

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

OFFICER-INVOLVED SHOOTING – 056-21

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

Central 10/8/21

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

Officer O 28 years
Officer Q 13 years, 9 months

Reason for Police Contact

~~O~~Central Patrol Division officers responded to multiple radio calls of a suspect armed with a gun committing violent crimes. The officers located the suspect (Subject), who led them in a foot pursuit before entering an apartment building and taking a female hostage. In response to that information, Metropolitan Division Special Weapons and Tactics (SWAT) officers assembled outside the apartment. When the Subject brought the victim to a window and held a revolver to her head, SWAT officers entered the apartment and performed a hostage rescue. The Subject pointed his gun in the direction of the SWAT officers and victim, resulting in an Officer-Involved Shooting (OIS).

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

Male, 45 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; 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 27, 2022.

Investigative Summary

On Friday, October 8, 2021, between 1545 and 1610 hours, the Subject went on a violent crime spree in Downtown Los Angeles attacking numerous victims with a firearm. The first incident occurred at approximately 1545 hours, when the Subject approached a male at the southwest corner of 8th Street and South Broadway. According to the male, the Subject walked up behind him and aggressively pressed the barrel of a revolver against his right cheek and pulled the trigger. When the gun did not discharge, the Subject walked away.

At approximately 1600 hours, the Subject approached a second individual as she sat in the driver's seat of her vehicle, ~~in front of 639 South Spring Street~~. The Subject lifted his shirt and brandished a handgun in his waistband. He then unsuccessfully attempted to open the driver's door before fleeing on foot.

At approximately 1605 hours, the Subject followed three people into a business ~~located at 712 ½ South Broadway~~. Once inside, the Subject pointed and fired his revolver at two of them; however, they were not struck by the gunfire. The Subject then fired at a fourteen-year-old boy, who was struck in the head. The Subject exited the business and fled on foot.

The fourteen-year-old boy was transported by rescue ambulance (RA) to a hospital and treated for a gunshot wound to his temple. Medical staff determined the bullet did not penetrate his skull and the injury was not life threatening.

At approximately 1610 hours, the Subject confronted a male, who was riding his bicycle ~~in the area of 7th Street and Spring Street~~. The Subject demanded the victim's bicycle; however, he refused. The Subject then pushed the victim off the bicycle. As the two men began to struggle for control of the bicycle, the Subject brandished a handgun he retrieved from his waistband. Shortly thereafter, the Subject fled when he observed ~~Business Improvement District (BID)~~ security officers nearby.

Communications Division (CD) received three 911 calls from community members regarding the Subject's crimes. In response to the radio calls that were subsequently generated, numerous ~~Central Patrol Division~~ officers responded to the area.

At approximately 1612 hours, ~~Central Patrol Division~~ Officers A, B, C, and D were flagged down by ~~BID~~ security officers ~~at Spring Street and 7th Street~~. They pointed toward the Subject, ~~who was in front of 639 South Spring Street~~, and they advised that he was armed with a gun.

The Subject was approximately 50 yards away from the officers when Officer A broadcast the Subject's location to other responding units. As Officers A, B, C, and D began to approach the Subject, he ran ~~away north on Spring Street~~. At 1612:37 hours, the officers went in foot pursuit of the Subject, as Officer C broadcast the Subject's

direction of travel and requested a backup. The officers indicated they pursued the Subject in containment mode, because they believed he was armed. ~~The Subject ultimately ran east on 6th Street and north on Main Street.~~

Officers E and F responded to the backup request, and ~~while on Main Street north of 6th Street,~~ they observed the Subject run toward them, with other officers behind in foot pursuit. Both officers believed the Subject was armed and immediately unholstered their pistols upon exiting their vehicle. Officer E ordered the Subject to get on the ground multiple times; however, he did not comply and ran east into ~~an~~ the 11-story apartment complex ~~at 560 South Main Street.~~ Officers E and F ~~ran across Main Street and~~ followed the Subject toward the entrance of the building. Simultaneously, Officers G, H, I, and J, also arrived ~~at 6th Street and Main Street,~~ and upon exiting their vehicles, ran toward the entrance of ~~the apartment complex~~ ~~560 South Main Street.~~

At 1613:45 hours, Officers C, D, E, F, G, H, and I followed the Subject into the lobby of ~~the apartment complex~~ ~~560 South Main Street.~~ Officer E's BWV captured the Subject as he ran through the lobby and up a set of stairs. The officers did not follow the Subject further and established containment at the building's entrances.

At 1614 hours, Officer C broadcast, "Suspect is inside ~~[address]~~ ~~560 South Main.~~ He went upstairs. We are holding the lobby." Meanwhile, Officers A, B, and J moved to ~~another~~ ~~the 6th Street~~ entrance of the apartment building to assist with containment.

At 1615 hours, Sergeant A arrived at scene and directed the officers to remain at the entrances and wait for additional resources to arrive. Additionally, he/she tasked other officers to confirm whether the Subject was responsible for the crimes committed earlier. According to Sergeant A, he/she assumed the role of Incident Commander and began to set up a Command Post (CP). Simultaneously, ~~Central Area~~ Captain A, and Sergeant C arrived at scene. According to Captain A, he/she relieved Sergeant A as Incident Commander (IC) upon his/her arrival.

At 1642 hours, Sergeant A notified SWAT Lieutenant A of the incident. According to Lieutenant A, Sergeant A informed him/her that ~~Central Division~~ officers were involved in a foot pursuit with a suspect responsible for a shooting and additional violent crimes, for which they were still gathering information. Additionally, he/she advised that the Subject was armed and had run into a multi-story apartment building ~~at 560 South Main Street;~~ however, his exact location within the building was unknown.

Based on the Subject's unknown location within the building, Lieutenant A determined that the incident met the criteria for a canine (K9) search and advised that he/she would direct K9 resources to respond. Lieutenant A advised Sergeant A to call him/her directly if information developed regarding the Subject's location or actions. Additionally, he/she directed Sergeant A to determine if the building was equipped with security cameras which could assist in locating the Subject.

Lieutenant A indicated that he/she then briefed Metropolitan Division K9 Sergeant B and requested that he/she respond to the scene with two K9 search teams. One team

would conduct a search from the top floor of the building and work down, while the other team would start from ground level and work up. The two teams would work toward each other to narrow down the Subject's possible location.

At 1657 hours, Sergeant D and Officer K gained access to the building's video security system. With the assistance of building management, they located footage of the Subject grabbing the Victim by the arm and forcing her to walk with him. As he did so, the Victim can be seen grabbing a railing and attempting to pull away from the Subject. He was last seen pulling the Victim into a fourth-floor hallway, which led to a fire escape and ~~an a~~ Apartment unit-4W. At 1712 hours, Officer K briefed Sergeant A what they observed on video and advised that the Victim was possibly being held hostage.

According to Lieutenant A, at 1715 hours, Sergeant A notified him/her of the security video which depicted the Subject forcefully pulling the Victim out of camera view toward ~~the unit~~ Unit 4W. Based on this new information, Lieutenant A advised Sergeant A that SWAT would respond to the incident. Lieutenant A then contacted Sergeant B and directed the K9 units to continue with the plan to search the building, with the exception of the fourth floor, where SWAT would focus their search efforts.

