

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

**OFFICER-INVOLVED SHOOTING – 011-20**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes ( ) No (X)</b>
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Outside City	3/31/20		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer F	13 years, 10 months
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**Reason for Police Contact**

On March 31, 2020, officers attired in plainclothes and driving unmarked police vehicles were conducting surveillance of potential robbery suspects. Subject 1, who was unrelated to the robbery investigation, approached two officers while they were seated in their vehicle. Subject 1 produced a handgun, resulting in an Officer-Involved Shooting (OIS).

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 31 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 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 February 23, 2021.

## **Incident Summary**

On March 30, 2020, Police Officers A and B were assigned to a specialized division, and one of their responsibilities was assisting divisional detectives with criminal investigations that occurred within Operations West Bureau.

Officer A received information from Wilshire Area Detective A, regarding an armed robbery that occurred at a convenience store in Wilshire Area on March 19, 2020. Per the related Investigative Report, the person reporting (PR) the robbery indicated that three suspects entered the store and attempted to take beer without paying. When the PR attempted to stop them, one suspect brandished a handgun, and another brandished a knife during the incident.

Detective A briefed Officer A on the robbery and requested his/her assistance in locating and identifying the three outstanding robbery suspects. Detective A provided Officer A with copies of the Investigative Report as well as the suspect's information; including photographs of the suspects and the suspect's vehicle. Per the Department of Motor Vehicles (DMV), the suspect's vehicle was registered to an individual outside the City of Los Angeles. This address was located within the Los Angeles Sheriff Department's (LASD) jurisdiction.

Officer A agreed to assist Detective A and assumed investigative responsibility for the surveillance aspect of the investigation.

On March 30, 2020, Officer B completed an Operations Plan in preparation for the surveillance operation. The Operations Plan contained pertinent information including but not limited to; the location of the activity and type of crime, radio frequency, suspect information, suspect vehicle information, personnel assigned to the operation and a brief summary, including a description of what information led to the operation.

In addition, Officer B included a description of the handgun used during the crime, photographs of the robbery suspects, and their vehicle. Officer B also provided a Google map of the location and surrounding area, as well as a copy of the Office of the Chief of Police, Special Order No. 4, Policy on the Use of Force-Revised, dated February 5, 2020.

Per the Operations Plan, the goal of the operation was to locate and follow the suspect's vehicle and attempt to identify the robbery suspects. During the course of their surveillance, if the robbery suspects were identified, uniformed officers would detain and apprehend them.

Upon completion of the Operations Plan, it was reviewed and approved by Sergeant A. According to Sergeant A, he/she ensured all of the required notifications were made and he/she emailed the Operations Plan to Lieutenant A for approval.

On March 30, 2020, the first day of surveillance commenced, the suspects were not located or identified, so the operation resumed on March 31, 2020.

On March 31, 2020, Officer A received a phone call from Officer B, requesting that he/she update the Operations Plan. According to Officer A, he/she updated the date and time on the Operations Plan and ensured that the required notifications were made. During the notification process, Officer C notified LASD Norwalk Station of the operation.

On March 31, 2020, Officers A and B conducted a briefing with personnel for the aforementioned operation. According to Officer B, he/she provided the officers with a synopsis of the crime and discussed their roles and assignments. Officer B advised the officers that their goal was to locate the suspect's vehicle and attempt to identify the suspects involved in the robbery.

According to Sergeant A, he/she ensured that all of the officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments. Sergeant A added that they were all operating in a UC (undercover) capacity, because there was a chance that they would have to interact with people and get out on foot.

At the conclusion of the briefing, the following personnel responded to the area. They communicated with one another via City-Wide tactical frequency, which was also assigned a Radio Telephone Operator (RTO).

The following personnel were attired in plainclothes, driving unmarked police vehicles:

Sergeant A, along with Officers A, B, C, D, E, F, G, H, and I. According to Officers H and I, they were not present for the briefing on March 31, 2020. Prior to responding to the scene, Officer I spoke with Officer A telephonically and was briefed on their assignment. According to Officer I, they received the same assignment as the day prior; designated point officers.

Officer H believed that Officer A made all of the required notifications. The investigation determined that Officer C assisted Officer A during the notification process.

Officers J and K were in full uniform, driving an unmarked dual-purpose police vehicle. Officer J placed the above personnel Code Six at the location via his/her Mobile Data Computer (MDC). The location was a single-family dwelling, located mid-block on the east side of the street. The surrounding area was residential, consisting of primarily single-family dwellings.

Upon their arrival, Officers H and I drove by the location. As they did so, they observed the suspect's vehicle parked on the street, just north of the residence. According to Officer I, he/she parked the police vehicle on the street, along the east curb, directly in

front of the residence and surveilled the location from within their vehicle. Officer I assumed the role of communications officer.

According to Officer I, once their position was set, he/she communicated with the other officers and ensured they were in position. Officer I broadcast pertinent information to the rest of the team, including a description of the property as well as vehicles that were parked at the location.

The operation began as a static surveillance, as officers surveilled the location from within their parked police vehicles. Officers H and I were responsible for monitoring any activity occurring at the residence. Additional personnel were positioned throughout the area at strategic locations.

Officer I periodically updated the personnel on activity occurring at the location. In addition, Officer I utilized his/her cellular phone to take photographs of individuals that appeared to be associated with the location and forwarded them to the other personnel via his/her mobile device.

During the operation, Officer I observed two male suspects, Subjects 1 and 2, cross the street directly in front of their vehicle. Subjects 1 and 2 began walking south on the east sidewalk. According to Officer I, Subject 1 was carrying a large gym/duffle bag slung over his shoulder.

Officer H noted that Subjects 1 and 2 appeared to slow their pace as they approached their location and appeared to be looking inside of their vehicle. Although Subjects 1 and 2 did not stop at the target location, Officer I took a photograph of the pair. According to Officer I, since Subjects 1 and 2 did not stop at the target location, he/she did not initially advise the surveillance personnel of the officers' presence. Subjects 1 and 2 continued walking south on the street and out of their view.

A short time later, Officer A observed Subjects 1 and 2 walking south on the sidewalk. Officer A also noted that Subject 1 was carrying a duffle bag. According to Officer A, Subjects 1 and 2 peered into his/her vehicle as they walked by. Officer A pretended to use his/her cellular phone to avoid being identified as a police officer. According to Officer A, Subject 1 bumped into the rear portion of his/her vehicle as he walked by. Officer A believed Subject 1 did so intentionally. According to Officer A, Subject 1 looked at him/her through his/her side view mirror. Subjects 1 and 2 continued walking south, occasionally looking back in Officer A's direction, until they were out of his/her view. According to Officer A, he/she did not advise the team about Subjects 1 and 2's actions, because they were walking away from the location. Since there were not officers positioned south of Officer A, he/she no longer perceived them as a threat. Approximately an hour later, Officer A observed Subjects 1 and Subject 2 walking north on the sidewalk, in his/her direction. According to Officer A, Subject 1 was still carrying the duffle bag over his left shoulder. The strap of the duffle bag crossed over Subject 1's chest area and the storage compartment/bag was on the right side of his body. According to Officer A, Subject 1's right hand was resting on top of the bag.

According to Officer A, as he/she was seated in his/her vehicle, he/she had a compact pistol holstered and concealed in his/her front waistband area. Officer A had a second, full-size pistol holstered and tucked in between the driver's seat and the center console area. Officer A retrieved the full-size pistol and placed it, still holstered, underneath his/her left leg, with the muzzle facing the driver's door. According to Officer A, his/her mindset was that Subject 1 appeared to be a gang member and he/she wanted to be prepared to act if confronted.

According to Officer A, once again, Subject 1 looked into his/her vehicle as he walked by. Officer A glanced up at Subject 1, then continued to pretend as if he/she were using his/her cellular phone to avoid detection. Subjects 1 and 2 continued walking north.

Officer A broadcast to Officers H and I that there were two males walking northbound towards them on the same side of the street, provided a description and advised that they were looking into cars.

Officers H and I observed Subject's 1 and Subject 2 walking north. Subject 1 was on the east sidewalk and Subject 2 was in the middle of the street. Officers H and I noted that Subjects 1 and 2 were looking up and down the street constantly. According to Officer H, both Subjects were looking up and down the street constantly and appeared to be looking for the police.

According to Officer I, based on his/her prior experience working gang assignments, it is common for the individual walking in the street to be acting as the lookout, while the person on the sidewalk is armed, acting as security. According to Officer I, based on the action of both Subjects, peering into cars and walking by, it heightened his/her awareness of their actions.

As Subjects 1 and 2 approached the rear of Officers H and I's vehicle, Subject 1 whistled to an unidentified male who was on the west side of the street. According to Officer I, Subjects 1 and 2 walked in a westerly direction across the street and engaged in a brief conversation with the unidentified male. The officers then continued walking north; Subject 1 on the west sidewalk and Subject 2 along the west side of the street.

Shortly thereafter, Officer I observed Subject 1 reach into the duffle bag and retrieve an object resembling a pistol. According to Officer I, Subject 1 reached into the bag, but this action did not expose the gun very much. Subject 1 removed the gun and rested it on top, and Officer I could see Subject 1's hand was wrapped around the gun, and his finger was down the slide. Officer I was able to see the top of a gun.

