

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

**OFFICER-INVOLVED SHOOTING – 069-23**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ( )</u></b>	<b><u>Uniform-Yes (X) No ( )</u></b>
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Devonshire	12/01/23		
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<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
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Officer C	6 years, 2 months
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**Reason for Police Contact**

Devonshire Patrol Division uniformed police officers responded to a radio call of an “Assault with a Deadly Weapon (ADW) suspect armed with a handgun.” As the officers arrived, they observed a residence engulfed in flames and were approached by the victim. The officers made entry onto the property to search for potential victims and the Subject. While conducting their search, they were confronted by the Subject armed with a handgun resulting in an Officer-Involved Shooting (OIS).

<b><u>Subject</u></b>	<b><u>Deceased (X) Wounded ( ) Non-Hit ( )</u></b>
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Female: 63 years of age.

**Board of Police Commissioners’ Review**

This is a brief summary designed only to enumerate salient points regarding this categorical use of force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the BOPC of Police (BOPC); 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 October 15, 2024.

## **Incident Summary**

On Friday, December 1, 2023, at 1350 hours, Communications Division (CD) received an emergency call for service from a female (later identified as Victim 1) stating her sister (later identified as the Subject) broke into her house and was armed with a gun. Additionally, the Victim advised the Subject had pepper sprayed her in the face and the Victim had locked herself in the bathroom.

Force Investigation Division (FID) investigators determined the Subject and the Victim were involved in an ongoing dispute over ownership of the residence. Investigators located two prior Investigative Reports involving both the Subject and the Victim.

At 1350:44 hours, CD broadcast the following radio call, "Devonshire Units ADW suspect there now, [address deleted]. Suspect is a sister female white armed with a handgun. PR is locked inside the restroom."

At 1356:20 hours, the Victim advised CD, "Oh my God, she is setting a fire. She is setting a fire, call the fire department. She is setting my living room on fire."

At 1358:04 hours, CD broadcast the following additional information, "17X91, the entire living room is now on fire, there is no way for the PR to exit the restroom. The suspect is still inside the residence with the handgun."

At approximately 1401 hours, Los Angeles Fire Department (LAFD) Engine No. 107, arrived on scene. According to the LAFD Captain, they staged and waited for LAPD to secure the scene.

At 1401:08 hours, Officer A arrived at scene and parked his/him vehicle on the southeast corner. Sergeant A and Officer B were driving east on when they heard Officer A, who was working alone, broadcast he/she was at scene. They also heard a CD broadcast indicating the suspect was armed with a handgun and decided to respond.

Officer A approached the location on foot, unholstered his/him firearm and positioned him/herself behind a grey Mazda parked across the street.

Officer A then broadcast, "The house is fully engulfed in flames. I'm at the front of the residence, I got FD at scene, I don't see the suspect." Additionally, Officer A broadcast, "Ma'am I need an airship over me now, I got to get eyes on that location."

At 1402:00 hours, CD broadcast additional information, "17JL13, the suspect is possibly to the rear of the residence that's where she was last seen."

Sergeant A and Officer B arrived on scene and parked their police vehicle on the corner. Sergeant A and Officer B exited their vehicle, unholstered their firearms and positioned themselves in front of a residence directly across the street from Officer A.

As Sergeant A and Officer B were positioned along the exterior fence of the residence, which is one house north of the house that was on fire, Sergeant A heard the Victim, who was standing behind the fence, state, "She set my house on fire, I think she's in the backyard."

According to Sergeant A's BWV, he/she communicated with Officer B, "Get her out of there." Both Sergeant A and Officer B proceeded to force the wooden gate open by pulling it back.

Sergeant A instructed the Victim to "Come out here" and asked, "Where was your sister last seen?" The Victim replied, "In the backyard" as she exited the property holding a bag.

Sergeant A called Officer A toward him/her and stated, "Check this bag real quick" and "I want to know where this gun is at." While Officer A checked the Victim's bag for a firearm, Sergeant A directed him/her to remain with the Victim.

According to Officer C's BWV, at 1404:09 hours, Officers C and D arrived on scene and parked their police vehicle approximately one block away from the location. Officer C deployed his/her Police Rifle from his/her police vehicle and chambered a round as he/she approached the location.