SWAT Sergeant E was with Lieutenant A at the time and was aware of the plan for SWAT to focus on the fourth floor to determine the Subject and the Victim's location. At 1730 hours, the Metropolitan Division desk advised on-duty SWAT personnel to respond to the incident.

Upon his/her arrival at scene, Sergeant B met with Captain A and verified the incident met the criteria for a K9 search. He/she briefed the K9 officers at the Command Post and deployed two K9 search teams.

At 1723 hours, K9 Police Officer L, his/her K9, and his/her fellow search team members deployed to the front of ~~the apartment building~~ 560 South Main Street. Shortly thereafter, K9 Police Officer M, and his/her K9 and his/her fellow search team members also deployed to the building. Officer L's search team was tasked to search from the underground parking garage up to the third floor. Conversely, Officer M's search team was tasked to search from the top floor down to the fifth floor. Prior to the K9 search commencing, a pre-recorded K9 search announcement in English and Spanish was made via the Public Address (PA) system from a police vehicle parked in front of ~~the apartment building-560 South Main Street~~.

At approximately 1743 hours, Lieutenant A arrived at scene and met with Captain A. According to Lieutenant A, the decision was made not to begin evacuating the occupants of the building due to the on-going K9 search for an armed suspect. He/she believed it was safer to have residents shelter in place and allow his/her personnel to clear the floors one by one.

Lieutenant A directed Sergeant E and Officer N (Element Leader) to assemble a contact team of SWAT officers and enter the building to assess the location of ~~the unit where the Subject was located~~ Apartment 4W. At 1751 hours, Sergeant E, Officer N, and a

contact team comprised of Officers O, P, Q, and R entered the building and held a position ~~on the third floor landing leading up to the fourth floor~~. From that position, Officer Q tossed a device referred to as a "Recon Throwbot" up to the fourth floor to assist in viewing the common areas; however, the Subject was not observed.

At approximately 1800 hours, the Assistant Commanding Officer of Operations Central Bureau, Commander A, arrived at the Command Post (CP) and assumed the role of Incident Commander (IC).

Due to the violent nature of the crimes the Subject was alleged to have committed, and the likelihood he had barricaded himself inside an apartment with a potential hostage, explosive charges were brought up to the third floor by Officer T, a member of SWAT's Explosive Breaching Cadre. Soon after, Officers S, T, and U conducted a structural and architectural assessment of the building in order to select the appropriate type of charges to utilize in the event that breaching was necessary. To help with their assessment, they analyzed the makeup and design of the two doors ~~of a unit to Unit 3W~~, which were located ~~on the third floor~~ directly below ~~the unit where the Subject was located~~ ~~Unit 4W~~.

Both the north and south doors of ~~the unit below Unit 3W~~ had metal exteriors. The north door of ~~the unit where the Subject was located~~ ~~Unit 4W~~ had a metal exterior, and the south door of Unit ~~4W~~ was made of wood. All of these doors were set in metal frames.

According to Officer V (Element Leader), their plan was to make their way to the ~~fourth~~ floor ~~where the Subject was located~~ and hold where the Subject was last seen on security video. As that occurred, other areas of the building would continue to be searched. At approximately 1820 hours, Officer V and his/her contact team made entry onto the ~~that fourth~~ floor via the exterior fire escape. Two minutes later, Officer N directed his/her contact team to the ~~fourth~~ floor ~~where the Subject was located~~ utilizing the interior staircase.

Once on the ~~the fourth~~ floor, Officers W and X positioned themselves near the back door of ~~the unit~~ ~~Unit 4W~~, which was on the north side of the apartment, next to the fire escape. At approximately 1823 hours, Officers W and X heard heavy objects being moved inside the apartment and broadcast that the door was potentially being barricaded.

Meanwhile, Officer N discovered an additional door to ~~the unit~~ ~~Apartment 4W~~ on the south side of the unit. Officers N and V discussed the two doors and surmised that the apartment was an L-shaped unit with two separate entry doors.

The investigation determined that ~~the unit~~ ~~Unit 4W~~ was an L-shaped apartment with two entry doors. One door was located near the fire escape on the north side. The other door was located on the south side near the kitchen. Additionally, the residence had windows facing west onto ~~the street~~ ~~Main Street and south onto 6th Street~~.

Lieutenant A briefed Commander A that the Subject had barricaded the apartment door and was potentially holding a female hostage. He/she advised Commander A that breaching charges could be used as a "last resort" to facilitate entry in the event a hostage rescue was necessary. Commander A gave his/her approval, and at 1826 hours, Lieutenant A advised Sergeant E via telephone that breaching charges were authorized in the event they were needed.

Based on the affirmation given by Sergeant E, Officer T placed a breaching charge on the north door of ~~the unit~~Unit 4W. As he/she was in the process of doing so, several officers heard "banging" coming from inside the apartment near the south door and believed the Subject was potentially barricading that door. Officers N and V discussed placing a second breaching charge on the south door to create two entry points. Sergeant E affirmed this decision and tasked Officer S with placing a breaching charge on the south door at 1832 hours.

In discussing the rationale for using breaching charges, Officer V stated, "The reason why we chose to do that -- in the event of a possible hostage rescue, we want a clear and unobstructed...entry into an apartment. An explosive charge is gonna get us into an apartment quickly and easily with little damage to the location and little to no injuries to anybody involved, whether it's the officers, the suspects, or anybody inside of a location."

Officer U explained, "And the reason that we would use a charge over putting personnel in front of a door is: We have an armed suspect on the other side of the door. If I'm handing out in front of the door, and I'm sitting there beating on it with a sledgehammer, working it with a Hooligan (pry tool), I'm giving that suspect time to shoot me, my partner, anybody else, putting the public in danger. Placing a charge on the door is very fast. I mean, you have a charge on the door in seconds, and you're not giving away your location or that you're standing in front of the door...And then it eliminates the time that you're vulnerable."

Officers N and V divided the SWAT officers on the fourth floor into two teams. In the event it became necessary to affect a hostage rescue, Officer V was to lead the primary contact team, which was positioned outside of the north door of ~~the unit~~Apartment 4W. This team was designated "Entry Red." Officer N was assigned to lead the secondary contact team, which was staged on the interior staircase, near the south door of ~~the unit~~Apartment 4W. This team was designated "Entry Blue." Officer V and Sergeant E established that the officers assigned to "Entry Red" would enter the apartment first, while the officers assigned to "Entry Blue" held their position. As a contingency, if the officers at Entry Red" were unable to breach their door, the responsibility for entry into the apartment would transfer to the officers assigned to "Entry Blue."

~~In describing the benefits of having two entry points, Sergeant E stated, "So having that Entry Blue is a backup plan. And what...what it also does, it creates confusion to the suspect. He doesn't know where you're coming from. It almost works as a diversionary device. When you have two different charges going off almost simultaneously, it~~

~~distracts him. If he's planning on doing you harm, he doesn't quite know where you're coming from. So, Entry Blue is just a backup plan or a backup entry point."~~

Officer T was assigned to "Entry Red" with Officer V's contact team. Based on his/her assessment of the door, Officer T had selected a ~~28-inch 2-strand tamped rubber "pushing charge."~~ Officer T chose this charge because it was charge designed to defeat the locking mechanisms of a metal door and cause it to buckle inward.