Officer H observed Subject 1 holding a black object, which he/she believed to be a firearm. According to Officer H, Subject 1 had a blue duffle bag slung around his shoulder, and Officer I could see the way Subject 1 was holding a black object up against the dark blue duffle bag. It appeared to be a firearm, and Officer H I believed it to be a firearm based on the light part of the Subject's hands on the black object.

Officer H said Subject 1 was holding the firearm as if he was laying it down on a table. Officer H added that Subject 1 had his pointer finger along the slide and was holding the grip of the gun, resting it on top of the duffle bag. According to Officer H, he/she communicated his/her observations to Officer I.

Officer I communicated these observations with the team by broadcasting that Subjects 1 and 2 had passed them. Officer I cautioned any officer north to be cautious and provided a description, stating that he/she was about 80-percent sure that Subject 1 had a pistol in his hand and was constantly looking around while keeping his hand near the bag.

According to Officer F, Officer I broadcast that Subject 1 was holding the handgun in his right hand. A review the radio frequency determined that Officer I did not specify which hand the gun was in.

Officer A then made a broadcast advising that Subject 1 had bumped into his/her vehicle earlier. Officer I replied that the Subjects had checked them out about an hour ago when they came down. Officer A stated that the Subjects had checked out the officers' vehicle but could not see inside. Officer A advised that Subject 1 definitely obtained the pistol out of the bag.

After broadcasting the aforementioned information, Officer I took an additional photograph of Subjects 1 and 2 with his/her cellular phone.

Officers J and K heard the broadcasts initiated by Officers A and I. According to Officer J, he/she and his/her partner recognized that they possibly had an armed suspect within their perimeter. Prior to this incident and during all incidents, Officer J knew he/she had to make it very clear that they did not want to have uniformed chase officers to start rolling into something like that unless specifically directed to do so. Officer J stated that it is the case agent's call or the supervisor's call to bring uniformed officers in. Officers J and K remained in place, awaiting direction from Sergeant A and/or Officer A.

Officers F and G were at their designated position. Officer G was seated in the driver's seat and Officer F was sitting in the front passenger seat. They also heard the broadcasts initiated by Officers A and I and were aware that Subjects 1 and 2 were walking in their direction.

According to Officer G, he/she put on his/her glasses and looked toward the south. At that time, Officer G observed Subjects 1 and 2 walking north; Subject 1 on the sidewalk and Subject 2 in the street. According to Officer F, he/she raised up in his/her seat and also observed Subjects 1 and 2 approaching. Both officers communicated their observations with one another.

Officer F estimated that approximately 10-15 seconds elapsed, from the moment Officer I broadcast the information about the handgun, until he/she observed Subjects 1 and 2 walking in their direction.

According to Officer F, after hearing the broadcast about the handgun, he/she considered donning his/her tactical vest; however, believed he/she did not have enough time to exit his/her vehicle and retrieve his/her vest from the truck without being exposed to and detected by the Subjects.

According to Officer G, he/she did not consider donning his/her ballistic vest because he/she did not intend to engage in any enforcement activity with Subject 1. Instead, his/her intentions were to conceal him/herself inside of the vehicle to avoid detection. In addition, Officer G believed that if he/she started moving within the vehicle, in order to don his/her ballistic vest, the movement could have been detected by Subject 1 and potentially compromise their investigation.

Officer G broadcast to the team that he/she had a visual of Subjects 1 and 2. Officer G asked if the male with the white shirt (Subject 1) was holding the bag. Officer I replied with a description of Subject 1 and advised that he/she would send a photograph of the Subjects. Officer G advised the team that Subjects 1 and 2 were still walking north. Officer F noted that Subject 2 was holding a beverage in his right hand. Officer I sent the second photograph of Subjects 1 and 2 to the team via his/her cellphone.

According to Officer G, as Subjects 1 and 2 neared their location, he/she noted that Subject 1 was carrying a gym bag over his left shoulder, with the storage compartment against his right hip. According to Officer G, Subjects 1 and 2 repeatedly looked over their shoulders and appeared to be nervous.

As Subject 1 and 2 walked north, Subject 1 was on the east sidewalk and Subject 2 in the roadway, along the east side of the street. Officer G broadcast to the team, advising that Subjects 1 and 2 continued walking north. According to Officer G, he/she also broadcast that Subjects 1 and 2 crossed over to the east side of the street. A review of radio frequency determined that a portion of his/her broadcast was unintelligible and did not capture that additional information.

According to Officer G, due to a combination of Subjects 1 and 2's actions, combined with the information provided by Officer I, indicating that Subject 1 was armed with a gun, Officer G believed the situation could escalate to one involving the use of deadly force. Therefore, Officer G unholstered his/her pistol with his/her right hand and placed it onto his/her lap/right leg while still seated in his/her vehicle. According to Officer G, as he/she did so, his/her index finger was along the frame of his/her pistol, and the muzzle was facing in a southeasterly direction; toward the steering wheel. Officer G reclined the driver's seat as far as he/she could, in an attempt to prevent Subjects 1 and 2 from seeing him/her in the vehicle. As Subjects 1 and 2 neared the officers' location, Officer G ducked his/his head down and briefly lost sight of Subjects 1 and 2. According to Officer G, his/her hopes were that they would continue walking north and would not see them.

As Subjects 1 and 2 continued walking north, they were slightly offset. Subject 2 walked a few yards ahead (north) of Subject 1. According to Officer F, Subject 2 looked

forward as he walked, and his body appeared to be rigid and stiff. In contrast, Officer F noted that Subject 1 appeared to be very nervous. As he walked, Subject 1 was looking around and over both shoulders. Officer F observed Subject 2's lips moving and opined that he and Subject 1 were communicating with one another. However, the officers' windows were rolled up, and Officer F was unable to hear any conversation between Subjects 1 and 2.

According to Officer F, he/she advised his/her partner to watch Subject 1, because he (Subject 1) was sweating a lot. Officer F reclined his/her seat halfway and slouched back in his/her seat, in an effort to conceal him/herself. According to Officer F, Officer G broadcast to the team that Subject 1 was nervous and was looking around. This was not captured on the radio frequency.

Subjects 1 and 2 passed Officers G and F's location, causing the officers to believe their presence was not detected. According to Officer G, as Subjects 1 and 2 walked past them, he/she continued to hold his/her pistol on his/her lap, with the muzzle pointed toward the steering wheel, in a southeasterly direction.

According to Officer F, he/she intended on either having the uniformed chase conduct an investigative stop or making a request for the Sheriff's deputies to initiate a stop. Officer G looked over his/her left shoulder and out of the driver's side rear passenger window. As Officer G did so, he/she observed Subject 1 look over his left shoulder in their direction and begin squinting his eyes, as if he were trying to get a better look at something.

As captured by security video, Subject 2 continued walking in a northerly direction, while Subject 1 abruptly stopped, turned around, and began walking south on the sidewalk.

As captured on security video, Subject 1 then walked down a driveway and began walking in a southwesterly direction toward Officers F and G, who were still seated in their vehicle. Subject 1's duffle bag was slung over his left shoulder, with the storage compartment near the right side of his body/abdomen area. Subject 1's left arm was along his side, while his right arm was bent and appeared to be resting on top of the duffle bag.

According to Officer F, as Subject 1 stepped into the street, he reached into the side pocket of his duffle bag with his right hand. Officer F observed Subject 1 making furtive movements, as if he were going to retrieve an item from the bag. Based on the previous information provided by Officer I, Officer F believed Subject 1 was reaching for a firearm.

As Subject 1 approached Officer G, he/she observed a bulge in Subject 1's front waistband area. According to Officer G, he/she advised Officer F that Subject 1 was approaching them. Officer F then indicated that they had been compromised. According to Officer F, he/she directed his/her partner to request the chase unit. According to Officer G, as Subject 1 neared the middle of the street, he/she broadcast

to the team that he believed Subject 1 had identified them as police officers and that they had been compromised. Officer F heard Officer G make the aforementioned broadcast; although, it was not captured on the radio frequency.

As Subject 1 neared their location, Officer F leaned back in his/her seat and observed Subject 1 remove a blue steel handgun from the duffle bag with his right hand. According to Officer F, Subject 1's elbow was tilted up, and Officer F could see the serrated edges of the slide. Officer F then observed Subject 1 holding the butt of the handgun and informed his/her partner that Subject 1 was armed with a gun. According to Officer G, as Subject 1 approached them, he lifted up his shirt exposing his abdomen. At that time, Officer G observed what he/she believed to be a black semi-automatic handgun in Subject 1's waistband area. A review of security video determined that Subject 1 did not lift his shirt as he walked toward Officers F and G.

A photograph was captured from a security camera, which depicted Subject 1 holding a dark object in his right hand, as he approached Officers F and G.

While seated in the vehicle, Officer F grabbed the left side of his/her T-shirt, using his/her right hand and uncovered his/her pistol. Officer F believed his/her life and the life of Officer G were in eminent danger, so he/she unholstered his/her pistol with his/her left hand and held it in a close contact position, with his/her index finger along the slide. Officer F opened the passenger side door with his/her right hand and exited the vehicle. According to Officer F, he/she knew that Subject 1 was closing the distance. Officer F knew he/she had to exit the vehicle and get out of the "kill zone."

