

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

**OFFICER-INVOLVED SHOOTING – 027-22**

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

Foothill                      6/19/22

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

Officer A                      4 years, 8 months  
Officer B                      4 years, 6 months

**Reason for Police Contact**

On June 19, 2022, at approximately 2242 hours, a radio call of a “415 man with a gun” was generated and subsequently assigned to officers. Upon the officers’ arrival at scene, the Subject removed a pistol from his waistband. The Subject moved toward the officers and fired two rounds at them, resulting in an officer-involved shooting (OIS).

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

Subject: Male, 24 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 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 May 16, 2023.

## Incident Summary

On Sunday, June 19, 2022, Witness A called 911 multiple times to report a man brandishing a gun at him at an intersection. At approximately 2242 hours, Communications Division (CD) generated a radio call of a “415 man with a gun.”

**Note:** Prior to the OIS, the Subject committed numerous crimes against various individuals in the area. The Department received notification of these incidents after the OIS.

Officers A and B responded.

Officer B broadcast their Code Three (vehicle emergency lights and siren) response. While enroute to the radio call, Officer B requested an airship (helicopter) to respond. Officer B also requested further information from the person reporting (PR) as to he could still see the suspect and his direction of travel. During their response to the call, Officer A voiced his/her belief that a felony crime had occurred based on the comments of the call. While enroute the officers also discussed tactics.

At approximately 2247 hours, Officers A and B arrived at the intersection. Officer B subsequently broadcast their Code Six (arrival on scene) location. As they drove north through the intersection, Officer A observed a bicycle in the east crosswalk, just south of the north curb. Officer A alerted his/her partner.

Officer A then observed a man matching the suspect description (the Subject), who was walking east on the north sidewalk with his back facing the officers.

Upon observing the Subject, Officer A stated to his/her partner, “*Right here in front of us. Right here in front of you. He's making furtive movements to his waistband. Right here.*” Officer A wanted to make sure that his/her partner was aware of his/her observations.

Based on these observations, Officer A maneuvered their police vehicle between westbound traffic. Officer A angled the front end of the vehicle facing northeast toward the bus stop located on the north sidewalk where he/she observed the Subject. Officer A intentionally angled the police vehicle toward the Subject and closed the distance their vehicle. Officer A believed that this would minimize the possibility of civilian traffic entering a crossfire situation and a closer distance would allow the Subject to hear his/her commands.

At 2247:51 hours, Officer B broadcast an updated location.

Officer A simultaneously exited the police vehicle, unholstered his/her pistol, and ordered the Subject, “*Hey let me see your hands! Let me see your hands!*” According to Officer A, the Subject turned toward officers and began to close the distance. Officer A explained that the Subject took “*approximately four or five steps toward us, in an*

*aggressive manner, closing the distance between us. So at the time that he came out and fired what I believe was the first round at us, he closed the distance from about approximately 25 feet to, I would say, maybe 15, 12 feet. Because he -- he took -- he took some large strides."*

The Subject moved toward the officers, and as he closed an approximate distance of 14.5 feet, he removed his pistol from his front waistband with his right hand. The Subject then pointed his pistol at the officers. At 2247:56 hours, five seconds after going Code Six on the Subject, the OIS occurred.

**Note:** Officer A believed that the Subject fired at the officers first. However, in review of the body-worn video (BWV), Officer A fired at the Subject first, as the Subject pointed his pistol at the officers.

**Note:** Initially, Officer A believed that he/she fired four to five rounds in succession. However, after review of his/her BWV, Officer A fired twelve rounds in succession.

According to Officer A he/she fired his/her final rounds as the Subject was, "*ducking down and still holding the gun.*" Officer A stated the Subject, "*had already displayed that he was gonna shoot twice. He shot twice at me. I believed he shot twice at me. When he went down, I could not see his left hand, I could not see the gun, and he was still moving, which I believed that he was trying to reacquire the firearm and, you know, shoot us -- shoot more at us.*"

Officer A utilized a two-handed grip on his/her pistol and fired a total of twelve rounds at the Subject from a position of cover behind the driver-side door of the police vehicle. These rounds were fired from approximately 31 feet.

According to Officer B, he/she "*unholstered after the suspect had fired... the first two, three rounds.*" Officer B unholstered, "*because [the Subject] was -- he was shooting his firearm at us, trying to kill us. There was also, like, vehicles behind us -- you know, he had access to more victims behind us -- so just to defend them, as well.*"

Officer B indicated that he/she exited their police vehicle as the Subject fired at them. In response, Officer B returned fire.