Officer S indicated he/she conferred with Officer T, and they agreed that the above selected charges were appropriate for their respective doors.

Following the placement of explosive charges on both doors, Sergeant E and Officer V discussed with members of "Entry Red" the criteria they would use to determine when breaching would be necessary. Sergeant E indicated that the only thing that would cause them to detonate the charges and breach the doors, would be if they believed there was a victim inside whose life was being threatened. If they encountered anything less than that, including the suspect shooting at them, they would handle the incident as a "barricade."

Lieutenant A met with building manager at the Command Post (CP). The building manager indicated there was no master key for his units, but he had contact information for the tenant of the unit Apartment 4W.

At approximately 1842 hours, Detective A met with the tenant of the unit apartment 4W at the northwest corner of Main Street and 6th Street, across the street from the apartment building. From that location, he identified his windows and described how his apartment was oriented. Detective A then showed him the video of the Subject pulling the Victim by the arm on the fourth floor. He said he did not know the Subject; however, he identified the female as his house guest. The tenant said that when he became aware of the police response in front of his building, he called the Victim numerous times, but she did not answer her phone. He added that when he left the Victim ([alone]) in his apartment earlier in the day, his door was unlocked. Detective A then called Captain A at the CP and was placed on speaker phone with Lieutenant A. After speaking with Detective A, Lieutenant A broadcast the updated information to Sergeant E.

According to Detective A, while he/she was still on the phone with Captain A and Lieutenant A, he/she looked up at the west-facing apartment windows and observed the Subject pull the Victim into view while "clearly" holding a gun to her head. The Victim had an expression of "extreme terror" on her face, and her body was rigid. In real-time, Detective A relayed his/her observations to Lieutenant A.

According to the Victim, the Subject grabbed her very "aggressively" and forced her against the window. He then pressed the gun against the right side of her face while yelling, "I'm going to kill this [expletive] b#tch."

Upon hearing what was occurring, Lieutenant A immediately broadcast the Subject's actions on SWAT frequency and handed tactical control of the incident to Sergeant E.

According to Sergeant E, "control" meant he/she had the approval of Lieutenant A to begin the countdown to detonate the breaching charges and initiate Hostage Rescue Tactics (HRT).

At 1844:40 hours, Sergeant E notified the SWAT officers they were transitioning to HRT. Eleven seconds later, Sergeant E initiated a countdown from five to one. On the count of three, Officer S detonated the charge on the south door, "Entry Blue." On the count of one, Officer T detonated the charge on the north door, "Entry Red."

~~The above described that five-count and staggered detonation was part of a pre-planned tactic discussed between Sergeant E and Officer S. This plan was communicated multiple times to the officers on the fourth floor in the minutes leading up to the breach. The staggered detonation was meant to draw the Subject's attention away from the primary entry point and allow officers to confirm that both charges had been detonated.~~

The breaching charge for "Entry Red" failed to open the door. ~~In an attempt to manually breach the door, Officers used a "Shot Lock" and a sledgehammer, however, both were unsuccessful.~~

It was later determined the Subject had barricaded the door at "Entry Red" with a metal filing cabinet and the door at "Entry Blue" with a cement tabletop.

Approximately 17 seconds after the second breaching charge was detonated, Officer R announced that "Entry Red" did not have an opening. However, the charge on the south door was successful, and Officer P immediately announced that "Entry Blue" had an opening. The responsibility for entry into the apartment was then transferred to the officers assigned to "Entry Blue."

As the lead officer at "Entry Blue," Officer O noticed the door hanging from the return and pushed it open. Using his/her rifle-mounted light, Officer O illuminated the room and directed Officer Y to throw a Noise Flash Diversionary Device (flash bang) into the apartment. After the device detonated, Officer O entered the apartment, followed by Officers N, P, Q, S, T, U, Y, Z, AA, AB, and AC.

As Officer O moved west into the apartment, he/she continued to use his/her rifle-mounted light and observed the Subject facing him/her, while standing behind and slightly to the right of the Victim. Officer O heard the Victim scream and briefly observed the Subject holding a gun to the Victim's chest with his right hand. According to Officer O, the Subject used the Victim as a "shield" as he moved north (left) behind a pillar in the apartment. Officer O feared the Subject was about to shoot and kill the Victim and he/she continued forward and then around to the northwest side of the pillar.

The Victim used similar terminology when she described the Subject's actions. "Because I think obviously the way he ~~he~~-(the Subject) picked me up in front of him to get us over there was like a shield, like, let's get from the chair to the pillar."

~~The Twitter video begins just prior to the detonation of the breaching charges and depicts the Subject forcefully grabbing the Victim from behind and moving her toward the south side of the pillar in the apartment. Following the deployment of the flash bang, illumination from Officer O's rifle-mounted light can be seen coming through the doorway of "Entry Blue." Moments later, the Subject pulled the Victim toward the north side of the pillar and assumed what appeared to be a squatting position while he raised his right hand to the right side of his head.~~

According to the Victim, as the SWAT officers attempted to force their way into the apartment, the Subject picked her up and moved her across the room toward a chair [south of the pillar] while pointing the gun to her head and yelling, "I'm going to shoot this ~~[expletive]~~bitch."

Officer O observed the Subject in a crouched position, continuing to hold the Victim as a shield on the north side of the pillar. With his/her view of the Subject partially obstructed by the Victim, Officer O indicated he/she heard a gunshot (which he/she believed was fired by the Subject) and then observed the Subject assume a semi-prone position. The Subject's head pointed in a south direction facing toward Officer O.

Although she did not see it occur, the Victim stated the Subject fired his gun as the officers made entry into the apartment, as well as after he moved her to the pillar. Officers P and U also believed the Subject fired his gun while at the pillar. According to Officer U, as he/she moved around to the west side of the pillar, he/she observed the Subject lying on his left side with his right arm extended (west) and holding a pistol pointed in their direction. Officer U saw muzzle flash and believed the Subject fired a round nearly parallel to the floor. Officer U stated the Subject then placed the gun to his right cheek and fired a second round simultaneously as the OIS occurred.

Officer P believed the Subject self-inflicted a gunshot wound to his right temple immediately after the OIS.

Based on the Subject's post-mortem examination, it was determined he sustained a self-inflicted gunshot wound to the area just in front of his right ear. The round did not penetrate the Subject's skull. The timing of this gunshot in relation to the OIS could not be determined.

In further describing the Subject's position, Officer O stated, "...he was almost in a prone position. So prone, but still, I -- I don't know if he was bracing himself with his left arm but, not fully flat on the ground...it appeared that his -- his upper torso was still propped up a little bit...So, I guess his knees were on the ground. His -- his -- maybe his waist area was on the ground. Yeah, that's -- I don't know how else best -- best to describe it."

The Victim described the Subject's actions at the pillar by stating, "...he, like set me down there and he got down there and the gun was pointed at me but we were, like, crouched together, like hiding."

