

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

OFFICER-INVOLVED SHOOTING – 036-22

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Wilshire	7/14/22		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	5 years, 7 months
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Reason for Police Contact

Officers were working a crime suppression detail in a commercial district. The officers were driving when they were flagged down by an individual reporting a store robbery in progress. The officers conducted a U-turn, parked their police vehicle, and exited their vehicle to investigate the robbery. As the officers approached the store entrance, two males (Subjects 1 and 2) ran out of the store armed with pistols. The officers ordered the Subjects to get on the ground, but they did not comply with the officers' commands. As the Subjects ran away, one of them began to raise his pistol, resulting in an officer-involved shooting (OIS). The Subjects subsequently fled the location in a vehicle.

Subject(s)	Deceased ()	Wounded (X)¹	Non-Hit ()
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Male, 31 years of age.			
Male, 30 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 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 6/27/23.

¹ Subject 1 sustained a gunshot wound as a result of this incident. Subject 2 was not injured.

Incident Summary

On Thursday, July 14, 2022, at approximately 1843 hours, Victims 1, 2, and 3 parked their vehicle against the north curb on a commercial street. Victims 1, 2, and 3 exited the vehicle and entered Store A.

After approximately one minute, Victims 1 and 2 exited Store A and walked next door to Store B. A few seconds later, Victim 3 walked out of Store A and began looking at the portable clothing racks that were set up outside the business. Victim 3 was joined by Victim 2 next to the clothing racks.

At approximately 1846 hours, a black vehicle parked along the north curb, directly in front of the Victims' white vehicle.

Subjects 1 and 2 exited the black vehicle with ski masks covering their faces. Subjects 1 and 2 walked east, past Victims 2 and 3, toward Store B.

Subjects 1 and 2 entered Store B. Both Subjects 1 and 2 approached Victim 1, who was inside the store shopping. Subjects 1 and 2 produced pistols and attempted to rob Victim 1 of his/her jewelry.

Subjects 1 and 2 held Victim 1 against a clothing rack and attempted to take a gold chain that was around his neck. As Victim 1 pulled away from Subjects 1 and 2, his shirt was forcefully pulled off by Subject 1. Victim 1 ran and attempted to hide behind the front counter of the business.

As Subjects 1, 2, and Victim 1 were at the counter, the store owner, Witness 1, fled the store.

While driving east in their police vehicle, Officers A and B were flagged down by Witness 1, who reported the robbery to them. According to Witness 1, as he/she ran out of the store, he observed the officers' police vehicle stopped in eastbound traffic.

Officer A heard Witness 1 state that a store was being robbed. Officer B heard Witness 1 state that two males armed with guns were committing a robbery inside the store.

Officer A conducted a U-turn and parked their police vehicle on the north side of the street, east of the location. At approximately 1847 hours, Officer B broadcast for a backup for "211" (robbery) suspects armed with guns. The officers both observed people running out of the store. As the officers exited their vehicle, they began to assess the scene. Officer A additionally heard someone state that there were multiple suspects inside and a report of a gun being used.

Officer A unholstered his/her pistol due to Witness 1's assertion that the Subjects inside were armed with guns. As Officer A neared the business, Subject 1 exited the front

door, armed with a pistol, followed by Subject 2. Although Subject 2 was armed with a pistol, Officer A did not observe him to be armed when he exited the store.

As Subjects 1 and 2 exited the southeast-facing front door of the store, they were moving in the direction of Officers A and B. Officer A directed them to "Get on the ground." Subjects 1 and 2 veered around a speaker near the front door then continued west on the north sidewalk.

As Subject 1 turned to his right, he raised the pistol with his right hand.

Officer A further indicated that Subject 1 was armed with a pistol and had just committed a felony crime. Officer A observed Subject 1 raise the pistol to a level where he/she felt that Subject 1 could potentially cause serious bodily injury to people in their immediate proximity, his/her partner, or himself/herself. In response, Officer A targeted Subject 1's torso and fired one round from approximately 13 feet.

According to Officer A, immediately after discharging his/her pistol, he/she observed a dark indentation appear on Subject 1's back. This led him/her to believe that his/her round struck Subject 1. Immediately after the OIS, Subject 1 changed his direction and ran off the sidewalk and into the street.

