

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

OFFICER-INVOLVED SHOOTING – 001-24

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	1/14/24		
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Officer(s) Involved in Use of Force	Length of Service
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Officer G	13 years, 9 months
Officer H	8 months

Reason for Police Contact

Rampart Patrol Division uniformed officers observed a vehicle driving recklessly and initiated a vehicle pursuit. The officers were involved in a traffic collision and discontinued the pursuit. Less than a minute later, an air unit located the vehicle and began tracking it. Approximately a minute after that, a Rampart Patrol unit caught up to the vehicle and re-engaged the pursuit, which ultimately terminated in Newton Division. The Subject exited the vehicle armed with a handgun and walked west on the south sidewalk. Simultaneously, an additional Rampart Patrol unit, driving east, observed the Subject and stopped. As the Subject continued walking west toward the officers, they ordered him to drop the handgun. The Subject raised the handgun, and an Officer-Involved Shooting (OIS) occurred. The Subject was struck by gunfire and transported by the Los Angeles Fire Department (LAFD) to the hospital, where he was treated for gunshot wounds to his left thigh and right forearm/elbow.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 26 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 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 11/26/24.

Incident Summary

Synopsis: Rampart Patrol Division uniformed officers observed a vehicle driving recklessly and initiated a vehicle pursuit. The officers were involved in a traffic collision and discontinued the pursuit. Less than a minute later, an air unit located the vehicle and began tracking it. Approximately a minute after that, a Rampart Patrol unit caught up to the vehicle and re-engaged the pursuit, which ultimately terminated in Newton Division. The Subject exited the vehicle armed with a handgun and walked west on the south sidewalk. Simultaneously, an additional Rampart Patrol unit, driving east, observed the Subject and stopped. As the Subject continued walking west toward the officers, they ordered him to drop the handgun. The Subject raised the handgun, and an Officer-Involved Shooting (OIS) occurred. The Subject was struck by gunfire and transported by the Los Angeles Fire Department (LAFD) to the hospital, where he was treated for gunshot wounds to his left thigh and right forearm/elbow.

Investigative Summary

On Sunday, January 14, 2024, at approximately 0820 hours, a male was captured on security video walking through a rear parking lot in Wilshire Division. The Subject walked to a detached carport located in the south portion of the property. He entered the carport, walked along the driver's side of a blue vehicle, and out of camera view. Moments later, the Subject backed the vehicle out of the parking space.

Approximately 30 minutes later, Rampart Patrol Division Police Officers A and B were driving east. As the officers approached the intersection, the Subject drove the vehicle past them at a high rate of speed in the westbound lanes. The officers continued east and attempted to catch up to the vehicle to obtain the vehicle's license plate number.

As the officers continued east, the Subject failed to stop for red traffic lights. The officers approached the intersection, slowed their vehicle, and briefly activated their overhead emergency lights to clear the intersection.

As the officers approached the intersection, a large moving truck, with a white cab and an orange cargo section, can be seen on their DICVS (Digital In-Car Video System) stopped for a red light at the freeway offramp. Unbeknownst to the officers, when the Subject drove through the intersection, he fired a gunshot from a handgun at the driver's door of the moving truck. The occupants of that truck were identified as Victim A (driver) and Witness A (front passenger). The Subject's round penetrated the truck's door and struck Victim A in the left thigh.

When Victim A realized he/she had been shot, he/she called 911. The Los Angeles Fire Department (LAFD) responded to the scene and transported Victim A to the hospital, where he/she was treated for the gunshot wound.

Officers A and B continued east, briefly activated their overhead emergency lights, and chirped the siren to clear the intersections. The officers caught up to the Subject's vehicle as they turned south. On their DICVS and BWV (Body Worn Video), Officer A can be heard reading the vehicle's license plate to Officer B, who inputted the information into their mobile digital computer. With their overhead emergency lights and siren activated, the officers positioned their police vehicle directly behind the Subject's vehicle and attempted to conduct a traffic stop. The Subject accelerated south. As the officers continued to follow behind the Subject, Officer A observed a bullet hole in the back window of the vehicle and alerted his/her partner.