Officer O estimated he/she was approximately four to six feet from the Subject when he/she observed him "clearly" holding a gun in his right hand with his finger on the trigger. According to Officer O, the Subject started to slowly "swing" the gun in his/her direction. When further describing this movement, Officer O indicated the Subject moved the gun from left to right toward him/her and explained the movement as clockwise. Fearing the Subject was about to shoot him/her, his/her fellow officers, and the Victim, Officer O disengaged the safety of his/her rifle, aimed at the back of the Subject's right shoulder and fired two "quick" rounds. Officer O indicated he/she assessed after firing his/her first round and observed the Subject continuing to move the gun in their direction. He/she then aimed at the back of the Subject's right shoulder and fired his/her second and final round. Officer O assessed again and determined the Subject was no longer moving. The investigation determined Officer O fired his/her two rounds from an approximate distance of three feet.

Regarding his/her decision to fire his/her rifle Officer O stated, "Okay. So, based on everything that I knew at the time, based on what I -- at scene with him holding her captive in a threatening manner, and the fact that I had heard a gunshot I didn't know where that gunshot was fired at and in what direction. And the fact that I -- I could see a hostage being held against her will and how she was yelling and, in the movement of the gun, in our direction I feared that somebody else might get shot, whether it was the guys to my right, myself. And at this point I wasn't even sure where the hostage was. I could clear clearly see his finger on the trigger, and that's why I fired."

According to Officer Q, he/she heard the Victim screaming as he/she entered the apartment and observed Officer O move to the left (west) side of the pillar. Officer Q momentarily stopped on the right (east) side of the pillar and observed the Subject in a prone position with a gun in his right hand pointed at either Officer O or the Victim. In an effort to avoid a potential crossfire, he/she repositioned to the west side of the pillar and stood to the right of Officer O, while facing east toward the Subject. Officer Q observed that the Victim had broken free and created distance from the Subject.

Officer Q stated, "At that point, looking at the suspect and I see in my opinion that his elbow was on the concrete floor and I see the barrel pointing at the hostage's direction, Officer O's direction and my direction. And his finger was wrapped around the trigger. At that point as fast as I could, I knew that I needed to stop the threat immediately to protect the hostage from being killed, Officer O from being killed or myself or other SWAT officers that were in that vicinity." Officer Q indicated he/she then disengaged the safety of his/her rifle, aimed at the Subject's head, and fired two to three rounds from a distance of approximately five feet.

Officer Q said he/she assessed between rounds and fired each subsequent round, because he/she observed the Subject in the same position with the gun still pointed in their direction. After firing his/her last round, Officer Q assessed again and observed

the Subject's right arm had moved and that the Subject was now pointing his gun directly at him/her (Officer Q). In response to the Subject's movement, Officer Q indicated he/she was about to fire again but did not, because he/she observed the Subject's hand had continued to the ground and his head had fallen forward with his mouth landing on the gun. Officer Q determined the Subject was no longer a threat and he/she re-engaged the safety on his/her rifle.

In further articulating his/her decision to use deadly force, Officer Q stated, "It was necessary because, the hostage [was] still to my left. I could hear her screaming. The suspect was pointing the barrel of his revolver in her direction with his index finger around the trigger. Officer O was to the left and I was to the right of the hostage. In order to protect our lives, prevent us from being killed, struck by gunfire, I fired to stop the threat immediately."

The investigation determined Officer Q fired a total of three rounds from an approximate distance of three feet.

A review of Officer U's BWV determined at 1845:46 hours, immediately prior to the OIS, the Subject was holding the gun in his right hand with it resting on the crux of his outstretched left arm. The Victim was moving away from the Subject at the time, while the muzzle of the Subject's gun was pointed in her direction.

As previously mentioned, the Victim separated herself from the Subject and slid her body west across the floor. She was grabbed by Officer U, who yelled "Gun, Gun, Gun, Gun, Gun," moments prior to the OIS. He/she then ushered her out of the apartment and handed her to Officer R. Regarding his/her actions, Officer U stated, "At that point, I was just focused on the -- on that hostage. I grabbed her, picked her up, because she's still in the line of fire, still got bad guy between us. So I get in between her and the bad guy, and...I take -- take her out of the room."

The Victim was ultimately walked out of the building and immediately brought to Los Angeles Fire Department (LAFD) personnel. As a precautionary measure, she was transported by rescue ambulance (RA) to a medical center for assessment and was determined not to be injured.

Due to the bright illumination from the officers' rifle-mounted lights and the positioning of their BWV cameras on their tactical vests, the movement of the Subject's upper body cannot be seen on video at the time of the OIS. However, at 1845:49 hours, approximately one second prior to the OIS, the Subject's legs can be seen spread apart on Officer Q's body-worn video (BWV). Upon the first rounds being fired, the Subject moved his right leg closer to the left leg.

A BWV image shows the Subject's position approximately 18 seconds after the OIS. The Subject's right hand, which had previously been resting on the crux of his outstretched left arm, had moved and can now be seen resting on the floor with the gun pointed at the right side of his face.

The following is a brief account from the ~~percipient~~-officers who ~~witnessed~~~~observed~~ the OIS.

Officer P was the third officer to enter the apartment and moved west, following Officer O toward the pillar. Officer P saw Officer O move to the west side of the pillar as the Subject crouched behind the pillar (north side). He/she then observed the Subject moving to the floor and simultaneously heard two to three gunshots, which he/she attributed to Officer O firing his/her rifle. Officer P then moved west of the pillar and to the left of Officer O. From that position, he/she observed the Subject holding a gun in his right hand with his finger on the trigger. He/she then observed the Subject place the gun to his right temple and shoot himself.

At the time of the OIS, Officer P believed that Officer O was the only officer who fired.

Officer U was the fourth officer to enter the apartment and moved west, following Officers O and P. As Officers O and P moved around the west side of the pillar, Officer U ~~momentarily~~ stood on the east side of the pillar and saw the back half of the Subject's head as he fell to the floor. To avoid a potential crossfire, Officer U repositioned to the west side of the pillar. Upon doing so, he/she observed the Victim and pulled her farther away from the Subject. Officer U stated, "I grab her, kinda pull her out of the way. I see the suspect holding a gun in his hand, right hand, finger on the trigger. I remember him -- or I believe -- I -- I believe I remember seeing him fire one shot towards the floor while he was on the ground. He's laying on his left side. There was an engagement [OIS]. I don't remember how many rounds were fired. And then I remember seeing the suspect with the gun still in his right hand. He brings the gun up to his face. I remember him pulling the trigger." Upon further clarification, Officer U described the OIS, and the Subject shooting himself in the face, as occurring simultaneously.

Using Officer P's BWV as a reference, Force Investigation Division (FID) investigators determined that approximately five seconds prior to the OIS, a single gunshot can be heard, along with banging from the attempted breach at "Entry Red." Due to his position, the Subject cannot be seen on any BWV footage raising the gun to his head or pulling the trigger, and no additional shots are heard.