According to Officer G, by the time he/she realized Subject 1 was coming toward them, he had already stepped off of the curb and onto the street. Officer G indicated there was not enough time for him/her to drive away from the location.

Upon exiting the vehicle, Officer F squatted down and moved toward the rear bumper of their vehicle. As he/she did so, Officer F held his/her pistol in his/her left hand, in a close contact position and used his/her right hand to brace him/herself against their vehicle, as a third point of contact. Officer F peeked over his/her vehicle and observed Subject 1 nearing the middle of the street. According to Officer F, Officer G was still seated in the vehicle.

According to Officer F, in order to provide cover for Officer G, he/she moved forward and positioned him/herself near the driver's side rear bumper of their vehicle. However, a review of security video determined that Officer F remained behind the right rear portion of the vehicle.

According to Officer G, he/she felt that based on his/her positioning, being inside the vehicle with the windows rolled up and his/her seat reclined, in addition to not having his/her vest and believing that Subject 1 was armed, that Subject 1 was going to possibly rob and/or shoot him/her. Therefore, Officer G decided to exit the vehicle.

Officer G opened the driver's side door with his/her left hand, while holding his/her pistol in his/her right hand. As he/she prepared to exit the vehicle, Officer G observed Officer F exit the passenger side of their vehicle. As Officer G stepped out of the vehicle, he/she inadvertently dropped his/her police radio onto the ground.

According to Officer G, upon exiting, he/she said, "Police" while holding his/her pistol in his/her right hand, in a low-ready position. Officer G believed that his/her badge, that was affixed to the front left side of his/her belt, was visible to Subject 1. Officer G observed Subject 1's eyes get very wide and indicated that he appeared to be surprised.

Subsequent to the OIS, photographs were taken of Officer G in the attire he/she was wearing at the time of the incident. In the photographs, Officer G's badge was not visible when his/her shirt was untucked.

According to Officer G, Subject 1, using his right hand, grabbed the grip of the handgun and began pulling it out of his waistband area. However, a review of the security video determined that Subject 1 did not remove anything from his waistband.

According to Officer G, he/she was in fear for his/her life, and his/her partner's life, and felt that he/she was going to employ deadly force on Subject 1 to protect him/herself and his/her partner from the immediate threat of death or serious bodily injury because he/she believed that Subject 1 was going to shoot them. Officer G transitioned his/her pistol into a two-hand shooting position and pointed the muzzle toward Subject 1. According to Officer G, he/she disengaged the thumb safety, placed his/her finger on the trigger, removed the slack from the trigger and began focusing on his/her front sight; which was pointed toward Subject 1.

According to Officer F, Subject 1 appeared to be looking in Officer G's direction and slowly raised his handgun; pointing it toward Officer G. Officer F held his/her pistol in a low-ready shooting position, with his/her index finger along the slide and his/her thumb on the safety. Officer F yelled, "Stop! Police! Hands up!" Subject 1 did not comply with the commands, nor did he acknowledge Officer F or look in his/her direction. According to Officer F, Subject 1 ignored his/her commands.

According to Officer F, his/her badge was clipped to his/her left front pant pocket at the time of the incident and was visible, even with his/her shirt untucked. Subsequent to the OIS, photographs were taken of Officer F in the attire he/she was wearing at the time of the incident. In the photographs, Officer F's badge was clearly visible.

Officer F, believing Subject 1 was going to shoot and kill his/her partner, and potentially him/herself as well, pointed his/her pistol at Subject 1, disengaged the safety, and fired one round in an easterly direction from a distance of approximately 29 feet.

According to Officer F, at the time of the OIS, there were parked vehicles in Subject 1's background. Behind the parked vehicles were residences. Officer F did not observe any citizens in Subject 1's background at the time of the OIS.

As captured on security video, Subject 2 was approximately two properties north of Subject 1 when the OIS occurred. Following the OIS, Subject 2 looked in a southerly direction, stopped briefly, then continued walking in a northerly direction.

Officer G heard one gunshot, coming from his/her left side, and opined that Officer F had fired his/her pistol. Officer G lowered his/her pistol into a low-ready position and assessed the situation to determine if Subject 1 was injured as a result of the OIS and what Subject 1's subsequent actions were.

As captured on security video, Subject 1 abruptly stopped as he neared the middle of the street. Subject 1 then turned toward his right and side stepped toward the east curb, while looking in Officers F and G's direction. A security camera depicted Subject 1 holding a dark object in his right hand as he moved toward the curb.

Subject 1 then turned away from the officers and ran toward the east side of the street. Subject 1 fell facedown onto the parkway, just east of a vehicle.

Officer G believed that Subject 1 turned toward his left following the OIS. A review of the security video determined that Subject 1 turned toward his right.

As captured on security video, when Subject 1 fell, his head was facing in a southerly direction and his feet were facing toward the north. Subject 1 appeared to be making a kicking motion with both of his feet.

According to Officer G, Officer F stated, "Partner, he's got a gun." Officer G wanted to broadcast a help call; however, was unable to locate his/her radio on the ground. Officer G was unable to see Subject 1 from his/her position, but believed he was hiding somewhere behind the rear wheel well of the vehicle. Officer G, cognizant that Officer F's was positioned to his/her left (north), decided to remain in his/her current position to avoid a potential crossfire situation.

Officer G looked toward the north and observed Subject 2 walking briskly in a northerly direction and determined that he was no longer a threat. Officer G, still concerned about broadcasting the information to the team, continued looking for his/her radio. Officer G was unable to locate the radio, so Officer G then made the decision to stop looking for it and focus solely on Subject 1.

According to Officer F, Subject 1 lifted his head off of the grass and began yelling at him, stating, "You [expletive] shot me. It was a cell phone. You guys [expletive] up." Officer F ordered Subject 1 to put his face onto the ground and directed him not to move. According to Officer F, Subject 1 continued looking in his/her direction and he/she was unable to see Subject 1's hands from his/her position. Therefore, Officer F redeployed toward the front passenger side bumper of the police vehicle. According to Officer F, he/she transitioned his/her pistol into a close contact position and retrieved his/her radio with his/her right hand.

Officer F broadcast a help call, advising that shots had been fired. Officer F advised the responding officers to drive north from the target location.

The investigation determined that approximately three minutes and 40 seconds elapsed from Officer I's first broadcast about Subject 1 potentially being armed with a gun to the help call.

Due to the fact that the security video that captured the OIS did not contain audio, coupled with the inaccurate timestamps on the security video, investigators were unable to determine the exact time of the OIS.

Additional officers heard the help call and began driving toward the OIS scene. Officer K activated their emergency lights and siren during their response.

According to Officer J, he/she did not don his/her seatbelt due to the officers' close proximity to the location and anticipation that he/she may have to exit the vehicle quickly to apprehend the fleeing Subject.

According to Officer K, he/she made a tactical decision not to don his/her seatbelt; as he/she was focused on driving in an area that was unfamiliar to him/her.

Communications Division (CD) acknowledged the help call and requested that the officers repeat the location. Sergeant A advised CD of the location and requested that CD notify the LASD.

Officer F knew Subject 1 was behind the truck; however, was unable to see him from a standing position. Therefore, Officer F laid down in a prone position on the parkway near the front bumper of his/her vehicle, enabling him/her to see Subject 1 underneath the truck. Officer F was able to see the bottom half of Subject 1's torso, as well as his legs and feet. From the prone position, Officer F pointed his/her pistol in Subject 1's direction.

The security video captured Subject 1 continuously moving on the ground, just east of the vehicle. Subject 1 then repositioned his body, moving his head toward the west and his feet toward the east. Subject 1 appeared to look around the front bumper of the truck in the officers' direction, then crawled in a southerly direction, concealing himself behind the front passenger side wheel well of the vehicle.

As captured by security video, Officer G, walked backward in a northerly direction. As Officer G did so, he/she held his/her pistol in a two-hand shooting position, with the muzzle pointed toward Subject 1. As Officer G was redeploying, Subject 1 repositioned his body once again. While remaining on his stomach, Subject 1 moved his body in a northerly direction, exposing his head and a portion of his upper body to Officer G. Subject 1's lower body was still concealed by the vehicle. Officer G had no recollection of redeploying to the north.

According to Officer G, he/she observed Subject 1's face and ordered him, "Let me see your hands." Subject 1 complied, placing both of his hands onto the ground, in front of his body. According to Officer G, he/she could see both of Subject 1's hands and determined that he was no longer holding the handgun. Officer G ordered Subject 1 not to move.

While waiting for additional resources to arrive at scene, Officer G transitioned into a one-handed shooting position, holding his/her pistol in his/her right hand and unclipped his/her badge from his/her left hip area with his/her left hand. Officer G held up the badge, allowing Subject 1 to view it. According to Officer G, Subject 1 responded by stating, "Okay. Don't shoot. You got me." Officer G continued giving commands to Subject 1, ordering him to stop looking at him/her, to place his forehead onto the ground and to not reach for anything. Subject 1 did not comply with the commands; instead, he continued looking in Officer G's direction.

Officer A was the first assisting officer to arrive at scene. Upon his/her arrival, Officer A observed Subject 1 on the east side of the street, lying on the ground, between the sidewalk and the truck. Officer A stopped his/her vehicle in the street, south of the vehicle, facing in a northeasterly direction. Officer A's vehicle was partially blocking the northbound lane of traffic. Prior to exiting the vehicle, Officer A donned his/her ballistic vest.

