/she and his/her partner entered the undeveloped embankment to make contact with and contain the Subject because he/she felt she was a danger to the public. Officer B entered the embankment first and assumed the contact role; Officer A followed as cover and communications.

Note: According to Officers A and B, they unholstered their firearms because the comments of the radio call and Witness A's statements identified a Subject potentially armed with a firearm and the situation could escalate to the use of deadly force.

According to Officer B, he/she observed a female who matched the Subject's description walking east in the embankment while holding a "light, shiny object" at waist level. He/she verified with Witness A if the female observed was the Subject. Witness A replied that it was. Officers A and B took cover behind nearby trees while Officer B attempted to make contact with the Subject. According to Officer B, the Subject did not acknowledge his/her commands and continued to walk east until his/her vision was obscured by tents, trees, and bushes. Within one second of Officer B finishing his/her commands, a single gunshot was heard in the area. According to Officer B, despite not seeing muzzle flash or the Subject shooting the firearm, he/she believed the Subject had shot at them because the noise was loud and in the immediate vicinity. According to both officers, after hearing the gunfire, they were unaware of the Subject's location and felt it was necessary to redeploy and set up containment. Officer A broadcast, "[...] be advised, shots fired unknown location. Make it a help call," as the two officers ran south, back to the opening in the fence.

Note: According to Officer B, prior to the gunshot, he/she observed an unknown skinny male walking east in the embankment approximately two feet away from the Subject.

Witness A observed a male and female with the Subject. Witness A described the Subject as wearing a black hoody with a print on it and standing behind a male wearing a white T-shirt. Moreover, she observed another possible female wearing a white bow on her head while on her hands and knees.

The following personnel responded to the help call and arrived at scene while Officers A and B redeployed: Sergeant A and Officers C through H. As Officers C and D approached the opening in the fence, Officers A and B exited the undeveloped embankment through the same fence opening and advised the units at scene to take cover. Officers A, through F took cover behind their police vehicles. Officer A broadcast the Subject information, provided a direction of travel for responding units, and requested additional resources including an airship.

Note: According to Officer A, when he/she initially took Witness A's statement, Witness A mentioned the Subject was armed. Witness A motioned her right hand to her chest and left hand to her mid-stomach area. Officer A believed her hand placement simulated a "long gun," or what Officer A described as either a rifle or shotgun. However, after hearing the gunfire, Officer A believed the sound was more consistent with a rifle rather than a shotgun. According to Officer A, it was too dark in the undeveloped embankment and he/she never observed the Subject armed.

Sergeant A was the first supervisor at scene and arrived as Officers A and B redeployed from the undeveloped embankment.

Sergeant A first requested that units block traffic. Sergeant A then exercised command and control over the scene. He/she ordered officers to move police vehicles to improve ingress and egress for emergency assets such as Metropolitan Division and the Los Angeles Fire Department (LAFD). Sergeant A mitigated potential crossfire by requesting that units on scene adjust their positions. He/she also requested a Tactical Frequency via CD, which was established. Lastly, according to Sergeant A, due to the Subject's exact location within the undeveloped embankment being unknown at the time, and there being no buildings or other forms of cover in the area, he/she decided to leave the police vehicles parked along the intersection to be used as cover.

Note: According to Sergeant A, he/she was the Incident Commander (IC) at scene; however, he/she did not broadcast being the IC over the radio.

Sergeant A continued to coordinate the tactical situation and attempted to identify the source of the gunshots while additional units arrived at scene. Throughout the incident,

from 2248:38 hours to 2342:04 hours, the Subject sporadically fired eight rounds in multiple directions, including south, while within the undeveloped embankment.

Note: According to Sergeant A, the sporadic gunfire led him/her to believe the Subject was firing at them. Each time they adjusted their spotlights in the direction of the gunfire, another round would be discharged.

Officer F heard three of those gunshots impact near him/her to the west.

At approximately 2250:25 hours, Sergeant B and Officer I, arrived at scene. Sergeant B and Officer I were armed with Department-approved rifles carried on their persons with tactical slings. According to Sergeant B, he/she deployed the rifle because he/she heard gunfire coming from numerous tents in the open field. He/she believed the Subject had a tactical advantage over the patrol assets at scene at the time.

Both Sergeant B and Officer I moved to multiple positions of cover with their rifles downrange, toward the undeveloped embankment. Sergeant B redeployed and donned his/her ballistic helmet.

Officer G briefly relieved Officer I so he/she could don his/her ballistic helmet. Sergeant B and Officer I remained in place until Metropolitan Division assets arrived and replaced patrol personnel at scene.

Between 2253 hours and 2257 hours, Officers J through R responded to this incident and set up containment:

At 2257:03 hours, Officer J observed two males exit from a row of tents on the undeveloped embankment by a chain-link fence. He/she utilized the Public Address (PA) system in his/her police vehicle to order the individuals toward other officers at scene. Officer R took the male wearing a blue T-shirt and gray sweatpants, later identified as Witness B, into custody. Officer O took the male wearing a red baseball cap, black hoody, red T-shirt, and black shorts, later identified as Witness C, into custody. According to Officer J, he/she did not know the individuals' involvement at the time, so they were detained pending further investigation.

Officer J obtained preliminary information from Witness B, whose green tent was near another opening in the chain-link fence that led into the undeveloped embankment from another side. Witness B heard gunshots coming from a blue-tarped tent on the other side of the fence within the undeveloped embankment. Witness B described the couple who resided in the blue-tarped tent as a short male and female, later identified as Victims A and B.

Note: Neither Witness B nor Witness C saw anyone shooting. Both speculated and named a male resident because they believed he was "crazy" and used a lot of drugs and alcohol. Both Officer O and his/her

partner Officer N had responded from a neighboring division to assist with the incident. It is unknown if Officer O was aware of the original Subject description.

Officer L then attempted to call out the name of the male resident (Victim A), in English, using the police vehicle's PA system. Officer L gave the call-out command two times without a break between. The call out garnered negative results. Afterward, Officer J tasked Officers L and M with transporting Witnesses B and C to the Command Post (CP) to provide further information on the possible suspects. Officer L obtained voluntary compliance from Witnesses B and C before transporting them to the CP.

At approximately 2251:22 hours and 2253:57 hours, Sergeants C and D arrived at scene, respectively. Sergeant C met with Sergeant A.

At 2254:19 hours, Sergeant E arrived at scene. He/she met with Sergeant C and discussed setting up a CP for the incident. Sergeant E established the CP. At approximately 2312 hours, Sergeant C responded to the CP to assist Sergeant E. Officers L and M transported Witnesses B and C to the CP. Sergeant C and Officer L removed the handcuffs from Witnesses B and C, respectively.

Sergeant D was armed with a Department-approved rifle carried on his/her person with a tactical sling. According to Sergeant D, he/she deployed the rifle because he/she heard radio-broadcast requests for rifle-equipped officers, and he/she believed there were no officers working who were patrol rifle certified. At 2256:12 hours, Sergeant D met with Sergeants A and C and took a position of cover with the rifle at the front driver side of the same police vehicle. According to Sergeant D, he/she attempted to mitigate the amount of lethal force options by asking Sergeant C if there was an adequate number of rifle-equipped officers at scene. He/she also advised Sergeant A to relieve him/her when patrol rifle certified officers arrived at scene.

At 2331:10 hours, Sergeant C advised Witnesses B and C that they were not required to stay; however, he/she would like them to remain at the CP to provide further information to Metropolitan Division personnel, if needed. Witnesses B and C agreed to stay. Sergeant C obtained a more detailed statement from Witness B.

