

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

OFFICER-INVOLVED SHOOTING – 002-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
West Valley	1/9/17		

Officer(s) Involved in Use of Force	Length of Service
Officer B	9 years, 10 months
Officer I	9 years, 7 months
Officer J	10 years, 2 months
Officer L	11 months
Officer N	7 years, 6 months
Officer S	25 years, 2 months

Reason for Police Contact

Officers attempted to stop a car driven by a suspect wanted for attempted murder. The Subject refused to yield and fled, resulting in a vehicle pursuit. During the pursuit, the Subject stopped his vehicle numerous times, but then fled again, refusing to obey the commands of the officers. At one point, the Subject fired rounds from his pistol, resulting in an officer-involved shooting (OIS). The Subject was subsequently stopped by the use of a Pursuit Intervention Technique (PIT) maneuver and again refused to comply with the officers' commands. A K-9 dog was used to subdue the Subject, and he was then taken into custody.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 32 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on December 12, 2017.

Incident Summary

Two days before this OIS occurred, the Subject drove to the home where his parents resided. The Subject's estranged wife was living with their three children at the residence. Upon arriving at the residence, the Subject walked to his wife's bedroom, where she and the children were sleeping, and began knocking loudly on the door. The Subject forced the door open and began yelling at his wife. The Subject woke his parents and his sister-in-law. After being told that he shouldn't be at the house, the Subject walked outside and returned within minutes, armed with a pistol.

After walking back into the residence, the Subject went back to the bedroom that his wife was in and pointed his pistol at her. Fearing her mother was going to be shot, the couples' young daughter jumped in between the Subject and her mother and pleaded for the Subject not to shoot her.

As this occurred, the Subject's sister-in-law opened her bedroom door and was immediately shot by the Subject. After shooting his sister-in-law, the Subject fled the residence on foot. Officers responded to a radio call for a gunshot victim and located the shooting victim on the ground, inside of the residence. Officers requested a Rescue Ambulance (RA) for the victim, who was transported to the hospital, where she underwent extensive surgery and was placed in the Intensive Care Unit, in critical condition. The victim subsequently succumbed to her injuries.

The following day, Detective A responded to the shooting location to investigate. After interviewing witnesses, Detective A identified the shooting suspect as the Subject. According to the Subject's family members, he had been using drugs.

Detective A utilized Department resources and identified several monikers associated with the Subject. Detective A also identified the Subject's vehicle. Detective A requested assistance from Detective B, and they discussed using Metropolitan Division Criminal Impact Team (CIT), a plainclothes surveillance unit, to locate the Subject. As a result of their conversation, Detective B completed a Department Crime Alert bulletin for the Subject and distributed it to patrol officers.

Detective B also contacted Officer A, regarding the Subject, and provided him with the crime bulletin and all the details surrounding the investigation and the Subject. As a result of information received from Detective B, Officer A assumed the role of Case Agent for the investigation and surveillance of the Subject.

According to Sergeant A, the Department was unable to commit resources to surveil the Subject that evening. Sergeant A did, however, have personnel conduct a pre-surveillance follow-up to locations the Subject was known to frequent. The purpose for the follow-up to these locations was to get a layout of the locations to be surveilled, as well as determine the resources that were going to be needed for the surveillance. According to Sergeant A, the pre-surveillance lasted a couple of hours before they disengaged.

Sergeant A received information provided by Detective B that the Subject had gone to his brother-in-law's place of employment. According to Sergeant A, the information provided by Detective B was that the Subject was told by his father-in-law that he needed to turn himself in. The Subject's response to his father-in-law was, "I can't, I have street business to take care of. I need to kill some people." The Subject's mother-in-law called the police; however, the Subject left before police arrived. Sergeant A and other personnel planned to conduct their surveillance on the Subject the following day.

On the day of this incident, Sergeant A and Officers A, B, C, D, and E received information from Detective B that the Subject was possibly staying at a nearby residence. While at the police station, Officer A prepared an Operational Game Plan for the surveillance.

According to Sergeant A, Communications Division (CD) was contacted, and a Tactical channel was requested. Communications Division assigned a channel for the surveillance. Sergeant A also requested assistance from Air Support. Sergeant A assigned Officers G, driver, and H, passenger, as a uniformed chase car, driving a marked black and white hybrid police vehicle.

Officer A began checking Department databases for further information regarding the Subject. After checking these databases, Officer O provided the Operational Game Plan to all involved personnel and conducted a safety briefing prior to the start of their surveillance. Prior to leaving the station, Sergeant A ensured that personnel were attired in their tactical body armor vests.

Sergeant A and his personnel responded to the surveillance area, set up in the surrounding neighborhood, and began their surveillance. Sergeant A was advised that the Subject had been calling family members, attempting to locate his wife. Due to this new information, the decision was made to abandon the surveillance at the current location and move to where the crime occurred. Officer A contacted the Watch Commander and advised him of the surveillance that was going to take place at original crime scene.

Upon arriving at the new surveillance location, personnel set up in the surrounding neighborhood and resumed their surveillance on the Subject. According to Officer A, he was a "floating" unit, available to check additional locations. Officer A advised Sergeant A that he was going to check a nearby address, which showed no signs of activity. Officer A then checked the Subject's parents' business located nearby.

Officer A observed the Subject's vehicle, in a parking area on the corner of the intersection where his parents' business was located. Officer A notified personnel that he located the Subject's vehicle and requested their response. Officer A then parked across the street from the strip mall parking lot in a convenience store parking lot, which was located on the corner of the intersection.

As officers began arriving in the area, they set up positions around the strip mall parking lot where the Subject's vehicle was parked. Because the Subject had not been seen at this time, Officer A relinquished his position as point to Officers C and F.

Sergeant A contacted Air Support Division and requested their assistance. Sergeant A informed them what the Subject was wanted for and asked the Air Unit to stay in close proximity to the location.

According to Officer A, the Subject exited the business and stood out front with his father and another unknown male. The Subject talked with his father for approximately 20-30 minutes before embracing him with a hug and appeared to be saying his goodbyes. After hugging his father, the Subject, along with an unidentified female, entered his vehicle and drove from the location. According to Sergeant A, he wanted to wait to stop the Subject when he was alone to prevent any kind of hostage situation.