According to Sergeant A's BWV, at 1404:18 hours, he/she walked toward Officer B who remained at the wooden fence and stated, "Alright you are with me, we are going into the backyard." Sergeant A stepped into the backyard of the neighbor's residence as Officer B followed behind him/her.

Sergeant A walked toward a chain link fence that led into the Victim's property, kicked it open and shouted, "Is there anybody else in the house?"

Simultaneously, several other officers arrived at scene and walked to the driveway.

Officer E unholstered his/her firearm as he/she approached the driveway.

Sergeant A stepped into the property and pointed his/her firearm toward the rear garage as Officers A and B followed him/her through the gate. Officer A pointed his/her firearm toward a side door as Officer B searched the trash cans.

Sergeant A responded, "Let's go, let's go move it here" as he/she moved toward the rear garage. Officers A and B trailed Sergeant A, as all three of them ran past the engulfed house and stopped at the rear garage.

Officer A observed Officer C equipped with his/her Police Rifle and instructed him/her to proceed to the front.

Officer C moved past Officers A and B and assumed the point position.

According to Officer C’s BWV, at 1405:41 hours, he/she moved toward the rear of the garage and shouted, “Los Angeles Police Department!” Officer C reached the corner of the garage and shouted “Hey, let me see your [expletive deleted]!” Simultaneously, a female (later identified as the Subject), pointed a black handgun in Officer C’s direction. Officer C stepped back and fired four rounds at the Subject with his/her Police Rifle from an approximate distance of eight feet.

Immediately after firing his/her fourth and final round, the Subject fell to the ground and Officer C shouted, “Shots fired, let me see your hands!”

The Subject was subsequently taken into custody and transported to the hospital by ambulance, where she was later pronounced deceased.

**BWV and Digital In-Car Video (DICV) Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Sgt A	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes

**Los Angeles Board of Police Commissioners’ (BOPC) 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 Officer C’s and Sergeant A’s tactics to warrant a finding of Tactical Debrief.

**B. Drawing and Exhibiting**

The BOPC found Officer C’s and Sergeant A’s drawing and exhibiting of a firearm to be In Policy.

**C. Lethal Use of Force**

The BOPC found Officer C’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 Subject 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 Subjected 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 subject 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, Subjects, persons in custody, subjects 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 fired 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 fired 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 firing 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 subject.

## **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 subject 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

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

#### Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**  
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

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

**Planning and Assessment** – Officers C and D worked together intermittently over the seven years prior to this incident, during which time they discussed tactical concepts, including contact and cover roles. Sergeant D and Officer B discussed tactical concepts, including contact and cover roles, encounters with armed suspects and tactical de-escalation.

When Sergeant D arrived at scene, he/she assumed responsibility for the tactical planning and immediately began communicating with Officers B and A. Due to the exigency of the situation, Sergeant D assessed the need to enter the Victim's backyard to search for the Subject and any additional victims. Sergeant D also acknowledged the need to clear the backyard in order for LAFD to extinguish the fire before it spread to surrounding residences. Due to having a new probationary officer (Officer B) and the intensity of the situation, Sergeant D took point as they entered the backyard.

When Officer C arrived at scene, he/she assessed the deployment of his/her police rifle was necessary due to the comments of the call. As the other officers joined Sergeant D and Officers B and A, Sergeant D directed the search team to clear the backside of the detached garage. After the OIS, Sergeant D delegated his/her tactical position to another officer in order to provide supervisory oversight of the incident, including assigning roles to take the Subject into custody.

**Time, Redeployment and/or Containment** – Due to the house being engulfed in flames and the potential of it spreading, Sergeant D had minimal time to act. Sergeant D determined there was an immediate need to enter the property to locate victims and render the scene safe for LAFD. Sergeant D communicated his/her guiding concern of preservation of life.

While searching the rear of the detached garage, the Subject confronted the officers and pointed a gun at them. The suddenness of the threat limited Officer C's ability to use time as a de-escalation technique; however, he/she redeployed by stepping back but had limited space as he/she was in a small walkway.

**Other Resources** – Prior to officers' arrival, LAFD arrived and staged approximately one block away from the target location. When Officer A arrived at scene, he/she requested an air unit respond.

After the OIS, Sergeant D broadcast officers needed help and shots had been fired. Sergeant D requested responding units establish containment around the area. Multiple police personnel communicated with LAFD to address the fire and treat the Subject' injuries.