Officer A lost sight of Subject 1 when he lunged between two portable clothing racks on the sidewalk.

Officer A ran through one of the portable clothing racks before following Subject 1 into the street. While doing so, he/she knocked over that clothing rack.

Immediately upon exiting the police vehicle, Officer B unholstered his/her pistol.

Officer B believed that establishing containment was not feasible at the time.

As Officer B approached the store, Subject 1 exited the front door, followed by Subject 2. He/she observed Subject 2 holding a pistol in his left hand close to his body as he turned to run west.

As the Subjects were running west on the north sidewalk and Officer B along with his/her partner were running behind them, Officer B heard one gunshot. He/she was unsure who had shot and yelled to Officer A, "Who fired?" Officer A did not answer him/her, and he/she followed after Subjects 1 and 2.

Victim 2 was shopping with her friends, Victims 1 and 3. Victim 2 walked into Store B and observed two males wearing masks robbing Victim 1. She attempted to intervene and saw that both Subjects were armed with guns. Victim 1 began to take off his jewelry and attempted to throw it to Victim 2. Victim 2 yelled for Victim 3 to call the police and exited the store.

Victim 1 was inside the store when he was robbed by two males armed with pistols. After the robbery, Subjects 1 and 2 exited the store. Victim 1 observed the officers outside the store with their pistols drawn, and he heard a shot; however, he did not see who fired.

Victim 3 was outside talking on the phone when a car parked and two heavysset males with masks exited. According to Victim 3, as the Subjects walked past her, they attempted to speak to her, but she ignored them. The Subjects proceeded to walk into the store. While still outside, Victim 2 came up to her and told her to call the police. Victim 3 heard a commotion coming from inside but could not see what was taking place. She then observed the police arrive and she ran inside the location next door because she “knew that they were about to shoot.” Once inside the store, she heard one shot.

Witness 2 was outside his store and observed the encounter.

At approximately 1847 hours, Officer A broadcast an “officer needs help” call. Subjects 1 and 2 ran away from the officers and entered a parked black vehicle located just west of the store. Officers A and B positioned themselves behind the black vehicle and ordered Subjects 1 and 2 to get out of the vehicle. Subjects 1 and 2 fled west at a high rate of speed.

Unbeknownst to the officers, as Subject 1 ran to the black vehicle, he dropped his pistol and baseball cap on the street. While Officers A and B were directing Subjects 1 and 2 to get out of the vehicle, Victim 2 kicked the pistol under their white vehicle.

Officers A and B holstered their pistols and ran back to their police vehicle to follow the Subjects.

Once back at their police vehicle, Officers A and B lost sight of the Subjects. They drove their police vehicle west to locate the Subjects. As they did so, they observed a black-and-white Los Angeles County Sheriff’s Department (LASD) vehicle traveling north. Believing that the Subjects’ black vehicle also went north, Officers A and B turned north. Officers A and B caught up with the additional LASD vehicle. The LASD deputies advised that they observed a black vehicle traveling west at a high rate of speed. Based on the deputies’ statements, Officers A and B believed that the Subjects were no longer in the area. Officer B broadcast the last known location of the Subjects’ vehicle and the Subjects’ description to responding units. Subsequent to the LASD deputies’ statements, Officers A and B opted to return to the OIS location to canvass the area for potential witnesses.

At approximately 1852 hours, Officers A and B returned to the OIS scene. Upon their arrival, Officer A broadcast the exact address of the armed robbery and OIS. He/she also requested responding units to stop vehicle traffic. Officer A spoke with Witness 1 who informed him/her that he had security video of the incident. Officer A wanted to review the video to broadcast the Subjects’ vehicle license plate and descriptors to the

responding units. Officer A knew that the additional information on the Subjects' vehicle would be pertinent information for the officers responding to the area and that time was of the essence for the officers' safety.

Sergeant A arrived at scene and immediately began directing officers at scene to set up a perimeter and requested additional units for an outer perimeter. When Sergeant A reached the OIS location, Officer B notified Sergeant A that he/she and his/her partner were involved. Sergeant A ensured that there were enough other officers to check the location for additional suspects. He/she determined that Officer B had all the necessary Subject information to relay to responding officers and directed him/her to remain in front of the location. Sergeant A then directed Officer A to follow him/her back to his/her police vehicle.

