

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

**OFFICER-INVOLVED SHOOTING – 054-23**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Harbor	10/1/23		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Sergeant A	13 years, 7 months
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**Reason for Police Contact**

**Synopsis:** Officers responded to a child kidnapping/possible custody dispute radio call in a Target shopping center parking lot. During their investigation, officers learned the Subject did not have a legal right to the child and allowed the Person Reporting (PR) to take custody. After officers completed their investigation, the Subject entered her vehicle and purposefully drove into the victim, narrowly missing the PR and an officer. The suspect then drove her car in the direction of a sergeant and an additional officer, resulting in an Officer-Involved Shooting (OIS). The Subject fled the scene, causing officers to initiate a vehicle pursuit of an Assault with a Deadly Weapon (ADW) suspect. The pursuit terminated when the suspect collided with a tree and was taken into custody.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Female, 39 years of age			
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**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations, 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 9/10/24.

## **Incident Summary**

On Sunday, October 1, 2023, Witness A, contacted the Subject via Instagram to arrange the pickup of his/her foster child, Witness C. Witness A sent several messages to the Subject, but she ignored him/her. During his/her effort to locate her, Witness A observed a photograph the Subject posted to her storyboard on Instagram. The image she posted depicted her and Witness C under the Vincent Thomas Bridge. Witness A was familiar with the area and knew where the photograph had been taken. Witness A and the victim, Witness B, a family friend, drove to the area under the bridge and located the Subject and Witness C. Witness A observed the Subject sitting near a white U-Haul pickup truck with Witness C. Witness A instructed Witness B to remain in his/her vehicle to minimize upsetting the Subject. According to Witness A, the Subject appeared to yell at unknown persons and seemed angry. Witness A observed several of the Subject's and Witness C's bags in the U-Haul truck as he/she approached the vehicle. The Subject told him/her she was moving but did not disclose any further information. Witness A attempted to speak with the Subject as she kept one hand on Witness C and her other hand inside her purse. Witness A advised that the Subject verbally threatened him/her not to come any closer. Witness A kept his/her distance as he/she attempted to calm the Subject and not irritate her further. The Subject yelled at Witness A and warned him/her that she would not give him/her Witness C.

Witness A explained he/she attempted to calm the Subject and suggested they call the police to help sort out any confusion regarding Witness C's custody. The Subject suddenly grabbed Witness C by his/her arm and sat him/her in the truck's front seat. She then started the engine and drove away. Witnesses A and B followed as Witness A dialed 911 on his/her cell phone. Witness A spoke with an Emergency Board Operator (EBO) and provided turn-by-turn directions to the Subject's location. While following the Subject, Witness A lost his/her cellphone connection to the EBO. Witnesses A and B followed the Subject as she drove into the Target parking lot. Witness A redialed 911 and managed to connect with an EBO. He/she reported their current location and waited for police officers to arrive.

Officers A and B were at Harbor station when they were assigned the radio call.

At 2035:56 hours, as officers responded to the location, CD broadcast an update to the radio call and advised officers the Subject had exited the vehicle and was walking toward the entrance of the Target.

At 2036:42 hours, Officer B broadcast over Harbor Division radio frequency that he/she and his/her partner, Officer B, were Code-Six in the area. As observed on Officer A's BWV, officers arrived and parked their police vehicle near the front entrance of the Target. Officers A and B exited their police vehicle and walked toward Witness A, who was standing near the disabled parking area. Witness A identified himself/herself as the person who had called the police. He/she advised officers that he/she had sole custody of Witness C, and the Subject was refusing to return him/her. Officer A then asked Witness A for the Subject's current location. Witness A turned to his/her right and pointed to the southern portion of the parking lot. Witness A further advised officers that

the Subject appeared to be entering her truck to leave.

Officer A instructed Witness A to remain as he/she and Officer B returned to their police vehicle. The officers drove south in the parking lot and stopped their police vehicle just north of the Subject's truck. The officers exited the police vehicle and contacted the Subject.

At 2037:48 hours, Sergeant A arrived at the Target shopping center. Sergeant A proceeded south in the parking lot and parked west of Officers A and B's police vehicle. He/she exited his/her vehicle and walked toward the officers' location. Sergeant A stood by as Officers A and B conducted their investigation. When the Subject attempted to speak with him/her, Sergeant A redirected her attention to the officers.