Officer B utilized a right one-handed grip on his/her pistol as he/she fired his/her first three rounds and used his/her left hand to keep his/her passenger-side car door open. These rounds were fired from a position of cover from behind the passenger-side car door. Officer B explained that he/she fired this first volley of rounds with a one-handed grip through the open vehicle window in order to return fire as quickly as possible because the Subject was already firing at them.

Officer B then transitioned to a two-handed grip and fired his/her final three rounds.

Officer B repositioned and utilized the hood of the police vehicle as his/her cover for his/her final three rounds. All of Officer B's rounds were fired from approximately 33 feet.

**Note:** Initially, Officer B believed that he/she fired two rounds followed by a sequence of two to three rounds. However, after review of his/her BWV, Officer B fired a three-round sequence followed by another three-round sequence, for a total of six rounds.

As the OIS transpired, the Subject fired two rounds at Officers A and B. An analysis of the BWV, digital in-car video (DICV), and associated audio revealed definitively that of the total gunshots fired; the Subject fired the third and fifth shots. The entire OIS occurred in approximately 3.5 seconds.

Officer A advised that given the time constraints, additional efforts to de-escalate were unfeasible because the Subject immediately pointed a pistol at him/her after his/her first command.

**Note:** In the officers' background during the OIS were two commercial businesses, both of which were closed and unoccupied at the time of the shooting. In addition, there was no pedestrian traffic on the sidewalk throughout the duration of the shooting.

Immediately following the OIS, at 2248:00 hours, Officer B broadcast, "[...] *shots fired! Shots fired!*"

**Note:** This broadcast was not received but can be heard on Officer B's BWV. The transmission of "*shots fired*" was not received because of a simultaneous broadcast. Therefore, many responding officers were unaware that an OIS had occurred.

Officer A communicated to his/her partner, "*Hey! Put it out! I'm gonna come on your side! I'm gonna come on your side!*" Officer A then re-deployed from his/her position behind the driver-side door by moving around the backside of the vehicle and over to the passenger side next to Officer B.

While positioned on the passenger side of their patrol vehicle, Officer A remained unholstered and assumed the role of cover officer. Officer B holstered his/her pistol and assumed the role of communications officer. From a position of cover behind the passenger side door of their vehicle, Officer B then broadcast, "[...] *officer needs help.*" Officer A gave the suspect commands to not move and advised his/her partner to slow things down. Officer B further broadcast, "[...] *the suspect is down...[...] we're gonna wait for additional units to take him into custody.*" Officers A and B were both unsure of the location of the Subject's firearm. As such, Officer A stated, "*I thought it a better idea*

*to wait for more resources and have -- have them take the suspect into custody with more -- more personnel there."*

As they waited for additional resources to arrive, Officer A performed a tactical reload of his/her pistol. Officer A removed the partially depleted magazine from his/her pistol and seated another fully-loaded magazine inside the pistol. Officer A placed the original magazine in his/her left-side pant pocket.

Officer A explained that he/she performed a tactical reload at that moment because the Subject was no longer actively shooting at the officers and there was not an "*active gun battle*." Officer A wanted to make sure that he/she had more rounds loaded into his/her pistol in case the Subject fired at them again and he/she needed to re-engage the threat.

At 2248 hours, the air unit arrived overhead and directed the responding units. In response to the help call, numerous officers and supervisors responded.

At 2249:50 hours, Officers C and D were the first unit to arrive. Officer A immediately advised them that he/she could not see the Subject's pistol. At approximately 2250 hours, Officer C requested a rescue ambulance (RA) for the Subject. The RA staged nearby, awaiting the scene to be rendered safe.

At 2250:37 hours, Sergeant A arrived on scene and declared himself Incident Commander (IC). An arrest team was formed to take the Subject into custody. While this coordination took place, Lieutenant A arrived on scene and was quickly briefed by Sergeant A. Lieutenant A then assumed the role of IC.

Lieutenant A was advised by officers at scene, and visually confirmed, that the Subject's pistol was located on the bus bench. The pistol was approximately six feet from where the Subject lay on the opposing side of the bench. Lieutenant A used that information and determined the best route of approach to contact the Subject and avoid a crossfire situation was from the driver-side door of the primary vehicle.

