INTRADEPARTMENTAL CORRESPONDENCE

March 2, 2016 3.2

TO:

The Honorable Board of Police Commissioners

FROM:

Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 038-15

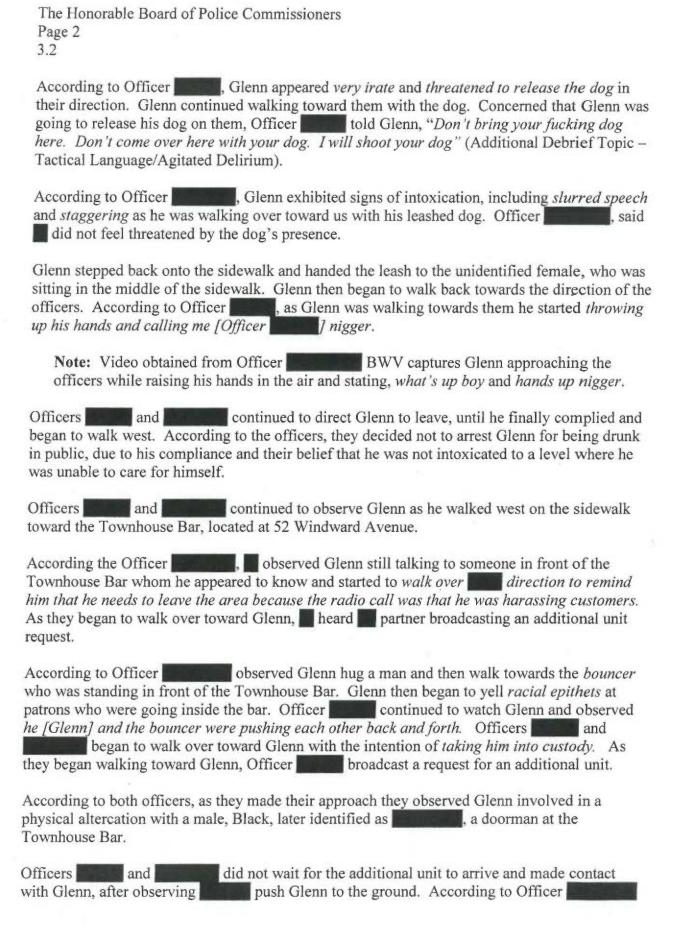
Honorable Members:

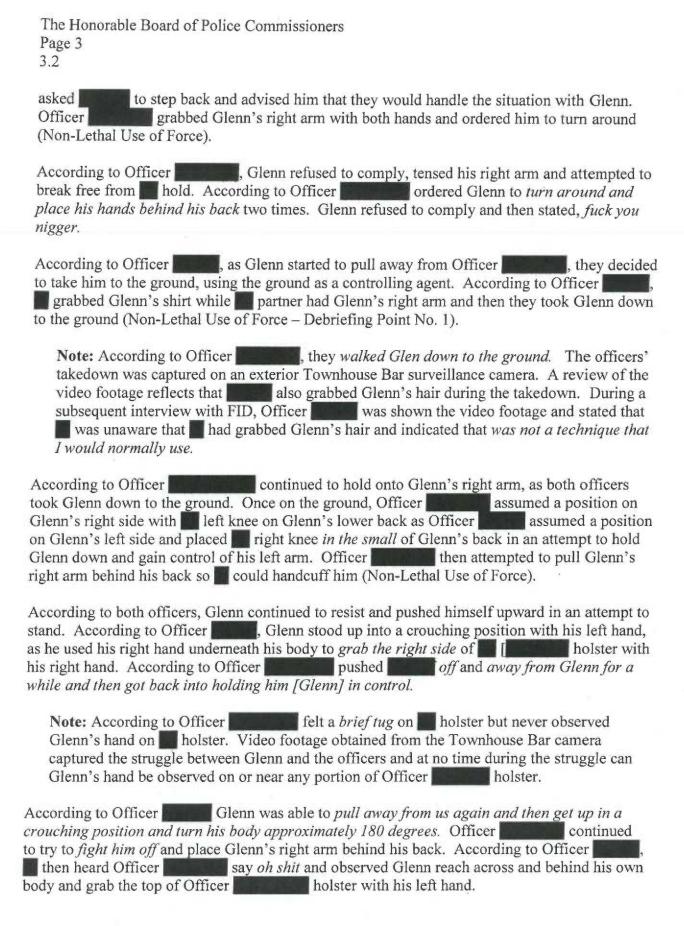
The following is my review, analysis and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 038-15. A Use of Force Review Board (UOFRB) was convened on this matter on February 8, 2016. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