~~The Twitter video appears to show the Subject place his right hand to the right side of his own head while in a semi-crouched position. The Subject then appears to crouch further and fall forward out of view at approximately 1 minute and 11 seconds into the video. The OIS starts at approximately 1 minute and 17 seconds into the video.~~

Officer Z was the sixth officer to enter the apartment and moved west, following Officer Q. According to Officer Z, he/she moved toward the pillar and observed two SWAT officers with their rifles pointed down at the Subject, who was lying on his stomach. Officer Z moved west of the pillar, behind Officer Q, and observed something "shiny" and "glinting" in the Subject's right hand at (the Subject's) rib level. Officer Z believed he/she observed blood on the Subject's shoulder and assumed there had been

a shooting. Officer Z heard the Victim scream and looked over his/her shoulder to determine her location. When he/she looked back, he/she heard two to three gunshots, observed a muzzle flash, and saw the Subject being struck in the head. Officer Z was not aware at the time which officer(s) had fired.

Following the OIS, the Subject remained prone with his feet extended to the north and his head position to the south. His right hand remained resting on the floor with the gun pointed toward the right side of his face.

Officer O and additional SWAT personnel provided cover while Officer AD removed the gun from the Subject's right hand and placed it on the floor. Officers T and AD then handcuffed the Subject's hands behind his back. Officer P searched the Subject, placed him in a left-lateral position, and requested LAFD respond to the apartment.

The Subject was then rolled onto his back so Officers AD and AF, both state certified Emergency Medical Technicians (EMTs), could provide medical treatment. Officers AD and AF medically assessed the Subject and determined he sustained multiple gunshot wounds to the head. The Subject had neither a heartbeat nor pupillary reaction to light, and he had significant blood loss. Officers AD and AF formed the opinion that the Subject was deceased.

Approximately one minute later, LAFD Firefighter/Paramedics (FFPM) arrived and conducted a life status assessment. They determined the Subject deceased at 1857 hours.

Shortly after the OIS occurred, Sergeant F directed Officers O and Q out of the apartment and to the third floor, where he/she obtained their Public Safety Statements (PSSs).

When "Entry Blue" was breached, the doors to ~~two neighboring units~~ Units 4S and 4N were also forced open. Immediately after the OIS, officers checked the adjoining apartments and ensured no one was injured. One of the neighboring units ~~was~~ Apartment 4N was occupied by Witness A who indicated she was standing at her kitchen counter near the door when she fell to the floor as the "Entry Blue" charge detonated. Paramedics examined Witness A at scene and determined she was not injured. Witness A was not sure if she fell to the floor as a result of the explosion or due to the sound of the detonation.

Formatted: Indent: Left: 0", Hanging: 0.5"

According to Witness A, she left the building to drop off a package and spoke to a police officer at around 5pm. She then returned to her apartment ~~from the Los Angeles Street side~~. According to Witness A, between one and three minutes after she returned to her apartment there was an explosion and she fell to the floor.

According to Officer S, prior to the detonations, he/she ensured the officers knew their roles and the "count" in which the detonations would occur. Additionally, Officer S directed the officers to close the fire doors near each entry point. As part of his/her command and control, Officer S ensured the officers were behind the fire doors and "off"

the walls with their mouth open so the “overpressure” would not cause them internal injuries.

In regard to “Entry Blue,” Officer S explained, “Where Entry Blue's door was located, there was no way to ventilate the overpressure. It was in a small hallway with three other -- three other doors. One going into an apartment directly across from Entry Blue's door, which would be to the north ~~[Unit 4N]~~. There was also a door to the east ~~[Unit 4S]~~ and then there was the fire door to the west that we -- that I ensured would be closed during the detonation in order to contain the overpressure in that area. One of my considerations that I had in doing my risk benefit analysis was the potential for structural damage. By encapsulating or enclosing the area of Entry Blue and having no place for the overpressure from the detonation to escape to, the gases and the overpressure from the detonation is what caused the damage to the drywall, which opened the Entry Blue's door, breached the door successfully, and moved the cement kitchen island out of the way, but it also resulted in damaging the door to the north and caving in part of the wall into the apartment directly across from the breach point. That was all a calculated risk that was explained to supervision. And based upon the exigency of the incident that there was an imminent peril situation, that woman's life was in danger, it was just a calculation that had to be made and that was my thinking behind it.”

Per SWAT protocol, a second flash bang is readied at each point of entry in the event the first flash bang does not work. If the second flash bang is not needed, the team member holding it announces “bang-out,” and the device is discarded in a safe direction.

Following the detonation at “Entry Red,” Officer AE readied his/her flash bang by pulling the pin as he/she held it in his/her hand. Upon being directed to go to “Entry Blue,” he/she looked for a safe place to dispose of his/her device. He/she chose not to do it in the landing area, because he/she observed that other officers’ “bang-outs” had already negatively affected the K9 dog that was present. Referring to a neighboring unitApartment 4N, Officer AE stated, “I visually cleared that door or the room where that door was. I observed that nobody was inside that location and I believed it to be unoccupied at the time.” Officer AE announced “bang-out” and tossed his/her flash bang into the neighboring unitApartment 4N.

Unbeknownst to Officer AE, the apartment remained occupied by Witness A, who ran to the opposite side of the apartment after the “Entry Blue” breaching charge was detonated. Witness A was not aware that a flash bang had also detonated inside her residence and was not injured.

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
Commander A	N/a	N/a	N/a	N/a	N/a

Captain A	N/a	N/a	N/a	N/a	N/a
Lieutenant A	N/a	N/a	N/a	N/a	N/a
Sergeant A	Yes	No	No	N/a	N/a
Sergeant E	Yes	Yes	Yes	N/a	N/a
Officer O	Yes	Yes	No	N/a	N/a
Officer Q	Yes	Yes	Yes	N/a	N/a
Officer S	Yes	No	Yes	N/a	N/a
Officer T	Yes	Yes	Yes	N/a	N/a
Officer Y	Yes	Yes	Yes	N/a	N/a

~~Sergeant A was at the station conducting administrative work, during which time his/her BWV was not "powered on." He/she activated his/her BWV as he/she left the police station.~~

~~Officer O stood as the point officer at the base of the stairs with his/her rifle positioned in front of his/her chest. While maintaining this position, he/she appeared to inadvertently deactivate his/her BWV camera, which remained off for the remainder of the incident and did not capture his/her subsequent OIS.~~

~~According to Officer S, "My body worn camera is affixed or attached to my tac vest, which is located in the back of my department issued vehicle. [...]. So I turned it on as soon as I put on my gear and I was heading downrange towards the crisis site."~~

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 Commander A, Captain A, Lieutenant A, Sergeants A and E, and Officers O, Q, S, T, and Y to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers O, Q, S, T, and Y's drawing and exhibiting of a firearm to be In Policy

C. Lethal Use of Force

The BOPC found Officers O and Q'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/her 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 – After the Subject entered ~~the apartment complex~~ ~~560 South Main Street,~~ ~~Central Patrol~~ officers planned to contain the building and wait for additional resources. As the incident progressed, Lieutenant A planned to use K9 personnel to search the building. Lieutenant A also planned to have officers access the building's security video to locate the Subject. After it was discovered that the Subject was last seen on the fourth floor, the plan was for K9 to search the building, except the fourth floor, where SWAT would focus their efforts. While K9 officers searched other areas of the building, SWAT personnel planned to hold the fourth floor.