Sergeant A walked Officer A to the intersection. He/she relinquished monitoring duties to Sergeant B and directed him/her to obtain a public safety statement (PSS) from Officer A.

As additional officers arrived at the location, witnesses relayed their accounts of the incident. Officer B overheard that the Victim 1 was also armed with a pistol during the incident. He/she heard that Victim 1 tossed a pistol under a vehicle after the Subjects fled. Once he/she and his/her partner left, Victim 1 picked up the pistol and fled in a vehicle.

Officer B was about to assist with searching the second floor of the location, when Sergeant A separated him/her and escorted him/her to the intersection. At 1858:38 hours, Sergeant A directed Officer B to stand on the opposite side of the police vehicle where Sergeant B was monitoring Officer A.

After being directed to stand by Sergeant A's vehicle, Officer B observed Victim 1 walking on the north side of the street. For approximately ten minutes, Officer B attempted to confirm Victim 1's involvement in the incident, and he/she walked away from Sergeant A's vehicle multiple times. Based on information provided by Witness 2, Officer B determined that there was ample cause to detain Victim 1 for unlawful possession of a pistol. At 1909:12 hours, Victim 1 was handcuffed and placed into the backseat of a police vehicle.

Officer B then walked back to Sergeant A's vehicle where Sergeant B was monitoring Officer A. Shortly thereafter, Sergeant C approached him/her location. Sergeant C obtained a PSS from him/her and assumed monitoring duties.

Robbery Homicide Division (RHD) investigated the robbery committed by Subjects 1 and 2, resulting in their identification and arrest. Due to the above information gathered during RHD's criminal investigation, FID detectives believed that Subject 1 was struck by Officer A's round during the OIS.

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

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	No	Yes	Yes	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each categorical use of force (CUOF) incident based upon the totality of the circumstances, namely all 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 incident, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A and B's tactics to warrant Administrative Disapproval.

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 Officer A'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 – Officers A and B had worked together approximately 40 to 50 times, during which they discussed tactics, specifically, their roles and responsibilities, actions when responding to a shooting, and plan of action when faced with an ambush. According to Officer B, he/she and co-workers frequently discussed how to handle situations such as robberies in progress, foot pursuits, and shootings.

Assessment – During their initial approach to the clothing store, Officers A and B continually assessed the area to locate the suspects or potential victims. Observing Subject 1 exiting Store B, Officer A determined that Subject 1 was a robbery suspect. Observing Subject 1 raise his pistol, Officer A assessed an imminent lethal threat. After discharging his/her pistol, Officer A assessed that Subject 1 was fleeing and ceased shooting.

Time and Redeployment/Containment – The Use of Force Review Board (UOFRB) noted that as Officer A approached Store B, he/she appeared to walk toward the rear of a white van parked along the north curb, ostensibly to use it as cover. Simultaneously, Officer B walked along the sidewalk. As he/she approached Store B, he/she appeared to move closer to the buildings, appearing to use them as cover while attempting to see inside the store. The UOFRB noted that as Officer A neared the store, he/she redeployed to the sidewalk. The UOFRB opined that he/she did so because his/her view of the store was blocked by the clothing racks. The Subjects' subsequent actions limited the officers' ability to de-escalate the situation before the OIS.

The UOFRB noted that after the OIS, Officers A and B chased Subjects 1 and 2 as they ran to their vehicle, temporarily losing sight of Subject 1 as he ran through the clothing racks. The UOFRB also noted that per the FID investigation, the distance from the OIS to the Subjects' vehicle was approximately 45 feet. Although the UOFRB would have preferred that Officers A and B had deployed to cover and communicate with responding units instead of pursuing the Subjects, given the short distance and

duration, the UOFRB believed that any issues regarding containment and/or pursuing armed suspects could be addressed via a Tactical Debrief; the officers' post-OIS use of cover is discussed further in Debriefing Point No. 1.

Other Resources and Lines of Communication – Before the OIS, Officer B broadcast a backup request for armed robbery suspects. As Subjects 1 and 2 exited the store, the officers told them to get on the ground. The Subjects' actions limited the officers' ability to communicate with each other at that point. After the OIS, Officer A broadcast a "shots fired" help call. As the Subjects fled in their vehicle, Officer B told his/her partner to return to the police vehicle. Officer A advised his/her partner that he/she had discharged his/her pistol.