**Lines of Communications** – Prior to entering the backyard, Sergeant D continued to communicate with Officers B and A by advising them to search the trash cans and run past the house that was engulfed in flames. Upon reaching the detached garage, Sergeant D directed officers to search the rear of the detached garage.

Upon his/her arrival, Officer C told the other officers he/she had a police rifle and assumed the point position on the search team. While approaching the rear side of the detached garage, Officer C shouted, "Los Angeles Police Department!" alerting the Subject to their presence and providing her an opportunity to peacefully surrender. When Officer C reached the corner of the detached garage and observed the Subject pointing a gun at him/her, he/she shouted, "Hey, let me see your ..." After the OIS, Officer C advised the officers there were shots fired.

During the review of this incident, there were no Debriefing Points; however, the following Additional Tactical Debrief Topics were identified:

#### **Additional Tactical Debrief Topics**

- **Rifle Standards** – Officer C did not mark two of his/her rifle magazines with the number of rounds loaded.
- **Profanity** – Upon making contact with the Subject, Officer C used profanity toward her when ordering her to drop the gun.
- **Incident Commander Declaration** – Sergeant D did not declare he/she was the Incident Commander (IC) prior to or after the OIS.

- **Situational Awareness** – Upon entering the burning property, Sergeant D assumed a point position while entering with Officers B and A. As resources arrived and he/she became aware of them, Sergeant D began delegating roles; however, he/she continued to hold a corner while a search team cleared the rear of the detached garage and the OIS occurred. Alternatively, Sergeant D could have delegated his/her point position sooner in order to be part of the search team.
- **Opening Door with Left Hand while Holding Service Pistol in Right Hand** – The FID investigation revealed Sergeant D opened the gate leading to the Subject's backyard with his/her left hand while holding his/her service pistol in his/her right hand. Alternatively, Sergeant D could have directed another officer to open the gate for him/her, reducing the risk of an unintentional discharge or covering himself.
- **Search of Suspect** – Upon taking the Subject into custody, Officers D and A's body worn video (BWV) did not capture them search the Subject's waistband area or request a female officer to conduct the search. The Subject appeared to be wearing nurse scrubs and her waistband was visibly clear. Immediately after handcuffing, Officer A was directed to the front of the property and remained in possession of the Subject's handgun. While no search was observed on BWV, Officers D and A were never asked if they conducted a search of the suspect in their respective FID interviews.
- **Blood Borne Pathogens** – After the OIS, the Subject was visibly bleeding from her wounds. Officers A and D did not don protective gloves prior to taking the Subject into custody. After approximately three minutes and 21 seconds, Officer D asked another officer for gloves. Alternatively, the officers could have donned protective gloves prior to taking the Subject into custody.

## **Command and Control**

- At approximately 1402:28 hours, Sergeant A arrived at scene with Officer B and made contact with the Victim, who was standing behind the fence of a neighboring yard. Sergeant A instructed Officer B to open the gate to the backyard. When the Victim exited the backyard, Sergeant A instructed Officer A to search the Victim's bags and ensure she did not have a weapon.

Sergeant A directed Officer B to follow him/her as they walked into the neighbor's backyard toward the target location. According to Sergeant A, he/she believed there was an exigency to enter the backyard due to the house being fully engulfed in flames and the need for preservation of life. Sergeant A acknowledged LAFD would not fight the fire until the officers had rendered the scene safe from an armed suspect. Upon entering the Victim's backyard, Sergeant A took the point position and instructed Officers A and B to clear the trash cans. Sergeant A stopped at the detached rear garage and pointed his/her service pistol toward the house. Sergeant A then instructed Officer A to clear the backside of the detached garage, who was joined by Officers C, D and B.

After the OIS, Sergeant A broadcast shots had been fired and officers needed help. Sergeant A delegated his/her role to another officer as he/she responded to the search team's location and continued providing command and control and supervisory oversight. Sergeant A designated Officer C as the cover officer and instructed Officers A and D to be the arrest team. After the Subject was taken into custody, Sergeant A advised Officer A to standby with Officer C and to have Officer C place his/her police rifle in the trunk of Sergeant A's police vehicle.