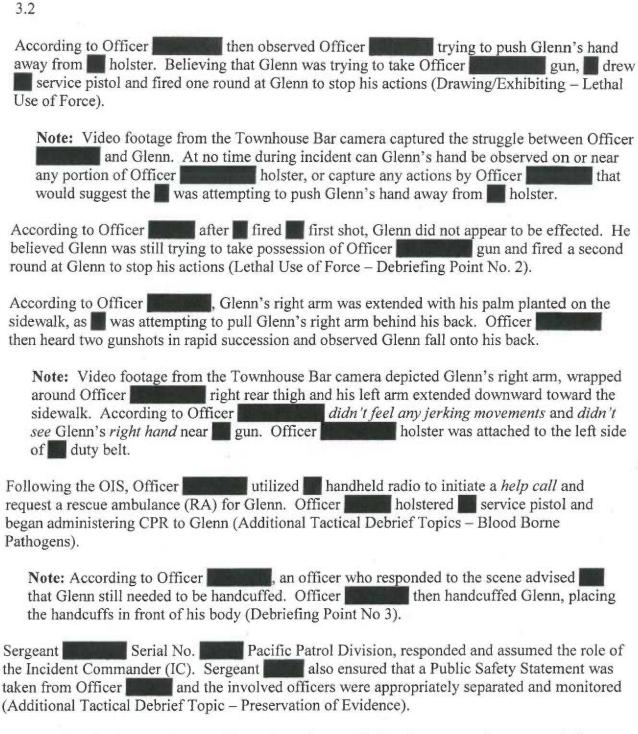
SUMMARY AND ANALYSIS¹

On May 5, 2015, at approximately 2327 hours, Officers , Serial No. Serial No. Pacific Patrol Division, were in full uniform, driving a marked black and white police vehicle. The officers responded to a radio call for service for a 415 Man at the Bank of Venice Restaurant at 80 Windward Avenue, Venice. The comments of the call described the suspect as a Male Black transient, wearing a black shirt and grey sweatpants and his dog black Labrador/Pit Bull mix, no weapons. Upon arrival, the officers observed a male who matched the description of the suspect, later identified as B. Glenn, 29 years of age, holding a leash with a dog standing on the south sidewalk of Windward Avenue, just west of the Bank of Venice. Officer parked their vehicle in the street parallel with the sidewalk. The officers then exited the vehicle and began to approach Glenn on foot (Additional Debrief Topic – Tactical Vehicle Deployment).

Note: Prior to exiting the vehicle, Officer activated personal Body Worn Video (BWV) camera which captured the officer's initial contact with Glenn (Additional Debrief Topic - Personal Body Worn Video Camera).