Officers N and V divided the SWAT officers on the fourth floor into two teams. In the event it became necessary to affect a hostage rescue, Officer V was to lead the primary contact team, which was positioned outside of the north door of ~~the unit~~ ~~Apartment 4W~~. This team was designated "Entry Red." Officer N was assigned to lead the secondary contact team, which was staged on the interior staircase, near the south door of ~~the unit~~ ~~Apartment 4W~~. This team was designated "Entry Blue." Officer V and Sergeant E established that the officers assigned to Entry Red would enter the apartment first, while the officers assigned to Entry Blue held their position. As a contingency, if the officers at Entry Red were unable to breach their door, the responsibility for entry into the apartment would transfer to the officers assigned to Entry Blue. Sergeant E described a count and staggered detonation to be used as a part of a pre-planned tactic. Officer S would detonate the south door's charge, by Entry Blue, on the count of three and Officer T would detonate the north door's charge, by Entry Red, on the count of one. The staggered detonation was meant to confuse the Subject and allow officers to confirm that both charges had been

detonated. According to Officer S, before the detonations, he/she ensured the officers knew their roles and the “count” in which the detonations would occur. Officer S ensured the officers were behind the fire doors and “off” the walls with their mouths open so the “overpressure” would not cause injuries.

Assessment – According to Lieutenant A, Sergeant A notified him/her of the security video which depicted the Subject pulling the Victim toward ~~the unit Apartment 4W~~. Based on this information, Lieutenant A advised Sergeant A that SWAT would respond to the incident. Lieutenant A directed Sergeant E and Officer N to assemble a contact team to enter the building and assess the location of ~~the unit Apartment 4W~~.

Upon his/her arrival at the scene, Sergeant A, Metropolitan Division K9, met with Captain A and verified the incident met the criteria for a K9 search.

Due to the violent nature of the crimes the Subject was alleged to have committed, and the likelihood he had barricaded himself inside an apartment with a potential hostage, explosive charges were brought up to the third floor by Officer T, a member of SWAT’s Explosive Breaching Cadre. Soon after, Officers S, T, and U conducted a structural and architectural assessment of the building to select the appropriate type of charges to use if breaching was necessary. At the time of the incident, Officer S had been a member of SWAT’s breaching cadre for 15 years and was the senior member. To help with their assessment, they analyzed the makeup and design of the two doors to ~~a unit Unit 3W~~, which were located on the third floor directly below ~~the unit where the Subject was located Unit 4W~~. Officers determined that the doors for Unit ~~3W~~ appeared to be metal with a metal frame.

Officer T was assigned to “Entry Red” with Officer V’s contact team. Based on his/her assessment of the door, Officer T selected a ~~28-inch 2-strand tamped rubber “pushing charge.” This charge was equivalent to 480.34 grains of Trinitrotoluene. Officer T chose this charge because it was~~ designed to defeat the locking mechanisms of a metal door and cause it to buckle inward. Officer S was assigned to “Entry Blue” with Officer N’ contact team. Based on his/her assessment of the door, Officer S selected a ~~n 80-inch 3-strand detonation cord “blast charge.” This charge was equivalent to 2167.73 grains of Trinitrotoluene. Officer S chose this charge because it was~~ designed to defeat the screws that attached the hinges to the door. Additionally, due to hearing the door being barricaded, Officer S wanted to ensure the charge was enough to push any obstructions out of the way when the door was breached. Officer S indicated he/she conferred with Officer T, and they agreed that the above-selected charges were appropriate for their respective doors

Regarding Entry Blue, to contain the overpressure in that area, Officer S ensured the fire door was closed during the detonation. Officer S considered the potential for structural damage by encapsulating the area and having no place for the overpressure from the detonation to escape but determined it was necessary based upon the exigency of the incident.

The BOPC noted that although the detonation at Entry Blue damaged the surrounding drywall and forced open the doors to two neighboring units Apartments 4N and 4S, the UOFRB had concluded that the charges Officer S selected were appropriate. The UOFRB noted that Officer S had been a member of SWAT's breaching cadre for 15 years and was the senior member. The UOFRB also noted that before placing the charges, Officer S used the unit below Apartment 3W to conduct a structural and architectural assessment of the building to select the appropriate type of charges. Officer S also conferred with Officer T, and they agreed that the selected charges were appropriate for their respective doors. Although closing the fire door encapsulated the overpressure and may have been the cause of the damage to the surrounding area, the UOFRB opined that it was necessary to protect the officers at Entry Blue. The UOFRB also opined that a less charge may have failed to move the cement tabletop that was blocking the south door. Had this happened, officers may not have been able to rescue the Victim.

Time and Redeployment and/or Containment – When the Subject fled on foot, Central Patrol officers pursued him in containment mode. When the Subject entered the apartment building, the officers held in the lobby and contained the building. As the incident progressed, it was discovered that the Subject was contained inside the unit Apartment 4W. The Subject's subsequent actions limited the officers' ability to use time and/or containment as de-escalation techniques.

Other Resources – When the Subject fled on foot, officers requested backup units; air support also responded. After the Subject entered the apartment building, additional responding units were used to contain the area. As the incident progressed, Metropolitan Division K9 personnel were used to conduct a limited search of the apartment building. With the assistance of the building's manager, officers located security video footage that depicted the Subject pulling the Victim toward the unit Apartment 4W. Based on this new information, Lieutenant A determined that SWAT would respond. During the ensuing standoff, Detective A was used to gather intelligence.

Lines of Communication – As Central Patrol officers pursued the Subject on foot, Officer C broadcast their direction of travel and requested backup units. As the Subject ran toward and entered the apartment building 560 South Main Street, Officer E repeatedly ordered the Subject to get on the ground. When the Subject did not comply, Officer E directed his/her partners to hold in the lobby. As the incident progressed, Sergeant A directed officers to confirm the Subject's involvement in the preceding crimes. Speaking with Lieutenant A, Sergeant A advised him/her that Central officers had been involved in a foot pursuit with an armed suspect who had fled into an unknown portion of a multi-story apartment building. Sergeant A also advised Lieutenant A that the Subject was responsible for several violent crimes, including a shooting. After learning of the video that depicted the Subject pulling the Victim toward the unit Apartment 4W, Lieutenant A advised that SWAT would respond. Before commencing with the K9 search, officers played a pre-recorded K9 search announcement in English and Spanish via the Public Address (PA) system from a police vehicle parked in front of the apartment building 560 South Main Street.

Standing outside ~~the unit~~ Apartment 4W, SWAT officers heard heavy objects being moved inside. In response, the officers advised that the door was potentially being barricaded. In the minutes leading up to the entry, the breaching plan was communicated multiple times. Entering the Apartment, officers ordered the Subject to get down. When the Subject pointed his handgun toward the Victim and the officers, he limited their ability to use communication as a de-escalation technique.

During a review of this incident, no Debriefing Points were noted.