At approximately 2319 hours, Officers N, P, and Q were holding containment to the north of the perimeter. Officer P observed the stairwell to some nearby apartments. Officer P made contact with the onsite security officer and retrieved a key to the stairwell. Officers N, P, and Q walked up the stairwell to the second-story rooftop patio area. Officer N was armed with a Department-approved rifle carried on his/her person with a tactical sling. Air Support Division (ASD) Command Pilot Officer (Officer S), and Tactical Flight Officer (TFO) (Officer T) assigned to Air Unit 10 were overhead and responded on Central base and Operations Central Bureau Tactical Channel frequencies. Officers N, P, and Q remained on the second-story rooftop patio throughout the remainder of the incident.

Metropolitan Division K-9 Sergeant F, and Police Officers U and V, assigned to Unit K-9, were at Metropolitan Division when they heard the help-call broadcast on the radio. According to Sergeant F, the information broadcast was that shots were fired, and the Subject was a female who was possibly armed with a rifle. Sergeant F believed they may have an active shooter and responded with Officers U and V to the help call. At approximately 2301 hours, Sergeant F and Officers U and V arrived at the scene. According to Sergeant F, upon arriving, he/she realized the scene was static rather than active, so he/she began coordinating with Metropolitan Division personnel to deliver armored vehicles to be used as cover. At approximately 2303 hours, Sergeant F made a series of radio transmissions on Metropolitan base frequency, which resulted in Metropolitan Division K-9 Police Officers W and X being tasked with bringing the armored Ford Excursion and Ballistic Engineered Armored Response Counter Assault Tool (BEARCAT), respectively. Additional K-9 personnel responded to the help call as Sergeant F made notifications.

At approximately 2310 hours, Metropolitan Division SWAT Lieutenant A received a phone call from Sergeant F notifying him/her of the incident. According to Lieutenant A, the preliminary information he/she received included there was an open-area barricaded suspect, possibly armed with a rifle, in a homeless encampment and the suspect was believed to be wanted for Assault with a Deadly Weapon (ADW) on a police officer. At approximately 2319 hours, Lieutenant A notified the Metropolitan Division Commanding Officer Captain A. According to Lieutenant A, Captain A authorized the use of several armored vehicles due to the nature of an open-area barricaded suspect in a homeless encampment providing officers with an inadequate level of cover.

Note: Despite SWAT being authorized for scene deployment, the official call-up email was not sent until approximately 2355 hours, 13 minutes after the OIS occurred. However, numerous SWAT personnel arrived prior to the official email because they heard the armored vehicle requests on the Metropolitan Division radio frequency and were alerted to the “officer needs help” radio call. According to Lieutenant A, the full complement of SWAT personnel did not arrive to the call out before the incident fully developed, which created the necessity for K-9 personnel to work in tandem with SWAT and occupy some of their positions.

Metropolitan Division SWAT Sergeant G was attending a joint night-training event with SWAT and K-9 personnel at the LAPD Training Facility. Upon completion of the training, Sergeant G was monitoring the Metropolitan Division base frequency when he/she heard several Metropolitan Division personnel responding to the help call with armored vehicles. According to Sergeant G, he/she received preliminary information from Lieutenant A and then informed the lieutenant that he/she was going to respond to the scene. Metropolitan Division SWAT Police Officer Y was also at the joint training and was driving into downtown Los Angeles when he/she heard the help call and rifle radio broadcast. Metropolitan Division SWAT Police Officer Z was monitoring the radio when he/she heard K-9 personnel requesting armored vehicles.

Note: According to Officer Z, he/she notified Metropolitan Division front - desk personnel that he/she was deploying to the help call; however, he/she never received acknowledgment from the desk officers. With the help-call broadcast of a suspect shooting at officers with a possible rifle and K-9 units at scene requesting multiple armored vehicles, additional SWAT personnel responded to the scene prior to receiving the official call-up email.

At approximately 2301 hours, Officer Y arrived at the north end of the perimeter. He/she took a position of cover. Officer J informed Officer Y that the possible suspect location was a blue tent in the embankment just west of the green tent. According to Officer Y, he/she used his/her visible pointer, or a green laser light affixed to his/her rifle, to verify the tent location with Officer J. Officer Y requested an armored vehicle to his/her location and remained in place while additional SWAT personnel arrived at various positions within the perimeter.

While Officer Z discussed the process of taking over the tactical scene with Sergeant F and other Metropolitan Division personnel, he/she heard a single gunshot. According to Officer Z, he/she could not identify the gunshot's location of origin.

Following the gunshot, Officer Z and Sergeant A discussed scene containment and placement positions for the arriving armored vehicles. Officer Z also began the process of relieving patrol personnel with Metropolitan Division assets. During this redeployment, Officer AA removed Officer I from his/her position on point at the front driver side of the police SUV parked facing northwest toward the embankment.

After being relieved from his/her point position, Officer I redeployed to Sergeant B, who was still to the rear passenger side of the police sport utility vehicle (SUV). At that time, Officer AA updated Sergeant B on the tactical plan and unit positions to mitigate the potential for crossfire. After Officer AA finished the briefing, Officer I and Sergeant B discussed rotating between the point and spotter positions with each other.

At 2257:59 hours, Sergeant H arrived at scene. At 2306:40 hours, he/she assisted Sergeant F with removing patrol assets who were not equipped with patrol rifles from tactical positions. Sergeants F and H moved numerous patrol officers south. Sergeants B and D remained on point with their rifles at the rear and front driver side of the police SUV, respectively. Officer I, also rifle equipped, spotted Sergeant B while Officer F, not rifle equipped, spotted Sergeant D.

At 2313:18 hours, Sergeant H requested a rescue ambulance (RA) to the CP for staging. He/she then approached the grouping of officers who were previously relieved from their positions and were situated behind a police SUV along the southeast corner. Sergeant H configured the officers into an arrest team comprised of communications, less-lethal munitions, and contact with flex cuffs. He/she ordered the officers to don helmets and notified Sergeants A and F of the arrest team. Sergeant H stayed within the vicinity of the arrest team for the remainder of the incident.

Additional Metropolitan Division personnel began to arrive as patrol personnel were relieved from their positions. At approximately 2310 hours, Officer X arrived at scene driving an armored BEARCAT (Identified as BEARCAT 1 throughout this report).

Officer Z continued to coordinate the arrival and placement of additional armored vehicles when the Air Unit utilized the Forward-Looking Infrared (FLIR) camera and identified a heat source from tents around the embankment.

At approximately 2327 hours, Officer BB arrived at scene driving the second armored BEARCAT (Identified as BEARCAT 2 throughout this report). He/she approached from the east. Officers Z and CC decided to place BEARCAT 2 mid-block, facing southwest. At approximately 2329 hours, Officer DD arrived at scene driving the Medical Counter Assault Tool (MEDCAT) vehicle. Officer Z had Officer DD place the MEDCAT near the police SUV that Sergeants B and D and Officers I and F were positioned by. Officer Z then sent Officers EE, FF, and GG, to take cover positions at the MEDCAT. According to Officer Z, he/she planned to contain the Subject within the perimeter using the several armored vehicles with a K-9 handler assigned to each one. He/she also voiced those plans over the Metropolitan Division base frequency.