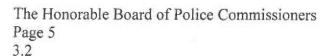
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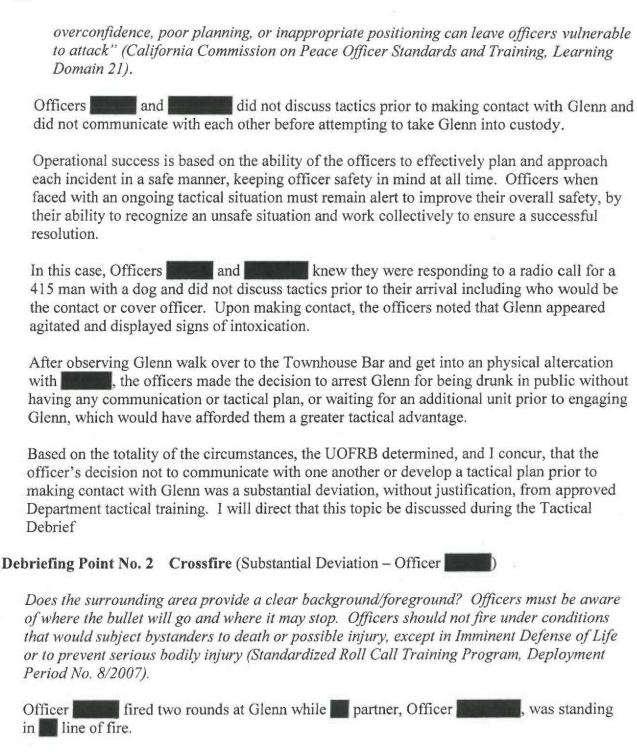
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Los Angeles Fire Department (LAFD) personnel responded to the scene and transported Glenn to Ronald Reagan University of California Los Angeles (UCLA) Medical Center. Glenn failed to respond to treatment and was pronounced dead on May 6, 2015 at 0016 hours.

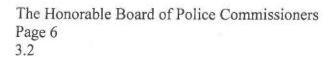
Debriefing Point No. 1 Tactical Communication/Planning (Substantial Deviation)

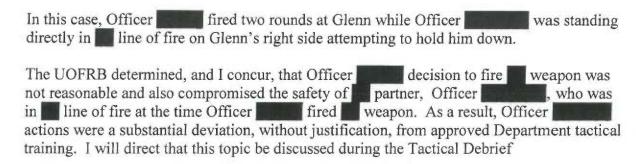
"Officers must approach every contact with officer safety in mind. Complacency,





Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The ability to adjust to a tactical situation ensures minimal exposure to the officers.





Debriefing Point No. 3 Handcuffing / Searching a Suspect

USE OF HANDCUFFS. The primary purpose in handcuffing an arrestee is to maintain control of the arrestee and to minimize the possibility of escalating the situation to a point that would necessitate more drastic means of restraint (Los Angeles Police Department Manual, Volume 4, Section 217.30).

The purpose of a pat down search is a quick search of the outer clothing for weapons and is to protect officers from the possibility of a surprise attack from a suspect who is possibly armed or may constitute a danger to the officer or others. The facts that lead an officer to conduct a search vary with each incident. A pat down would be justified if the suspect is linked to a crime that might involve a weapon, such as a violent crime, narcotics offense, burglary, car theft or a vehicle pursuit.

The pat down search is a vital tool for ensuring the safety of officers in the field. However, this search should not be done as a matter of routine for general officer safety reasons. Justification for a pat down search must be based on specific facts, which cause the officer, under the totality of the circumstances, to reasonably suspect the lawfully detained individual might be armed or dangerous (Training Bulletin, Volume XXXVI, Issue 1 February 2004).

Following the OIS, Officers and and did not handcuff or search Glenn for the possible possession of weapons.

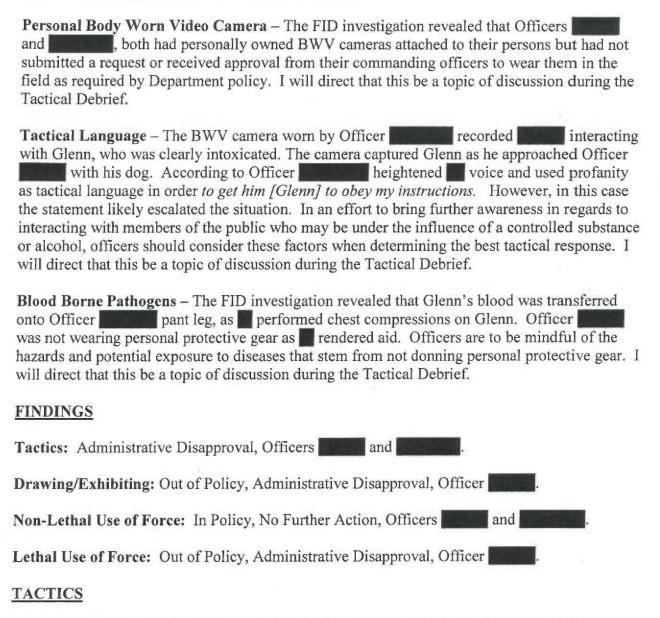
Officers are trained to handcuff and conduct a search of an arrestees to ensure they are not armed with weapons and do not possess items of contraband on their person. This practice is necessary for the safety of not only the officers, but also for responding medical personnel and the public.