Pursuit

As the officers traveled south, Officer A intermittently activated their siren. At 0853:00 hours, Officers A and B turned west, and with their overhead emergency lights and siren activated, initiated a vehicle pursuit. Officer B broadcast that they were in pursuit of a reckless driver and provided their direction of travel, requesting a backup, air unit, and a supervisor before they turned south. Approximately 25 seconds after the initiation of the pursuit, Officer B broadcast that the vehicle could have been involved in a shooting.

Approximately 90 seconds after the initiation of the pursuit, the Subject turned east. Officer A attempted to negotiate the same turn, but his/her police vehicle collided with a tri-light signal standard on the southeast corner, as the Subject continued to flee.

Immediately after the collision, Officer B broadcast, the direction of the Subject's travel and cancelled the pursuit.

Approximately one minute later, Air Support Division, staffed by Pilot Officer C and Tactical Flight Officer (TFO) D, broadcast the location of the Subject's vehicle. Tactical Flight Officer D continued to track the vehicle and broadcast the Subject's direction of travel.

Approximately one minute and ten seconds later, Officers E and F caught up to the Subject as he drove east and re-engaged in the vehicle pursuit. Approximately one minute after that, the Subject collided with the south curb. The vehicle came to rest at the curb, facing west, directly in front of a parked tractor-trailer. Tactical Flight Officer D broadcast that the vehicle's location and that it had been involved in a traffic collision.

Four seconds after colliding with the curb, the Subject exited the driver's door. He briefly looked over his left shoulder in the officers' direction as he began walking west on the south sidewalk while holding a handgun down at his right side. The officers and the Subject had exited their vehicles simultaneously, with the Subject approximately 33

feet southwest of Officer E. Officers E and F unholstered their duty pistols and ordered the Subject to get on the ground. As the Subject continued walking west, Tactical Flight Officer D broadcast the direction that the Subject was walking.

Officers E and F approached the Subject's vehicle. As they did so, the Subject turned his head to the right and briefly looked in their direction as he continued to walk west while holding the handgun down at his right side. Officers E and F moved forward toward the open driver's door of the vehicle. Tactical Flight Officer D immediately repeated that the Subject had a pistol in his right hand.

The officers each indicated they looked into and cleared the vehicle. Officer F noted that although the vehicle's windows were tinted, the tint level allowed him/her to see inside the vehicle and determine it was unoccupied..

As the Subject continued west on the sidewalk along the south (passenger) side of the tractor-trailer, Officers E and F continued following him. The officers were approximately 34 feet behind the Subject, and they initially used three concrete utility poles on the sidewalk for cover.

Officers G and H monitored the frequency as they drove east and noted that the Subject was reported to be armed with a gun in his right hand. As Officers G and H approached, Communications Division broadcast that the Subject had been involved in a traffic collision, his general description, and that he was armed with a gun.

Officers E and F continued walking west on the sidewalk after reaching the last utility pole. According to Officer E, as the Subject continued walking west, they let the Subject get ahead of them. Officer E can be heard on BWV communicating to Officer F to get cover as they ran west to a yellow cinder block perimeter wall that projected north from a building on the south side of the sidewalk.

According to Officer G, as they approached, he/she heard the air unit's broadcasts and turned off his/her siren to aid in their ability to communicate once at scene. He/she observed the Subject with Officers E and F approximately 30-40 feet behind him/her. Officer G alerted Officer H as he/she maneuvered his/her vehicle to the northeast corner and parked facing southeast, approximately 60 yards west of the Subject. Officer G indicated he/she positioned the vehicle in that manner to best utilize distance and the cover of their vehicle doors to allow more time.

Officers G and H exited their police vehicle, unholstered their duty pistols, and stood behind their respective doors. Officer G held his/her duty pistol between the vehicle's A-pillar and the open driver's door in a low-ready position toward the Subject. Officer H lowered his/her window and held his/her duty pistol in a low-ready position toward the Subject through the open passenger window.

Officer G asked Officer H if he/she saw the Subject, and Officer H confirmed that he/she did. According to Officers G and H, they observed the Subject holding a handgun in his

right hand, next to his right thigh, with the muzzle pointed down. Officers G and H immediately ordered the Subject to drop the gun. The Subject remained armed and continued walking west toward them.