Officer EE met with Officer DD in the MEDCAT. The two discussed placement of the armor and decided to replace the aforementioned police SUV with the MEDCAT. At that time, Sergeants A, B, and D and Officers F and I were positioned at the police SUV. Officer EE advised Sergeant A of the plan to replace the police SUV with the MEDCAT. Sergeant A relayed the plan to Officer F, who moved the police SUV further west. The MEDCAT was then placed facing east. When Officer F moved the police SUV, Sergeants A, B, D, and Officer I no longer had cover. Officer EE had the group reposition to cover behind Sergeant A's marked police vehicle, which was parked slightly to the east in the south lane. Officer F rejoined the group after moving the police SUV.

Sergeant B stood behind the MEDCAT with his/her rifle slung for approximately 17 seconds. At approximately 2332 hours, Sergeant B asked Officer EE, who was in a position of cover at the front passenger side of the MEDCAT with his/her rifle down range, "You want to do a rifle at the back end of the armor or no?" Officer EE responded, "Yeah, you can post up there until we get someone over here." Officer GG opened the rear doors to the MEDCAT and asked Sergeant B, "Do you want to take this spot up, Sir?" Sergeant B moved to the rear driver side of the MEDCAT and took a position of cover with his/her rifle pointed toward the embankment. Officer I joined Sergeant B as his/her spotter.

Note: While spotting for Sergeant B, Officer I took photographs of Sergeant B using his cellular phone. According to their body-worn videos (BWVs), Officer I stated to Sergeant B, "I'm gonna snap a shot of you, okay?" Sergeant B responded, "Go for it, bro. It's a free [expletive] country."

Officer I then took photographs of Sergeant B from behind, on two separate occasions (at 23:35:22 and 23:36:54). As described by Officer I, "I think it's -- the picture just shows the back of [Sergeant B] and it's -- the flash I didn't put the flash on because I didn't want to illuminate where we were even though they probably know where we are but I didn't want to flash [him/her] and ruin [his/her] night sight if it reflects out of [his/her] optics or not." Officer I indicated that he/she was "still able to adequately perform [his/her] spotting duties" while taking the photographs.

Regarding his decision to take photographs, Officer I told Force Investigation Division (FID), "They told us it was going to be an easy night tonight, and then we ended up behind cover with SWAT out in a hostage situation with [him/her], deployed [his/her] rifle, and I took a picture and said, 'You didn't think you were going to end up here today.'"

FID investigators subsequently obtained three photographs of Sergeant B that were taken by Officer I.

Officer GG then informed Officers DD and FF that Sergeant B was armed with a rifle and positioned to the rear of the MEDCAT. Several minutes later, Officer GG advised Officer F of SWAT placements and had him/her relay the message to Sergeant B. Officer F communicated the message to Sergeant B and Officer I, advising them of the potential for crossfire. According to Sergeant B, he/she received information on situational awareness and asset deployment, which assisted him/her in avoiding potential crossfire issues in the event that shots were fired.

Sergeant F responded to the CP to assist with obtaining and deploying resources.

Note: According to Officer X, he/she made a broadcast on SWAT Channel [...] requesting everyone switch from Channel [...] to Tactical Channel [...]. As described by Officer X, "Um, for some reason some of the SWAT officers did not switch over or were unable or I don't know why." As a result, Officer X relayed broadcasts made on SWAT Channel [...] to Tactical Channel [...], so everyone "understood what was happening in real time with the SWAT operations..."

Sergeant C then advised Sergeant F of the name of the male resident (Victim A). At 2334:32 hours, Sergeant F broadcast on Channel [...], "Hey K-9 40, just some CNT (Crisis Negotiation Team) info if you want to try to yell at him. They know his name is [redacted]. They don't have any information other than that."

Officer HH was to the rear of BEARCAT 1 when he/she heard Sergeant F's radio broadcast naming the male resident as the suspect. Officer HH relayed the information to Officers X and Z, who were to the rear and in the driver seat of the same BEARCAT, respectively.

Officer X utilized the PA and attempted to call out the male resident. Officer X then relayed the message, “[...] CP, you can notate that we’ve started requesting him/her to surrender. Starting basic CNT until more assets arrive.”

While Officer X continued to call out the male resident, Officer Y decided the armored Excursion should be moved to garner a better view into the embankment. Officer W moved the Excursion to the off-ramp and stopped just west of the west crosswalk, facing southwest. Officers V and AA joined Officer W at the off-ramp.

Officer X called out to the male resident over the PA system from approximately 2334 hours to 2339 hours. According to Officer X, after repeated attempts of calling out the male resident suspect, he/she observed the named male resident suspect merge from the opening in the fence along the west sidewalk.

Note: Officer X was unaware of the accurate Subject information until the male resident later surrendered and was debriefed. Once debriefed, the male resident was determined to be a victim (Victim A).

According to Officer JJ, who was in the turret of BEARCAT 2, the male resident exited from a tent in the embankment underneath a tree, which created a barrier that obscured visibility. Officer X gave the male resident commands to walk toward BEARCAT 1. The male resident approached BEARCAT 1 with his hands over his head. He walked past the driver side of the armored vehicle, to the rear, where Officer HH took him into custody without incident. Believing more residents would emerge from the tented area, Officer Z requested that several patrol officers stage near BEARCAT 1 to receive them. Several officers responded. Officer HH requested a Spanish-speaking officer to interview the male resident suspect just as Officer KK arrived at the rear of BEARCAT 1. Officer KK began conversing with the male resident suspect.

By 2340 hours, the SWAT armored vehicles were in containment positions around the embankment. With the exception of BEARCAT 2, each armored vehicle was assigned a K-9 handler. According to Sergeant G, the scene was approximately 75 percent contained.

Officer KK took a preliminary statement from the male resident suspect as Officer HH handcuffed him. According to Officer HH, he/she did not know the extent of the detained male resident’s involvement other than he was a potential suspect. He/she felt it was necessary to detain the male resident while they further investigated the incident. Officer KK spoke to the male resident in Spanish and relayed information to Officer HH in English. The initial information gathered indicated that the actual suspect (Subject) was a heavysset female. The male resident’s wife was named [Victim B], and the Subject was holding a gun to Victim B’s head. While Officer KK was gathering the aforementioned information from the male resident, the Air Unit, Officer JJ (in the turret of BEARCAT 2), Officer Y (in the front passenger seat of BEARCAT 2), Officer U (in the turret of BEARCAT 1), Officer CC (in the front driver seat of BEARCAT 2), and Officer

BB (near the front passenger door of BEARCAT 2), all observed portions of the hostage situation from differing vantage points.

At 2338:39 hours, the Air Unit broadcast, "Hey guys, I got movement coming out of the blue tent. I have someone coming out, walking. I got two people in the tent, one walking out. Someone have eyes on? White T-shirt." According to Officer JJ, he/she observed two females emerge from the same tent from which the male resident had exited. The larger female (the Subject) placed a "choke-hold type configuration or a carotid" with her left arm on a female of smaller stature (Victim B). Officer JJ described Victim B as being in distress. According to Officer Y, he/she observed the Subject with her left arm tightly wrapped around the neck of Victim B. He/she believed the hold was strong because Victim B actively attempted to escape despite being unsuccessful.

According to Officer U, he/she observed the Subject and Victim B walking south, in the embankment, along the west side of the fence. He/she could tell the Subject had her arm around Victim B; however, his/her view was obstructed by the fence and tent tarp. By this time, Officer KK had provided Officer HH with enough information to disseminate.