Officer A spoke with the Subject and conducted an investigative interview. Officer A instructed Officer B to interview Witness A, who had walked to their location. As observed on Officer A's BWV, the Subject would bring up topics unrelated to the child custody issue the officers were called to mediate. She would avoid answering questions being asked by Officer A. Officer A attempted multiple times to redirect the Subject's attention and obtain further information about Witness C's legal custody. According to Officer A, "The Subject as - - appeared agitated, was difficult to interview, and was difficult to get a clear story what was going on from her. My partner was able to get a better idea of the situation from the reporting parties, and we were able to determine that at some point the PR had cus - - got custody of the child from the mother when the mother was arrested sometime before."

According to Sergeant A, the Subject was acting strange. She called herself Megan Thee Stallion and twerked in front of officers and her child. She also talked about sex and topics unrelated to the investigation they were conducting. Officer A attempted to de-escalate the situation by using a calm tone to clarify her statements.

Officers requested documentation from the Subject and Witness A to help verify who had legal custody of Witness C. The Subject stated she did not have any documents with her. Witness A also advised he/she did not bring any documents with him/her. He/she explained he/she was not expecting a dispute to occur and was unprepared. According to Witness A, the Subject gave birth to Witness C while she was incarcerated. The court awarded him/her sole guardianship of Witness C, and she lost all parental rights. No visitation rights were granted to her. The Subject only had her child because Witness A unofficially allowed her to keep Witness C for the weekend.

Officer B called the Department of Children and Family Services (DCFS) to determine if an open case involving Witness C and his/her current guardianship information existed. Once Officer B obtained the information from DCFS, he/she relayed it to Officer A. Officer B advised Officer A that DCFS records indicated a case had been opened in 2019. The records also indicated Witness A was the legal guardian and not the Subject. Officers A and B then discussed a plan to return Witness C to Witness A because he/she was the legal guardian. Officer A approached the Subject, who was seated in the passenger seat of her truck. Officer A explained to her that Witness C

would be released to Witness A because records indicated Witness A had custody.

Officer A lifted Witness C from the truck bed and escorted him/her to Witness A who was standing near the police vehicles. He/she instructed Witnesses A and B to take Witness C while the Subject was distracted. Witness B asked Officer A if they could have Witness C's backpack, which was located inside the U-Haul truck. As officers remained with the Subject, Witnesses A, B, and C returned to their vehicle. Witness A then placed Witness C in the back seat of his/her car as he/she waited for Officer A.

Officer A instructed Officer B to monitor the Subject as he/she walked to deliver the backpack to Witness B. Sergeant A and Officer B remained as the Subject approached and entered her truck. At 2115:34 hours, as observed on Officer A's BWV, he/she walked toward Witnesses A and B, standing in the designated disabled parking stalls near the store entrance. Officer A stood near Witness B and provided him/her with the incident number for the radio call.

Simultaneously, the Subject drove north through the parking lot toward Officer A's location as Sergeant A and Officer B stood outside their police vehicles.

At 2115:46 hours, as observed on Officer A's BWV, he/she yelled out as the Subject turned her truck in his/her direction. Officer A and Witnesses A and B were standing in the designated disabled parking stalls, which did not allow vehicle pass-throughs and were marked by painted asphalt and metal posts. The Subject accelerated her truck as she turned east, almost striking Officer A, who was steps away from the front bumper. Officer A stepped to his/her side to avoid being struck by the vehicle.

The Subject continued to drive east through the parking stalls and struck Witness B with the front of her truck. Witness B was thrown approximately 26 feet by the blunt force of the truck's impact. Witness A, who was standing near Witness B at the time of the collision, managed to step out of the truck's path.

At 2115:47 hours, Sergeant A began walking toward Officer A's location. As observed on Sergeant A's BWV, he/she began to run north through the parking lot after the Subject collided with Witness B. At the time of the impact, Sergeant A was approximately 126 feet from the collision. The Subject then turned south and accelerated in Sergeant A's direction. Sergeant A described he/she felt vulnerable in an open space as the truck approached. He/she believed the Subject had just killed two people and had now turned in his/her direction to kill him/her. Sergeant A explained he/she felt a sharp pain in his/her knee as he/she attempted to avoid being hit by the truck.

He/she also became disoriented by the truck's headlights. Fearing for his/her life, he/she unholstered his/her pistol and transitioned from a one-hand low-ready grip on his/her pistol, with his/her finger on the slide, to on target, with his/her finger on the trigger.