In this case, Officer stated that had to be reminded to handcuff the suspect and neither officer conducted a search of Glenn after he was handcuffed.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that the officers were focused on rendering aid to the suspect. As such, their actions did not represent a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

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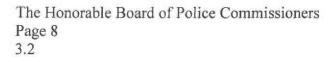
ADDITIONAL TACTICAL DEBRIEF TOPICS



Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los

Angeles Police Department Manual, Volume 3, Section 792.05).

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



In conducting an objective assessment of this case in the evaluation of tactics, I find that the tactics utilized by Officers and substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

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

Therefore, I will direct Officers and and to attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code-Six);
- Tactical Planning;
- · Command and Control; and,
- Lethal Force.

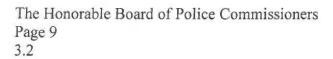
DRAWING/EXHIBITING

Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. 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" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

According to Off	icer	observed Officer	trying to push Glenn's hand a	away from
holster. Officer	beli	eved that Glenn was trying	to take possession of Officer	gun and
drew service	pistol.			

Officer recalled,

"... his left hand was on my partner's holster, so I was trying to grab the suspect... everything was happening so fast and everybody's hands were flailing around. I can't tell you where I was grabbing... I was trying to grab the suspect... when I realized I didn't have control... proper control because he had spun us around and I saw my...it's my... his hand on my partner's holster... top of the holster, that's when I drew my fire... my firearm.



Note: Video footage obtained from the Townhouse Bar camera captured the struggle between Glenn and the officers and at no time during the struggle can Glenn's hand be observed on or near any portion of Officer holster. Officer holster holster was attached to the left side of his duty belt.

Based on the totality of the circumstances and supporting evidence, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer, while faced with similar circumstances would not reasonably believe, there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officer Drawing/Exhibiting to be Out of Policy, Administrative Disapproval.

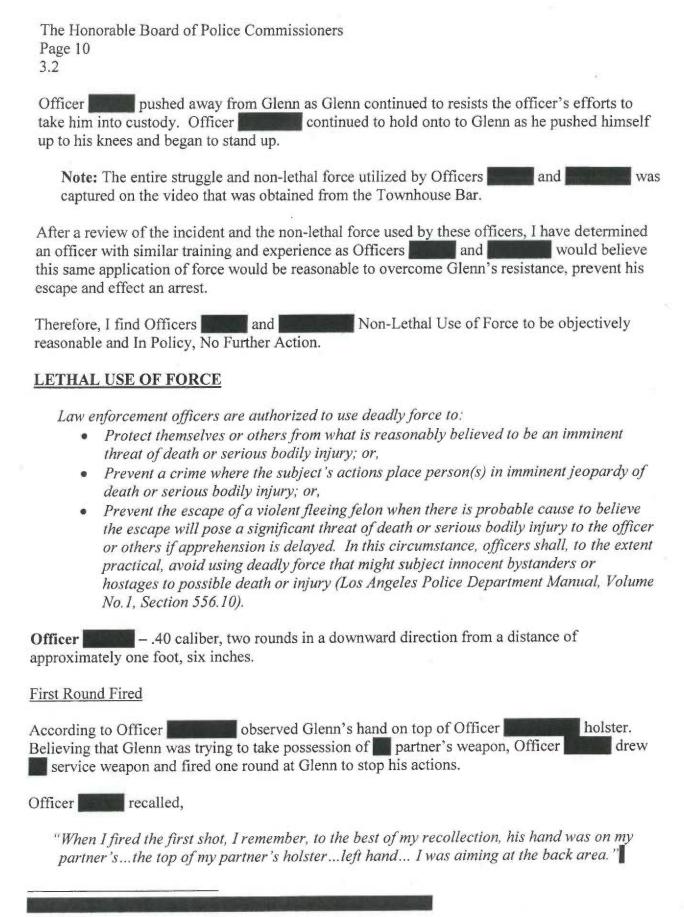
Note: In addition to the above listed employees, there were additional personnel who responded and also drew or exhibited firearms. Their drawing/exhibiting was appropriate and requires no specific findings or action in regard to these officers.