Additional Tactical Debrief Topics

- Noise Flash Diversionary Device Deployment - Following the detonation at Entry Red, Officer AE readied his/her Noise Flash Diversionary Device by pulling the pin as he/she held it in his/her hand. Upon being directed to go to Entry Blue, he/she looked for a safe place to dispose of his/her device. He/she chose not to do it in the landing area because he/she observed that other officers' "bang-outs" had already negatively affected the K9 dog that was present. Officer AE visually cleared a ~~neighboring unit~~ Apartment 4N. Believing it to be unoccupied, Officer AE announced "bang-out" and tossed his/her device into the apartment. Unbeknownst to Officer AE, the apartment was occupied by Witness A, who had run to the opposite side of the apartment after the Entry Blue breaching charge was detonated. Witness A was not injured nor was she aware that a Noise Flash Diversionary Device had detonated inside her residence.

Command and Control

- Believing that the Subject was armed with a handgun, Officer E directed his/her partners to hold in the lobby. Arriving at the scene, Sergeant A began directing officers to hold at the entrances of the apartment building to maintain containment. Sergeant A directed additional officers to ascertain whether the Subject was responsible for the related earlier crimes. Sergeant A began setting up a Command Post (CP), broadcast himself/herself as the IC, and requested additional resources. He/she began making notifications and contacted Lieutenant A for advisement. After he/she briefed Lieutenant A, they determined that Metropolitan Division would send K9 to assist since the Subject's location was unknown at that time. After receiving information that indicated the Subject had taken the Victim as a hostage, Sergeant A advised Lieutenant A, who determined that SWAT personnel would respond. Sergeant A provided updates to Captain A and Commander A when they arrived at the scene, and he/she also briefed incoming personnel as they arrived at the CP.

Once it was determined SWAT would respond to the incident, Sergeant E assembled a team to assess the location where the Subject was believed to be. Sergeant E entered the building with his/her team and provided updates to SWAT officers. Sergeant E relayed Commander A's approval of breaching charges to Officers S and T, who were tasked with placing the charges on the north and south doors of ~~the unit~~ Apartment 4W. Sergeant E divided the SWAT officers into two

Formatted: Font: Bold

Formatted: Indent Left: 0", Bulleted + Level: 1 +
Aligned at: 0.25" + Indent at: 0.5"

teams: Entry Red at the north door and Entry Blue at the south door. Sergeant E briefed SWAT officers on the criteria they would use in the event it became necessary to use the breaching charges. After seeing the Subject hold a handgun to the Victim's head, Lieutenant A transitioned tactical control to Sergeant E. Sergeant E notified the entry teams of the update and they transitioned to a hostage rescue team (HRT). Sergeant E began a five-second count indicating to SWAT officers that breaching charges would be used to force entry into the apartment. After the charges were activated, Sergeant E oversaw the entry and relayed information to Lieutenant A.

During this incident, Sergeant F provided supervisory oversight to the Entry Blue team members. Following the OIS, Sergeant F directed Officers O and Q out of the apartment and obtained their Public Safety Statements (PSSs). Officers O and Q were in proximity of one another when Sergeant F took Officer Q's PSS. Sergeant F stated the officers were three feet from each other and, based on the noise level of the fire alarm and previous breaching and Noise Flash Diversionary Device deployments, it was difficult to hear. Sergeant F indicated that Officer O did not hear Officer Q's statements. ~~The BOPC noted that w~~While the UOFRB would have preferred Sergeant F stood the officers further apart during the PSS, the UOFRB opined that it did not compromise the investigation. ~~The UOFRB also noted that per the Captain, Metropolitan Division, Sergeant F had received counseling regarding this issue.~~

At approximately 1743 hours, Lieutenant A arrived at the scene and met with Captain A. According to Lieutenant A, the decision was made not to begin evacuating the occupants of the building due to the ongoing K9 search for an armed suspect. He/she believed it was safer to have the residents shelter in place and allow his/her personnel to clear the floors one by one. Lieutenant A directed Sergeant E and Officer N to assemble a contact team to enter the building and assess the location of ~~the unit~~Apartment 4W. Lieutenant A advised Commander A that the Subject had barricaded the apartment door and was potentially holding a hostage. He/she advised Commander A that breaching charges could be used as a "last resort" to facilitate entry in the event a hostage rescue was necessary. After Commander A gave his/her approval, Lieutenant A advised Sergeant E that breaching charges were authorized if necessary. Throughout his/her involvement in this incident, Lieutenant A maintained situational awareness and provided advice to Sergeants A, E, Captain A, and Commander A. Meeting with the building manager, Lieutenant A obtained contact information for the tenant of ~~the unit~~Apartment 4W. Detective A met with the tenant of the apartment and confirmed that the Victim was his house guest. Speaking with Detective A, Lieutenant A broadcast the updated information to Sergeant E. While on the phone with Detective A, Lieutenant A was advised that the Subject had pulled the Victim to the window and was holding a gun to her head. Upon hearing what was occurring, Lieutenant A immediately broadcast the Subject's actions on the SWAT frequency and handed tactical control of the incident to Sergeant E.

Captain A arrived at the scene as Sergeant A began setting up a CP. Captain A relieved Sergeant A as the IC, ensured the apartment complex was contained, and assisted Sergeant A in determining the location of the CP. He/she briefed Sergeant E and Lieutenant A on the incident and authorized the initial K9 search of the building. He/she discussed evacuating the apartment building with Lieutenant A. Due to the K9 search for the Subject, who was believed to be armed, the decision was made to have the residents shelter in place. Captain A advised K9 officers to pause their search when the hostage situation was discovered, authorized SWAT personnel to begin recon, and approved the gas plan. The BOPC noted that, based on the ongoing tactical situation, the UOFRB agreed with Captain A's decision to have the residents shelter in place.

Commander A arrived at the CP and assumed the role of IC from Captain A. He/she was briefed on the use of breaching charges to force entry into the unitApartment 4W and approved their use if necessary. He/she maintained oversight as the incident unfolded and monitored the incident as SWAT officers made entry. Commander A ensured LAFD was staged near the scene and ensured that the proper notifications were made during this incident.

The BOPC noted that the UOFRB assessed the actions of the involved supervisors, specifically their tactical decisions. Based on their assessment, the UOFRB concluded that the safe recovery of the Victim demonstrated their effective leadership throughout this rapidly unfolding incident. While the Subject dictated the outcome, the UOFRB opined that Sergeants A, E, F, Lieutenant A, Captain A, and Commander A performed in a manner consistent with Department training and expectations of field supervisors and senior officers during a critical incident. The UOFRB was also complimentary of Officer E's restraint and decision to hold officers in the lobby.

The overall actions of Sergeants A, E, and F, along with Lieutenant A, Captain A, and Commander A were consistent with Department supervisory training and the BOPC's expectations of supervisors during a critical incident.

Therefore, ~~based on all the above analyses,~~ the BOPC found the tactics of Commander A, Captain A, Lieutenant A, Sergeants A and E, and Officers O, Q, S, T, and Y to warrant a finding of Tactical Debrief.