According to Officer CC, he/she also observed the Subject holding Victim B with her arm around Victim B's neck. Despite not observing the Subject armed with a firearm, Officer CC described Victim B as being distressed.

Note: Several officers at scene had a partial view of the hostage situation. Some of those officers observed an unknown object in the Subject's right hand. According to Officer CC, the Subject had an unknown object in her right hand that appeared to produce a light consistent with a flashlight or cell phone. According to Officer Y, he/she could not identify the item in the Subject's right hand, but at one point he/she did observe a possible illuminated screen consistent with a cell phone. According to Officer BB, he/she observed a metallic object in the Subject's hand; however, he/she was unable to confirm its identity. According to Officer JJ, he/she could not see the Subject's left arm from his/her vantage point.

Despite the Metropolitan Division officers having various perspectives of the hostage situation from their positions, many of those viewpoints were obscured by the row of tents along the west sidewalk and the large trees in the embankment. However, personnel positioned to the south of the perimeter, particularly to the rear of the MEDCAT, had a less-encumbered view. Officer I, who was Sergeant B's designated spotter to the rear of the MEDCAT, observed the Subject holding Victim B with her arm around the chest area. According to Officer I, at one point, the ambient lighting from the airship and surrounding police vehicles illuminated the environment in a manner that revealed the Subject holding a gun in her right hand and aiming it at Victim B's head.

According to Sergeant B, Officer I advised him/her there was movement coming from the blue tent in the embankment. While there were no tents along the north sidewalk,

Sergeant B's view was still partially obstructed by foliage and trees. Sergeant B first observed the three individuals just outside the blue tent. According to Sergeant B, ambient lighting from the airship and the Excursion to the north created a backlighting that made the individuals look like silhouettes. At 2339:59 hours, Officer I advised Sergeant B that he/she would have a better view if he/she moved "one step" further west of the MEDCAT. Sergeant B moved slightly to the west. The individuals moved southwest through the encampment, approximately 10 to 15 feet, abruptly came to a stop, and sat on the ground in unison. According to Sergeant B, a row of hedges blocked his/her view and he/she could only see their heads at that time.

Sergeant A, broadcast, "Hold the frequency, we have two sitting between the palm trees and the blue tent." Sergeant A then walked over to the front passenger side of the MEDCAT and advised Officers EE and FF of the better vantage point to the rear.

At 2340:53 hours, Sergeant B moved two to three feet to the west, giving up cover and concealment from the MEDCAT. According to Sergeant B, by moving to the west several feet, three palm trees in the embankment that initially reduced his/her visibility now created a gap between them, which improved his/her view of the incident.

Within less than 30 seconds, the individuals stood back up. According to Sergeant B, as the individuals stood up, the airship passed over and better illuminated the area. The additional lighting revealed the Subject had her left arm wrapped around Victim B's neck with her elbow against Victim B's throat. The Subject also had a firearm in her right hand, which she held to Victim B's head.

According to Sergeant B, the Subject continuously tracked Victim B's head with the firearm as Victim B attempted to move her head and escape.

Note: According to Officer Y, Victim B struggled against the Subject and the two fell, rather than sat, on the ground. The Subject then attempted to drag Victim B back inside the tent. Victim B managed to stand up; however, the Subject stood up with her and maintained the hold around Victim B's neck.

According to Officer EE, he/she could not observe the hostage situation from his/her vantage point. According to Sergeant B, the airship was orbiting overhead and the "night sun," or large spotlight, was obscuring his/her vision by intermittently passing over the scene. Sergeant B described what he/she said as an "unfinished statement." According to Sergeant B, he/she was going to request that the airship hold the "night sun" steady over the hostage incident, but before he/she could broadcast, the airship had already made the correction. Sergeant B had a clear view.

According to Sergeant B, he/she was approximately 30 to 35 yards from the hostage incident. The Subject still had her arm around Victim B's neck with the gun aimed at her head.

Both the Subject and Victim B were facing east. Sergeant B observed the two struggling; as Victim B resisted, the Subject prevented her movement. Sergeant B described the resistance as Victim B being, “dragged against her will, like she didn’t want to go.”

Sergeant B attempted to give commands to the Subject. However, it did not appear that the Subject acknowledged the command.

Note: According to Sergeant B, “There was a lot of ambient noise. One with the air unit but number two was compounded by the downtown slot right below us with the traffic. There was light to moderate traffic, so it was very, very loud.” When asked if he/she thought the Subject could hear him/her, Sergeant B responded, “I don’t know. I don’t think so.”

As described by Sergeant B, “In my mind, at that point I knew, okay, that, okay, this person was not going to be -- negotiate like I previously said regarding the body language. I’m reading her body language. I can’t hear anything, aside from the air unit and the freeway and the little bit of radio traffic that was going through. But I could not hear anything that -- if they were -- if she was saying anything, if the victims were yelling anything or saying anything, I couldn’t hear any of that.”

Sergeant B said, “I see her. I’m going to shoot.” According to Sergeant B, he/she verbalized his/her intentions because he/she wanted to: (a) advise Officer I and the surrounding Metropolitan Division personnel so they would be aware he/she was going to shoot, (b) slow down the incident and mentally prepare to take what would be a precision shot, and (c) give the Subject a few more seconds to comply. Sergeant B described his/her thoughts just prior to firing his/her weapon, “I could see her body language. She was tensing up. She was preparing to do something, preparing to shoot her hostage.” Sergeant B continued, “I believed that she was going to execute her hostage, at minimum the female . . . there was a slew of tents out there . . . there was definitely a very accessible source of additional victims there and she needed to be stopped.” At 2341:59 hours, Sergeant B was in an offhand position, standing unbraced, with both eyes open, when he/she aligned his/her rifle sights on the Subject’s right-side center mass and fired one round from an approximate distance of 121 feet, striking the right side of the Subject’s lower torso.

Note: According to Sergeant B, he/she used “this particular weapon system in the Marine Corps and was very proficient with it and qualified to use it with iron sights at 500 meters. So I know what I’m capable of [....]” He/she later added that the optic his/her rifle was equipped with was superior to the standard iron sights, especially “during night or low light situations.”

Note: Officer I observed the hostage incident just seconds before Sergeant B fired. Officer I verbally narrated his/her observations on BWV,

“They’re standing up. She’s got it to her head. She’s got it to her head. See her wrist bending this way?” According to Officer I, the Subject had her left arm around Victim B with a gun in her right hand aimed at Victim B’s head. Victim B was unsuccessfully struggling to get away. Officer I described the gun as being silver or chrome in color due to the ambient lighting from the airship and surrounding officers reflecting off it.

A review of Sergeant B’s BWV revealed he/she first observed the hostage events developing at 2338:47 hours. The OIS occurred at 2341:59 hours. Approximately 3 minutes and 12 seconds elapsed from Sergeant B’s first observation of the hostage event to the OIS. Furthermore, approximately 7 seconds elapsed from the time Sergeant B said, “I see her. I’m going to shoot” to when the OIS occurred.

According to Sergeant B, the Subject immediately fell to the ground and Victim B fled east through the embankment and onto the street.

Soon after, Officer EE advised Sergeant B of SWAT’s plan to take the Subject into custody, resulting in Sergeant B being relieved of his/her cover position. Sergeant A, who was retrieving binoculars from the trunk of his/her vehicle when the OIS occurred, returned to the MEDCAT and learned that Sergeant B was involved in the shooting. Sergeant A advised the CP and began the process of monitoring and separating Sergeant B as well as other percipient witnesses, including Sergeant W and Officer F.