While searching for the Subjects' vehicle, the officers contacted LASD deputies to determine the Subjects' route of travel. In response, Officer A advised Communications Division (CD) that the Subjects' vehicle was last seen westbound. While searching for the vehicle, Officer B advised CD that the Subjects were in a black vehicle with tinted windows. Unable to locate the vehicle, Officers A and B returned to Store B and requested additional units. Responding units helped secure the scene and search for additional suspects.

The BOPC considered that the UOFRB assessed Officers A and B's planning and lines of communication. The UOFRB noted that although Officers A and B had previously discussed tactical scenarios, they did not form a plan nor designate roles after being advised that there was a robbery in progress. While the UOFRB understood the dynamics of this incident and the officers' likely concern for public safety, they would have preferred that Officers A and B had developed a plan before approaching the store, as this would have allowed for a coordinated response and better lines of communication with each other, the Subjects, and CD.

The UOFRB noted that as Officers A and B approached Store B, they did not communicate with each other. After the Subjects fled in their vehicle, Officers A and B did not immediately inform CD of the Subjects' flight. Based on the available evidence, it appeared that Officer A attempted to broadcast a description of the vehicle; however, the broadcast was not captured on the base frequency. The UOFRB also noted that as the officers searched for the vehicle, there was confusion as to who was the communications officer. The UOFRB would have preferred that the officers had ensured that CD was immediately notified of the Subjects' route of travel and descriptors without delay, followed by a crime broadcast, as this information would have provided responding units with a significant tactical advantage.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, without justification, from Department-approved tactical training.

During the review of the incident, the following debriefing topics were noted:

Debriefing Point No. 1: Cover and Concealment

After the OIS, the Subjects ran to their vehicle. While both officers believed that Subjects 1 and 2 were armed, Officers A and B continued running toward the armed Subjects, bypassing the cover provided by the Victims' vehicle. While positioned behind the Subjects' vehicle, Officers A and B stood in the open without cover and little distance between them and the Subjects. Officers A and B eventually repositioned themselves to gain distance from the Subject's vehicle, but they remained outside of cover as Officer A ordered the Subjects to get out of the car. Officer A was standing in the number two lane of the street and Officer B was standing on the sidewalk.

The BOPC noted that the UOFRB assessed Officers A and B's use of cover; however, their recommended findings were not unanimous, with a Minority Opinion rendered on the use of cover for Officer B. The UOFRB discussed the importance of using cover, especially when engaging armed suspects. As it pertains to the officers' initial approach to the store, the UOFRB noted the officers' apparent efforts to use cover as discussed above. As such, the UOFRB opined that the officers' limited use of cover before the OIS was reasonable.

Regarding Officer A's use of cover after the OIS, the UOFRB noted that he/she chased the Subjects as they entered their vehicle. Officer A ran up to the vehicle's left rear quarter panel before stepping back to gain some distance; however, the UOFRB opined that Officer A remained out in the open, away from cover. In doing so, the UOFRB opined that Officer A placed himself/herself at a significant tactical disadvantage. The UOFRB would have preferred that Officer A had used the rear of the Victims' vehicle, parked behind the Subjects' vehicle, as cover. Had he/she done so, Officer A could have issued orders to the Subjects while maintaining a safe barrier between them.

As it concerns Officer B's use of cover, after the OIS, the UOFRB Majority noted that he/she pursued the Subjects and ended up toward the rear bumper of their vehicle without cover. In doing so, the Majority opined that he/she placed himself/herself at a significant tactical disadvantage, as his/her position afforded him/her no cover. Additionally, nothing prevented him/her from redeploying to cover, specifically the Victims' vehicle. The Majority would have preferred that Officer B had moved to the rear of the Victims' vehicle and used it as cover while ordering the Subjects out of their vehicle.

The UOFRB Minority disagreed with the Majority and noted that the situation was rapidly evolving. After Officer A had discharged his/her pistol, Officer B was unable to take cover behind the Victims' vehicle because the portable clothing racks were an obstruction for him/her. As such, the Minority opined that although being close to the passenger side of the Victims' vehicle was not the best form of cover, it was the best cover Officer B had available to him/her at the time.