At 2115:51 hours, as the Subject continued to accelerate south in his/her direction,

Sergeant A discharged one round from his/her pistol utilizing a single left-handed grip. When he/she fired, Sergeant A stated he/she was approximately 5 to 10 feet from the Subject. Regarding his/her background, he/she said there were empty parked cars and that he/she did not observe any citizens in the direction he/she fired. He/she added that the entrance doors to the Target were not in his/her line of sight. Sergeant A explained he/she aimed at the Subject through the front windshield, which was the intermediate barrier between them.

At 2115:52 hours, Sergeant Witness A discharged his/her pistol for the second time utilizing a two-hand grip. According to Sergeant A, he/she was approximately 10 to 15 feet from the Subject when he/she fired his/her pistol. Sergeant A said the Subject did not stop after he/she fired his/her first round and continued driving. He/she felt that Officer B's life was now in danger. He/she advised he/she aimed at the Subject through the side window of her truck. According to Sergeant A, the Subject maintained the ability to continue killing and feared for anyone in her path.

Sergeant A fired two rounds from his/her handgun. Although Sergeant A perceived he/she fired his/her first round from a distance of 5 to 10 feet, the investigation determined he/she fired from approximately 37 feet. Sergeant A perceived he/she fired his/her second round from 10 to 15 feet. The investigation determined he fired his second round from approximately 45 feet. During his/her interview, Sergeant A stated that the suspect's vehicle appeared much closer than how it was depicted on his/her BWV.

Sergeant A advised that after firing his/her second round, he/she experienced a pistol malfunction. He/she racked the slide, but the pistol remained out of battery. As observed on Sergeant A's BWV, he/she then broadcast, "Officer needs help, shots fired. Suspect is fleeing northbound Gaffey in a U-Haul pick-up truck." The broadcast was received by CD and repeated on Harbor Division base frequency. Sergeant A then looked down at his/her pistol and observed he/she had a double feed. He/she racked the slide once again, but the pistol remained out of battery. Sergeant A then locked the slide to the rear, removed the pistol's magazine and pulled the round from the chamber. He/she cleared the malfunction, inserted the round back into the magazine and holstered his/her pistol. He/she felt he/she needed to be ready to protect himself/herself and any citizens in the parking lot if the Subject returned.

After Sergeant A broadcast the Subject's direction of travel and the crime she was wanted for, he/she ran to assist Witness B. Sergeant A requested an ambulance for Witness B's injuries and also requested additional resources to respond to the crime scene.

Simultaneously, Officer A ran after the Subject's vehicle on foot. His/her BWV captured him/her unholstering his/her pistol. Officer A held his/her pistol in a two-handed low-ready position with his/her finger along the frame. According to Officer A, he/she unholstered after the Subject had already shown that she was willing to use deadly force against him/her and other civilians. He/she felt that lethal force would be necessary if she were to turn around. Officer A was also aware that Officer B and

Sergeant A were located south of the parking lot in the direction the Subject was headed. Officer A advised that as he/she ran, he/she heard a gunshot but was unable to see who had fired the round. He/she holstered his/her pistol after he/she realized the Subject was not turning back and was driving away. He/she immediately requested help via his/her police radio as he/she ran to his/her police vehicle, but his/her broadcast was covered by Sergeant A requesting help. Officer A stated he/she heard Sergeant A request medical aid for Witness B.

According to Officer B, prior to the OIS, he/she and Sergeant A discussed the notifications that needed to be made to DCFS as the Subject drove away. That is when he/she heard tires screeching and observed the Subject driving her truck toward Officer A's direction. He/she then observed the truck collide with Witness B, causing her to "fly" five feet before landing on the ground. Officer B said he/she began to run toward the collision when he/she observed the Subject turn and drive toward his/her and Sergeant A's location. He/she stopped and took some steps back, utilizing his/her police vehicle as cover. He/she then heard two gunshots and immediately unholstered his/her pistol. He/she then observed the Subject driving west through the parking lot and collide with a tree. He/she holstered his/her pistol as he/she heard Officer A tell him/her to get into the police car. At this point, he/she entered the passenger side of his/her vehicle, and Officer A entered the driver's side.

At 2116:34 hours, Officers A and B's DICVS captured the officers driving from the Target parking lot and turning west. As soon as Officer A negotiated the westbound turn, he/she activated his/her vehicle's emergency light bar system and the siren.

As officers located the Subject driving her truck, their DICVS captured her negotiating a left turn against a solid red tri-light. Officers A and B followed behind with their emergency lights and siren activated.

At approximately 2117:32 hours, Air Support Division Officers C and D, broadcast that they were en route to the incident.