According to Officer G, he/she waved for Officers E and F to reposition from the south to the north sidewalk to avoid crossfire. Independent of Officer G's gesture, Officers E and F assessed the need to redeploy and ran to the north sidewalk to avoid the potential crossfire.

The Subject continued west toward Officers G and H. As the Subject continued walking, he bent his arms and brought them slightly out to the side in front of him, with his forearms parallel to the ground and his palms facing up, while maintaining a grip on the handgun. Two steps later, as the Subject continued west, he brought his right arm in front of him and pointed the handgun west toward the officers. He then stretched his arms to his sides and raised them above his shoulders, with his palms up, while maintaining the handgun in his right hand. While the Subject continued toward the officers, he lowered his hands to waist height while still gripping the handgun with his right hand. At that moment, Officer G fired one round. The Subject was struck by the bullet and hopped on his right leg while turning counterclockwise. The Subject continued gripping the handgun with his arms out to his sides. As the Subject completed three-quarters of a turn and with his left side facing the officers, Officer G fired a second round. The Subject immediately tossed the handgun north into the street as he continued turning. He then hopped south on the sidewalk before falling.

For clarity, each officer's account of the OIS has been independently described on the following pages.

Officer G

According to Officer G, he/she stood behind the driver's door of his/her police vehicle with his/her pistol at "low-ready" and his/her finger on the frame of his/her pistol. He/she ordered the Subject multiple times to drop the handgun. Officer G advised that in his/her experience, armed suspects usually drop the weapon and run in the opposite direction, but the Subject did not comply with his/her commands and continued walking an additional 10-15 yards in a "brisk manner" toward him/her and Officer H. When the Subject was approximately 50 yards from him, Officer H observed the Subject raise both arms with the muzzle of the handgun pointed directly at them.

First Round

In response, Officer G aimed at the Subject's center body mass using his/her pistol mounted optic, placed his/her finger on the trigger, and fired one round.

Second Round

According to Officer G, after firing, he/she assessed and observed the Subject react by turning counterclockwise with his handgun in a "close-quarters" position, with the muzzle pointed outward.

Believing the Subject would shoot him/her and his/her partner, Officer G aimed at the Subject's center body mass and fired a second round.

After firing his second shot, Officer G observed the Subject's handgun traveling north in the air before landing in the street approximately six to seven feet away from the Subject. Simultaneously, the Subject fell to the ground and lay in a semi-prone position.

The investigation determined that Officer G fired two rounds from an approximate distance of 115 feet in approximately three seconds.

Officer H

According to Officer H, as he/she and Officer G drove east, they heard the broadcast that the Subject had a traffic collision, exited the vehicle armed with a handgun, and was walking west. Officer G stopped their vehicle facing southeast. Officer H believed the Subject was approximately 100 feet away on the south sidewalk. He/she observed the Subject walking west toward them swinging his arms while holding a handgun in his right hand.

According to Officer H, he/she exited his patrol vehicle, stood behind his door, and unholstered his/her duty pistol. He/she heard Officer G ask him if he/she saw Gonzales and Officer H voiced that he/she did. Officer H then ordered the Subject to drop the gun and he/she heard Officer G give the same command. As the Subject continued walking toward them, Officer H observed the Subject raise both arms to shoulder height in front of him/her (west) with the handgun in his right hand and believed the Subject was possibly going to shoot them. The Subject then lowered his arms and Officer H ordered the Subject to drop the gun. After giving this command, Officer H heard a gunshot and observed the Subject begin to limp on one leg. The Subject then turned 360-degrees while raising his arms between hip and chest level with the gun in his right hand pointed directly toward them. Fearing that the Subject was going to shoot them, Officer H pressed the trigger of his/her pistol and attempted to fire. Officer H heard a click, however, his/her pistol did not fire. Officer H immediately conducted a malfunction clearance. As he/she did so, he/she heard Officer G fire a second round and observed the Subject fall to the ground.

A portion of Officer H's actions were captured on Officer G's BWV. A review of the video determined Officer H attempted to fire after Officer G fired his/her second round.