Officer C broadcast that the Subject was driving away from the location. The Subject then drove approximately 100 yards and pulled into a fast food restaurant parking lot. The unknown female exited the vehicle and appeared to walk. After approximately ten minutes, the Subject drove through the parking lot into an alley. The Subject then drove in the alley, turning right and heading down the street. He then turned right and began driving.

Officer A broadcast the Subject's location as Officers G and H, in their hybrid police vehicle, moved into a position to conduct a felony traffic stop. Officer D and Sergeant A also moved into position behind Officers G and H to assist with the traffic stop. The Subject continued driving, when officers requested the Air Unit to come up. The Subject then turned right, followed by Officers D, G, H and Sergeant A.

Sergeant A advised that once the Air Unit was overhead they would initiate the stop. The Subject then turned left. The Air Unit arrived and broadcast that they were following the Subject.

As the Subject drove, at approximately five miles per hour (mph), Officer G activated his forward facing red light and siren in an attempt to stop the Subject. The Subject stopped his vehicle in the middle of the street for approximately 45 seconds. According to Officer G, the Subject began flashing signs with his hands through the sunroof of his vehicle. Officer G also saw the Subject reaching between his legs under his driver seat and began looking at officers through his driver side mirror, appearing to acquire the officers' positions. Officer G gave the Subject commands to get out of the car, which

the Subject ignored. According to Officer G, he verbally advised the other officers that the Subject was reaching under his seat. The Subject, using his hands, flashed signs again.

As this was occurring, Officers C and F stopped their vehicle several cars back behind Officers G and H and Sergeant A. Officer C obtained his Police Rifle from the trunk of his vehicle, and moved forward toward Sergeant A's vehicle, while Officer F stayed with their vehicle. Officer C opened the front passenger door of Sergeant A's vehicle and took a position of cover. According to Sergeant A, he and Officer C used the Public-Address system (PA) in the police vehicle to issue commands to the Subject to exit the vehicle and give himself up. Sergeant A, over the PA, also advised the Subject that a Beanbag shotgun and/or K-9 may be used as well, if he did not comply.

The Subject ignored the commands being given and began driving at speeds between 2-5 mph. According to Officer C, he remained in Sergeant A's vehicle, because it was too far to run back to his vehicle. The Subject turned left, now travelling at a slow speed, followed by the officers. Officers G and H who were directly behind the Subject, followed him with their forward facing red light and siren on in an effort to get the Subject to stop his vehicle. The Subject ignored the officers' lights and siren and continued driving away at a slow speed. Sergeant A and Officer D also followed behind Officers G and H with their emergency lights and siren activated.

Note: According to Sergeant A, he and Officer C gave similar commands to the Subject to stop and comply with officers, as well as warning him, throughout the pursuit using the PA system, that the use of a Beanbag shotgun and/or K-9 could occur.

Due to the Subject's reluctance to stop for officers, the Air Unit advised CD that the units were in a slow speed pursuit.

According to Officer C, the Subject drove approximately 15 to 20 mph as he continued.

Sergeant A declared himself as the Incident Commander. As the Subject drove, he would stop his vehicle in the middle of the street and then drive away, ignoring officers' commands to pull over.

As the pursuit continued at a slow speed, Sergeant A requested a unit to deploy a spike strip to stop the Subject. The Watch Commander, Lieutenant A, declined Sergeant A's request for a spike strip, due to the Subject being an armed Attempt Murder suspect. Lieutenant A did, however, authorize Area units to remain in the general vicinity of the pursuit to assist the pursuing units with a perimeter if the Subject attempted to flee from officers on foot.

According to Sergeant A, the Subject continued driving at a slow speed while yelling out of his driver side window and placing his hands outside of his window. On several

occasions during the slow speed pursuit, the Subject stopped his vehicle and opened his driver side door, taunting officers by yelling at them and gesturing with his hands.

The Subject stopped his vehicle in the middle of the street and again began yelling, for approximately 27 seconds, at officers that were following. Officers G and H stopped their vehicle directly behind the Subject's vehicle. Sergeant A stopped his vehicle to the right of Officers G and H, and Officer D stopped his vehicle to the left of Officers G and H. Officer B parked his vehicle behind Sergeant A's vehicle and moved up to Sergeant A's passenger side door. According to Sergeant A, he wanted a Beanbag shotgun deployed on this incident. Sergeant A went to the trunk of his vehicle, retrieved his beanbag Shotgun and handed it to Officer B to deploy.

According to Officer B, Sergeant A chambered a Super-Sock round and handed him the beanbag Shotgun, advising him to deploy the beanbag Shotgun if he had an opportunity. According to Sergeant A, he told Officer B, "When he presents himself out - - steps outside the vehicle or he shows his front portion of his body, go ahead and send beanbags towards him so we cannot get involved in one of these pursuits."

The Subject again ignored commands to surrender and began driving slowly again. The Subject then negotiated a U-turn and began driving in the opposite direction.

The Subject continued to ignore the officers' commands to get out of the vehicle and drove away. As the Subject travelled, he stopped his vehicle mid-block in the middle of the street. Officers G and H stopped their vehicle directly behind the Subject's vehicle. Sergeant A stopped his vehicle to the right of Officers G and H, and Officer D stopped his vehicle to the left of Officers G and H. After stopping his vehicle, the Subject opened his driver side door, turned his upper body to the left, looking back in the officers' direction, and again began yelling at officers. Simultaneously, Officer B exited his vehicle and moved around to the opened driver side door of Officer G's vehicle, where he took aim at the Subject lower torso area and fired one Super-Sock round from his beanbag Shotgun from an approximate distance of 25-30 feet. According to Officer B, he did not know if his Super-Sock round struck the Subject; however, it appeared that the Subject had been struck, and he immediately closed his driver side door and continued driving.

Sergeant A broadcast to the units to again use the Beanbag shotgun if the opportunity presented itself.

The Subject again made a U-turn and began driving west. The pursuit continued at a slow speed when the Subject made another U-turn and proceeded to drive east on followed by officers.

The Subject stopped his vehicle again in the middle of the street. Officers G and H stopped their vehicle behind the Subject, with Officer D to the left of Officer G's vehicle and Sergeant A to the right. Officer B stopped his vehicle to the right of Sergeant A's vehicle and exited with the beanbag Shotgun. Officer B proceeded to move to the

opened driver side door of Officer G's vehicle. Simultaneously, the Subject again turned his upper torso in the direction of the officers and began yelling and gesturing with his hands through his opened driver's side window.