At 2117:34 hours, Officer B broadcast that they were in pursuit of an ADW suspect in a vehicle." Communications Division broadcast details of the pursuit and requested back-up, air unit and a supervisor.

An approximate 12-minute vehicle pursuit traveled approximately eight miles through multiple surface streets. The DICVS of several units captured the Subject committing numerous traffic violations.

The pursuit terminated when the Subject's vehicle lost control and drove onto the sidewalk, colliding with a large tree.

The Air Unit broadcast the officers would be Code-Six and began coordinating a perimeter. Communication Division acknowledged and repeated the broadcast.

According to Officer A, "At that point we - - that's when we got to the entrance to the

park and saw the vehicle pass us across us westbound and then the vehicle collided with a curb at the end of the park, and it collided with a tree. I positioned the vehicle - - our police vehicle behind the bumper of the truck to keep her from being able to drive away again.” Officer A stopped behind the Subject’s truck, and Officers A and B exited their vehicle. Both officers unholstered their pistols.

At 2131:21 hours, Sergeant B broadcast he/she had arrived at the termination of the pursuit. He/she formed an arrest team comprised of responding officers. At 2134:58 hours, the arrest team moved forward and took the Subject into custody without incident.

At 2138:51 hours, Officer E broadcast over Harbor frequency for a Rescue Ambulance (RA) to respond to treat the Subject for her injuries.

At 2141:04 hours, the Los Angeles Fire Department (LAFD) dispatched a RA, staffed by Firefighter/Emergency Medical Technicians (FF/EMT) to the scene.

At 2148:19 hours, the FF/EMTs arrived and treated the Subject for an injury to her arm sustained during the traffic collision.

As the pursuit was ongoing, at approximately 2125 hours, Sergeant C arrived at the Target shopping center. Sergeant C assisted with managing the crime scene and setting up the Command Post (CP). Sergeant C identified Sergeant A as involved in the OIS and separated him/her. He/she also obtained his Public Safety Statement (PSS) and took possession of his BWV camera. He/she then had Sergeant A monitored until the arrival of FID detectives.

**BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	Yes	Yes

**Los Angeles Board of Police Commissioners’ Findings**

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

**A. Tactics**

The BOPC found Sergeant A’s tactics to warrant a tactical debrief.

## **B. Drawing and Exhibiting**

The BOPC found Sergeant A's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Sergeant A's lethal use of force to be out of 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, subjects, 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 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.

**Planning, Assessment, Time, Redeployment and/or Containment, Other Resources, and Lines of Communications** – At the time of this incident, Sergeant A had been a sergeant for approximately six months and responded to assist officers with a custody dispute radio call. Upon allowing the Subject to leave the scene, Sergeant A observed the Subject drive towards Officer A and believed the Subject hit Officer A and Witness B with her truck, killing them both. Sergeant A assessed the Subject's actions and believed she intentionally hit Officer A and Witness B with her vehicle, due to the path of travel she took to get to them, as well as her failure to stop and render aid. Sergeant A ran towards Officer A; however, the Subject turned and accelerated toward him/her. Sergeant A attempted to redeploy and find cover but was unable, due to the

Subject's sudden actions. As the OIS occurred, Sergeant A assessed the Subject's actions and his/her background while firing his/her rounds. Once the Subject fled in her vehicle and the vehicle pursuit was initiated, Officer B broadcast a request for additional resources. Sergeant A also broadcast a help call and requested resources to assist in crime scene management. Sergeant A was unable to communicate with the Subject prior to the OIS as her actions necessitated his/her immediate response. Ultimately, the manner in which Sergeant A was confronted by the Subject and her actions, limited his/her time and ability to employ de-escalation techniques.

During the review of the incident, the following Debriefing Topic was noted:

### **Debriefing Point No. 1: Cover**

Upon observing the Subject's truck intentionally hit Witness B, Sergeant A began to run towards Officer A to render medical aid. Upon observing the Subject accelerate in his/her direction, Sergeant A attempted to redeploy toward a tree and a planter; however, at the time of the OIS, Sergeant A was without cover. According to Sergeant A, he/she was initially unaware that the Subject was going to drive in his/her direction. Once she accelerated toward him/her, Sergeant A felt a sharp pain in his/her knee and was unable to move further.