Officer E then assumed the role of team leader and delegated assignments to various officers to form a contact team.

**Note:** At this time, Officer E was unaware that an OIS had occurred, or that Officer B was involved in an OIS.

At the direction of Officer E, the above-mentioned officers deployed eastbound on the sidewalk from the driver-side door of the primary vehicle and made contact with the Subject. The Subject was then taken into custody, aid was rendered, and an RA eventually transported the Subject to the hospital where he died of the injuries he sustained during the incident.

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

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICV ACTIVATION</b>	<b>DICV RECORDING OF ENTIRE INCIDENT</b>
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes

## **Los Angeles Board of Police Commissioners' (BOPC) Findings**

The BOPC reviews each 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. For every incident, 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 incident, the BOPC made the following findings:

### **A. Tactics**

The BOPC found the tactics of Officers A and B to warrant a finding of Tactical Debrief.

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

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found Officers A and B'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.

**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 Officers 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 Officers 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 Officers 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 Officers use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its

occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

**Note:** It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

**Requirement to Report Potential Excessive Force:** An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

**Requirement to Intercede When Excessive Force is Observed:** An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

## Definitions

**Deadly Force:** Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

**Feasible:** Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Imminent:** Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

**Necessary:** In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and

experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

**Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

**Serious Bodily Injury:** Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

**Totality of the Circumstances:** All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

**Vulnerable Population:** Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

**Warning Shots:** The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

## A. Tactics

### Tactical De-Escalation

#### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*

- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

Tactical de-escalation does not require that an officer compromise his/her/hers 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** – Officers A and B had worked together periodically over the past three years, during which they discussed tactics, including, but not limited to, contact/cover roles, driver and passenger duties, and lethal and less-lethal force options. While responding to this incident, Officer A advised Officer B of containment protocols, stating, *“Alright if he/she’s on my side I’ll give him commands. If he’s on your side, then you give him commands... If he runs [...], we can’t chase him. We have to set up containment.”*

**Assessment** – While responding to the scene, Officer B read the comments of the radio call to his/her partner. Based on the comments, Officer A believed that a felony crime had occurred.

Observing the Subject making furtive movements toward his waistband, Officer A believed that he/she was securing/concealing a pistol or other contraband. Contacting the Subject, Officer A observed the Subject turn toward him/her and his/her partner and produce a pistol from his waistband. The Subject then took a “modified” shooting stance, pointing the pistol toward the officers, and fired. Based on the Subject’s actions, both officers assessed an imminent lethal threat. The Subject’s actions limited the officers’ ability to de-escalate the situation at that point.

After the OIS, Officer A and B assessed the need to obtain additional resources before approaching the Subject and rendering medical aid. After being advised by officers that the Subject’s pistol had been observed on the east bus bench, Lieutenant A confirmed its location. The pistol was approximately six feet from where the Subject lay on the opposite side of the bench. Based on his/her assessment, Lieutenant A determined that the best route to approach the Subject, to avoid a crossfire situation, was from the driver side of Officers A and B’s vehicle.

**Time** – There is a formula that saves lives, distance plus cover equals time. The FID investigation determined that the entire OIS occurred in approximately 3.5 seconds. When officers first located and contacted the Subject, he stood approximately 45 feet away from the officers. The Subject turned toward the officers and pointed a pistol at the officers, as he/she rapidly closed an approximate distance of 14.5 feet. The Suspect’s actions escalated the incident without warning, reducing the time officers had to employ de-escalation techniques.

**Redeployment and/or Containment and Other Resources** – While responding to the call, Officer B requested an airship (helicopter) and further information from the person reporting (PR) as to whether he still could see the Subject and his direction of travel. Observing the Subject on the sidewalk making furtive movements, Officer A maneuvered through traffic, angled the police vehicle toward the Subject, and stopped the vehicle approximately 45 feet from him. Officer A believed that this would minimize the possibility of civilian traffic entering a crossfire situation and allow the Subject to hear his/her commands. Exiting their vehicle, both officers used their respective ballistic door panels as cover.

Following the OIS, Officer A redeployed from his/her position behind the driver-side door to the passenger side next to Officer B. Officer B broadcasted a shots-fired help call, resulting in multiple units responding to the scene. Officers then maintained their positions, containing the Subject until additional units arrived.