Based upon the totality of the circumstances, the BOPC determined that the tactics employed by both Officers A and B were a substantial deviation, without justification, from Department-approved tactical training.

Additional Tactical Debrief Topics

- **Profanity** – While issuing commands to the Subjects, Officers A and B used profanity. While not a best practice, the officers' use of profanity was not excessive or personal and it was intended to gain compliance. Additionally, while Sergeant B was speaking to Sergeant A about leaving Officer A's BWV activated during the PSS, he/she used profanity; however, it was not excessive or personal.
- **Two-Handed Shooting Platform** – At the time of the OIS, Officer A had his/her radio in his/her left hand, resulting in his/her use of a one-handed grip on his/her pistol while discharging it. Alternatively, Officer A could have either holstered his/her police radio or used one of the Department's flashlight techniques, as this would have allowed him/her to obtain a better shooting platform.
- **Situational Awareness** – Unbeknownst to the officers, as Subject 1 ran to the vehicle, he dropped his pistol and baseball cap on the street. Focused on the Subjects, the officers did not see the pistol. As Officers A and B were directing the Subjects to get out of the vehicle, Victim 2 kicked the pistol under the Victims' vehicle.
- **Basic Firearms Safety Rules** – While Officer A was standing behind the Subjects' vehicle and giving commands, it appeared that his/her finger may have been on the trigger of his/her pistol; however, per FID this was inconclusive.
- **Incident Commander (IC) Declaration** – Although Sergeant A functioned as the IC, he/she did not declare himself/herself as the IC upon his/her arrival nor throughout the incident. Alternatively, Sergeant A could have broadcast that he/she was the IC while broadcasting that he/she was Code Six (on scene) or at any other time throughout the incident.

Command and Control

Upon arrival, Sergeant A met with Officer B, who told him/her that he/she and Officer A were the primary unit, and that Officer A was the only one who shot. Sergeant A directed Officer B to remain in front of the location and directed Officer A to follow him/her back to his/her police vehicle. After escorting Officer A to his/her police vehicle, Sergeant A relinquished monitoring duties to Sergeant B, directing him/her to obtain a PSS. As Officer A provided his PSS to Sergeant B, his/her BWV remained activated. Sergeant B did not realize that Officer A's BWV was activated until after the PSS was completed, at which time he/she directed him/her to turn it off.

As additional officers arrived at the location, witnesses relayed their accounts of the incident, and Officer B overheard that Victim 1 was also armed with a pistol during the incident. Officer B was about to assist in conducting a warrantless search for suspects and victims when Sergeant A separated and escorted him/her to his/her (Sergeant A's)

police vehicle. Sergeant A directed Officer B to stand on the opposite side of the police vehicle where Sergeant B was monitoring Officer A, believing that Sergeant B would be able to simultaneously monitor both officers. However, Sergeant B stated that he/she did not know that Officer B was positioned on the opposite side of the police vehicle.

Officer B observed Victim 1 walking on the north side of the street. For approximately 10 minutes, Officer B attempted to confirm Victim 1's involvement in the incident and walked away from Sergeant A's vehicle multiple times. Officer B eventually determined that there was ample cause to detain Victim 1 for unlawful possession of a pistol, so he was handcuffed and placed into the backseat of a police vehicle.

During this time, Sergeant A was aware that Officer B walked away from the police vehicle on several occasions to continue the ongoing investigation into the robbery. He/she allowed Officer B to communicate with other officers because he/she believed that Officer B had the most knowledge related to this situation and was in the best position to effectively and promptly communicate the most accurate information. When asked by FID investigators whether he/she was monitoring Officer B's conversations closely, Sergeant A stated, "Not closely."

After detaining Victim 1, Officer B then walked back to Sergeant A's vehicle where Sergeant B was monitoring Officer A. Sergeant B saw Officer B return to the police vehicle and asked if he/she was okay. At 19:10:30 hours, Sergeant B walked approximately 20 feet away from Officer A to speak to Sergeant A. It was during that time Officer B's BWV depicted Officers A and B communicating with each other. The communication consisted of Officer B asking Officer A if he/she was all right and Officer A informing him/her that he/she may have been shot.