As Officer A exited the vehicle, he/she retrieved and unholstered his/her pistol. According to Officer A, he/she unholstered his/her pistol because he/she believed the situation could result in serious bodily injury or death. Officer A held his/her pistol in a two-handed, low-ready position with his/her index finger along the frame.

Unbeknownst to Officer A, he/she inadvertently dropped his/her holster in the street after drawing his/her pistol.

Upon exiting the vehicle, Officer A initially utilized his/her driver's side door as cover. Due to the fact he/she could not see both of Subject 1's hands, Officer A redeployed further north, between his/her vehicle and the vehicle, seeking cover behind the tailgate of the vehicle. According to Officer A, he/she pointed his/her pistol in a northerly direction, toward Subject 1, identified him/herself as a police officer and ordered him, "Let me see your hands."

As Officer A redeployed toward the rear of the vehicle, Officer G walked in a westerly direction, toward the rear of his/her vehicle. Officer F stood up and joined Officer G behind their vehicle.

Meanwhile, Officers H and I were responding to the scene. Officer H drove, while Officer I remained in the rear compartment of their vehicle and donned his/her tactical ballistic vest. According to Officer H, while they were en route, Officer I advised him/her that he/she was going to deploy his/her rifle and be the designated cover officer. According to Officer I, he/she felt that based on the situation and knowing that a

shooting had just occurred, he/she did not know if Subject 1 was barricaded or was hiding behind a car. Officer I did not know that Subject 1 had run into a house. Officer I believed that they would have the tactical advantage by deploying at least one long gun in this situation.

As Officers H and I approached the scene, Officer H observed Officers F and G with their pistols drawn. Officer I observed Officer A standing behind the vehicle with his/her pistol drawn. Officer H parked his/her vehicle in the street, diagonally, facing in a northeasterly direction. According to Officer H, he/she parked his/her vehicle in this manner to enable him/her and his/her partner to utilize their vehicle doors as cover.

Officer I retrieved his/her rifle and exited the vehicle via the rear passenger side door. According to Officer I, he/she chambered a round into the rifle and slung it over his/her shoulder, using a two-point sling. Security video captured Officer I holding his/her rifle in a low-ready position as he/she moved toward the right rear portion of the vehicle. Officer I advised Officer A that he/she was behind him/her and armed with a long gun. Officer A acknowledged and relinquished point to Officer I.

Officer I could not recall if he/she chambered the round into his/her rifle while inside of his/her police vehicle or upon exiting. Additionally, Officer I described his/her rifle position as "port arms in a downward angle."

Officer H exited the vehicle and unholstered his/her pistol, which he/she held in a two-handed, low-ready shooting position. According to Officer H, he/she was aware that an OIS occurred and unholstered his/her pistol because he/she believed the situation could require deadly force to protect him/herself and the other officers at scene.

Officer H checked on Officers F and G, who were standing near the rear of their vehicle. According to Officer H, Officers F and G informed him/her that they were uninjured; however, Subject 1 was down behind the vehicle. Officer H then joined Officers A and I behind the vehicle.

According to Officer I, Subject 1 was yelling and lying on his stomach near a mailbox. Subject 1 was moving his left arm/hand around and it was visible to Officer I. However, Subject 1's right arm was tucked underneath his body and was not visible to the officers. According to Officer I, he/she gave commands to Subject 1 ordering him, "Let me see your right arm."

Officer F broadcast to Sergeant A and the responding units that they were going to take Subject 1 into custody. In addition, Officer F advised that Subject 2 was running north and provided a physical description. Officer F then ran south on the west sidewalk, then crossed the street joining the officers behind the vehicle. As he/she ran across the street, security video captured Officer F holding his/her pistol in his/her left hand, down along his/her left side. Security video also captured Officer A yell, "Hey, get an RA [Rescue Ambulance] en route."

According to Officer A, he/she yelled back to Officers H and I to request the RA as they arrived at scene. Officer A advised he/she did not request an RA him/herself, since he/she was the point officer at the time. The investigation determined that none of the officers requested an RA at this time.

According to Officer H, Subject 1 was lying on the ground and crying for help. Officer H heard Subject 1 say, "I've been shot. Help me. I've been shot. They shot me." Officer H noted that Subject 1 was bleeding and opined that he had been struck by gunfire. Officer H was aware that Officer I was the designated cover officer (rifle) and that Officer A had his/her pistol drawn. Therefore, Officer H holstered his/her pistol, went back to his/her vehicle, and donned his/her tactical ballistic vest and a pair of protective gloves.

Shortly thereafter, Officers D, E, J and arrived at scene. Officer F directed them to continue driving north, in an attempt to locate Subject 2, which they did.

Meanwhile, Officers B and C drove toward the intersection to set up containment. Officers B and C observed an unidentified individual, matching Subject 2's description, run into an apartment building. Officer C broadcast his/her observations to the officers.

Initially, Officer C broadcast the incorrect address where Subject 2 had run into, but when Officer C realized the address was inaccurate, he/she broadcast the correct location.

As Sergeant A responded to the OIS, he/she heard the broadcast regarding Subject 2 continuing north. Sergeant A drove west on his/her way to the OIS and briefly stopped in the area of Officers B and C.

Officers A, H, and I formulated a tactical plan to approach Subject 1 and take him in to custody. Officer I was the point/Designated Cover Officer (DCO) armed with his/her rifle, and Officer H would handcuff Subject 1. Officer A had his/her pistol drawn, but according to Officer I, would assist in handcuffing if necessary. Additionally, the officers discussed incorporating less-lethal options into their plan; however, there were no devices immediately available.

According to Officer A, he/she had a TASER secured inside of his/her police vehicle.

According to Officer F, he/she was also involved in the tactical planning. Officer F indicated that he/she and Officer G would assist in handcuffing if necessary. Officer F recalled Officer H being armed with the rifle and believed Officer I would handcuff Subject 1.

According to Officer H, Subject 1 repeatedly yelled, "Help me!" Officer H added that he/she knew it was important to render aid as quickly as possible, as he was lying there bleeding and was prone out. Officer H stated that he/she and other officers talked,

that they could not see the pistol anywhere near Subject 1, and that they felt it was safe to approach.

Officers A, H, and I approached Subject 1, followed by Officers F and G. According to Officer H, he/she placed his/her left knee on Subject 1's back and pulled his right arm behind his back. Officer H then placed his/her right knee on Subject 1's upper back and cuffed Subject 1's right wrist with one set of handcuffs. Officer H then pulled Subject 1's left arm behind his back and completed the handcuffing process. Due to Subject 1's large size, Officer H utilized two sets of handcuffs.

While Officer H began to search Subject 1, security video captured Officer I use his/her left hand to remove the duffle bag from around Subject 1's neck and place it on the ground, away from Subject 1. Officer F then searched the contents of the duffle bag for the handgun. The handgun was not inside of the duffle bag; however, Officer F indicated that the bag contained miscellaneous paperwork and personal items. After searching the bag, Officer F placed it north of Subject 1's location, on the driveway.

Two glass narcotic pipes, a plastic baggie containing a plant material resembling marijuana, and miscellaneous pills were subsequently recovered from Subject 1's duffle bag.

Meanwhile, Officers D and E had driven north, followed by Officers J and K. They located and detained Subject 2 nearby. Officer K handcuffed Subject 2 and conducted a search of his person. No evidence and/or contraband was recovered from Subject 2. Officer E broadcast to the team that Subject 2 was in custody.

The distance between the OIS scene where Subject 2 was detained was approximately two blocks or 0.10 miles away.

As captured on Officer J's BWV, Officer E did not don his/her tactical ballistic vest prior to exiting the vehicle and making contact with Subject 2.

Aware that a handgun was involved in the incident, Officer K searched Subject 2's person, believing he was one of the Subjects involved in the OIS.

Upon hearing the broadcast that Subject 2 was in custody, it was determined that the unidentified male was not involved in the OIS. Therefore, Sergeant A continued to drive south toward the OIS scene. Sergeant A arrived and asked if Subject 2 needed an ambulance, and Officer J replied, "No." Sergeant A then responded to the OIS scene.

Sergeant A requested a Rescue Ambulance (RA) for Subject 1.

As captured on BWV, Officer J arrived at the OIS scene. Upon his/her arrival, Officer J advised the officers at scene that Subject 2 was in custody and asked what they needed. Officer H advised Officer J that Subject 1 was very heavy, which prevented him/her from completing a search of his person.

As captured on security video, Officer H left Subject 1 in the prone position upon the completion of his/her initial search. Subject 1 remained in this position for approximately one minute and 25 seconds, until Officer J responded and assisted with the search.

Officer J donned a pair of protective gloves and together, he/she and Officer H grabbed Subject 1's left arm and rolled him onto his right side. Officer J proceeded to search the left side of Subject 1's waistband area. Officer H lifted the front of Subject 1's shirt, exposing a fanny pack that was strapped across his chest and concealed underneath his clothing. As captured on BWV, Officer H unzipped the fanny pack, briefly searched through the contents, then zipped the fanny pack.

According to Officer H, Subject 1's fanny pack was partially unzipped when he/she located it. Officer H said he/she did not open the fanny pack, instead, he/she looked into the partially unzipped fanny pack to see if the pistol was inside.