According to Officer B, he took aim at the Subject's left triceps and fired one Super-Sock round from an estimated distance of 25-30 feet.

After firing the Super-Sock round at the Subject, Officer B believed it struck the Subject on the left triceps, which caused him to jump and pull his upper body back into the vehicle and drive away. Officer B then climbed into the front passenger seat of Officer D's vehicle and requested that Officer F park and secure his vehicle for him.

Officers continued to pursue the Subject at a slow speed. The Subject again stopped his vehicle. Officers stopped and deployed behind the Subject's vehicle and continued to give the Subject commands to stop. The Subject ignored the officers' commands and drove away at a high rate of speed. The officers pursued the Subject at speeds in excess of 80 mph toward the freeway. After entering the freeway, the Subject repeatedly stopped his vehicle in lanes of traffic and travelled at speeds between 2-10 mph.

Note: A review of media footage depicted the Subject stopping his vehicle approximately seven times while Metropolitan Division units followed in pursuit.

After entering the freeway, Sergeant A broadcast a request for some black and white police cars to join the pursuit. Nearby Officers I and J were parked at a nearby gas station, monitoring the pursuit. Officers I and J pulled out and began driving, when they heard the pursuit enter the freeway heading south. Shortly thereafter, Officers I and J heard Sergeant A request a unit with a light bar to assist with the pursuit. According to Officer I, Officer J broadcast that the officers were driving on the freeway, approaching the pursuit, with emergency lights and sirens (Code Three).

Also responding to the pursuit were Officer K and L. According to Officers K and L, they had received a Wanted Persons flier with the Subject as the named suspect during Roll Call the evening prior to the OIS, as well as the evening of the OIS.

Officer K broadcast the officers' location, and responded Code Three. After catching up to the pursuit, which was now traveling at a slow speed and assuming the secondary position in the pursuit, Officer K discussed with Officer L that he was going to have less-lethal force options with the Beanbag Shotgun and would function as the covering officer. Officer K then unlocked and removed the Beanbag Shotgun and "loaded" it by chambering a Super-Sock round. Officer K kept the Beanbag Shotgun out with the barrel pointed at the ground in a low-ready position and deployed it when they came to a stop behind the Subject on the freeway.

Also responding to the request for units with a light bar were Officers M and N, who broadcast their response and joined the pursuit on the freeway.

Sergeant A began verbally placing units in their positions in the pursuit, which was now moving at a slow speed. Officers I and J assumed the primary position directly behind the Subject, while Officers L and K assumed the secondary position to the right of Officers I and J's vehicle. Officers G and H assumed the third vehicle position in the pursuit to the left of Officers I and J's vehicle, while Officers M and N assumed the fourth position in the pursuit directly behind Officers I and J's vehicle. According to Sergeant A, he wanted a Beanbag Shotgun deployed by one of the front vehicles to cover less-lethal options. Officer D remained in close proximity, driving behind Officers H and G, as Sergeant A drove behind the black and white vehicles to maintain control of the pursuit. According to Sergeant A, he authorized six vehicles, including himself, to engage in the pursuit.

According to officers, the Subject continued driving on the freeway at a slow speed, continually stopping his vehicle in lanes of traffic, opening his driver door and/or placing his upper body out of his driver side window and gesturing to officers with his hands. After taunting officers with his hand gestures, which included signs and gesturing at officers with his middle finger, the Subject continued driving. At one point, Officer L observed a flash coming from the moon roof of the Subject's vehicle and believed that the Subject was taking pictures with his cellular telephone.

Note: A review of media footage depicted the Subject stopping his vehicle approximately thirty additional times while Metropolitan Division and Patrol units pursued.

Officer B stated he saw the Subject waive a blue steel handgun out of the "Sunroof."

According to Officer M, he saw the Subject "flashing" a revolver out of the moon roof of his vehicle, then pull it back into the vehicle.

The Subject stopped his vehicle on the freeway, in the number two lane of traffic. The Subject then turned his upper body to the left while seated in the driver seat and extended both of his arms and head out of the driver's side window, yelling at officers and flailing his arms wildly. Pursuing officers stopped behind the Subject and exited their vehicles.

Officer I stopped his vehicle directly behind the Subject's vehicle, exited, stood behind his ballistic driver door, unholstered his pistol with his right hand, and held it in a two-handed, low ready grip with his finger along the frame. According to Officer I, the Subject's left arm and shoulder, as well as his right arm, were extended out of his driver window when he pointed a black pistol in the direction of Officers G and H, who were stopped to his left near the center divider and fired two rounds.

Simultaneously, Officer I heard Officer H yell, "Gun." Fearing for Officers G and H's safety, Officer I pointed his pistol at the Subject's upper torso and shoulders, and discharged three rounds at the Subject from a distance of approximately 60 feet. Officer I indicated that his shooting background was a clear freeway. According to Officer I, the Subject then drove away from officers. Officer I holstered his pistol and continued to pursue the Subject on the freeway.

Note: According to Officer I, he was unaware that the Subject had thrown his pistol out of his driver's side window after this OIS.

Based on the review of media footage, Officer I's position directly behind the Subject's vehicle at the time of the OIS depicts no traffic in southbound lanes on the freeway.

Officer J exited his vehicle, stood behind his passenger side ballistic door, unholstered his pistol with his right hand and held it in a two-handed, low ready grip, with his finger along the frame. Officer J saw the Subject's mouth moving; however, he could not hear what he was saying. Officer J saw what looked like a gun coming out of the Subject's vehicle from the driver's side door and point in their direction. According to Officer J, he saw muzzle flash coming from the Subject's pistol when he pointed his pistol at the Subject's rear window, aiming for his head and shoulder area, and discharged what he believed to be 2-3 rounds from a distance of approximately 30-40 feet.

Note: The magazine count after the OIS determined Officer J discharged six rounds.

A review of media footage during the pursuit is consistent with Officer J having discharged his pistol. At the time of his OIS, the footage depicts light traffic in the freeway lanes of traffic. Investigators did not clarify specifically as to what Officer J's background was when he discharged his pistol.

According to Officer J, the Subject drove away. As the Subject drove away, Officer J lowered his pistol into a low ready position and got back into his vehicle, holding his pistol in his right hand next to his right leg pointed at the floorboard of the officers' vehicle.

Note: According to Officer J, the Subject's driver door was "cracked" open at the time of the OIS.