Officer E

According to Officer E, as the Subject continued walking west on the south sidewalk, he/she observed Officers G and H driving east and stop on the north side of the street. Officer E moved to the yellow cinder block wall on the south sidewalk. Officer E identified the potential for crossfire and advised Officer F to cross the street. Officers E and F then ran from the south to the north sidewalk. When he/she arrived at the north sidewalk, Officer E heard two gunshots emanating from Officers G and H's direction.

The investigation determined that when the OIS occurred, Officer E had just reached the north sidewalk. Upon the first gunshot being fired, Officer E stopped and picked up his/her police radio which had dropped at his/her feet. He/she then began running west on the sidewalk toward a wooden utility pole when the second shot was fired.

The investigation determined the Subject discarded the handgun after being struck by Officer G's second round. He remained standing, hopping on one leg for approximately four seconds before falling to the ground.

Officer F

According to Officer F, he/she observed Officers G and H arrive from the west, stop, and exit their vehicle. Officers E and F observed they were in a crossfire situation and ran from the south to the north side of the street. Upon seeing a wooden utility pole, he/she began running toward it for cover. As he/she arrived at the north curb, Officer F heard two gunshots, and believed the Subject had fired. Officer F turned and observed the Subject on the ground and the handgun on the street.

Officer F believed he/she heard the gunfire upon reaching the north curb. The investigation determined Officer F had reached the north sidewalk and was running west on the sidewalk when the first shot was fired. Officer F was approaching a utility pole as the second shot was fired.

Background Analysis

After examining the scene and relevant video evidence, FID investigators determined that at the time of the OIS, Officer G's background consisted of a 10-foot-high metal fence consisting of vertical bars with mesh metal backing. A large parking lot, and a multi-story building were located farther southeast behind the fence. The parking lot contained a limited number of vehicles; however, no pedestrians were present. Both rounds struck the Subject; one round was retained within his clothing. The second round was collected from the ground, near the rear right tire of the tractor-trailer, approximately 380 feet from Officer G's firing location.

Approximately 21 seconds after the OIS, Officers I and J turned west. As they did so, Officer J opened his/her passenger door, unholstered his/her pistol, and held it in

his/her right hand with his/her finger on the frame and the muzzle directed toward his/her door and dash. As Officers I and J continued west, Tactical Flight Officer D directed them to stop next to Officers E and F, so that they could use the vehicle as cover. Officer I broadcast they were Code Six and requested an RA for the Subject over Central Area Base Frequency. Officer J communicated to Officers E and F to move from the utility pole and come to his/her vehicle. Officer J then announced he/she would retrieve a 40mm Less-Lethal Launcher (40mm LLL) and obtained it from his/her vehicle, as he/she holstered his/her pistol. Simultaneously, Officers E and F joined Officer J behind the front passenger door.

Approximately one minute and ten seconds after the OIS, Officer G broadcast that shots had been fired and requested an RA and a shield. In the ensuing 20 seconds, Officers K, L, M, N, O, and P arrived. As they gathered along the passenger side of Officer K's vehicle, Officer G holstered his/her pistol and directed Officer H to cover the Subject. Officer G moved to the passenger side of Officer K's vehicle, advised the officers that they would be part of an arrest team and began assigning roles. Officer G then directed Officer H to don gloves and advised him/her that he/she would be part of the arrest team. Officer H holstered his/her pistol and moved to the rear of Officer K's vehicle. He/she donned a glove on his/her left hand before moving back to his/her open passenger door and unholstering his/her pistol to again cover the Subject. In addition to Officer H, Officer G directed Officers K and M to don gloves as part of the arrest team. Officers Q and R arrived as the arrest team was formed. Officer G advised them that the arrest team would utilize their car as cover for their approach and to stay in their vehicle.

According to Officer G, he/she observed the Subject bleeding heavily and determined it was necessary to expedite their approach to render medical aid.