A review of the Officer J's BWV determined that Officer H unzipped Subject 1's fanny pack prior to searching it.

According to Officer H, he/she was unable to remove the fanny pack from Subject 1's person due to Subject 1 being handcuffed. As captured on BWV, Officer J asked Officer H if he/she could pull the fanny pack off. When he/she was not able to do so, Officer J utilized a knife to cut the strap of the fanny pack and removed it from Subject 1's person. The fanny pack was placed on the sidewalk, east of Subject 1. Officer J rolled Subject 1 onto his stomach briefly as he/she continued the search of Subject 1's person.

Meanwhile, Officer G searched the immediate area for Subject 1's handgun. Officer G looked into the front passenger side wheel well of the vehicle and observed the handgun concealed within the front right suspension. Upon locating the handgun, Officer G stated, "There it is right there." Officer J directed Officer G to leave the handgun in its current position. Officer G then stood in between the handgun and Subject 1 as Officer J continued his/her search of Subject 1's person.

Officers H and J rolled Subject 1 onto his left side and completed the search of his person. At the conclusion of the search, Subject 1 remained lying on his left side. As captured by BWV, Subject 1 immediately began making spontaneous statements regarding the handgun. Subject 1 admitted that the handgun belonged to him and indicated that he carried it for protection.

Officer J asked the officers at scene who was involved. Officer G advised that he/she and Officer F were involved. Officer J directed Officer G to go stand with Sergeant A and directed Officer H to guard Subject 1's firearm. Officer G informed Sergeant A that his/her partner was involved in the OIS. Sergeant A then separated Officer F from the other officers at scene.

As they waited for the RA to arrive at scene, Subject 1 was talking continuously and made multiple spontaneous statements regarding the OIS. As captured on BWV, Subject 1 claimed the officers pointed a gun at him through the window of their vehicle and he attempted to get away. Subject 1 denied pointing the handgun at the officers.

According to Officer G, he/she never pointed his/her pistol at Subject 1 while seated in his/her vehicle.

Officer J directed Officer I to contact the residents near where the OIS occurred and ensure that no one was injured inside of the location. All checked were fine.

Los Angeles County Fire Department personnel arrived at scene and rendered aid to Subject 1. Subject 1 was placed into an ambulance in preparation for transportation to the hospital.

Prior to transporting Subject 1 to the hospital, Fire Department personnel requested that Officer J remove Subject 1's handcuffs. Officer J complied with their request. The handcuffs were replaced by soft restraints, applied by the ambulance personnel. Officer J escorted Subject 1 as he was transported to a nearby hospital.

The Department Operations Center (DOC) was notified of the OIS and other notifications were subsequently made.

### **BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer J	No	Yes	Yes	N/A	N/A
Officer K	No	Yes	No	N/A	N/A

### **Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

#### **A. Tactics**

The BOPC found Sergeant A, along with Officers A, B, C, D, E, F, G, H, and I's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

The BOPC found Officers A, D, E, F, G, H, and I's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found Officer F'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. It is also recognized 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. 4, 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.

**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.

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

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.

**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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

## **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 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 developed a written Operations Plan in preparation for a surveillance operation to identify robbery suspects. Sergeant A ensured that the written operation plan was communicated to all participants of the surveillance and that all required notifications were made. The team was provided with photographs of the robbery suspects, their vehicle, and the handgun used in the commission of the crime. A base radio frequency and an RTO was assigned to the monitor the channel. Officers A and B briefed personnel with a synopsis of the crime and discussed their roles and assignments. Officer B advised the officers that their goal was to locate the suspects' vehicle and attempt to identify the suspects involved in the robbery.

Sergeant A ensured that all of the officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments. Sergeant A stated the assigned plain clothes surveillance personnel were all operating in an undercover capacity because there was a chance that they would have to interact with people and possibly get out on foot. The BOPC noted that Sergeant A's planning was incorrect, and that the operation was actually a surveillance operation requiring the donning of body armor for involved personnel.

Officers J and K were assigned as a uniformed chase detail for this operation in the event a uniformed police presence was needed for detention of the targets of the surveillance or if an incident required protection for the surveillance officers.

During the surveillance, Officer I observed that Subject 1 was armed with a handgun and broadcast that information to the surveillance team. Sergeant A broadcast a request to determine if Subject 1 was actually armed with a handgun and to assist him/her in determining if the uniformed chase team would be called in or if the Los Angeles Sheriff's Department would be contacted, due to being outside of the City of Los Angeles. The help call was broadcast prior to Sergeant A being able to develop and communicate a plan.

The BOPC noted that Sergeant A believed approximately 20-40 seconds elapsed from Officer I's initial broadcast to the time the help call was broadcast. The actual amount of time that passed was approximately three minutes and 40 seconds. The BOPC noted that Sergeant A should have developed a plan and communicated it with the surveillance team when they became aware that Subject 1 was armed with a handgun. The BOPC was critical of Sergeant A's lack of pre-planning with the officers with regard to the possibility of external threats that occur from individuals that were not the targets of the surveillance operation. A contingency plan for unanticipated complications during the surveillance operation was not described in the operations plan and the operations plan itself was missing several pieces of required information, such as the required equipment for the individual officers, the specific roles and duties of each individual officer, and the less-lethal force options that the team was equipped with during the operation.

**Assessment** – During the surveillance operation, Officers A, H, and I assessed the activity of Subjects 1 and 2. Officer A noted Subject's 1 and 2 were looking into vehicles and as they passed his/her vehicle, Subject 1 bumped into Officer A's vehicle.

Officers H and I observed Subjects 1 and 2 walking north, with Subject 1 on the east sidewalk and Subject 2 in the middle of the street. They noted that Subjects 1 and 2 were looking up and down the street constantly. Officer H stated that both Subjects 1 and 2 appeared that they were looking for the police. According to Officer I, based on his/her prior experience working gang assignments, it is common for the individual walking in the street to be acting as the lookout while the person on the sidewalk is armed, acting as security. Officer I's assessment of Subjects 1 and 2's activity heightened his/her awareness, leading Officer I to broadcast his/her observations to the surveillance team.

While continuing to observe Subjects 1 and 2, Officers H and I observed Subject 1 remove a handgun from his duffel bag and they immediately alerted the surveillance team, specifically any units that were positioned to their north. As Subjects 1 and 2 continued walking north, both Officers F and G observed Subjects 1 and 2 approaching them. Officer F and G assessed Subject 1 and 2's actions and due to

no imminent threat being presented, they attempted to allow Subject 1 to leave the area and then have a uniformed unit take enforcement action. However, immediately after passing by Officers F and G's vehicle, Subject 1 became an immediate threat by arming himself with a handgun and walking towards Officers F and G with the handgun pointed in their direction.

The BOPC noted that the officers continuously assessed Subjects 1 and 2's behaviors and adjusted their response based on these behaviors. Officers F and G's swift response to the deadly threat presented by Subject 1 was due, in part, to their attentive assessment of Subject 1's actions and his reactions to their attempts to stay in their vehicle and conceal themselves from view. The BOPC also noted that Officer F was attentive and assessed throughout his/her discharging of his/her service pistol. Officer F assessed and determined that the single round that he/she discharged was effective at stopping the threat that Subject 1 presented. Officer G was also attentive in his/her assessments. As Officer G exited his/her vehicle in response to Subject 1's approach, Officer G was in the process of bringing his/her service pistol to bear on Subject 1. When Officer G heard Officer F discharge his/her service pistol, he/she immediately assessed and observed that the threat had ceased, and Officer G did not need to discharge his/her service pistol. Officer G was able to complete this assessment in a rapidly evolving tactical situation where his/her own life was at risk of serious bodily injury and/or death.

**Time** – After being advised by Officers H and I that Subject 1 was armed with a handgun, Officers F and G did not attempt to take immediate enforcement action. They allowed Subject 1 to pass their vehicle as they concealed themselves in the reclined driver and passenger seats. Officers F and G attempted to allow Subject 1 to pass them in order to request the uniformed chase unit to detain Subject 1, with the benefit of as much time as needed to formulate a viable plan to take Subject 1 into custody.

When Subject 1 passed Officer F and G's vehicle, he immediately stopped his forward movement and walked directly towards the officers with his gaze fixed on Officer G and the unmarked police vehicle. Officer F did not have the benefit of additional time to deal with the imminent threat that Subject 1 posed as Subject 1 approached with a handgun. Officer F still communicated with his/her partner his/her observations and requested that his/her partner request additional resources before Officer F exited the police vehicle, identified him/herself as a police officer, and addressed the imminent deadly threat.

The BOPC noted that Officers F and G utilized time to their advantage by not confronting or attempting to detain Subject 1, despite Subject 1 arming himself with a handgun. Officers F and G intended to utilize their available time to request the assistance of their uniformed chase unit in order to detain Subject 1. Time, however, was taken away from Officers F and G when Subject 1 abruptly stopped his direction of travel and walked towards Officers F and G, while drawing his handgun from his duffel bag.

The BOPC was critical of Sergeant A's lack of active leadership within the window of time between Officer I's broadcast of Subject 1 being armed with a gun to the OIS, which was approximately three minutes and 40 seconds. In this window of time, Sergeant A did not take proactive measure to address an armed suspect who was walking towards the officers.