According to Officer J, he was unaware that the Subject had thrown his pistol out of his driver window after this OIS.

Officer L placed the officers' vehicle to the right of Officers I and J's vehicle, exited, stood behind his ballistic driver door, unholstered his pistol with his right hand, and held it in a two-handed, low ready position with his finger along the frame. According to Officer L, every time the Subject stopped his vehicle on the freeway, he unholstered and

held his pistol the same way. According to Officer L, officers were using the PA system on a police vehicle telling the Subject in Spanish to exit his vehicle to which he would ignore and make hand gestures toward officers. Officer L stated that the reason he unholstered his pistol was because he believed the Subject might have a gun.

According to Officer L, at one point, the Subject stopped his vehicle in lanes of traffic and began gesturing with his hands toward officers. Officer L again exited his vehicle, stood behind his ballistic door, unholstered his pistol, held it the same way he had before and pointed it through his opened driver side window in the direction of the Subject's vehicle. According to Officer L, he could see the Subject's arms extended out of his driver's window and could see him yelling; however, he could not hear what the Subject was saying due to the noise of the helicopter above them. According to Officer L, he saw the Subject move one of his hands back into the vehicle, then bring it back out of the driver window, holding a dark object in his right hand, pointing in his and the other officers' direction. According to Officer L, he heard two or three gunshots and saw two muzzle flash bursts from the area where the Subject was. Officer L quickly raised his pistol, pointed it at the Subject's upper right torso and shoulder area, and discharged two rounds in rapid succession at the Subject from a distance of approximately 75-90 feet. According to Officer L, the ambient noise was loud due to the helicopter overhead, and officers screaming commands at the Subject.

Note: The Subject discharged two rounds from his pistol.

A review of media footage during the pursuit is consistent with Officer L having discharged his pistol in a south to southeasterly direction. The footage also depicts light traffic in the northbound freeway lanes of traffic. Investigators did not to clarify specifically what Officer L's background was when he discharged his pistol.

Regarding his reasoning for firing his pistol at the Subject, Officer L said that he feared for his and his fellow officers' lives. According to Officer L, the Subject placed his hand and pistol back into his vehicle and continued driving on the freeway.

Note: According to Officer L, he was unaware that the Subject had thrown his pistol out of his window after this OIS.

According to Officer K, he exited the vehicle and stood behind his passenger side ballistic door holding the Beanbag Shotgun at a low ready position. According to Officer K, as he scanned the area in front of him, he heard three to five gunshots coming from the suspects' vehicle. Officer K immediately placed the Beanbag Shotgun back into the police vehicle on the floorboard and unholstered his pistol, holding it in a low ready position.

Note: According to Officer K, he estimated that he deployed out of the officers' police vehicle between six and eight times prior to the OIS.

According to Officer K, he was unaware that the Subject had thrown his pistol out of his window after this OIS.

According to Officer M, he placed his vehicle behind Officers I and J's vehicle offset to the left, and as he began to exit his driver door, he observed the Subject holding a long-barreled revolver, brown in color in his right hand, pointed in an easterly direction. Simultaneously, Officer M yelled out, "Gun" to Officer N as the Subject discharged his first round. According to Officer M, he saw the muzzle flash from the Subject's pistol as well as smoke emitting from the barrel. According to Officer M, after the Subject fired his first round, he turned his pistol in the direction of officers and discharged a second round. According to Officer M, he thought the Subject was trying to shoot the officers. Officer M continued to exit his vehicle and take cover behind his ballistic door, while unholstering his pistol and holding it in a low ready position.

According to Officer M, he saw Officer N deploy his rifle and fire two rounds at the Subject. Officer M did not see where Officer N's rounds struck. Officer M holstered his pistol and continued to pursue the Subject.

Note: According to Officer M, he was unaware that the Subject had thrown his pistol out of his driver window after this OIS.

Officer N exited the vehicle, stood behind his passenger side ballistic door, held his rifle in a low ready grip with his finger along the frame, and heard Officer M yell, "Gun." According to Officer N, he heard shots being fired and saw muzzle flash from the Subject's pistol as he began moving from his passenger door to the driver side door of Officer I's driver side door, who was in front of him. As Officer N approached Officer I's driver door, he announced himself as he took a position behind the outer portion of the ballistic door panel to the left of Officer I. According to Officer N, the Subject fired his pistol over the center median of the freeway at vehicles travelling in the northbound lanes of traffic. According to Officer N, he did not have a good target so he raised his rifle and, utilizing the iron sites on it, discharged two rounds through the rear window of the Subject's vehicle in the area where he reasonably believed the Subject's center body mass was seated in the driver seat. Officer N described his background as being clear with a "sweeping turn" and a brick retaining wall.

Note: Based on Officer N's stated shooting position and a review of media footage, investigators were able to confirm Officer N's background as being clear of any traffic in the southbound lanes of traffic on the freeway.

Note: The news footage showed the Subject's vehicle driving away from officers after the Subject fired his pistol, as Officers fired at him. As the Subject drove away, Officer N was seen moving in between the front of his vehicle and Officer I's vehicle to Officer I's opened driver door.

According to Officer N, he did not perceive the Subject's vehicle as moving when he fired his rifle at the Subject's rear window. After firing his rifle at the Subject, Officer N placed the selector switch on his rifle to the safe position, lowered it to a low ready position, moved back to his police vehicle and got back into the passenger seat. While seated in the passenger seat, Officer N held the grip with his right hand, with the barrel pointed down at the floorboard and his left hand across his body on the door handle in the event he had to exit quickly.

Note: According to Officer N, he was unaware that the Subject had thrown his pistol out of his driver window after this OIS.

According to Officer G, he placed his vehicle to the left of Officers I and J's vehicle, exited, stood behind his ballistic driver door, and unholstered his pistol holding it in a low ready position. According to Officer G, he saw the Subject's forearms and hands sticking out of the driver window, holding a pistol. It appeared to Officer G that the Subject was attempting to manipulate the pistol when he discharged two rounds in a downward angle toward the north lanes of traffic of the freeway.

Note: Officer G indicated he was aware that the Subject had thrown his pistol out of his driver's side window after this OIS. According to Officer G, he did not make any broadcast related to the Subject discarding his pistol on the freeway because he believed everyone saw the Subject discard his pistol and units stayed behind with the pistol. Officer A later broadcast that the Subject's pistol was recovered on the freeway.