Two minutes and thirty-seven seconds after the OIS, Officer Q drove east along the south curb toward the Subject. As they did so, Officer G broadcast that the arrest team was making their approach to take the Subject into custody. Officer R remained in the front passenger seat with the front passenger door open. He/she held his/her pistol in his/her right hand in a low-ready position oriented at the door jam. Officer K positioned himself/herself behind the open front passenger door next to Officer R and directed the arrest team's pace as they moved forward toward the Subject. The arrest team positioned themselves on the south sidewalk with Officer L in the lead, and Officer N offset to the right and behind him/her. Officers M, O, P, H, and G trailed behind Officer N. When the arrest team neared the Subject, Officer G advised them that the Subject's pistol might be on the street. Simultaneously, Officer K ordered the Subject not to reach for the gun. Officer K then identified the Subject's handgun was in the street and repositioned from the passenger door to the right side of the arrest team. Officer G then moved forward between Officers N and K and unholstered his/her pistol. Simultaneously, Officer H moved to the right of Officer G and unholstered his/her pistol.

Upon reaching the Subject, Officer K grabbed the Subject's left arm and rolled him onto his stomach. Officer K brought the Subject's arms behind his back and handcuffed him.

Officer K asked the Subject where he was shot, in order to apply pressure. When the Subject did not respond, Officer K rolled him onto his back and began assessing his injuries. According to Officer K, he/she lifted the Subject's shirt and noticed there were no weapons or injuries to his upper torso. Officer K observed that the Subject was bleeding from his lower extremities and lowered his pants. Officer M immediately applied direct pressure to the gunshot wound on the Subject's left thigh, and Officer K asked for a tourniquet. While Officer M maintained direct pressure on the wound, Officer R approached, donned gloves, and applied a tourniquet to the Subject's left upper thigh.

At 0902 hours, Sergeant A arrived at scene and advised Communications Division that he/she was Code Six. He/she approached the officers rendering aid and identified Officer G as being the involved officer. Sergeant A requested two additional supervisors and directed Officers K and L to accompany the Subject to the hospital. Additionally, he/she directed officers to identify if anyone [officers] witnessed the OIS, and for Officers E and F to canvass for [civilian] witnesses. Sergeant A then separated Officers G and H and directed them to turn off their BWV.

After the tourniquet was secured, the Subject remained breathing in a supine position, before Officers S and T placed him in a recovery position.

At 0909 hours, a LAFD Rescue Ambulance, staffed by Firefighter Paramedics (FFPMs), arrived on scene, and assumed medical care of the Subject. At 0916 hours, they transported the Subject to the hospital, where he was treated for a gunshot wound to his left thigh and a through and through gunshot wound to his right forearm/elbow.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer G	Yes	Yes	Yes	Yes	Yes
Officer H	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 Officer G's tactics to warrant a tactical debrief and Officer H's tactics to warrant an administrative disapproval.

B. Drawing and Exhibiting

The BOPC found Officers G and H's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer G's lethal use of force to be in policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers. (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;

- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable

officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, 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 – The day of the incident was the second time Officers G and H worked together. They had discussions regarding tactics, including pedestrian and traffic stops, encounters with armed suspects, and contact and cover roles.

Assessment – As Officers G and H arrived, they observed the Subject briskly walking toward their direction while holding a handgun. Both officers assessed those actions as an immediate threat and gave him commands to drop the handgun. Officers noted the Subject refused to comply with their commands, continued to walk toward them and pointed the handgun in their direction.

In response to the Subject's actions, Officer G fired one round at the Subject, then assessed afterwards. After observing the Subject turn counterclockwise and obtain a close contact position with the muzzle of his handgun pointed toward the officers' direction, Officer G fired a second round at the Subject. Officer G assessed again and stopped firing as he/she determined the Subject was no longer armed with a handgun.

Time, Redeployment, and/or Containment – Officer G stopped their police vehicle west of the Subject to establish containment and to give themselves enough distance from him to provide time to attempt de-escalation techniques. The officers exited their vehicle, used their ballistic doors as cover and gave the Subject commands to drop the handgun as he walked toward them. Following the OIS, officers redeployed and utilized a police vehicle as cover as they made their approach to take the Subject into custody.