**Lines of Communication** – As the officers arrived on the scene, Officer A observed the Subject’s bicycle in the east crosswalk, just south of the north curb, and alerted his/her partner, stating, “*There’s a bicycle in the middle of the street. It’s right here.*” Officer A then observed the Subject walking east on the north sidewalk with his back facing the officers. Upon observing the Subject, Officer A stated to his/her partner, “*Right here in front of us. Right here in front of you. He’s making furtive movements to his waistband. Right here.*” Officer B advised CD of their location and that they had located the Subject. Contacting the Subject, Officer A told him to show his hands. Instead, the Subject produced a pistol and fired toward the officers, limiting their ability to de-escalate the situation at that point.

After the OIS, Officer A told his/her partner to broadcast a help call; Officer B broadcast, “[...] *shots fired! Shots fired!*” After Officer A repositioned to the passenger side of the police vehicle, he/she told his/her partner to “*slow it (the incident) down*” and asked him/her if had broadcast the help call. Officer B then broadcast, “[...] *officer needs help.*” Officer B also broadcast, “[...] *the suspect is down...[...] we’re gonna wait for additional units to take him into custody.*” While waiting for additional units to arrive, Officer A ordered the Subject not to move and asked his/her partner if he/she was okay.

The BOPC noted that because of a simultaneous broadcast, the “*shots fired*” portion of Officer B’s initial broadcast was not transmitted. While this caused a minor delay in advising CD that an OIS had occurred, Officer B promptly broadcast the subsequent shots-fired help call, alerting CD and the responding units to the situation.

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

### **Debriefing Point No. 1 Tactical Vehicle Deployment**

Officer A maneuvered the police vehicle between westbound traffic and angled it toward the bus stop and Subject. Officer A closed the distance to the Subject

because he/she believed that this would minimize the possibility of civilian traffic entering a crossfire situation and allow the Subject to hear his/her commands. Officer A estimated that the Subject was approximately 25 feet away from the officers; based on the FID investigation, the Subject was approximately 45 feet away.

Officer A exited the police vehicle and ordered the Subject to show his hands; however, he/she did not place the transmission in park. During the OIS, Officer A realized that the vehicle was moving forward but believed that he/she needed to address the Subject before addressing the vehicle. Once he/she determined that the lethal threat had passed, Officer A placed the vehicle's transmission in park. Based on the BWV footage, it appeared that the officers were able to use the vehicle as cover even though it moved forward.

The BOPC assessed the officer's approach toward the Subject and the positioning of their police vehicle. Although the BOPC would have preferred that they had not approached against traffic, they noted that the officers were attempting to protect the public by positioning their police vehicle between the Subject and civilian vehicles. According to Officer A, this position would also allow the Subject to hear their commands (limiting the potential for confusion). The BOPC also noted that the officers attempted to maintain distance by stopping approximately 45 feet from the Subject (as determined by FID). The BOPC further noted that after exiting the police vehicle, the officers used their ballistic door panels as cover.

As it pertains to Officer A's failure to place the transmission in park, the BOPC would have preferred that he/she had done so when he/she first stopped the vehicle. However, the BOPC noted the speed at which this incident unfolded and Officer A's need to immediately address the imminent lethal threat when confronted by the Subject. The BOPC also noted that the officers were able to stay with the vehicle during the OIS, using it as cover. The BOPC further noted that Officer A immediately placed the vehicle in park when he/she determined that the imminent lethal threat had passed. As noted above, the entire OIS occurred in only approximately 3.5 seconds.

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

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

**Fire Control/Fire Discipline** – During the OIS, Officers A and B discharged a total of 18 rounds. Some of the officers' rounds struck the exterior wall of a neighboring business.

**Protocol Subsequent to a Categorical Use of Force** – At Lieutenant A’s direction, Officer B was separated and monitored by Sergeant A. As Officer B was being assessed by Los Angeles Fire Department (LAFD) paramedics, Sergeant A left him/her unmonitored for approximately ten minutes. During this time, Lieutenant A advised Sergeant A that Detective A would monitor Officer B; however, Detective A was not present for this conversation. Detective A subsequently assumed monitoring of Officer B.

## **Command and Control**

At 2250:37 hours, Sergeant A arrived on the scene and declared him/herself the Incident Commander (IC). Sergeant A and Officer E developed a plan and formed a contact team to apprehend the Subject and render medical aid. While this coordination took place, Lieutenant A arrived on the scene and was briefed by Sergeant A. Lieutenant A then assumed the role of IC. Based on his/her assessment, Lieutenant A determined the best route to approach the Subject. The team then approached the Subject and apprehended him without further incident.