According to Officer G, the Subject never looked back in his direction when he fired his pistol so he believed the Subject had an accidental discharge.

According to Officer H, he exited the vehicle, stood behind his passenger side ballistic door, unholstered his pistol, and held it in a low ready position. According to Officer H, the Subject held his revolver pistol out the window with his hand on the cylinder of the pistol. The Subject then reached out with his opposite hand and was moving his pistol around, when he discharged two rounds into the ground. According to Officer H, it appeared the Subject had a negligent discharge.

Note: According Officer H, he was aware that the Subject had thrown his pistol out of his window after this OIS. Investigators did not clarify with Officer H if he broadcast or shared that information with other officers at the scene.

According to Officer B, he exited Officer D's vehicle, and moved toward Officer G and H's vehicle while holding the Beanbag Shotgun in a low ready position. According to Officer B, as he was moving toward Officer G's opened driver door, he saw muzzle flash coming from the Subject's driver's side and thought the Subject was shooting at officers. According to Officer B, he simultaneously heard several gunshots as well as a rifle

being fired. According to Officer B, he told Officer D that he was going to get into Officers G and H's vehicle which was in a better position during the pursuit to use less-lethal force if he needed to. Officer B exited Officer D's vehicle and climbed into the left rear passenger seat of Officers G and H's vehicle.

According to Officer C, he was seated in the passenger seat of Sergeant A's vehicle, which was travelling behind Officers G and H, as well as Officers I and J's vehicles, and observed the Subject's vehicle between the vehicles in front of his. According to Officer C, he saw the Subject's vehicle come to a stop and the Subject's arms extend out of his driver window holding a blue steel revolver pointed at traffic driving north on the freeway. According to Officer C, he saw and heard the gunshot and muzzle flash from the Subject's pistol, followed immediately by officers firing back at the Subject.

Note: According to Officer C, as the Subject drove away, he tossed his pistol out of his driver's side window. Officer C believed he heard someone broadcast over the radio for a unit to grab the gun that was on the street. A review of radio frequencies in use for this incident did not capture that broadcast.

According to Officer D, he was positioned behind Officers I, J, L, and K's vehicles when he heard what he described as metal hitting the ground and observed a pistol on the freeway as they continued to pursue the Subject.

According to Officer D, he believed the pistol was the Subject's and believed that he was possibly armed with a second pistol due to the fact that he was an attempted murder suspect.

An unknown officer broadcast, "He's shooting, he's shooting."

The Air Unit broadcast, "And control, officers just advised he fired at officers. Now it's going to be an attempt murder on a PO."

Note: According to Sergeant A, he broadcast that five to six shots had been fired; however, a review of the frequencies in use for this incident did not reveal any such broadcast.

According to Sergeant A, some of their communications were not recorded.

Sergeant A requested notifications be initiated to his supervisor as to the pursuit and the OIS. Sergeant A also requested that K-9 personnel be made aware of the incident.

Note: This broadcast was captured on the recorded frequency in use.

During the incident, the initial Air Unit was relieved by an additional Air Unit.

As the pursuit was occurring, Sergeant B, assigned supervisor for the K-9 Unit, was monitoring the pursuit on both the radio frequencies and on television, when he directed Officers O, P, Q, and R, to prepare to respond for assistance.

At the same time, Lieutenant B made a conference call to Sergeant C and Officer S, advising them of the pursuit and OIS involving the Subject. As a result of Lieutenant B's telephone call, SWAT personnel were notified and began responding to this incident.

Sergeant B directed Officer P to obtain the vehicle keys to their armored vehicles. Sergeant B directed Officers O and P to drive the armored vehicles. Additionally, Sergeant B directed Officer R to follow in his vehicle with his K-9. As SWAT and K-9 officers responded to the pursuit they monitored the appropriate frequencies for additional information.

After the OIS, the Subject stopped his vehicle again in the middle of the freeway. According to Officer C, he and Sergeant A discussed his moving to Officers G and H's vehicle to have better coverage on the Subject if he stopped on the freeway again. Officer C then exited Sergeant A's vehicle and moved forward, climbing into the right rear seat of Officers G and H's vehicle with his rifle. After entering Officers G and H's vehicle, Officer C began communicating with the Subject over the vehicles' PA system. Officer C told the Subject, "Hey, your mom and dad want to talk to you on the phone. If you stop, I'll let you talk to them on the phone. I just need you to come out of the car with your hands up." According to Officer C, this type of dialogue with the Subject continued approximately 20 minutes, with no success.

Officer A broadcast, "we have a recovered firearm here." The Subject continued driving slowly down the freeway, throwing items from his vehicle's moon roof and taunting officers with hand gestures.

The Subject again stopped his vehicle on the freeway, straddling the number one and two southbound lanes of traffic. The Subject, while seated in the driver seat, turned his upper torso to his left and was facing back in the direction of officers and began yelling at officers and gesturing with his hands again. Officer B exited the left rear door of Officer G's vehicle and stood next to the outer edge of the rear passenger door, raised the Beanbag Shotgun, and pointed it in the Subject's direction. According to Officer B, he took aim at the Subject's left arm, which was sticking out of the driver's side window, and discharged two Super-Sock rounds at the Subject from an approximate distance of 30-45 feet. According to Officer B, he announced that he was going to deploy the Beanbag prior to discharging the Beanbag Shotgun; however, he did not know if anyone heard it due to the sirens from police cars.

Note: According to Officer D, Officer B fired a Super-Sock shotgun, which struck the Subject in the right triceps.

According to Officer C who was in Officer G and H's vehicle with Officer B, he heard, "Beanbag, Beanbag," followed by one to two Super-Sock

rounds being discharged by Officer B. A split second later he heard a gunshot.

According to Sergeant A, who was behind Officers G and H's vehicle, he heard, "There's going to be Beanbags, there's going to be Beanbags. We don't want any contagious fire."

According to Officer H who was seated in the front passenger seat, he heard Officer B, who was standing at the left rear passenger side door of his vehicle, say, "Beanbag ready, Beanbag ready, beanbag only."

According to Officer I, he heard the Beanbag shotgun being fired and a gunshot being fired to the right of the officers' vehicle.

Simultaneously, Officer L stopped his vehicle in the number four lane of traffic, exited his driver door, stood behind the ballistic door panel, and unholstered his pistol. According to Officer L, he heard a gunshot and saw something black in the Subject's hand, which was extended in the direction of officers. Officer L raised his pistol, pointed it through his open window at the Subject's upper right torso area and discharged three rounds at the Subject, from a distance of approximately 60 feet. Officer L described firing his rounds in a south to southeast direction. According to Officer L, he paused approximately 1-1/2 seconds between shots.