Other Resources – Officers A and B requested a backup, air unit and a supervisor when they initiated a vehicle pursuit of the Subject. Officers E and F, and an air unit, were already at scene directing responding units to the Subject's location, providing his description and that he was armed with a handgun prior to Officers G and H's arrival. After the OIS, Officer G broadcast a help call for shots fired, requested a rescue ambulance (RA) to stand by at to provide medical treatment to the Subject and a unit with a ballistic shield.

Lines of Communication – Prior to their arrival, Officers G and H repeated the air unit's broadcast to one another that the Subject was armed with a handgun in his right hand. When they arrived on scene, Officers G and H observed the Subject walking toward them armed with a handgun, exited their police vehicle and unholstered their services pistols. They communicated with one another to confirm they each observed the Subject walking toward them. Officers G and H each issued commands to the Subject to drop the handgun. After the OIS, Officer G informed his/her partner that the Subject's handgun was on the street, and he/she instructed Officer H to continue to cover the Subject as he/she formed an arrest team.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1: Code Six

- Officers G and H did not broadcast they were Code Six at scene prior to contacting the Subject. Officer H stated he/she had tunnel vision and was just focused on what was in front of him/her at the time. As Officers G and H approached the intersection, they observed the Subject briskly walking toward their direction holding a handgun. Both officers exited their police vehicle and immediately engaged in giving verbal commands to the Subject to drop the handgun.

The UOFRB (Use of Force Review Board) assessed Officers G and H's adherence to the Code Six policy. During their assessment, the UOFRB noted the purpose of the policy is for officers to advise Communications Division (CD) of their location and the nature of their activity, should the incident necessitate the response of additional personnel. The UOFRB noted Officers E, F, and the air unit were already at scene and broadcast the Subject's location, description and that he was armed with a handgun. The UOFRB also considered Officers G and H were immediately encountered by the Subject, who was briskly walking in their direction, armed with a handgun, disregarding their commands to drop the handgun and as such they needed to immediately defend themselves from an imminent deadly threat.

The UOFRB also considered the radio frequency was busy with broadcasts from Officers E, F, the air unit and CD which made it impracticable for Officers G and H to broadcast their location and that responding officers to the backup would have been able to provide them with assistance as needed. Although the UOFRB unanimously concluded a Tactical Debrief was the appropriate means by which to address Officers G and H not going Code Six, there was a difference of opinion as to how the decision was reached. One UOFRB member opined Officers G and H substantially deviated from Department-approved tactical training with justification. The remainder of the UOFRB concluded the deviation was not substantial, opining the Code Six policy is not so rigid that it would prioritize the act of going Code Six over one's own defense of life from an imminent threat of death.

Based on the totality of the circumstances, the BOPC determined that Officers G and H's decision not to broadcast their Code Six location prior to initiating contact with the Subject was not a substantial deviation from Department-approved tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2: Loading Standards

- The FID investigation revealed Officer H believed the Subject was going to shoot at him/her and Officer G when the Subject pointed the muzzle of his handgun in their direction. Officer H pressed the trigger of his/her service pistol and attempted to fire but he/she experienced a Class 1 Malfunction (no round in the chamber). Officer H immediately conducted a malfunction clearance, observed the Subject fall to the ground and assessed the Subject was no longer a threat.

The FID investigation determined Officer H's 17-round capacity magazine was fully loaded with Department-approved ammunition; however, he/she did not have a round in the firing chamber.

The UOFRB noted Officer H's Class 1 Malfunction was self-induced because he/she failed to properly load his/her service pistol by not chambering a round. The UOFRB opined Officer H's failure to load his/her service pistol to full capacity posed a significant officer safety risk to him/her and his/her partner that could have resulted

in more serious consequences. The UOFRB noted Officer H's failure to maintain his/her service pistol in proper working condition prior to deploying to the field did not meet the Department's firearm loading standard.

Based on the totality of the circumstances, the BOPC determined that Officer H's failure to chamber a round and load his/her service pistol to full capacity was a substantial deviation, without justification, from Department-approved tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Profanity** – As Officer H exited the police vehicle, he/she stood behind the passenger vehicle door and pointed his/her service pistol toward the Subject. Officer H stated he/she used profanity to get the Subject's attention as he was not responsive to his prior command to, "drop the gun." To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Command and Control

- Immediately following the OIS, Officer G observed the Subject bleeding heavily and determined it was necessary to expedite an approach to take him into custody and render medical aid. Absent a supervisor at scene, Officer G took command and control of the incident, directed Officer H to cover the Subject, formed an arrest team, designated roles, directed officers to don gloves and monitored the team's approach as officers took the Subject into custody. After handcuffing, Officer G directed arrest team officers to apply pressure to the Subject's wound and check his pulse.