As officers rendered medical aid to the Subject, Lieutenant A identified Officer A as an involved officer and initiated separation and monitoring protocols. Lieutenant A then directed Sergeant A to obtain Officer B’s Public Safety Statement (PSS) and Sergeant B to obtain Officer A’s PSS. At approximately 2300 hours, Sergeant A obtained Officer B’s PSS and assumed monitoring duties. At approximately 2302 hours, Sergeant B obtained Officer A’s PSS and assumed monitoring duties.

The BOPC determined that the overall actions of Officer E, Sergeants A, B, and Lieutenant A were consistent with Department training and expectations of senior officers and supervisors during a critical incident.

## **Tactical Debrief**

- In conducting an objective assessment of this case, the BOPC determined that Officers A and B’s actions did not deviate 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 involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Sergeant A, Detective A, and Lieutenant A would not receive formal findings, the BOPC determined that they would benefit from attending the Tactical Debrief.

## Drawing/Exhibiting

### Officer A

Observing the Subject making furtive movements toward his waistband, Officer A believed that he was securing/concealing a pistol or other contraband. Contacting the Subject, Officer A observed the Subject turn toward him/her and his/her partner and produce a pistol from his waistband. The Subject then took a “modified” shooting stance, pointing the gun toward the officers. Believing that it was a lethal force situation, Officer A unholstered his/her pistol.

### Officer B

Officer B stated that he/she observed the Subject retrieve a pistol from his waistband, point it in their direction, and fire. Because the Subject was firing at him/her and his/her partner, Officer B unholstered his/her pistol as he/she exited his/her police vehicle.

The BOPC assessed Officers A and B’s drawing and exhibiting of their pistols. The BOPC noted that the officers responded to a radio call involving a man with a gun. Arriving at the scene, Officer A advised Officer B that he/she observed the Subject making furtive movements. When the officers attempted to detain the Subject, he produced a pistol, pointed it toward them, and fired.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified. Therefore, the BOPC found Officers A and B’s drawing/exhibiting of their pistols to be In Policy.

## Lethal Use of Force

**Background** – The officers’ background consisted of two commercial businesses, both of which were closed and unoccupied at the time of the OIS. Additionally, there was no pedestrian traffic on the sidewalk during the OIS.

**Officer A** – Twelve pistol rounds discharged from approximately 31 feet.

**Note:** Initially, Officer A believed that he/she fired four to five rounds; however, after reviewing his/her BWV, Officer A realized that he/she fired twelve rounds.

According to Officer A, the Subject turned toward the officers and began to close the distance. As he moved toward the officers, the Subject removed a pistol from his front waistband with his right hand. Officer A believed that the Subject was on a “mission” and intended to kill one of the officers. The Subject then pointed his pistol at the officers and fired. Officer A saw smoke coming from the Subject’s pistol.



Fearing for his/her life and his/her partner's life and believing that he/she (Officer A) had been shot, Officer A discharged his/her first round at the Subject; however, he/she believed he/she missed because he/she did not see a reaction from the Subject. In response, Officer A discharged his/her second round. Because he/she didn't observe the Subject "*going down*," he/she believed that he/she missed the Subject again. Officer A also believed that the Subject was continuing to shoot at him/her. In response, Officer A discharged his/her third round but believed the Subject still was not going down.

Believing that the Subject was continuing to shoot at officers, Officer A discharged his/her fourth round. Because he/she still did not see the Subject going down, Officer A believed that he/she missed again. In response, Officer A discharged his/her fifth and sixth rounds. Officer A thought that he/she may have struck the Subject with his/her fifth round.

After discharging either his/her (Officer A's) fifth or sixth round, Officer A believed that the Subject was attempting to get cover or concealment behind the bus bench. According to Officer A, he/she still saw the Subject pointing the pistol at him/her and believed that the Subject was continuing to shoot. In response, Officer A discharged his/her seventh round.

During rounds eight through twelve, Officer A observed that most of the Subject's body was behind the bus bench. Officer A believed the Subject was trying to use the bench as cover. Officer A also believed that the Subject was still moving but was not sure whether his/her rounds had struck him. According to Officer A, he/she fired his/her final rounds as the Subject was, "*ducking down and still holding the gun*." Although Officer A could not see the Subject's pistol, he/she believed that the Subject was still armed and shooting at him/her.