Officer CC observed the Subject and Victim B when the OIS occurred. According to Officer CC, shortly after he/she observed the Subject and Victim B stand up from the seated position, he/she heard rifle gunfire from the south. He/she observed Victim B step away from the Subject as she fell to the ground. Approximately four seconds after the OIS, another gunshot was audible. According to Officer CC, the gunshot was closer to him/her than the rifle gunfire and sounded like it came from a smaller caliber weapon. Muzzle flash was not observed from the embankment; however, the hedge line and row of tents created a barrier from where the officers’ primary view was relegated to the Subject’s waist and up. At the time of the post-OIS gunshot, the Subject would have been on the ground, out of clear view.

Note: The Subject was asked by investigators if she had fired her pistol after she was shot; however, she claimed that she did not recall. There was an expended cartridge casing in the chamber of the Subject’ pistol when it was recovered.

Directly after the OIS, Officer CC exclaimed to the other SWAT officers at BEARCAT 2, “Hey they’re down, they’re down. We got to go up there. We got to get up there.” According to Officer Y, SWAT protocol in a hostage situation where the Subject is downed is to initiate a hostage rescue in an attempt to separate the victim from the Subject when it is believed harm could still be done to the victim. Officers Y, BB, CC, JJ, and LL deployed north and joined Officers V, W, and AA at the armored Excursion.

According to Officer Y, as they made their approach into the embankment, he/she observed Victim B exit through the opening in the fence toward the street. Officer Y verified with Officer Z, who was still positioned at BEARCAT 1, that Victim B was with Metropolitan Division personnel. Officer Z gave him/her confirmation. According to Officer Y, since there was no longer a hostage to rescue, they could slow down their movement and transition to utilizing barricaded-suspect tactics.

Officer Y devised a plan to have the armored Excursion drive into the embankment with his/her squad of officers following behind, utilizing it as cover. He/she was in constant communication with Officer Z via Metropolitan Division simplex while Officer X relayed the information and provided updates to all units at scene. According to Officer Y, the Subject was lying on the ground in the supine position with her eyes closed. Her right arm was extended out in front of her, to the north, toward the officers. Officer Y observed a handgun in the Subject's right hand. Despite the Subject's eyes being closed, Officer Y believed she may still be alert and waiting for them to approach before engaging. Officer CC was also concerned and described the potential of the Subject "playing possum" or feigning death. Both Officers W and JJ observed the Subject's finger on the trigger of the firearm.

Officer Y requested a beanbag shotgun and asked Officer Z if a supervisor was available to give them approval to deploy the less-lethal option, if necessary. According to Officer Y, he/she preferred an additional less-lethal option to the taser. He/she also wanted the other units at scene to be aware that a beanbag shotgun may be deployed so there would be no confusion if more gunfire was heard. According to Officer CC, he/she wanted to either use a K-9 or deploy a beanbag shotgun at the Subject prior to their approach to see if she would react. Sergeant G gave approval for SWAT's deployment of the beanbag shotgun. Officer Z broadcast the supervisor approval to Officer Y. At approximately 2346 hours, Officer CC had Officer J, who was still at the north-end of the perimeter, bring a beanbag shotgun to the off-ramp. Officer CC retrieved the beanbag shotgun from Officer J and returned to the Excursion. At the time Officer CC returned to the Excursion with the beanbag shotgun, the Subject opened her eyes and began to move. At approximately 2347 hours, Officer Y began giving the Subject commands to drop the weapon and comply, so they could treat her. According to Officer W, the Subject released her grip on the gun and complied with their commands. As the Subject rolled to her stomach, Officer W observed blood along the right side of her back, just above the hip.

At approximately 2349 hours, Officer Y devised a tactical plan to take the Subject into custody and it was implemented. The officers also recovered the gun for officer safety purposes and cleared nearby tents.

Note: Officer BB later relinquished the firearm, magazine, and casing to Sergeant G, who stored the evidence in the trunk of his/her police vehicle until FID investigators arrived.

Officer Y designated Officers V, BB, and LL to carry the Subject out of the embankment and place her into the MEDCAT. He/she then confirmed with Officers Z and DD that the MEDCAT was enroute. The Subject was taken into custody and transported via RA to the hospital, with non-life-threatening injuries.

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
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer I	No	Yes	Yes	Yes	Yes
Officer J	Yes	No	Yes	N/A	N/A
Officer Y	Yes	Yes	Yes	N/A	N/A
Officer BB	Yes	Yes	Yes	N/A	N/A
Officer CC	Yes	Yes	Yes	N/A	N/A
Officer JJ	No	N/A	No	No	No
Sergeant A	No	Yes	Yes	N/A	N/A
Sergeant B	No	Yes	Yes	Yes	Yes
Sergeant D	No	Yes	Yes	Yes	Yes
Sergeant F	No	Yes	No	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (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 the tactics of Officers A, B, Y, Z, AA, BB, CC, JJ, and Sergeants A, D, and F to warrant a Tactical Debrief. The BOPC found the tactics of Officer I and Sergeant B to warrant Administrative Disapproval.

B. Drawing and Exhibiting

The BOPC found the drawing and exhibiting a firearm by Officers A, B, I, Y, Z, BB, CC, JJ, and Sergeants B and D to be In Policy.

C. Lethal Use of Force

The BOPC found Sergeant B'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/her 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 Techniques

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

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

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

Planning – According to Officers A and B, they had worked together regularly over nine months before the OIS, during which time they had regularly discussed tactics, specifically communications, and contact and cover roles. While responding to the radio call, Officer A read the comments of the call to Officer B, including the Subject’s description. After briefly speaking with Witness A, the officers entered the embankment to contact the Subject. According to Officer B, as the first person to enter the embankment, he/she was the designated contact officer. As the second person to enter, Officer A was designated as the cover/communications officer. Hearing the sound of gunfire, the officers planned to contain the area until additional resources arrived.

Assessment – According to Officer A, when he/she initially took Witness A’s statement and she mentioned that the Subject was armed, she motioned her right hand to her chest and left hand to her mid-stomach area. Officer A believed her hand placement simulated a rifle or shotgun. Entering the embankment, Officers A and B made a quick assessment and used palm trees as cover as they attempted to locate the Subject. Locating the Subject, Officer B observed her holding a “light,

shiny object” at waist level. After losing sight of the Subject and hearing a gunshot, Officers A and B assessed the need to redeploy behind the cover of their police vehicle and broadcast an officer help call. After hearing the gunfire, Officer A believed the sound was more consistent with a rifle than a shotgun.

While behind the MEDCAT, Officer I assessed the scene and advised Sergeant B that he/she would have a better line of sight of the Subject and Victim B if he/she (Sergeant B) stepped out to his/her left, away from the MEDCAT. Officer I’s assessment allowed Sergeant B to have a view of the threat posed by the Subject.

Redeployment and/or Containment and Time – As Officers A and B entered the encampment, they used the palm trees as cover while attempting to communicate with the Subject. When the Subject shot toward them, Officers A and B redeployed to their police vehicle, using it for cover. After leaving cover, Sergeant B requested a ballistic shield. It was also suggested that Metropolitan officers back up the MEDCAT for Sergeant B to use as cover. Although Sergeant B left cover, he/she articulated that it was necessary to stop the threat of serious bodily injury or death that the Subject posed to Victim B.