**Redeployment and/or Containment** – After Subject 1 armed himself with a handgun from his duffel bag and walked in the direction of Officers F and G, they redeployed by reclining their vehicle seats in an effort to conceal themselves and avoid detection. Subject 1 continued to pay attention to the officers' vehicle and approached them while arming himself with a handgun. After the OIS, Subject 1 fell to the ground on the east sidewalk behind a vehicle. In order to better contain Subject 1, Officer F redeployed to the south and assumed a prone position. This allowed Officer F to have a less obstructed view of Subject 1. Officer G moved north to have a less obstructed view of Subject 1 due to Subject 1 being located behind a vehicle. These two redeployment efforts allowed Officers F and G to triangulate on Subject 1 and keep him contained in the OIS scene.

The BOPC noted that Officer F's redeployment efforts, when exiting his/her vehicle, utilized the available cover, but avoided any crossfire situation involving his/her partner while still allowing him/her to expediently address the threat of Subject 1 armed with a handgun.

**Other Resources** – Officers A and B developed a written Operations Plan that required notifications to be made, including, but not limited to Communications Division, the local law enforcement agency which was the Los Angeles County Sheriff's Department (Norwalk Station), and Los Angeles Clearing House (LA CLEAR) in order to advise them of the surveillance operation and avoid miscommunication.

According to Officer A, prior to the OIS, he/she had made contact with a Los Angeles County Sheriff's Deputy who was on patrol in the area of the surveillance and obtained his/her telephone number in the event that assistance from the local agency was needed. Officer A stated that he/she was attempting to call the deputy to request assistance with Subject 1 prior to the OIS occurring.

The BOPC discussed that when Subject 1 was identified as being armed with a handgun, Officers F and G were waiting for him to pass by their location. After Subject 1 had passed them, they had intended to request the uniformed chase officers to detain Subject 1.

**Lines of Communication** – During the surveillance operation, the surveillance team maintained constant communication utilizing not only their police radios, but also a messaging application on their cellular phones to relay information that was observed during the surveillance operation.

Prior to the OIS, Officers F and G attempted to communicate with Subject 1 and identify themselves as police officers. However, Subject 1 was, according to Officer F, so fixated on Officer G that he did not respond to Officer F's attempt to identify him/herself as a police officer.

After the OIS, Officers A, F, G, H, and I, utilized verbal communication to form an arrest team and take Subject 1 into custody without further incident. Officer F also was able to maintain situational awareness and provide Subject 2's direction of travel to the additional responding officers.

The BOPC noted that there was significant communication between the officers on the surveillance team throughout this incident. The individual partner pairs communicated with each other and then relayed their combined observations to the other officers involved in the surveillance. The BOPC discussed that Officers F and G attempted to communicate with Subject 1 and identify themselves as police officers. However, due to Subject 1's actions while being armed with the handgun, the time available to attempt communication was limited.

- The BOPC noted the following tactical considerations:

- 1. Tactical Planning – (Substantial Deviation, without justification – Sergeant A)**

Sergeant A approved a written operations plan that lacked all the minimum information necessary for a surveillance operation.

The written operations plan was described as a "surveillance" operation in the narrative portion of the plan. However, Sergeant A stated in his/her interview that the plainclothes surveillance personnel were working in an "undercover" capacity; therefore, they were exempt from wearing body armor. The written operations plan did not document the operation as an undercover operation, nor did it document any exemption to required equipment, such as body armor. The written operations plan did not define the roles/duties of each individual officer assigned to the surveillance operation, nor did it state the equipment required by each individual officer and available less-lethal force options. The operations plan was completed on an Operations Plan form, as opposed to the Department approved operations plan (LAPD Form 12.22.00), which has a section on the face sheet for unit, names, serial numbers, duties, and an equipment checklist.

When the operations plan was approved by Sergeant A, there were two factual errors included in the operations plan when submitted. The written operations plan stated that the surveillance brief took place at Metropolitan Division, but the briefing actually took place outside of a coffee shop. In addition, the plan documented that Officer L was participating in the surveillance operation. Officer L did not participate in the operation.

Sergeant A forwarded the written operations plan to Lieutenant A for approval. According to Lieutenant A, he/she approved a surveillance operation plan that did not indicate an exception for officers to not wear body armor.

The BOPC discussed that the operations plan that was approved by Sergeant A did not include necessary information and did not provide a tactical plan that officers could utilize if outside factors affected the surveillance. Sergeant A approved a plan that labeled the operation as surveillance; however, when interviewed, Sergeant A described the methods used by his/her officers as “undercover.” This led to Lieutenant A, who was not physically present at the briefing or operation, to approve an operation that would not be following the policy constraints of a surveillance operation including all necessary equipment. The actual operations plan led to confusion amongst the officers as to the nature of their operation and the necessary equipment needed to complete their operation. Interviews of the officers determined that there was not a clear delineation of what the goal of the operation was; whether it was to only identify or arrest the robbery suspects or both.

Based on the totality of the circumstances, the BOPC determined that Sergeant A’s approval of tactical planning lacking necessary detail and information was a substantial deviation, without justification, from approved Department tactical training.

**2. Body Armor – (Substantial Deviation, without justification – Sergeant A and Officers A, B, C, D, E, F, G, H, and I)**

Sergeant A and Officers F and G did not don their Department-approved body armor when conducting field related surveillance duties.

Surveillance personnel are required to wear body armor, unless specifically exempt. No exemption was obtained for the body armor requirement on the approved written operations plan.

During the surveillance operation, Sergeant A and Officers F and G did not don their Department-approved body armor. According to Sergeant A, “As in all of our briefings, I ensured that all of our officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments.” Additionally, Sergeant A added, “And we were all operating in a UC [undercover] capacity, because there was a chance that we’d have to interact with people, get out on foot.” Officers F and G additionally believed they were working surveillance in an undercover capacity. Sergeant A stated that the goal of the specialized division was to blend into the area they were surveilling in and to locate the targets of their surveillance. This meant that the officers would possibly be required to leave their vehicles if the target of their investigation left the area on foot or into an area that was not accessible to vehicles. Sergeant A

stated that if the officers were wearing their body armor, they would be unable to perform these duties effectively.

The BOPC was critical of Sergeant A and Officers F and G's misunderstanding of the different equipment requirements for the different variations of non-uniformed field operations such as surveillance, plainclothes, and undercover operations. It is the responsibility of each individual officer to know the procedures and policies that govern their duties. The undercover directive provides clear direction of the requirement of body armor for personnel assigned to surveillance operations. In this case, the operation was not a UC Operation as the officers were not proactively seeking to establish a relationship or make contact with a suspect or group to gather evidence or intelligence while concealing the operator's identity as a police officer to accomplish the mission. As such, the officers were not classified as UC Operators, nor did they receive an exemption to wear body armor from a commanding officer.

Based on the totality of the circumstances, the BOPC determined that Sergeant A and Officers F and G's decision to not don their body armor when participating in a surveillance operation was a substantial deviation, without justification, from approved department policy.

The FID investigation determined that Officers A, B, C, D, E, H, and I did not don their Department-approved body armor when conducting field related surveillance duties. The officers believed they were working surveillance in an undercover capacity. It is the responsibility of each individual officer to know the procedures and policies that govern their duties. The undercover directive provides clear direction of the requirement of body armor for personnel assigned to surveillance operations. In this case, the operation was not a UC Operation as the officers were not proactively seeking to establish a relationship or make contact with a suspect or group to gather evidence or intelligence while concealing the operator's identity as a police officer to accomplish the mission. As such, the officers were not classified as UC Operators, nor did they receive an exemption to wear body armor from a commanding officer.

Based on the totality of the circumstances, the BOPC determined that Officers A, B, C, D, E, H, and I's decision to not don their body armor when participating in a surveillance operation was a substantial deviation, without justification, from approved department policy.

**3. Tactical Planning/Communications – (Substantial Deviation, without justification – Sergeant A)**

Sergeant A did not develop and communicate a tactical plan with the surveillance team when they became aware that a suspect, who was armed with a handgun, was walking through the area of surveillance and near personnel.

Sergeant A was the supervisor of the surveillance operation and had command and control of the operation. During the surveillance operation, Subjects 1 and 2 walked through the area under surveillance and looked into several of the unmarked police vehicles being utilized for surveillance. While walking north, Subject 1 was observed removing a handgun from his duffel bag by Officers H and I, while Subject 1 continuously moved his head from side to side, as if he was evaluating the area. Subject 1 walked on the sidewalk while Subject 2 walked in the middle of the street. Officer I broadcast his/her observations to the surveillance team via his/her police radio. Subject 1 continued walking north towards the surveillance position occupied by Officers F and G. Officers F and G attempted to conceal themselves in their vehicle. Subject 1 stopped his northbound movement and proceeded to walk towards Officers F and G's vehicle, while armed with a handgun, which ultimately resulted in an OIS incident.

Upon hearing the broadcast that Subject 1 was observed to be armed with a handgun, Sergeant A stated that he/she was assessing the situation and determining whether to send in the uniformed chase unit, to call in the local law enforcement agency, or to terminate the surveillance operation. As Sergeant A was weighing his/her options, he/she heard the help call from the OIS. Sergeant A estimated that the elapsed time between Officer I's broadcast regarding Subject 1's possession of a handgun and the OIS help call to be approximately 20 to 40 seconds. According to the FID investigation, the elapsed time was approximately three minutes and 40 seconds.