NON-LETHAL USE OF FORCE

It is the policy of this 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. (Los Angeles Police Department Use of Force Tactics Directive, Use of Force Policy – Revised, July 2009)

Officer — Firm Grip, Takedown, Bodyweight Officer — Firm Grip, Physical Force, Takedown, Bodyweight	
Officer applied a firm grip on Glenn's right arm with both hands. Officer grabbed onto Glenn's shirt with left hand while simultaneously grabbing the back of Glenn hair, stepped backed and then pushed Glenn down to the ground as Officer maintain a firm grip of Glenn's right arm.	
After taking Glenn down to the ground, Officer placed left knee on Glenn's low back and applied bodyweight in an attempt to prevent Glenn from getting up and place him in handcuffs. Officer held onto Glenn's shirt with is right hand, then pushed Glenn's up body down toward the ground with left hand. Officer then placed right knee or Glenn's back and applied bodyweight in an attempt to prevent Glenn from getting up and place him into custody.	ito oper n



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	Second Round Fired
	According to Officer, after firing first round at Glenn, it appeared to have no effect because Glen continued to struggle with partner so fired an additional round at Glenn to stop his actions.
	Officer recalled,
	"I fired the first shot and it seemed as though he didn't react. He was still there. I mean, I couldn't see properly now, but he was still there because my my my sights I became a little tunnel vision and I fired my second shot. I don't really know where his hands were, but he is still holding on to was still fighting with him. What was going through my mind when I fired the second shot was I honestly believed that this guy was on something strong, like some kind of drug. And the first round did absolutely nothing to affect him. He didn't move. He was just there But you could still see they were fighting well, struggling.
	The perception of officers using deadly force must be based on objectively reasonable belief that an imminent threat exists.
	Based on the totality of the circumstances and after reviewing all the evidence in its entirety, including the video footage of Officer use of lethal force and statements of partner, Officer who said that never felt any jerking movements or saw Glenn's hand near handgun at anytime during the incident, coupled with the fact that at no time during the incident did Officer make any statements or actions that would have suggested that Glenn was trying to remove service pistol from holster, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer would not have reasonably believed that Glenn's actions presented an imminent threat of death or serious bodily injury to Officers and and Additionally, I believe that the evidence does not independently support Officer perception that a deadly threat was present.
	Therefore, I find Officer Use of Lethal Force was not objectively reasonable and Out of Policy, Administrative Disapproval.
-	AUDIO/VIDEO RECORDINGS
(Pacific Division officers and vehicles were not equipped with the Digital In-Car Video System (DICVS) or Body Worn Video (BWV) at the time of incident; however, both involved officers were equipped with their own personal BWV cameras. Officer personally owned BWV camera captured the officer's initial contact with Glenn.
	Force Investigation Division investigators recovered video footage from an exterior camera affixed to the Townhouse Bar that captures the officer's physical struggle and subsequent OIS

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with Glenn. Video footage from an exterior camera affixed to Menotti's Coffee Shop, located a captures a portion of the officer's struggle with Glenn, but did not capture the OIS.
Video footage was recovered from the exterior of a business located at however, the camera focused sharply downward, covering the north sidewalk of Windward Avenue and did not capture any images of the OIS.
COMMAND AND CONTROL
Sergeant responded and assumed the role Incident Commander (IC). Sergeant assured that the involved officers were separated, monitored and that Public Safety Statements were obtained. Sergeant actions were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident.
GENERAL TRAINING UPDATE (GTU)
On July 14, 2015, Officer attended the GTU. Officer has not attended a GTU
Respectfully,
CHARLIE BECK Chief of Police Date: 3-2-15