Throughout this incident, officers used various police vehicles, including armored vehicles, for cover. Sergeants A and F coordinated with each other on the deployment of personnel. This allowed personnel to contain the area, affording officers more time to de-escalate the incident. The Subject’s subsequent actions limited the officers’ ability to de-escalate.

Other Resources – Officers A and B broadcast an officer help call after the Subject shot toward them. Metropolitan SWAT, K-9, and patrol assets heard the officer help call and responded to the incident. Metropolitan personnel used armored vehicles to establish a containment that afforded the officers superior cover. An airship was also used to contain and monitor the encampment. Before the OIS, Sergeant H requested that a rescue ambulance (RA) stage at the command post (CP). California Highway Patrol (CHP) officers were used to block the freeway off-ramp to prevent vehicles from entering the containment area.

Lines of Communication – Entering the embankment, Officers A and B attempted to communicate with the Subject; however, she ignored them and shot toward the officers. Throughout this incident, officers attempted to communicate with the Subject to obtain her peaceful surrender, but she refused. After the OIS, officers communicated with the Subject, ensuring that she released her handgun before they approached her.

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

1. Tactical Communications/Planning

According to Officer A, he/she and his/her partner entered the undeveloped embankment to make contact with and contain the Subject because he/she felt she was a danger to the public. Before entering the embankment, Officers A and B did not formulate a tactical plan or utilize additional resources.

The BOPC noted that the Use of Force Review Board (UOFRB) assessed Officers B and A's response to this radio call, specifically their planning before entering the embankment. While the UOFRB would have preferred a more detailed discussion before entering the embankment, the UOFRB noted that Officers A and B had been regular partners for approximately nine months during which time they had discussed tactics, specifically contact and cover roles. The UOFRB also noted that while responding to the call, Officer A had read the comments of the call to Officer B. The UOFRB further noted that before entering the embankment, the officers took time to speak with Witness A, obtaining the Subject's description and last known location. While the UOFRB would have preferred that Officers A and B had requested an additional unit before entering the embankment, the UOFRB noted that they entered cautiously, using available cover as they moved in a controlled manner. Although the officers called out to the Subject, they maintained distance and cover while doing so. When the Subject walked away, the officers did not pursue her and maintained their distance. When she shot toward them, they immediately created distance as they redeployed to superior cover and requested help. The UOFRB noted that their plan at that point was to contain the area.

Based on the totality of the circumstances, the Board of Police Commissioners (BOPC) determined that the tactics employed by Officers A and B were not a substantial deviation from Department-approved tactical training.

2. Situational Awareness

While standing at the rear of the MEDCAT before the OIS, Officer I used his/her personal cellular telephone to take three photographs of Sergeant B, who was on point with his/her patrol rifle. At the time, Officer I was acting as Sergeant B's spotter, and they were actively involved in the tactical incident. According to Officer I, while taking the photographs he/she was still able to adequately perform his/her duties.

The BOPC noted that the UOFRB was critical of Officer I's decision to take pictures during an active tactical incident, specifically a barricaded suspect with a hostage. The UOFRB noted that Officer I's responsibility as a spotter was to provide Sergeant B with situational awareness and watch for any threats. Although Officer I stated he/she was still able to focus on his/her duties, the

UOFRB opined that his/her actions prevented him/her from focusing on the threat and caused him/her to lose situational awareness while taking the photos.

Prior to using his cellular phone to take photographs of Sergeant B, Officer I said to Sergeant B, "I'm gonna snap a shot of you, okay?" Sergeant B responded, "Go for it, bro. It's a free [expletive] country."

The BOPC found that Officer I's action of taking photographs while serving as a spotter for Sergeant B diminished Officer I's situational awareness and was an unjustified and substantial deviation from approved Department tactical training. Additionally, given that Officer I told Sergeant B what he intended to do and was told to "go ahead" by the sergeant, the BOPC found that Sergeant B also bore responsibility for the diminished situational awareness that resulted from the taking of photographs and that his performance in this regard was an unjustified and substantial deviation from approved Department tactical training.

Based on the totality of the circumstances, the BOPC determined that the actions of Officer I and Sergeant B were a substantial deviation, without justification, from approved Department tactical training.

3. Cover/Concealment

Before the OIS, Sergeant B and Officer I left cover. Officer I had advised Sergeant B that he/she (Sergeant B) would have a better view of the Subject and her actions if he/she stepped to his/her left away from the MEDCAT. In response, Sergeant B stepped two to three feet away from the MEDCAT to obtain a better view of the Subject and Victim B.

The BOPC noted that the UOFRB assessed Sergeant B and Officer I's decision to leave cover. The UOFRB noted that Sergeant B and Officer I left cover to have a better view of the Subject and Victim B. The Subject had emerged from the tent and was holding Victim B at gunpoint. Acting as Sergeant B's spotter, Officer I had noticed that Sergeant B's view was partially obstructed by the palm trees. Officer I opined that if Sergeant B stepped to his/her left, he/she would have a better line of sight. In response, Officer I suggested that Sergeant B move to his/her left. As he/she moved to his/her left as Officer I suggested, Sergeant B left cover.

The UOFRB noted that Sergeant B felt it was necessary to leave cover to address the imminent deadly threat the Subject posed to Victim B. The Subject had indiscriminately fired multiple rounds at officers and was holding a handgun to Victim B's head. According to Sergeant B, by leaving cover, he/she had a better view of the Subject. Sergeant B also believed he/she still had some concealment provided by a row of hedges along the embankment between himself/herself and the Subject.

The UOFRB noted that despite efforts to position various vehicles around the perimeter for use as cover, the Subject was in a wooded area that made it difficult for officers to see her movements from their positions. Based on the totality of the circumstances, the UOFRB opined that Officer I and Sergeant B had to leave cover to address the imminent deadly threat and to save Victim B's life; they simply did not have the option of waiting behind cover to see what the Subject would do. While the UOFRB Majority determined that Sergeant B and Officer I's decision to leave cover was a substantial deviation, with justification, the Minority determined it was not a deviation.

As it pertains to alternative forms of cover, the UOFRB noted that Sergeant B had requested a shield after leaving cover. The UOFRB also noted that it had been suggested that the MEDCAT be backed to provide him/her cover. However, the incident unfolded before either option could be implemented.

Based on the totality of the circumstances, the BOPC determined that the actions of Sergeant B and Officer I were a substantial deviation, with justification, from approved Department tactical training.

4. Handcuffing Protocol/Rendering Aid

At approximately 2350 hours, Officers Y, AA, BB, CC, and JJ approached and apprehended the Subject. The Subject was handcuffed and left on her side. Perceiving a possible threat in an adjacent tent, the officers recovered the Subject's handgun and redeployed to the Excursion. Approximately eight minutes later, after clearing adjacent tents, Officers V, BB, and LL returned to the Subject and carried her to a waiting MEDCAT.

The BOPC noted that the UOFRB assessed Officers Y, AA, BB, CC, and JJ's adherence to the Department's handcuffing protocols and duty to render aid. The UOFRB noted that following the OIS, the Subject was lying on the ground in the supine position with her eyes closed. Her right arm was extended out in front of her and the handgun was in her right hand. Despite the Subject's eyes being closed, Officer Y believed she may still be alert and waiting for officers to approach. The UOFRB noted that after repeated commands, the Subject released her grip on the gun and rolled to her stomach. Officers Y, AA, BB, CC, and JJ quickly formed a plan, approached the Subject, and handcuffed her without incident. Although approximately nine minutes had passed since the OIS, based on the totality of the circumstances, the UOFRB opined that the officers acted reasonably and approached the Subject as soon as practicable. The UOFRB did note that while ordering the Subject to release the gun, officers had advised her that medics were waiting to help her.