The BOPC was critical of Sergeant A's lack of active leadership throughout the surveillance operation. While supervisors often delegate tasks or responsibilities, they are ultimately responsible for command and control of the operation regardless of roles. Sergeant A was ultimately responsible for formulating and communicating a plan to counter the threat posed by Subject 1, who armed himself with a handgun and walking towards officers. When Officers H and I began broadcasting that Subject 1 was armed with a handgun and walking through the area where the officers had positioned themselves, Sergeant A did not communicate a plan of action with his/her officers or begin a tactical response to deal with the threat of Subject 1 being armed with a handgun. Both Officers A and I had advised that Subject 1 had previously been in the area and had looked into two unmarked police vehicles and bumped Officer A's police vehicle as he left the location prior to Subject 1 arming himself with the handgun. The BOPC considered that Sergeant A was aware of Subject 1's actions and did not respond during available time of three minutes and 40 seconds prior to the OIS.

Based on the totality of the circumstances, the BOPC determined that Sergeant A's lack of tactical planning and communication with his/her officers when confronted by what was believed to be an armed suspect was a substantial deviation, without justification, from approved Department tactical training.

#### **4. Initiating Contact While Seated in Police Vehicle – (Substantial Deviation, without justification – Officers B and C)**

Officers B and C initiated contact with a possible suspect believed to be associated with an OIS incident, while seated in the police vehicle.

In this case, Officers B and C heard the help call and drove towards the intersection to set up containment. They observed an unidentified individual that matched Subject 2's description. Officer B contacted the possible suspect, identified him/herself as a police officer, and ordered the possible suspect to face a nearby wall. Officers B and C contacted the unidentified male while still seated inside of their unmarked police vehicle and spoke with him through the open driver's side window. The unidentified male fled into a nearby apartment complex. The male was later determined to not be involved in the incident. By remaining inside of their police vehicle and contacting a possible suspect related to an OIS, Officers B and C placed themselves in a tactical disadvantage to the suspect.

Based upon the totality of the circumstances, the BOPC determined that Officers B and C's decision to contact the possible suspect while still seated in their police vehicle was a substantial deviation, without justification, from approved Department tactical training.

#### **5. Separation – (Substantial Deviation, without justification – Officers B and C)**

Officers B and C separated when they attempted to detain an unidentified male they believed to be an outstanding suspect related to the OIS. The male ran into a nearby apartment complex. Officer B and C were seated inside of their police vehicle. Officer B dropped Officer C off from the police vehicle and drove approximately 50-100 yards away from Officer C to set up containment. The officers' containment positions did not allow them to have a visual of each other, thus hindering their ability to immediately render aid.

Based on the totality of the circumstances, the BOPC determined that Officer B and C's actions were a substantial deviation, without justification, from approved Department tactical training. The BOPC directed this be a topic of discussion during the Tactical Debrief.

- The BOPC also noted the following

**Operations Plan** – The written operations plan, completed by Officers A and B, did not define the roles and duties of each individual officer assigned to the surveillance operation. The plan also did not state the equipment required by each individual officer and available less-lethal force options. The operations plan was completed on an Operations Plan form, as opposed to the department approved Operations

Plan (LAPD Form 12.22.00), which has a section on the face sheet for unit, names, serial numbers, duties, and an equipment checklist.

The written operations plan was approved by Lieutenant A and forwarded via email to Captains A and B. The BOPC discussed the expectation that all UC and surveillance operations be documented on a written operation plan and that must be approved by the commanding officer of the responsible Area/Division or their designee, and such approval shall be documented in the plan.

**Securing of Firearm** – Officer A kept a holstered, but unsecured, service pistol in-between the front driver seat and center console of his/her police vehicle while conducting surveillance. Officer A was reminded of the importance of safe storage of handguns, especially in unattended vehicles or vehicles which may be left unattended.

**Maintaining Control of Equipment (Radio)** – Officer G inadvertently dropped his/her handheld radio when he/she exited his/her police vehicle in response to Subject 1's approach.

**Seat Belt** – Officers J and K did not fasten their seatbelts during their Code Three response to the OIS help call. The officers acknowledged they were close to the OIS incident, were unsure of the location of the suspects, and felt the need to not utilize their seatbelt in order to deploy quickly from the police vehicle. The use of the seatbelt is an important safety feature which allows the driver of a vehicle to remain secured in the seat to ensure safe control of the vehicle. The seatbelt also protects the occupants of the vehicle in the event of a traffic collision.

**Situational Awareness** – Communications Division acknowledged Officer F's help call and requested the location to be repeated. Sergeant A advised CD of the location and requested CD notify the Los Angeles County Sheriff Department. The actual location different than what was initially provided by Sergeant A.

**Maintaining Control of Equipment (Holster)** – Officer A dropped the holster for his/her service pistol when he/she exited his/her vehicle to assist with detaining Subject 1.

**Less-Lethal Force Options** – After the OIS, Officers A, H, and I formulated a tactical plan to approach Subject 1 and take him into custody. At this time, they discussed incorporating less-lethal force options, but none were immediately available, although Officer A had a TASER secured inside his/her police vehicle at the time. The other less-lethal force option, a 40 millimeter Less-Lethal Launcher (LLL), was secured in the chase unit vehicle, which was detaining Subject 2 at approximately the same time. The inclusion of a less-lethal force option to an arrest team allows officers additional tactical options to respond to a suspect's actions.

**Plainclothes Attire** – Officers B and C attempted to detain an unknown male they believed to be an outstanding suspect. Despite being in plainclothes, they did not don a raid jacket or tactical vest prior to attempting to detain the possible male suspect.

When Officers D and E initiated their detention of Subject 2, despite being in plainclothes, they did so without donning a raid jacket or tactical vest.

**Situational Awareness** – As Officers B and C attempted to set up containment of a possible suspect who fled into an apartment building. Officer C broadcast the location. When Officer C realized the address was incorrect, he/she broadcast the correct location.

**Protocols Subsequent to a CUOF** – Sergeant A contacted Lieutenant A and informed him/her of the OIS incident. Lieutenant A advised Sergeant A that he/she would make notification to the pertinent commanding officers. Lieutenant A contacted Captain A and advised him/her of the OIS incident. Captain A advised that he/she would make notifications as Lieutenant A responded to the OIS scene. Captain B notified the DOC of the OIS incident, which was approximately two and a half hours after the OIS.

- **Command and Control**

Officer J was assigned to the chase unit for the surveillance operation. In response to the OIS help call, he/she responded to the incident after the OIS occurred. Officer J relieved a plainclothes officer and took Subject 2, the outstanding second suspect, into custody. Officer J provided directions to begin setting up a crime scene and identified the involved officers in the OIS incident. Officer J directed them to Sergeant A to ensure proper separation and monitoring and for their PSS. While setting up a crime scene, Officer J directed one of the officers to stand near Subject 1's handgun until it could be recovered by FID investigators. Officer J also directed another officer to check the residence that was in the background of the OIS incident to ensure there were no injured community members inside of the residence. Lastly, Officer J assigned him/herself to respond in the RA with Subject 1 to the hospital, since Officer J was in full uniform and equipped with a BWV. This allowed Officer J's BWV to capture multiple spontaneous statements made by Subject 1.

The actions of Officer J were consistent with department training and the BOPC's expectations of a senior officer during a critical incident.

Sergeant A was the supervisor of the surveillance operation prior to and during the OIS. The BOPC was critical of Sergeant A and his/her lack of active leadership during the surveillance operation. Prior to the commencement of the operation, Sergeant A did not establish a tactical plan to deal with scenarios that could occur from other individuals that were not the targets of the surveillance. When the surveillance team observed Subject 1 and began to actively relay Subject 1's

behaviors to each other, Sergeant A was also receiving these informational broadcasts. Sergeant A estimated that the time between Officer I's broadcasts of Subject 1 arming himself and the OIS was approximately 20-40 seconds; however, the actual time was 3 minutes and 40 seconds. The window of time would have allowed Sergeant A to provide direction to the officers involved in the surveillance. Sergeant A had the opportunity during this time to contact the local law enforcement agency, have his/her own uniformed chase unit to move in, or terminate the operation until the safety of his/her officers could reasonably be assured.

After the OIS occurred, Sergeant A responded to the scene of the OIS and declared him/herself the Incident Commander while enroute. When Sergeant A arrived at the OIS scene, he/she broadcast a request for a RA for Subject 1. Sergeant A then separated and monitored the involved officers, Officers F and G, and obtained independent Public Safety Statements (PSS) from them. Sergeant A ensured a crime scene was set up and that officers canvassed for witnesses. Sergeant A made notifications of the OIS incident to Lieutenant A and requested additional supervisors to respond to assist with the incident.

The actions of Sergeant A prior to the OIS were not consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident. After the OIS occurred, Sergeant A's actions were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

Sergeants B and C responded to the OIS incident. Sergeant B monitored Officer G and Sergeant C monitored Officer F.