The UOFRB assessed Sergeant A's use of cover. The UOFRB noted when Sergeant A observed the Subject begin to drive in the direction of Officer A and Witnesses A and B, he/she began to walk in that direction, leaving his/her nearest available cover. When Sergeant A left cover, the Subject had never indicated she had the propensity to be violent. The UOFRB opined it was reasonable and expected for Sergeant A to move toward the Subject so he/she could find out why she was coming back and address any concerns. After Sergeant A witnessed what he/she believed to be the Subject intentionally striking Witness B and Officer A, he/she quickly reacted and moved towards them to render aid. In doing so, the UOFRB recognized the Subject turned and accelerated towards Sergeant A, who was without cover. The UOFRB noted Sergeant A redeployed out of the truck's path by stepping to the right and toward the cover of a nearby planter and tree. The UOFRB emphasized Department policy explicitly states that in situations where the vehicle is the threat, officers are expected to attempt to move out of the vehicle's path. Additionally, the Subject's actions limited the amount of time Sergeant A had to react and move to cover, resulting in him/her not being fully behind cover at the time of the OIS. The UOFRB opined Sergeant A's actions were not a substantial deviation from Department-approved tactical training, given his/her available reaction time, along with his/her movement toward cover. The UOFRB also opined Sergeant A followed Department policy as it pertains to the tactics of moving out of the path of a moving vehicle.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Sergeant a were not a substantial deviation from Department-approved tactical training.

To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

- **One-Handed Shooting Platform** – Sergeant A utilized a one-handed shooting grip when he/she discharged the first round from his/her service pistol. When possible, officers should use a two-handed shooting grip. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Situational Awareness** – After the OIS, Sergeant A inadvertently broadcast the Subject fled northbound on Gaffey Street, although she had fled westbound on Capital Drive. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

### **Command and Control**

While conducting the initial investigation regarding the child custody dispute, Sergeant A provided supervisory oversight. He/she instructed Officer B to contact the Department of Children and Family Services (DCFS) to determine who had custodial rights over the child. After the OIS, Sergeant A broadcast a help call and requested units respond to the crime scene.

Upon joining the pursuit, Sergeant B broadcast he/she was the Incident Commander (IC) in the pursuit and was Code Six. Sergeant B authorized two additional units to join the pursuit.

While the pursuit was occurring, Sergeant D arrived at the Target shopping center and began establishing the outer crime scene. At 2125 hours, Sergeant C arrived at the Target shopping center and established a Command Post (CP). Sergeant C broadcast he/she was the IC for the OIS location. Upon gaining more situational awareness, Sergeant C alerted officers in the pursuit that the Subject was wanted for "ADW with a vehicle," was not presumed to be armed and did not fire at the officers.

At 2128 hours, Sergeant C obtained Sergeant A's Public Safety Statement (PSS).

At 2131:21 hours, Sergeant B arrived at the termination of the vehicle pursuit and formed an arrest team comprised of responding officers and took the Subject into custody without further incident.

The Department Operations Center (DOC) was notified of the OIS at 2145 hours by Captain A.

The BOPC determined that the overall actions of Sergeants B, C, and D were consistent with Department training and the Chief's expectations of supervisors

during a critical incident. The BOPC also determined that the command and control exhibited by Sergeant A before and after the OIS was consistent with Department training and the Chief's expectations of a supervisor.

### **Tactical Debrief**

- In conducting an objective assessment of this case, the BOPC determined the actions of Sergeant A were not a substantial deviation from Department-approved tactical training.

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

Therefore, the Chief directed Sergeant A to attend a Tactical Debrief and the specific identified topics be discussed.

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

Upon observing the Subject intentionally strike Witness B and Officer A, Sergeant A then observed the Subject accelerate in his/her direction. As a result, Sergeant A unholstered his/her service pistol. According to Sergeant A, he/she unholstered his/her service pistol because he/she was in fear he/she was going to be killed by the Subject.

The UOFRB assessed Sergeant A's drawing and exhibiting of his/her service pistol. The UOFRB noted Sergeant A had just witnessed the Subject commit a felony act when she intentionally hit Witness B and believed that the Subject had also hit Officer A. Sergeant A then observed the Subject driving away from the collision scene and accelerate towards him/her and Officer B. Based on the Subject's actions, the UOFRB opined it was reasonable for Sergeant A to believe the situation could escalate to where deadly force could be justified.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A would reasonably believe the situation could escalate to where deadly force may be justified.

Therefore, the BOPC found Sergeant A's Drawing/Exhibiting to be In Policy, No Further Action.

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

- **Background** – The FID investigation determined Sergeant A's background during the OIS was unoccupied parked cars and a parking lot.

- **Sergeant A** – 9mm, semi-automatic pistol. Two rounds discharged in a westerly direction from an approximate increasing distance of 37 feet to 45 feet.