The UOFRB noted that after handcuffing the Subject, Officer CC left her on her side. The UOFRB also noted that Officers X and Y requested an RA for the Subject. Before medical aid could be provided, officers detected a potential

threat in an adjacent tent. Receiving no response from inside the tent, the officers redeployed, leaving the Subject on her left side. Approximately eight minutes later, officers returned to the Subject after clearing the adjacent tents. The UOFRB noted that at some point before the officers' return, the Subject had transitioned to the prone position. Based on the FID investigation, the UOFRB was unable to determine when this occurred. While it would have been preferable for the officers to extract the Subject when they redeployed, based on her stature, the UOFRB opined that this could not have been done safely and expediently. This assertion was supported by body-worn video (BWV) footage which depicted several officers struggling to carry her to the MEDCAT after their return. The UOFRB also opined that the officers returned to the Subject as soon as it was safe to do so.

The UOFRB noted that after placing the Subject in the MEDCAT, officers ensured she was on her side and began checking her for injuries. Within one minute, the MEDCAT arrived on scene, where LAFD paramedics were standing by to treat the Subject.

Based on the totality of the circumstances, the BOPC determined that Officers Y, AA, BB, CC, and JJ's actions were not a deviation from approved Department tactical training.

- The BOPC also considered the following:
 - **Code-Six** – Sergeant B did not broadcast his/her arrival on scene (“go Code-Six”). Sergeant B stated that due to the “emergency traffic” on the radio, he/she stayed off the radio and went Code-Six after a tactical frequency was assigned to the incident. Officer Y attempted to go Code-Six over on Metropolitan Division’s frequency, however, he/she did not receive an acknowledgment. Sergeant F stated he/she did not go Code-Six. At the time of arrival of Sergeants B, F, and Officer Y, several officers were already on the scene and the tactical situation was ongoing.
 - **Incident Commander Declaration** – Sergeant A was the first supervisor to arrive on the scene. Sergeant A assumed the role of the incident commander (IC); however, he/she did not declare it over the radio.
 - **Situational Awareness** – While positioned on the roof of nearby apartments, Officer N directed the muzzle of his/her patrol rifle south, toward the encampment. Officer N asked Officer Q to broadcast their location; however, the broadcast did not advise ground units that a rifle was deployed above them.
 - **Profanity** – While attempting to dissuade the Subject from harming Victim B, Sergeant B used profanity.

- **Required Equipment** – Sergeant B and Officer I did not have their batons or hobble restraint devices (HRD) on their persons during this incident.

These topics will be addressed at the Tactical Debrief.

Command and Control

- Sergeant A was the first supervisor on the scene. Sergeant A assumed the role of the IC; however, he/she did not declare it over the radio.

Sergeant B arrived on the scene and deployed his/her patrol rifle. Sergeant B remained on point periodically throughout the incident until he/she was involved in the OIS.

Sergeant D arrived on the scene, deployed his/her patrol rifle, and met with Sergeants A and C as they took cover behind a police vehicle. Sergeant D remained deployed with his/her patrol rifle until he/she was relieved by Metropolitan Division personnel. At one point during the incident, Officer I indicated he/she could relieve Sergeant D as a designated cover officer. Based on the BWV footage, the UOFRB opined that Sergeant D may have believed Officer I was going to relieve Sergeant B.

Sergeants C and E arrived on the scene and discussed setting up a command post (CP). Sergeant C advised Sergeant A that he/she was setting up a CP. Sergeant C responded to the CP to assist Sergeant E.

Sergeant H arrived on the scene, requested that a RA stage at the CP, and advised officers who were not equipped with a rifle to respond to the CP. Sergeant H established an arrest team to stand by to receive any victims/witnesses that came from the embankment. CHP officers responded to the incident and deployed their rifles. To avoid cross-agency tactics, Sergeant H advised the CHP officers to secure their weapons.

Sergeant F arrived on the scene and assisted Sergeant A in coordinating the response of Metropolitan Division personnel and deployment of armored vehicles. The BOPC noted that the UOFRB had determined that throughout this incident, Metropolitan Division personnel ensured that any crossfire issues were addressed.

As it pertains to Sergeant B, the BOPC noted that the UOFRB assessed his/her decision to deploy his/her patrol rifle. The UOFRB noted that according to Sergeant B, when he/she arrived, he/she heard gunfire coming from numerous tents in the open field. Sergeant B believed that the Subject had a tactical advantage over the officers and that no patrol rifles had been deployed. The UOFRB also noted that according to Sergeant B, he/she was aware that Sergeant A had assumed the role of IC. Based on prior incidents, Sergeant B was confident in Sergeant A's abilities to handle this scene. As such, the UOFRB opined that it was reasonable for Sergeant

B to deploy his/her rifle. While the UOFRB would have preferred that Sergeant B had relinquished his/her position and assisted with command and control, he/she had not been relieved by responding Metropolitan Division personnel before the OIS.

Although the decision was made to maintain Sergeant B in a designated cover officer position with his/her patrol rifle, the BOPC would have preferred that Sergeant F had replaced him/her with a Metropolitan Division officer to allow Sergeant B to assist with command and control of the incident.

In terms of Sergeant A, the UOFRB assessed his/her response and role as the IC throughout the incident. The UOFRB noted that as the first supervisor on the scene, Sergeant A immediately established command and control. While he/she did not declare himself/herself as the IC, and there initially seemed to be confusion as to whether Sergeant C was the IC, the UOFRB noted that based on his/her actions, it was evident Sergeant A had assumed the role.

The UOFRB noted that during the incident, there was a miscommunication between Sergeants A and F as to who would be taking over the tactical component of the incident. Although the UOFRB would have preferred a more coordinated response between Sergeants A and F, they effectively managed the replacement of patrol assets with Metropolitan Division personnel. Based on the scope of this incident, the UOFRB opined that it was a challenging scene to manage and that both sergeants performed well.

Concerning Sergeant D, the UOFRB assessed his/her decision to deploy his/her patrol rifle. The UOFRB noted that Sergeant D knew that no one on his/her watch (Watch Five) was equipped with a patrol rifle. The UOFRB also noted that Sergeant D opined that no one on Watch Three had a patrol rifle either. The UOFRB further noted that Sergeant D knew that Sergeant A had assumed the IC role and that Sergeants C and E subsequently established the CP. While there seemed to be some miscommunication between Officer I and Sergeant D, the UOFRB opined that it was reasonable for Sergeant D to have his/her patrol rifle deployed until he/she was relieved by Metropolitan Division personnel. Additionally, the UOFRB noted that after he/she was relieved, Sergeant D assisted Sergeant A with peripheral tasks.

The BOPC determined that the overall actions of Sergeants A, B, D, and F were consistent with Department training and expectations of supervisors and senior officers during a critical incident.

Therefore, the BOPC found the tactics of Officers A, B, Y, Z, AA, BB, CC, JJ, and Sergeants A, D, and F to warrant a Tactical Debrief. The BOPC found the tactics of Officer I and Sergeant B to warrant Administrative Disapproval.

B. Drawing and Exhibiting

- Officers A and B – 1st Occurrence

According to Officers A and B, they unholstered their firearms because the comments of the radio call and Witness A's statements identified a Subject potentially armed with a firearm and the situation could escalate to the use of deadly force.