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

Lieutenant A reviewed and approved the written surveillance operations plan. Lieutenant A advised Sergeant A that the plan was approved and forwarded the operations plan, via email, to Captain A. Although Lieutenant A and Captain A were not part of the field operations, their responsibilities were administrative in nature, requiring the review of the operations plan. The written operations plan lacked sufficient detail, including but not limited to, defining the roles and duties of each individual officer assigned to the surveillance operation. The plan also did not state the equipment required by each individual officer and available less-lethal force options. Per the operations plan, the goal of the surveillance operation was to locate the suspect vehicle and follow the driver/occupants of the suspect's vehicle in an attempt to locate and identify the robbery suspects. If the robbery suspects were positively identified, the uniformed officers would detain and apprehend the suspects, with the assistance from the surveillance other officers. Consideration should have been made that only two uniformed officers were included in the operations to address a possible detention of three robbery suspects.

The BOPC discussed the expectation that all UC and surveillance operations be documented on a written operation plan and that must be approved by the commanding officer of the responsible Area/Division or their designee, and such approval shall be documented in the written operations plan.

The actions of Lieutenant A and Captain A were not consistent with Department supervisory training and the BOPC's expectations of supervisors. The Director of the Office of Special Operations (OSO) advised that this issue was addressed with Captain A and Lieutenant A. As such, the BOPC deemed no further action to be necessary.

These topics were to be discussed at the Tactical Debrief.

- 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. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

The BOPC found Sergeant A, along with Officers A, B, C, D, E, F, G, H, and I's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer F**

According to Officer F, he/she observed that Subject 1 had "planted his foot," looked back, and then turned in Officers F and G's direction. Officer F observed Subject 1 "scoffed" and "squinted his eyes" towards Officer F's vehicle. Subject 1 stepped into the street and reached into the side pocket of his duffle bag with his right hand. Officer F observed Subject 1 making furtive movements, as if he were going to retrieve an item from his bag. Based on the previous information provided by Officer I, Officer F believed Subject 1 was reaching for a handgun. As Subject 1 neared their vehicle, Officer F observed Subject 1 remove a "blue steel" handgun from the duffle bag with his right hand. Officer F had observed the "serrated edges of the slide" and then observed Subject 1 holding the butt of the handgun. Officer F observed Subject 1 begin to "raise his hand" and noted Subject 1's "elbow was up." Officer F believed his/her life and the life of Officer G were in "imminent danger," and he/she drew his/her service pistol. Officer F stated that he/she was involved in a, "tactical situation that was going to [...] [lead] to a -- a deadly use of force."

- **Officer G**

According to Officer G, due to Officer I's broadcast that Subject 1 was armed with a handgun and Officer G's observations of Subject 1 walking towards him/her and his/her partner, Officer G believed that the situation "could escalate to [one involving] the use of deadly force." Officer G drew his/her service pistol and placed it on the lap of his/her right leg. In order to conceal him/herself from Subject 1, Officer G reclined the driver's seat as far back as he/she could.

The BOPC conducted an evaluation of the reasonableness of Officers F and G's drawing and exhibiting of their service pistols. The BOPC noted that Officer G drew his/her service pistol after observing Subjects 1 and 2 walking in his/her direction, with the knowledge that Officer I had observed Subject 1 in possession of a handgun and peering into the officers' surveillance vehicles. The BOPC noted that Officers F drew his/her service pistol when he/she observed Subject 1 retrieve a handgun from his bag, move towards their vehicle, and point the handgun in the officers' direction.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers F and G, 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 F and G's drawing and exhibiting of a firearm to be In Policy.

- **Officer A**

According to Officer A, while engaged in the surveillance operation he/she heard a "shots fired" help call broadcast from Officer F. Officer A immediately responded and unholstered his/her service pistol because he/she believed the situation could escalate to the point of serious bodily injury or death.

- **Officer D (1<sup>st</sup> Occurrence)**

According to Officer D, while engaged in the surveillance operation he/she heard a "shots fired" help call broadcast. Officer D immediately responded to the help call location and exited his/her vehicle. Based on the help call and observing Officers F and G with their pistols drawn in the direction of Subject 1, Officer D unholstered his/her service pistol. Officer D was directed to a second suspect to the north and holstered his/her service pistol.

- **Officer D (2<sup>nd</sup> Occurrence)**

According to Officer D, while engaged in the surveillance operation he/she heard a “shots fired” help call broadcast. Officer D immediately responded to the help call location and exited his/her vehicle. Officer D was directed to a second suspect that had fled northbound. Officers D and E drove north, located Subject 2 (second suspect), and exited their police vehicle. As Officer D exited his/her police vehicle he/she unholstered his/her service pistol, identified him/herself as a police officer, and ordered Subject 2 into a prone position. Subject 2 was later taken into custody.

- **Officer E**

According to Officer E, while engaged in the surveillance operation he/she heard a “shots fired” help call and did not know if the officers or suspects were struck by the shots fired. Officer E immediately responded to the OIS scene and was directed north to a second suspect. Officer E was uncertain if the suspect was a shooter and unholstered his/her service pistol because he/she believed that the second suspect could possibly be armed, and the tactical situation could have escalated to a situation possibly using deadly force.

- **Officer H**

According to Officer H, he/she drew his/her service pistol knowing that an officer involved shooting had already occurred. Even though Officer H did not know the details of the OIS, he/she knew it was a tactical situation that was “possibly going to require deadly force” to protect his/her partners and him/herself.

- **Officer I**

According to Officer I, as he/she responded to the “shots fired” help call, he/she donned his/her tactical vest and deployed his/her rifle. Officer I deployed his/her rifle due to the situation being an officer-involved shooting and not knowing if the suspect was barricaded, hiding behind a car, or if the suspect had run into a house. Officer I believed that the officers would have the tactical advantage by deploying at least one long gun on the situation.

Officers A, D, E, H, and I were aware that Subject 1 was armed with a handgun as he walked through the area being monitored by the surveillance operation. They additionally heard the “shots fired” help call and responded to assist officers.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, D, E, H, and I, 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.

The BOPC found Officers A, D, E, F, G, H, and I's drawing and exhibiting of a firearm to be In Policy.

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

- **Officer F** – (pistol, one round)

According to Officer F, he/she held his/her service pistol in his/her left hand and opened the front passenger door of his/her vehicle with his/her right hand. Officer F, cognizant that Subject 1 was closing the distance between Officers G and him/herself, exited his/her vehicle. Officer F squatted down and moved to the rear bumper of his/her police vehicle while holding his/her service pistol in a close contact position. As Subject 1 approached, his eyes were "locked on" to Officer F's vehicle with an "expression of anger" and "discontent." Officer F stated that Subject 1 slowly raised his handgun and pointed it in the officers' direction.

Officer F, while standing in a low-ready shooting stance, yelled, "Stop! Police! Hands Up!" Subject 1 "ignored" Officer F's commands and looked straight toward where Officer G was seated in the police vehicle with a "dead stare." Subject 1 brought his handgun up with his whole arm towards Officer G with, what appeared to Officer F, the "intent to shoot and kill" Officer G. Officer F came up on target and acquired his/her front sight and rear aperture. Officer F discharged one round from his/her service pistol at Subject 1. Officer F assessed and noted that, after his/her discharged round, Subject 1 changed his position from a "bladed aggressive stance" directed at Officer G and was turning away from both officers.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer F's use of deadly force. The BOPC noted that Officers F and G attempted to avoid confrontation with Subject 1 by remaining in their unmarked police vehicle and reclining their seats in order to avoid detection. The officers did not attempt to detain Subject 1 and were attempting to allow him to leave the area in order to have a uniformed police officer make contact with him. Subject 1 chose to reverse his course and move deliberately across the street directly towards Officer F and G, who were still concealed in their vehicle. Subject 1 then chose to remove his handgun from his duffel bag and raise it toward Officers F and G.

The BOPC noted Officer F's perception that Subject 1 had raised the handgun and pointed it in the direction of Officers F and G. After reviewing the surveillance video of the OIS, the BOPC noted that Subject 1 did not appear to fully raise his arm. However, the BOPC noted that Subject 1 was in possession of the handgun and pointed it in the direction of the officers. In addition, the BOPC determined that Subject 1's right elbow appeared to be cocked back. The BOPC noted that Subject 1 posed in imminent threat of serious bodily injury or death to Officers F and G with his handgun and that Officer F was not required to wait until Subject 1 had his handgun fully pointed on target toward the officers.

The BOPC also noted that Officer F redeployed to a position of cover and attempted to identify him/herself as a police officer and ordered Subject 1 to stop his actions. Subject 1 did not heed Officer F's orders and continued to move towards Officer G's direction. Officer F was left with minimal time to confront the deadly threat posed by Subject 1 who was armed with a handgun. Officer G discharged a single round at Subject 1 and immediately conducted an assessment. Officer F observed Subject 1 fall onto the sidewalk and assessed that Subject 1 no longer posed an imminent deadly threat. The BOPC noted that Officer F displayed restraint and fire discipline throughout the rapidly evolving deadly force situation.

The BOPC also noted that Officer G, despite not firing his/her service pistol, was in the process of deploying deadly force by raising his/her service pistol and gaining a sight picture of Subject 1. When Officer G heard Officer F discharge his/her service pistol, Officer G immediately reassessed and found that Subject 1 no longer posed an imminent deadly threat. Officer G demonstrated restraint and situational awareness during a rapidly evolving deadly force situation.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer F, would reasonably believe that Subject 1's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was necessary and objectively reasonable.

Therefore, the BOPC found Officer F's lethal use of force to be In Policy.