Formatted: Indent: Left: 0.25"

B. Drawing/Exhibiting

- **Officers O, Q, S, T, and Y**

At 1844:40 hours, Sergeant E notified the SWAT officers they were transitioning to hostage rescue team (HRT). Eleven seconds later, Sergeant E initiated a countdown from five to one. On the count of three, Officer S detonated the charge on the south door, "Entry Blue." On the count of one, Officer T detonated the charge on the north door, "Entry Red." Approximately 17 seconds after the second

breaching charge was detonated, Officers announced that "Entry Red" did not have an opening. However, the charge on the south door was successful, and Officer P immediately announced that "Entry Blue" had an opening. The responsibility for entry into the apartment was then transferred to the officers assigned to "Entry Blue." As the lead officer at "Entry Blue," Officer O noticed the door hanging from the return and pushed it open. Using his/her rifle-mounted light, Officer O illuminated the room and directed Officer Y to throw a Noise Flash Diversionary Device into the apartment. After the device detonated, Officer O entered the apartment, followed by Officers N, P, Q, S, T, Y, Z, AA, AB, and AC.

The BOPC noted that the UOFRB evaluated Officers O, Q, S, T, and Y's drawing and exhibiting of their rifles. The UOFRB noted that the officers responded to an incident where the Subject had fled into a multi-story apartment building after using a handgun in the commission of several violent crimes. The officers had also been informed that the Subject had possibly taken a hostage. Arriving at the scene, Officers O, Q, S, T, and Y deployed and slung their rifles, which are part of their standard equipment. The UOFRB also noted that after the Subject was observed holding his handgun to the Victim's head, Officers O, Q, S, T, and Y exhibited their rifles as they made entry into the unit Apartment 4W. Based on the totality of the circumstances, the UOFRB opined that it would have been reasonable for the officers to believe the situation may escalate to the point where deadly force may be necessary.

Based on the totality of the circumstances the BOPC determined, that an officer with similar training and experience as Officers O, Q, S, T, and Y 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 founds Officers O, Q, S, T, and Y's Drawing and Exhibiting to be In-Policy.

Formatted: Indent: Left: 0.25"

C. Use of Deadly Force

- **Officer O** - (semiautomatic rifle, two rounds)

As Officer O moved west into the apartment, he/she continued to use his/her rifle-mounted light and observed the Subject facing him/her, while standing behind and slightly to the right of the Victim. Officer O heard the Victim scream and briefly observed the Subject holding a gun to the Victim's chest with his right hand. According to Officer O, the Subject used the Victim as a "shield" as he moved north (left) behind a pillar in the apartment. Officer O feared the Subject was about to shoot and kill the Victim and he/she continued forward and then around to the northwest side of the pillar.

Officer O observed the Subject in a crouched position, continuing to hold the Victim as a shield on the north side of the pillar. With his/her view of the Subject partially obstructed by the Victim, Officer O indicated he/she heard a gunshot (which he/she believed was fired by the Subject), and he/she then observed the Subject assume a semi-prone position, with his head pointed toward him/her.

Officer O estimated he/she was approximately four to six feet from the Subject when he/she observed him “clearly” holding a gun in his right hand with his finger on the trigger. According to Officer O, the Subject started to slowly “swing” the gun in his/her direction. When further describing this movement, Officer O indicated the Subject moved the gun from left to right toward him/her and explained the movement as clockwise. Fearing the Subject was about to shoot him/her, his/her fellow officers, and the Victim, Officer O disengaged the safety of his/her rifle, aimed at the back of the Subject’s right shoulder and fired two “quick” rounds. Officer O indicated he/she assessed after firing his/her first round and observed the Subject continuing to move the gun in their direction. Officer O then aimed at the back of the Subject’s right shoulder and fired his/her second and final round. Officer O assessed again and determined the Subject was no longer moving.

- **Officer Q** - (semiautomatic rifle, three rounds)

According to Officer Q, he/she heard the Victim screaming as he/she entered the apartment and observed Officer O move to the left (west) side of the pillar. Officer Q momentarily stopped on the right (east) side of the pillar and observed the Subject in a prone position with a gun in his right hand pointed at either Officer O or the Victim. In an effort to avoid a potential crossfire, he/she repositioned to the west side of the pillar and stood to the right of Officer O, while facing east toward the Subject. Officer Q observed that the Victim had broken free and created distance from the Subject. According to Officer Q, the barrel of the Subject’s handgun was pointed toward the Victim, Officer O, and him/her. Officer Q disengaged the safety of his/her rifle, aimed at the Subject’s head, and fired three rounds.

Officer Q said he/she assessed between rounds and fired each subsequent round because he/she observed the Subject in the same position with the gun still pointed in their direction. After firing his/her last round, Officer Q assessed again and observed the Subject’s right arm had moved and that the Subject was now pointing his gun directly at him/her (Officer Q). In response to the Subject’s movement, Officer Q indicated he/she was about to fire again but did not, because he/she observed the Subject’s hand had continued to the ground and his head had fallen forward with his mouth landing on the gun. Officer Q determined the Subject was no longer a threat and he/she re-engaged the safety on his/her rifle.

The BOPC noted that the UOFRB evaluated Officers O and Q’s lethal use of force. The UOFRB noted the Subject’s propensity for violence. Before entering the apartment building 560 South Main Street, the Subject had attacked numerous people with a handgun, shooting a 14-year-old boy and attempting to shoot several adults. When confronted by the police, the Subject ran into a residential building where he entered an unlocked apartment, occupied by the Victim. After forcing the Victim to help him look for an escape route from the building, the Subject pulled her back into the unit Apartment 4W and barricaded the doors. The Subject escalated the incident when he placed the Victim in front of a large window facing the street and put his gun to her head. According to the Victim, the Subject pressed the gun

Formatted: Indent: Left: 0.25"

against the right side of her face while yelling, "I'm going to kill this ~~[expletive]~~ bitch!" The UOFRB noted that the Subject's actions prompted SWAT officers to perform a hostage rescue. Despite the use of breaching charges and the deployment of Noise Flash Diversionary Devices, the Subject refused to surrender, positioning himself behind a large concrete pillar while using the Victim as a "shield." Approaching the Subject, both Officers O and Q observed him pointing his handgun toward the officers and the Victim. In response, Officers O and Q discharged their rifles toward the Subject. Based on the totality of the circumstances, the UOFRB opined that Officers O and Q reasonably believed that the Subject posed an imminent deadly threat.

The ~~BOPC considered that the~~ UOFRB noted ~~that~~ both officers assessed as they discharged their rifles. As he/she discharged his/her rounds, Officer Q observed the Subject continue to point his handgun toward him/her (Officer Q). Officer O indicated he/she assessed after firing his/her first round and observed the Subject continuing to move the gun in their direction. The UOFRB noted that both officers ceased firing when they perceived that the Subject was no longer an imminent deadly threat.

As it pertains to Officers O and Q's background, the UOFRB noted that per the Force Investigation Division (FID) investigation, their rounds impacted the concrete floor of the apartment. The UOFRB also noted that according to Officer Q, he/she repositioned to the left side of the pillar, near Officer O, to avoid crossfire concerns and obtain a more advantageous angle. Based on the BWV footage, the Victim had moved away from the Subject and there did not appear to be anyone in the officers' background.

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