Sergeant A perceived he/she fired his/her first round from a distance of five to 10 feet. The investigation determined he/she fired from a distance of approximately 37 feet. Sergeant A perceived he/she fired his/her second round from 10 to 15 feet. The investigation determined he/she fired his/her second round from approximately 45 feet. During his/her interview, Sergeant A stated that the Subject's truck appeared much closer than how it was depicted on his/her body worn video (BWV). He/she attributed this discrepancy to his/her impaired vision and disorientation caused by the headlights of the Subject's truck coming toward him/her.

**Round One:** According to Sergeant A, he/she observed the Subject driving a white U-Haul truck and collide with Witness B. The Subject then turned south and accelerated toward him/her, leaving him/her feeling "vulnerable" in an open space. Sergeant A was under the assumption the Subject had just killed Officer A and Witness B and now turned in his/her direction to kill him/her. Sergeant A explained he/she felt a sharp pain in his/her knee and became disoriented by the truck's headlights as he/she attempted to avoid being hit. As the Subject continued to accelerate in his/her direction, Sergeant A discharged one round from his/her service pistol utilizing a single left-handed grip from an approximate distance of 37 feet. Sergeant A explained he/she aimed at the Subject through the truck's front windshield.

**Round Two:** According to Sergeant A, after he/she discharged his/her first round, the Subject did not stop and continued driving. This caused Sergeant A to believe Officer B's life was now in danger based on the Subject's previous actions. In order to protect Officer B's life, Sergeant A discharged one round from his/her service pistol from an approximate distance of 45 feet. Sergeant A aimed at the Subject through the side window of her truck. Sergeant A stated the Subject had several opportunities to leave the area; however, chose not to. Believing that the Subject had targeted him/her and Officer A, Sergeant A believed the Subject was going "straight for" Officer B next, to kill him/her. When asked if there was any consideration of moving out of the way, Sergeant A explained he/she did not have "too much" cover and felt "vulnerable" and "immobilized."

The UOFRB assessed Sergeant A's use of lethal force. The UOFRB noted as Sergeant A began to walk toward the area where the Subject was driving, he/she observed her intentionally hit Witness B and was under the belief she also hit and killed Officer A. Sergeant A then observed the Subject accelerate in his/her and Officer B's direction. In defense of his/her life and Officer B's life, Sergeant A discharged two rounds from his/her service pistol at the moving vehicle. While the UOFRB acknowledged Sergeant A's initial perception of the Subject's vehicle as an imminent threat, Department policy clearly states an officer shall move out of its path instead of discharging a firearm at it or any of its occupants. Further, the UOFRB opined it was clear both Sergeant A and Officer B had reasonable and apparent

means of escape from the vehicle's path of travel, which was supported by Sergeant A moving even further out from the vehicle's path and Officer B using police vehicles as cover. Based off Sergeant A's statements, he/she viewed the vehicle as a singular threat, which does not align with Department policy regarding shooting at a moving vehicle. Overall, the UOFRB opined Sergeant A's decision to shoot at the Subject as she drove her vehicle was inconsistent with the Department's policy regarding shooting at a moving vehicle. The vehicle itself cannot presumptively constitute a threat that justifies the use of deadly force and there were no identified exigent circumstances in this incident.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A, in the same situation, would not reasonably believe the use of lethal force was consistent with the Department's policy on shooting at a moving vehicle.

As such, the BOPC found Sergeant A's Use of Lethal Force to be Out of Policy, Administrative Disapproval.

### **Medical Treatment/Rendering Aid**

- After the Subject fled the scene, at 2117:32 hours, Sergeant A requested a Rescue Ambulance (RA) for Witness B. After the termination of the pursuit and the subject was taken into custody, Officer E requested an RA at 2138:51 hours to respond. At 2148:19 hours, Los Angeles Fire Department (LAFD) RA arrived at scene and treated the Subject for an injury to the arm sustained during the traffic collision. Approximately six minutes later, the RA transported the Subject to the hospital and arrived at 2201:19 hours. The Subject was treated by a doctor for abrasions on her left arm and a bruised right eye, which she sustained from the traffic collision.

### **Requirement to Intercede**

- The BOPC found the use of lethal force to be out of policy because an officer with similar training and experience, in the same situation, would not reasonably believe the use of lethal force was consistent with the Department's policy on shooting at a moving vehicle. However, due to the rapidly evolving nature of the incident, no officer could have reasonably been expected to intercede.