Officer A – 2nd Occurrence

According to Officer A, after hearing a gunshot coming from the direction of the Subject, he/she redeployed from the embankment to behind his/her police vehicle. While behind the cover of his/her police vehicle he/she reholstered his/her service pistol. As he/she redeployed to a second location near Sergeant A, he/she believed there was an immediate threat of serious bodily injury or death due to his/her proximity to the Subject. Officer A unholstered his/her service pistol for the second time because he/she believed the situation could escalate to the use of deadly force.

Officer B – 2nd and 3rd Occurrences

Officer B heard additional gunshots coming from an unknown location. Believing the situation still had the potential of escalating to the use of deadly force, Officer B unholstered his/her service pistol a second and third time.

Officer A – 3rd Occurrence

Officer A heard additional gunshots. Believing the situation could escalate to the use of deadly force due to the shots heard, Officer A unholstered his/her service pistol for the third time.

- Sergeant B

According to Sergeant B, he/she deployed the patrol rifle because he/she heard gunfire coming from numerous tents in the open field and believed the Subject had a tactical advantage over the patrol assets at the scene at the time. Sergeant B deployed his/her patrol rifle when he/she exited his/her police vehicle.

- Officer I

According to Officer I, he/she heard gunshots upon his/her arrival to a "help" call. Believing the situation he/she was responding to could cause serious bodily injury or death to officers or community members, Officer I deployed his/her patrol rifle upon exiting his/her police vehicle.

- Sergeant D

According to Sergeant D, he/she responded to an “officer needs help call” where officers stated that they were being fired at, and upon arrival, he/she deployed a patrol rifle because he/she heard radio broadcast requests for a rifle or rifle-equipped officers, and he/she believed that no officers were working who were patrol-rifle certified.

- Officer Z

According to Officer Z, he/she received information that officers requested help for shots fired. Officer Z responded to the scene and deployed his/her rifle because he/she believed that the Subject was armed with a firearm.

- Officer Y

According to Officer Y, he/she overheard the “officer needs help” call. Officer Y also heard a request for a patrol rifle. Officer Y responded to the incident and deployed his/her rifle because he/she believed that officers had been fired upon and the situation could escalate to the use of deadly force.

- Officer JJ

According to Officer JJ, he/she was responding to an “officer needs help” call where shots had been fired. Officer JJ was informed that the Subject may be armed with a rifle. Officer JJ deployed his/her rifle because of the nature of the incident and because his/her rifle is his/her primary weapon system.

- Officer BB – 1st Occurrence – Rifle

According to Officer BB, he/she responded to what he/she believed was an active shooter call where the Subject was armed with a rifle. Officer BB responded to the incident and had his/her rifle attached to his/her person when he/she deployed on the scene.

Officer BB – 2nd Occurrence – Service Pistol

After the OIS, officers approached the Subject to take her into custody. While approaching the Subject, Officer BB unholstered his/her service pistol because he/she believed there was a Subject in the uncleared tents.

- Officer CC – 1st Occurrence – Rifle

According to Officer CC, he/she overheard through his/her police radio that Metropolitan Division was requesting armored vehicles. Officer CC contacted Officer DD and was advised of a shooting, possibly involving a rifle. Believing

he/she was responding to an incident where there was an assault with deadly weapon (ADW) shooting on a police officer, Officer CC arrived on the scene and deployed his/her rifle.

Officer CC – 2nd Occurrence – Service Pistol

Before clearing the tents for additional subjects, Officer CC unholstered his/her service pistol. Officer CC unholstered his/her service pistol because he/she believed additional subjects may be inside the tents.

The BOPC noted that the UOFRB assessed the drawing and exhibiting of a firearm by Officers A, B, I, Y, Z, BB, CC, JJ, and Sergeants B and D. The UOFRB noted that all the officers and sergeants were at a scene where a Subject was indiscriminately firing a handgun at officers. Due to the Subject's position and the topography, officers had difficulty determining where she was and what or who she was shooting at. The UOFRB also noted that the Subject was in a position of advantage, secreted inside a tent, and had taken a hostage. After the OIS, the Subject retained possession of the handgun. While she subsequently released the handgun, it remained near her. To affect her arrest and render medical aid, officers were forced to enter an unsecured area. While apprehending the Subject, officers detected a possible threat in an adjacent tent. In response, officers covered the surrounding tents until they could be cleared.

As it pertains to Sergeants B and D's decision to deploy their patrol rifles. The UOFRB noted that upon their respective arrivals, both sergeants assessed that there were no patrol rifles deployed. While there was some debate as to when the sergeants should have relinquished their positions and transitioned to command and control, the UOFRB opined that it was reasonable for them to deploy their patrol rifles.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officers A, B, I, Y, Z, BB, CC, JJ, and Sergeants B and 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 all occurrences of the drawing and exhibiting a firearm by Officers A, B, I, Y, Z, BB, CC, JJ, and Sergeants B and D to be In Policy.

C. Lethal Use of Force

Background – According to FID investigators, Sergeant B was firing from the street, which is an elevated roadway, toward the landscaped area which is slightly depressed compared to the surrounding roadways. Therefore, he was firing slightly downward and any projectiles would have eventually continued into the dirt if they had missed their intended target.

- **Sergeant B** – (rifle, one round)

According to Sergeant B, he/she was approximately 30 to 35 yards from the hostage incident. The Subject still had her arm around Victim B's neck with the gun aimed at her head. Sergeant B observed the two struggling; as Victim B resisted, the Subject prevented her movement. Sergeant B described the resistance as Victim B being "dragged against her will, like she didn't want to go." Sergeant B attempted to give commands to the Subject. However, it did not appear that the Subject acknowledged the commands. At 2341:59 hours, Sergeant B aligned his/her rifle sights on the Subject's right-side center mass and fired one round from an approximate distance of 121 feet, striking the right side of the Subject's lower torso. The BOPC noted that the UOFRB assessed Sergeant B's lethal use of force. The UOFRB noted that Sergeant B responded to an officer help call that escalated to a barricaded Subject with a hostage. After Sergeant B arrived at the scene, the Subject continued to indiscriminately fire her handgun toward officers. As the incident progressed, the Subject emerged from a tent with Victim B. After the Subject emerged from the tent, Sergeant B observed her pointing a handgun at Victim B's head. Based on Sergeant B's description, Victim B was struggling but could not break free from the Subject. According to Sergeant B, he/she observed the Subject tensing up. Based on his/her observations, Sergeant B believed that the Subject was going to execute Victim B.

In response, Sergeant B discharged one controlled precision shot, assessed, and ceased firing when he/she saw no movement from the Subject.

The UOFRB noted that before discharging his/her round, Sergeant B yelled, "Don't [expletive] do it" to the Subject. Based on his/her words, the UOFRB opined that Sergeant B was telling the Subject not to harm Victim B; however, it did not appear that the Subject acknowledged the command as she did not release Victim B. Sergeant B then said, "I see her. I'm going to shoot." According to Sergeant B, he/she verbalized his/her intention to shoot for several reasons, one of which was to give the Subject a few more seconds to comply; however, she refused to surrender. Based on the totality of the circumstances, the UOFRB opined that it would have been reasonable for Sergeant B to believe the Subject posed an imminent deadly threat to Victim B.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant B, in the same situation, would reasonably believe that the use of deadly force was proportional, objectively reasonable, and necessary. Therefore, the BOPC found Sergeant B's lethal use of force to be In Policy.