Officer B proceeded to walk around the vehicle to Officer A's side and he/she pointed to his/her leg and told him/her he/she had "like a graze." Officer B stated he/she did not know that he/she had been shot and wanted to verify if he/she was injured. Officer B returned to the driver's side of the vehicle. He/she then stopped speaking midsentence. The entire conversation between Officers A and B was captured on Officer B's BWV.

Sergeant B returned to Officer A's location and continued monitoring duties. A review of Officer B's BWV footage verified the above conversation between him/her and Officer A only involved a discussion about Officer A's well-being. Shortly thereafter, Sergeant C approached Officer B, ordered him/her to turn off his/her BWV, and began monitoring him/her. Sergeant C obtained a PSS from Officer B and assumed monitoring duties. While Officers A and B were both at the scene, neither one of them was admonished to not discuss the OIS and remain separated.

The BOPC determined that Sergeants A and B's actions related to their post-OIS command and control were not consistent with Department training or expectations of supervisors during a critical incident.

B. Drawing and Exhibiting

- **Officer A**

After being informed of a robbery in progress, Officer A exited the police vehicle and unholstered his/her pistol. According to Officer A, due to the nature of the incident, he/she knew that the situation was going to escalate to a point where lethal force might be used.

- **Officer B**

After being informed of the robbery in progress, Officer B exited the police vehicle and unholstered his/her pistol. According to Officer B, he/she knew that the Subjects were armed and that they were possibly putting someone at risk of serious bodily injury and/or death.

The BOPC noted that the UOFRB assessed Officers A and B's drawing and exhibiting of their pistols. The UOFRB noted that both officers heard Witness 1 advise of an armed robbery in progress and they believed that the situation could rise to the point where lethal force may be justified.

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 to be In Policy.

C. Lethal Use of Force

Officer A – semi-automatic pistol. One round in a westerly direction, from approximately 13 feet.

Background/OIS Scene – The OIS occurred on the north sidewalk in a commercial area of Los Angeles, which is comprised mainly of small local businesses. A high school on the south side of the street was not in session at the time of the OIS. The OIS location was a roadway with two west traffic lanes, including a designated parking lane along the north curb, and two east traffic lanes.

Store B occupied the commercial space on the west side of the building, and the commercial space on the east side of the building was vacant. At the time of the OIS, the Subjects were exiting Store B. The doorway to the business faces in a southeast direction and it exits out into a small alcove adjacent to the north sidewalk. The sidewalk was lined with clothing racks that spanned the entirety of Store B as well as a portion of Store A.

According to Officer A, he/she observed no obstructions between himself/herself and Subject 1. Additionally, at the time he/she discharged his/her pistol, he/she was cognizant of civilians in the area.

Round One

According to Officer A, as Subject 1 ran from Store B, he/she observed that Subject 1 was armed with a pistol. Officer A observed Subject 1 raise the pistol to a level where he/she felt that Subject 1 could potentially cause serious bodily injury to citizens, his/her partner, or himself/herself. In response, Officer A targeted Subject 1's torso and fired one round from approximately 13 feet.

The BOPC noted that the UOFRB assessed Officer A's lethal use of force. The UOFRB noted that Officer A had been advised by a witness of an armed robbery in progress. Looking toward the store, Officer A saw a chaotic scene with people running and screaming. As he/she approached the location, Officer A observed Subject 1 running from the store with a pistol in his hand. Subject 1 appeared to be concealing his identity with a hooded sweater. Officer A then observed Subject 1 raise his pistol, causing Officer A to believe that Subject 1 could cause serious bodily injury to him/her, his/her partner, or citizens. In response, Officer A discharged his/her pistol. Based on the totality of the circumstances, the UOFRB believed that it was reasonable for Officer A to believe that Subject 1 posed an imminent lethal threat.

During their assessment, the UOFRB noted that Officer A's round may have struck Subject 1 in the back as he veered around a speaker near the store's front door. The UOFRB opined that in the time it took Officer A to perceive, process, and respond to the imminent lethal threat, Subject 1 had pivoted to his right exposing his back. The UOFRB also noted that Officer A discharged one round, assessed, and ceased firing. As such, the UOFRB opined that Officer A's lethal use of force was proportional, objectively reasonable, and necessary.

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