Note: A review of media footage during the pursuit is consistent with Officer L having discharged his pistol in a south to southeasterly direction. The footage also depicts heavy traffic in the northbound freeway lanes of traffic. Investigators did not clarify specifically what Officer L's background was when he discharged his pistol.

After the OIS, the Subject placed his body back in his vehicle and continued driving south on the freeway. Officer L holstered his pistol, climbed back into his vehicle, and continued to pursue the Subject. According to Officer L, prior to his second OIS, the ambient noise was very loud due to the helicopter overhead, traffic on the freeway, and officers screaming commands at the Subject. Officer L couldn't recall if sirens from the pursuing police vehicles were on at the time of his second OIS. Officer L stated he did not hear any warning or command given indicating that the Beanbag shotgun was going to be deployed or fired prior to his second OIS.

Note: According to Officer C, at the time of the second OIS, there was a siren from a police vehicle on and he was not sure if other officers heard the Beanbag warning being given.

Sergeant B broadcast that his units got on the freeway and was advised by the Air Unit of the current location of the pursuit. As K-9 personnel drove to join the pursuit, the Subject continued at a very slow speed, stopping his vehicle in lanes of traffic. Prior to arriving with the armored vehicles and deploying behind the black and whites, Sergeant

B took over driving responsibility and placed Officer P in the hatch area of the vehicle. Shortly thereafter, Officer S, along with Officers T and U, were driving southbound on the freeway and met up with Sergeant B and the two armored vehicles. Officers S, T, and U then parked their police vehicles and climbed into the SWAT vehicles and continued driving on the freeway at a slow speed following the pursuing officers and the Subject.

Sergeant A directed the two armored vehicles to position themselves in front of the black and white police vehicles. Once in front, Sergeant A directed the armored vehicles to continue following the Subject. As officers followed the Subject in the armored vehicle, he continued to stop his vehicle in lanes of traffic several more times and make hand gestures toward pursuing units. According to Sergeant B, as the Subject neared an off ramp, he was concerned that the Subject may exit and drive within the city; therefore, endangering citizens. Sergeant B communicated his concerns to officers in the second armored vehicle and discussed attempting to use their armored vehicles to pin the Subject's vehicle between the armored vehicles. At some point, while the Subject was stopped on the freeway, Sergeant B accelerated his armored vehicle to an approximate speed of seven miles per hour (mph), in an attempt to make contact with the rear of the Subject's vehicle. The Subject accelerated his vehicle away and eluded Sergeant B's vehicle. The Subject continued south on the freeway at a high rate of speed for a short distance before losing control of his vehicle and partially spinning out, with his vehicle coming to rest in the southbound lanes. The Subject then quickly repositioned his vehicle and began to drive on the freeway.

Note: A review of media footage depicted the Subject stopping his vehicle approximately 14 additional times while the armored units pursued him on the freeway. The approximate number of times the Subject stopped his vehicle in lanes of traffic while driving on the freeway was 51.

According to Sergeant B, if the Subject accelerated his vehicle to an unsafe speed for the armored vehicles, then black and white police vehicles would have been directed to take over the primary positions in the pursuit.

The officers in the armored vehicle broadcast, "to unit on the pursuit, we are going to PIT him in right now. I'm going to need patrol assets to support us." Officer O then accelerated and, using the front left side bumper of his armored vehicle, struck the right rear side bumper of the Subject's vehicle in an attempt to initiate a Pursuit Intervention Technique (PIT). The PIT partially turned the Subject's vehicle a different direction but did not have the desired effect. The collision appeared to direct the Subject's vehicle into the direction of Sergeant B's armored vehicle, striking the right front fender. As the Subject attempted to move his vehicle away from Sergeant B's armored vehicle, Sergeant B used the right front fender of his armored vehicle against the left rear fender of the Subject's vehicle and attempted to initiate a PIT maneuver; however, the Subject accelerated, avoiding the PIT maneuver.

Note: According to Sergeant B, he noted an upcoming bridge and once Officer O's attempted PIT maneuver failed, it was Sergeant B's intent to force the Subject's vehicle toward the bridge and pin the Subject's vehicle with the assistance of Officer O's armored vehicle.

Officer S estimated the speed just prior to the PIT maneuver at 25-30 mph.

The Subject again continued on the freeway when Officer S broadcast to Officer U, "You go ahead with pit and we'll follow up as secondary." At this time, Sergeant B accelerated his armored vehicle to an approximate speed of 26 to 27 mph. Sergeant B used the right front fender of his armored vehicle and struck the left rear fender of the Subject's vehicle, causing the Subject's vehicle to spin and come to a stop. Sergeant B drove his armored vehicle slightly forward and stopped, behind the Subject's stopped vehicle.

Note: Regarding who made the decision to use the PIT maneuver, Sergeant B stated that while en route to the pursuit location, he discussed tactical options with other responding SWAT personnel, as well as Lieutenant B. The usage of the PIT maneuver was discussed as one of those tactical options. According to Sergeant B, all PIT maneuvers that were initiated were done with his approval.

Officer T estimated the speed just prior to the PIT maneuver at 25-30 mph.

The total time units pursued the Subject was approximately 93 minutes and the distance was approximately 15.75 miles.

At this time, Officer U drove his armored vehicle and placed the front bumper against the front bumper of the Subject's vehicle, as Sergeant B placed his armored vehicle in reverse and placed his rear bumper against the rear bumper of the Subject vehicle, to prevent the Subject from moving his vehicle. According to Officer R, he moved up with his K-9 along the police vehicle which was pinning the Subject from the front.

According to Officer R, the Subject sat in his driver seat looking around and "flailing his arms." According to Officer S, he told the Subject to show him his hands and the Subject replied, "what do you want me to do, what do you want me to do." The Subject then exited his vehicle and stood behind his door with his hands and arms resting on top of the door frame. According to Officer R, the Subject appeared to be in a "frenzied state" and was not complying with officers' commands.

According to Officer S regarding the Subject's demeanor, he stated, "Ultimately, stepped out of the vehicle and looked to me that he was using the door as like a shield and he had the door basically between him and us. And he was looking around like he was looking for somewhere to - - somewhere to go, somewhere to flee."