According to Officer A, the Subject was still moving when he "*went down*." Officer A believed that the Subject was trying to "*reacquire*" the pistol and "*shoot us -- shoot more at us*." During a subsequent interview, Officer A clarified that by "*reacquire*" he/she meant "*turn around*" and/or "*get back up*" and continue shooting at officers. Officer A subsequently redeployed to the passenger side of the vehicle.

**Note:** During the OIS, Officer A did not know that the Subject had dropped the pistol onto the bus bench. When he/she redeployed to the passenger side of the police vehicle, Officer A still believed the Subject was armed.

**Officer B** – Six pistol rounds discharged in two sequences from approximately 33 feet.

According to Officer B, Officer A started giving the Subject commands to show his hands. The Subject immediately turned around, grabbed a pistol from his waistband, and started shooting while approaching the officers. Officer B indicated

that he/she exited the police vehicle as the Subject fired at him/her and his/her partner. Officer B believed that the Subject was trying to kill the officers. After exiting his/her vehicle, Officer B stood behind his/her ballistic door panel and discharged three rounds from his/her pistol as the Subject moved toward the officers. According to Officer B, the Subject continued to move forward and appeared to take cover behind the bus bench. Believing that the Subject was going to continue to shoot at him/her and his/her partner, Officer B repositioned to the right of his/her door and used the hood of the police vehicle for cover as he/she discharged his/her final three rounds. Observing that the Subject was no longer firing at him/her and his/her partner, Officer B repositioned back behind his/her door. Concerned that the Subject could stand back up and start shooting again, Officer B and his/her partner waited for additional units to arrive before apprehending him.

**Note:** During the OIS, Officer B did not know that the Subject had dropped the pistol onto the bus bench.

The BOPC assessed Officers A and B's lethal use of force. The BOPC noted that the officers responded to a radio call involving a man with a gun. Upon locating the Subject, Officer A positioned the police vehicle approximately 45 feet behind him. Officer A then exited his/her vehicle and told the Subject to show his hands. Despite Officer A's efforts to maintain distance and communicate with the Subject, the Subject rapidly approached the officers while producing a pistol, which he pointed toward the officers. Based on the totality of the circumstances, the BOPC believed that the Subject posed an imminent lethal threat.

As it pertains to Officer A, the BOPC noted that he/she believed the Subject fired the first shot and that the Subject's round struck him/her. The BOPC also noted that Officer A indicated that the Subject was standing behind the bus bench, continuing to fire at the officers, as he/she (Officer A) discharged his/her first five or six rounds at the Subject.

The BOPC noted that after discharging either the fifth or sixth round from his/her pistol, Officer A believed that the Subject was attempting to use the bus bench as either cover or concealment. According to Officer A, he/she still saw the Subject pointing the pistol at him/her and believed that the Subject was continuing to shoot. The BOPC also noted that according to Officer A, as he/she discharged rounds eight through twelve, he/she observed that most of the Subject's body was behind the bus bench, and he/she believed that the Subject was still trying to use it as cover. Although Officer A could not see the Subject's pistol, he/she believed that the Subject was still shooting at him/her. Officer A stopped firing when he/she determined that the Subject was no longer a lethal threat.

Regarding Officer B, the BOPC noted that he/she observed the Subject produce a pistol from his waistband, turn, and immediately start to shoot toward him/her and his/her partner. According to Officer B, he/she exited the police vehicle as the Subject fired. In response, Officer B discharged three rounds from his/her pistol. The BOPC also noted that after discharging his/her first three rounds, Officer B observed the Subject continue

to move forward toward Officer A and appear to take cover behind the bus bench. Based on his/her observations, Officer B believed that the Subject was still holding the pistol and was going to continue to shoot at him/her and his/her partner. In response, Officer B discharged his/her last three rounds.

The BOPC noted that based on the available evidence, the Subject fired a total of two rounds during this incident and that he dropped his pistol onto the bench as he fell behind it. However, the BOPC also noted that the OIS lasted approximately 3.5 seconds, during which the officers believed that the Subject maintained possession of his pistol and that he either continued to shoot or was preparing to do so. Based on the Subject's actions and the short/dynamic nature of the OIS, the BOPC opined that it was reasonable for the officers to believe he was and continued to be an imminent lethal threat.

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