At 0902 hours, Sergeant A arrived at scene and advised CD he/she was Code Six. He/she approached the officers rendering aid and identified Officer G as being the involved officer. Sergeant A requested two additional supervisors and directed Officers K and L to accompany the Subject the hospital. Additionally, he/she directed officers to identify possible witnesses to the OIS, and for Officers E and F to canvass for witnesses.

Sergeant A separated Officers G and H and directed them to turn off their body worn video (BWV) and directed Sergeant B to obtain a Public Safety Statement (PSS) and initiate separation and monitoring protocols. Sergeant C responded and was directed by Sergeant B to take over monitoring and PSS for Officer G, as Sergeant B took a PSS from Officer H. At approximately 0943 hours, Lieutenant A notified the Department Operations Center (DOC) of the incident.

The overall actions of Officer G, Sergeants A, B, and C, and Lieutenant A were consistent with Department training and the Chief's expectations of officers and supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officer G were not a substantial deviation from Department-approved tactical training. The BOPC also determined that the actions of Officer H were a substantial deviation, without justification, 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 Officers G and H to attend a Tactical Debrief and the specific identified topics be discussed.

B. Drawing and Exhibiting

Officer G

- **First Occurrence**

According to Officer G, he/she heard the air unit's broadcast of the Subject being armed with a handgun and then observed the Subject walking toward him/her and his/her partner armed with a handgun. Officer G exited his/her police vehicle and unholstered his/her service pistol because he/she believed the situation could escalate to the use of lethal force.

Second Occurrence

According to Officer G, as the arrest team approached the Subject, he/she unholstered a second time because he/she heard an officer say the Subject was moving. Upon seeing the Subject was moving because he was in pain and not reaching for the handgun, Officer G holstered his/her pistol.

Officer H

- **First Occurrence**

Officer H estimated the Subject was approximately 100 feet away on the south sidewalk as he/she observed the Subject walking west toward his/her direction and swinging his arms while holding a handgun in his right hand. According to Officer H,

he/she exited his/her police vehicle, stood behind his/her door and unholstered his/her service pistol as he/she was in fear and believed the circumstances could escalate to the use of deadly force.

Second Occurrence

Officer G directed Officer H to don gloves and advised him/her he/she would be part of the arrest team. Officer H holstered his/her service pistol, moved to the rear of Officer K's police vehicle, attempted to don gloves but did not, moved back to his/her open passenger door and unholstered his/her service pistol a second time to cover the Subject. According to Officer H, he/she unholstered his/her pistol a second time because he/she did not see any officers covering the Subject as the arrest team was being assembled.

Third Occurrence

Officer H holstered his/her service pistol prior to joining the arrest team. According to Officer H, as the arrest team approached, he/she unholstered his/her service pistol a third time to provide additional lethal cover. Upon realizing there was enough lethal cover, he/she holstered his/her service pistol.

The UOFRB assessed Officers G and H's first drawing and exhibiting of their service pistols. The UOFRB noted the officers responded to a back-up call involving a suspect armed with a handgun. Arriving at the scene, Officers G and H observed the Subject walking briskly toward their direction, armed with a handgun, refusing to comply with their commands to drop the handgun as he decreased the distance between himself and the officers. Regarding the second drawing and exhibiting of Officers G and H's service pistol, and Officer H's third, the UOFRB opined the Subject was not in custody and still had access to his handgun, making the Subject still a potential deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers G and H would reasonably believe there was a substantial risk the situation may escalate to where deadly force may be justified.

Therefore, the BOPC found Officers G and H's Drawing/Exhibiting to be In Policy, No Further Action.

C. Lethal Use of Force

- **Officer G** – 9mm semi-automatic pistol, a total of two rounds discharged from an approximate distance of 115 feet in approximately three seconds.