Note: According to Officer O, he believed the commands being given to the Subject were, “Put your hands up.”; “Put your hands on your head.”; “Move away from the car and lay down.”

Officer R believed the Subject to be a threat to the officers and the community due to the fact that he had shot at police. According to Officer R, he believed he heard that the Subject had thrown his pistol out of his vehicle during the pursuit; however, he still believed him to possibly be armed and dangerous. Officer R stated, he did not want the Subject to run across the freeway and endanger motorists travelling on the side of the freeway or enter his vehicle again. According to Officer U, Officer R said, “I’m going to send my dog,” and Officer S agreed and told Officer R to send his dog. Officer R deployed his K-9 dog, giving him the bite and hold command. The K-9 dog ran up to the Subject, jumped up and bit down on the Subject’s left chest, pulling him down. As the Subject began falling down, the K-9 dog let the Subject go, then bit the Subject’s left upper arm and pulled the Subject down onto his stomach. The K-9 dog held the Subject down on the ground while officers approached to take him into custody.

Note: The K-9 handler and K-9 dog are both trained and certified on the “bite and hold” command as delineated in the K-9 Guidelines Manual.

According to Officer U, he approached the Subject from the right side. Simultaneously, Officer R approached and, as Officer U reached down and grabbed onto the Subject’s right hand, Officer R grabbed onto his K-9’s collar and pulled him off. Officer U then squatted down and placed the Subject’s right hand between his legs and placed both of his knees onto the right side of the Subject’s back. Officer U then placed a handcuff on the Subject’s right wrist. Officer U told the Subject to give him his left wrist. He complied and Officer U then placed the handcuff on the Subject’s left wrist and then patted the Subject down for weapons and did not find any. The Subject was then rolled over, stood up, and walked to the side of the freeway.

Sergeant A requested an RA for the Subject. Communications Division acknowledged and contacted LAFD for an RA to respond. Upon their arrival, LAFD personnel transported the Subject to the hospital for medical treatment.

Real-Time Analysis and Critical Response (RACR) Division was notified of the Categorical Use of Force.

Los Angeles Board of Police Commissioners’ Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical

debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found Sergeants A and B, as well as Officers B, I, J, L, N, and R's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers I, J, L, and N's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer B's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers I, J, L, and N's lethal use of force to be in policy.

Basis for Findings

Detention

- The officers attempted to conduct a felony traffic stop on a suspect wanted for attempted murder. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

Tactical De-Escalation

- Tactical de-escalation does not require that an officer compromise his 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.

In this case, when the officers attempted to conduct a traffic stop on a suspect who was wanted for an attempt murder, the Subject fled from the officers, resulting in a vehicle pursuit with the officers. During the pursuit, the Subject stopped several times. Each time the Subject stopped, the officers attempted to get the Subject to surrender and gain compliance through constant verbal communication. This communication was conducted in English and Spanish via a PA system. However, the Subject refused to comply with officers and surrender.

During the incident, the Subject presented the officers with an imminent threat of serious bodily injury or death, and the officers utilized less-lethal and lethal force to stop the deadly threat.

After the officers' use of less-lethal and lethal force, the Subject continued to flee from the officers. The officers then conducted a PIT maneuver on the Subject's vehicle with armored vehicles and deployed the K9 to apprehend the Subject.

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Tactical Communication

Multiple radio frequencies were used throughout the incident. Additionally, none of the personnel ensured that the beanbag warning/announcement was heard by all officers at the scene of the second OIS.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, personnel were operating on a tactical channel. Sergeant A requested patrol units to respond to the pursuit, but did not direct the patrol units to switch to the tactical channel. This resulted in multiple units broadcasting on different frequencies. Although the BOPC understood this was rapidly fluid tactical situation, the BOPC would have preferred that all of the units in the pursuit were operating on one radio frequency.

Additionally, while Officer B gave a verbal beanbag warning prior to the second OIS, due to the ambient noise of the incident and freeway, many of the officers did not hear the warning. As such, the BOPC would have preferred that the beanbag warning/announcement had been broadcast over the radio to ensure that all personnel at scene were aware that a beanbag shotgun was going to be utilized.

Based on the totality of the circumstances, the BOPC determined that while identified as an area for improvement, the officers' actions were not a substantial deviation from approved Department tactical training.

2. Ballistic Helmet

The investigation revealed that the personnel involved in the pursuit of an armed suspect were not wearing their ballistic helmets. All involved personnel are reminded of the importance of donning their ballistic helmets as soon as tactically feasible while involved in a tactical situation involving an armed suspect.

3. Updating Operational Plan

The investigation revealed that personnel completed an initial Operation Plan for surveilling the Subject but did not update the Operational Plan the following day, when the personnel conducted surveillance at an updated location. All involved personnel are reminded to update their Operational Plan prior to deploying to a new location, when feasible. The BOPC directed that this be a topic of discussion during the Tactical Debrief.

4. Command and Control

Sergeant A declared himself the IC during the pursuit, and maintained command and control throughout the tactical situation.

Sergeant B directed the SWAT/K-9 tactics during the PIT maneuver and apprehension of the Subject. Additionally, Sergeant B became involved in the tactical operation by operating one of the armored vehicles.

Although, the BOPC would have preferred that Sergeant B remain in a position to direct and supervise the officers under his command, based on the exigency of the tactical situation, and the need to apprehend the Subject, Sergeant B's actions were reasonable and justified.

Lieutenant A arrived and assumed the role of IC after the conclusion of the tactical situation. He ensured all involved officers were separated, monitored, and that Public Safety Statements were obtained from officers who were involved in an OIS.

The actions of these supervisors were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

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

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

Therefore, the BOPC found that Sergeants A and B, along with Officers B, I, J, L, N, and R's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer I, he had heard broadcasts that the Subject was armed and dangerous. During the pursuit on the freeway, the Subject would often stop momentarily and looked back toward the officers. Officer I was attempting to conduct a felony traffic stop and, thus, drew his service pistol approximately six times throughout the pursuit.

According to Officer J, he knew that the Subject was armed and dangerous. Believing the situation could escalate to the use of deadly force, he drew his service pistol.

According to Officer J, he kept his service pistol drawn until armored vehicles took over primary in the pursuit.