Sergeant B arrived at scene and responded to Sergeant A's request for an additional unit to the rear of the detached garage. Sergeant B responded with additional officers and assumed responsibility for the scene while Sergeant A responded to the front of the location and began to collect the involved officers' BWV, placing them in the trunk of his/her police vehicle.

The UOFRB (Use of Force Review Board) recognized on the day of this incident, Sergeant A was in a unique position as he/she was not only a supervisor but also acting as a Field Training Officer (FTO), having been assigned a probationary officer. The UOFRB noted Sergeant A exceeded the Department's expectations of a supervisor through his/her active leadership.

The BOPC determined the overall actions of the sergeants were consistent with Department training.

### **Tactical Debrief**

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

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

Although it was determined Officers D and A would not receive formal findings, the BOPC determined they would benefit from attending the Tactical Debrief.

Therefore, the BOPC directed Officers C, D and A and Sergeant A to attend a Tactical Debrief and the identified topics be discussed.

### **B. Drawing/Exhibiting**

#### **Officer C (Police Rifle)**

- Upon arriving at scene, approximately one block away from the target location, Officer C deployed his/her police rifle and chambered a round. According to Officer C, he/she was aware the Subject was possibly armed with a handgun due to the comments of the call and believed the Subject could have a "position of advantage."

## **Sergeant A (Service Pistol)**

- Upon arriving at scene, Sergeant A exited his/her police vehicle and unholstered his/her service pistol. According to Sergeant A, he/she unholstered his/her service pistol due to his/her belief there was a “firearm involved” and the possibility the situation “could escalate to deadly force.”

The UOFRB assessed Officer C’s exhibiting of his/her police rifle and Sergeant A’s drawing and exhibiting of his/her service pistol. The UOFRB noted Officer C and Sergeant A were aware the comments of the call indicated the Subject had a handgun. Upon his/her arrival, Sergeant A observed the house engulfed in flames adding to the chaos of the situation which would offer an advantage to an armed suspect lying in wait. Officer C believed the Subject was armed and held a position of advantage over the officers. Based on the Subject’s actions described in the comments of the call, the UOFRB felt it was reasonable for Officer C and Sergeant A to believe the situation may escalate to where deadly force may be justified.

Based on the totality of the circumstances, the BOPC determined an officer and sergeant with similar training and experience as Officer C and Sergeant A would reasonably believe the situation could escalate to where deadly force may be justified. Therefore, the BOPC found Officer C and Sergeant A’s Drawing/Exhibiting to be In-Policy.

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

- **Officer C** - Rifle, four rounds in a southwesterly direction from an approximate distance of eight feet.

**Background** – The FID investigation determined Officer C’s background during the OIS was a brick wall.

Officer C initially believed he/she fired three rounds. A review of BWV determined four rounds were fired. Force Investigation Division investigators determined the third round described by Officer C was the fourth and final round he/she fired.

According to Officer C, as he/she reached the corner of the detached garage, he/she observed the Subject turn towards him/her and retrieve a black handgun from her waistband. Officer C then observed the Subject take a shooting stance and point the handgun at him/her. Officer C believed he/she was going to be shot and killed. In response, Officer C stepped back and discharged four rounds at the Subject from his/her police rifle. Immediately after firing his/her fourth round, the Subject fell to the ground and Officer C shouted, “Shots fired, let me see your hands!”

The UOFRB assessed Officer C’s use of lethal force. The UOFRB noted while clearing the rear of the detached garage, Officer C assumed the point position on the search team. Officer C announced officers were present, giving the Subject an opportunity to reveal her location and peacefully submit to arrest, then proceeded

further down the walkway. When Officer C approached the corner of the detached garage, he/she observed the Subject retrieve a handgun from her waistband and point it at him/her. The UOFRB recognized Officer C's reaction was to redeploy to available cover to give the Subject commands; however, he/she was faced with a deadly threat that needed to be immediately addressed. The UOFRB opined Officer C reacted to a threat caused by the Subject's unprovoked actions and discharged four rounds from his/her police rifle at the Subject. Based upon the Subject's actions, it was reasonable for Officer C to believe she posed an imminent deadly threat to him/herself and the other officers.

The UOFRB assessed each of the four rounds discharged by Officer C. Based on the available evidence and statements, the UOFRB opined Officer C assessed an imminent deadly threat each time he/she discharged his/her police rifle and the force used was proportional to the reasonably perceived level of resistance.

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