Background – According to the FID investigation, it was determined at the time of the OIS, Officer G's background consisted of a 10-foot-high metal fence consisting

of vertical bars with mesh metal backing. A large parking lot and a multi-story building were located farther southeast behind the fence. The parking lot contained a limited number of vehicles; however, no pedestrians were present.

First Round

According to Officer G, he/she stood behind the driver's door of his/her police vehicle with his/her service pistol at "low-ready" and his/her finger alongside the frame. He/she ordered the Subject multiple times to drop the handgun. Officer G advised in his/her experience, armed suspects usually drop the weapon and run in the opposite direction, but the Subject did not comply with his/her commands and continued walking an additional 10-15 yards in a "brisk manner" toward him/her and Officer H. When the Subject was approximately 50 yards from him/her, Officer G observed the Subject raise both arms with the muzzle of the handgun pointed directly at him/her and his/her partner. According to Officer G, he/she believed the Subject was going to shoot him/her and his/her partner and was fearful for their lives. In response, Officer G aimed at the Subject's center body mass using his/her service pistol mounted optic, placed his/her finger on the trigger and discharged one round.

Round Two

According to Officer G, after firing, he/she assessed and observed the Subject react by turning his body counterclockwise with his handgun in a "close-quarters" position, with the muzzle pointed outward toward the officers' direction. Believing the Subject would shoot him/her and his/her partner, Officer G aimed at the Subject's center body mass and discharged a second round from his/her service pistol.

After discharging his/her second round, Officer G observed the Subject's handgun travel north in the air before landing in the street approximately six to seven feet away from the Subject. Simultaneously, the Subject fell to the ground and lay in a semi-prone position.

The UOFRB assessed Officer G's use of lethal force. The UOFRB noted the officers responded to a backup for a suspect armed with a handgun. Arriving at scene, Officers G and H observed the Subject walking toward them with a handgun in his right hand, refusing to comply with their commands. The UOFRB noted Officers G and H observed the Subject raise his arms, point the muzzle of his handgun toward the officers' direction, posing an imminent threat of serious bodily injury or death to both officers. Officer G was fearful for his/her, and his/her partner's lives and discharged one round at the Subject.

The UOFRB noted following his/her first fired round, Officer G assessed and observed the Subject turn and obtain a close contact position with his handgun, the muzzle pointed again toward the officers' direction posing an imminent threat of serious bodily injury or death to both officers. Officer G fired a second round at the

Subject and stopped firing because he/she determined the Subject was no longer armed with the handgun. The UOFRB opined the Subject's actions demonstrated an opportunity, intent, and ability to pose an imminent threat of serious bodily injury or death to Officers G and H.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer G, in the same situation, would reasonably believe the use of lethal force was proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Officer G's Use of Lethal Force to be In Policy, No Further Action.

Medical Treatment/Rendering Aid

- The Subject was taken into custody three minutes and thirty-six seconds after the OIS. Officer K rolled the Subject onto his back and began assessing his injuries. According to Officer K, he/she lifted the Subject's shirt and noticed there were no weapons or injuries to his upper torso. Officer K observed the Subject was bleeding from his lower extremities and lowered his pants in order to locate the wound. Officer M immediately applied direct pressure to the gunshot wound on the Subject's left thigh and Officer K asked for a tourniquet.

At approximately 0903:48 hours, Officer R approached, donned gloves, and applied a tourniquet to the Subject's upper left thigh. After the tourniquet was applied, Officers S and T placed him in a recovery position.

At 0909 hours, LAFD, staffed by Firefighter Paramedics (FF/PM), arrived on scene, and assumed medical care of the Subject. At 0916 hours, the Subject was transported to the hospital, where he was treated for gunshot wounds to his left thigh and right forearm/elbow. The Subject tested presumptively positive for fentanyl, amphetamines, benzodiazepines, and cannabinoids. The officers met the Department's expectation for rendering aid. Furthermore, the UOFRB commended the officers' actions for their efforts and mentioned a life-saving medal may be worthy of consideration.

Requirement to Intercede

Based on their review of this incident, the BOPC determined that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and the officers did not deviate from the requirement to intercede.