According to Officer L, he and Officer K responded and assumed the position of secondary unit in the pursuit. As the pursuit continued southbound on the freeway, the Subject stopped several times. Each time the Subject stopped, Officer L stopped his vehicle, exited, and drew his service pistol.

According to Officer N, prior to joining the pursuit, he exhibited his patrol rifle inside his police vehicle to be prepared with a superior firing weapon system than the Subject. He knew the Subject was wanted for Attempted Murder, and believed that he was still armed with a firearm.

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

Therefore, the BOPC found Officers I, J, L, and N's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer B** – (Beanbag shotgun, five rounds)

First Beanbag Sock Round – easterly direction from an approximate distance of 25-30 feet.

According to Officer B, Sergeant A retrieved a beanbag shotgun from his trunk, gave it to him, and directed him to utilize the beanbag shotgun when he saw an opportunity. He entered Officer D's vehicle, which was closer to the Subject's vehicle. Shortly thereafter, the Subject stopped his vehicle, opened his door, and

turned in his seat to face toward the officers. He then exited his vehicle, aimed at the Subject's lower abdomen, and fired one beanbag sock round at the Subject.

Second Beanbag Sock Round – easterly direction from an approximate distance of 25-30 feet.

According to Officer B, the Subject continued driving eastbound, made a U-turn to westbound, and then made another U-turn back eastbound and stopped his vehicle. The Subject had his left elbow out of the driver's window. Officer B then exited his vehicle, aimed at the Subject's left triceps area, and fired a second beanbag sock round at the Subject.

Third Beanbag Sock Round – easterly direction from an approximate distance of 25-30 feet.

According to Officer B, the Subject drove away, conducted two additional U-turns, and then stopped his vehicle again. The Subject opened his driver's side door, turned in his seat toward the officers, and presented his torso. Officer B then exited his vehicle, aimed at the Subject's lower abdomen, and fired a third beanbag sock round at the Subject.

Fourth Beanbag Sock Round – southerly direction from an approximate distance of 30 feet.

According to Officer B, he observed the Subject's driver's side door open and then the Subject twisted in his seat to face toward the officers. The Subject was moving around so much that he did not have a solid target location. Officer B aimed at the Subjects' arms and fired one beanbag sock round at the Subject in an attempt to disable him.

Fifth Beanbag Sock Round – southerly direction from an unknown distance.

According to Officer B, after firing his fourth beanbag round, he heard possible gunshots to his right and then the Subject continued driving southbound on the freeway. The Subject stopped again, opened his driver's door, and reached out with his hands. Officer B exited Officer G's police vehicle, used the driver's door as cover, aimed for the Subject's lower body area, and fired a fifth beanbag sock round at the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, while faced with similar circumstances, would believe that this same application of less-lethal force would be reasonable to effect the Subject's arrest.

Therefore, the BOPC found Officer B's less-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer I** – (pistol, two rounds)

According to Officer I, he observed the Subject with his arms and torso out of his driver's side window, looking back toward the officers. The Subject went back in his vehicle and then appeared again out the window armed with a black handgun. The Subject was looking toward Officers G and H's direction as the target. Officer I observed muzzle flash and heard two rounds go off. Believing that the Subject was shooting at Officers G and H, he fired one to three rounds at the Subject.

- **Officer J** – (pistol, six rounds)

According to Officer J, when the Subject stopped, Officer J exited his vehicle and drew his service pistol. He observed the Subject making hand gestures out of his driver's side window and then observed the Subject holding a firearm. The Subject opened his door a couple of feet and then turned the firearm towards the officers. Officer J observed a muzzle flash and fired six rounds at the Subject to stop the threat.

- **Officer L** – (pistol, five rounds)

First Sequence – two rounds

According to Officer L, he observed the Subject pointing the gun out of his driver's window and then point the gun in the officers' direction. Officer L then heard approximately three shots and returned fire, firing approximately two shots, at the Subject to stop his actions.

Second Sequence – three rounds

According to Officer L, he heard a gunshot and then observed something black in the Subject's hand as it extended towards his direction and believed the Subject was shooting at him and the other officers again. He then returned fire approximately three times.

- **Officer N** – (rifle, two rounds)

According to Officer N, during one of the times the Subject stopped, Officer M advised him that the Subject had a gun. He did not have a good angle to see the gun and decided to redeploy to the driver's door of the primary vehicle to see what was going on. He then heard shots firing, observed muzzle flash from the Subject's vehicle, and believed that the Subject was shooting at traffic on the freeway. He then fired two rounds at the Subject through the rear window of the Subject's vehicle to protect others from the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers I, J, L, and N, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officers I, J, L, and N's lethal use of force to be in policy.

E. Deployment of K-9

- According to Sergeant B, he formulated a tactical plan to take two armored vehicles as well as have Officer R follow with his K-9 dog. After the PIT was successfully completed, Officer R deployed with his K-9 to a position of cover alongside the armored vehicle close to the Subject's vehicle. The Subject exited his vehicle, but was not complying with their commands. The Subject was looking around, possibly looking for a way to escape. Officer R then conducted a deployment of his K-9 to prevent the Subject from fleeing on foot or re-entering his vehicle to arm himself. Sergeant A was the IC for the vehicle pursuit and approved the PIT and K-9 deployment.

The BOPC determined that the deployment of the K-9 resources was consistent with established criteria.

F. Contact of K-9

- According to Officer R, he observed that the Subject was not complying with commands and was looking for an avenue of escape. He then directed his K-9 to bite and hold the Subject to prevent his escape and allow arresting officers to safely approach the Subject to handcuff him. The K-9 bit the Subject on the chest and pulled him away from his vehicle. The K-9 then readjusted his bite as trained and bit the Subject on the left arm. The K-9 then pulled the Subject to the ground and held his bite until the arresting officers approached. After the arresting officers gained control of the Subject, Officer R grabbed his K-9 dog by the collar and removed him from the Subject.

Note: The investigation did not reveal if Officer R provided a directed bite warning prior to releasing his K-9 dog.

The BOPC determined the K-9 Contact was consistent with established criteria.

G. Post K-9 Contact Procedures

- A review of the communications tapes related to this incident revealed that Sergeant A requested a Rescue Ambulance (RA) for the Subject due to the injuries suffered as a result of the K-9 bite. Los Angeles Fire Department emergency medical

personnel responded and transported the Subject to the hospital. The Subject was treated for his injuries and subsequently released for booking.

The BOPC determined that the post contact procedures were consistent with established criteria.