

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

OFFICER-INVOLVED SHOOTING – 044-18

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West Valley	7/7/18		
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Officer(s) Involved in Use of Force	Length of Service
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Officer D	5 years, 11 months
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Reason for Police Contact

Uniformed officers responded to an “Attempted Suicide” radio call. The comments of the radio call stated the Subject was drunk and had access to a handgun. The officers located the Subject and contacted him by cell phone. The officers attempted to have the Subject place the handgun down and end the incident peacefully. The Subject pointed the handgun at the officers and fired one round, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 28 years of age.

Board of Police Commissioners’ Review

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

The following incident was adjudicated by the BOPC on May 14, 2019.

Incident Summary

Witness A called the Los Angeles Police Department (LAPD) Communications Division (CD). Witness A advised CD that she needed someone to respond to her residence because a family member (the Subject) had a gun and was drunk. Witness A further stated, "He is crying and upset, saying he wants to die and all this stuff." Witness A provided a description of the family member and her address.

As Witness A was on the phone with CD, the Subject was captured on security cameras from a nearby apartment complex, walking in an alley. The Subject can be seen in video footage with a handgun in his left hand and walking with a staggered gait, then sitting down on the side of the alley, against the cinderblock wall of a residence. The Subject remained seated at the same location until the OIS.

There were two cameras mounted over the apartment garage and facing opposite directions, which captured the incident.

Uniformed Police Officers A and B were assigned the emergency "Attempted Suicide" radio call (Code Three). As the officers were enroute to the radio call, they discussed the comments, description of the suicidal man, and designated contact (Officer A) and cover (Officer B) roles. Officers A and B had worked together off and on for three years. They had discussed tactics, use of lethal and less-lethal force options, as well as debriefing after various radio calls throughout their partnership.

Uniformed Police Officers C, D, E, and F responded as back-up units. Officers C and D had worked together off and on for four to six to months. They had discussed tactics, contact, cover, and use of lethal and less-lethal force options throughout their partnership. Officers E and F had worked together three to four days. On the days that they worked together, they discussed tactics, contact, cover, lethal and less-lethal force options.

Upon arrival, Officer A spoke with Witness A and Witness B on the sidewalk in front of their residence. The witnesses both advised officers that the Subject was not in the house and had left on foot about 10 to 20 minutes prior to their arrival. Witness A informed the officers that a gun case, which was normally stored in her bedroom closet, was left behind on the stairs of their apartment building, with the handgun missing. Witness A was concerned because the Subject was upset, and she did not want him to do anything "stupid" with the handgun. Witness A believed that the Subject might be in the rear of their apartment complex. Witness A advised the officers that the Subject had no prior history of suicide and no diagnosis of mental illness.

Witness B can be heard on Officer A's Body Worn Video (BWV) advising the officers that the Subject gets very depressed and emotional. Witness B added, "I don't think he'll harm anyone but himself."

The officers initially responded to the wrong address. While Officers A, B, C, and D were at this location, they discussed the comments of the call. Officer A assigned roles; contact (Officer A), cover (Officer B), and less-lethal (Officer D) with a TASER. Officer A also planned out how the radio call would be handled.

Officer B broadcast a request for an Air Unit to assist with the search for the Subject. Officer A advised Witness A that he/she wished to clear her residence to ensure the Subject was not inside. Officers E and F advised Officer B that they would search the area for the Subject in their police vehicle.

Watch Commander Sergeant A also requested that CD have the Air Unit deployed. Communications Division advised they would contact Air Support Division.

In anticipation of clearing the residence, Officer A drew his/her pistol to a two-handed, low-ready position as he/she walked into the apartment building. Officer A observed an open gun case on the stairwell leading up to Witness A's apartment. There was a gun magazine in the case, but no firearm. From the stairwell, Officer A observed two females standing by the open apartment's front door on the second floor. Officer A directed the two females to walk outside to stand by with their mother (Witness A). One of the two females advised Officer A that the Subject was not inside the residence.

During this time, Officers B and D walked to the rear of the apartment complex looking for the Subject. Witness A, who had followed the officers to the entrance of her apartment building, advised Officer C that the Subject had his phone with him. Officer C borrowed Witness A's cell phone and contacted the Subject. Officer C identified him/herself as a police officer and attempted to find out the Subject's specific location. Officer C advised the Subject that Witness A was concerned about him and the officers wanted to make sure he was okay. Once Officer A noticed Officer C was on the phone with the Subject, Officer A felt no need to keep his/her pistol out and holstered it.

Officer B, who was on the sidewalk, searching the rear of the apartment complex, observed a male matching the Subject's physical description. The male was sitting in the alley across the street from the officers' location. This male was subsequently identified as the Subject. Officer B advised the other officers of his/her observation and all four officers walked across the street and took cover behind a garage. Before crossing the street, Officer A advised Witness A and her daughters to return to their residence and to lock the door. Officer B, after crossing the street, positioned him/herself behind the garage near the mouth of the alley. As Officer B peeked around the wall, he/she observed the Subject sitting on the ground mid-way in the alley on the side.

Officer B stated he/she did not remember drawing his/her pistol during this time, but BWV from Officers A and D show Officer B with his/her pistol drawn.

Officers E and F, who had gone to search for the Subject in their police vehicle, returned and stopped close to the alley.

Officer D unholstered his/her pistol, looked around the garage and observed the Subject on the side of the alley. Officer D estimated that the Subject's distance was 150 feet away from his/her location. Officer D believed a police vehicle at the mouth of the alley facing the Subject would provide better cover for the officers. Officer D instructed Officer E to move his/her police vehicle into the mouth of the alley, and to leave the lights off until officers were in position. Once Officers D and E were positioned behind the driver and passenger doors respectively, the vehicle spotlights were turned on and pointed at the Subject. According to Officer D, he/she unholstered his/her pistol because he/she believed the situation may escalate to the point where deadly force may be justified.

Officers D and E positioned themselves behind the driver's door of the police vehicle. Officer E drew his/her pistol because he/she believed the Subject was armed and to protect his/her partners and him/herself from bodily injury or death.

Officer F positioned him/herself behind the passenger door and deployed the beanbag shotgun. Officer F indicated he/she deployed the beanbag shotgun in an effort to de-escalate and to have this less-lethal option available.

Officer A broadcast over the police radio that they had located the Subject and again requested the Air Unit to respond in addition to a supervisor. Uniformed Sergeant B advised that he/she would respond to the supervisor request.

As Officer D was behind the driver's door, he/she advised Officer A to place a police vehicle on the end of the alley to block pedestrians and vehicles from entering the alley.

Officer A initially had concerns of a crossfire situation if he/she placed officers at the end of the alley. Officer A later broadcast that he/she needed a unit at the end of the alley. Officer A directed that unit not to enter the alley and to stop pedestrian and vehicular traffic from entering the alley.

A police unit was never positioned at the west end of the alley prior to the OIS.

Officer C continued to communicate with the Subject despite him terminating the phone calls several times. Officer C intended to get the Subject to comply and end the incident peacefully, and advised the Subject, "If you got a weapon on you do not go for it." Officer C indicated that the Subject was irritated by the lights that were pointed at him. Officer C advised the Subject that the spotlights would remain on for his protection and theirs. At one-point, the Subject told Officer C that he wanted to speak with Witness A. Believing that Witness A would have a better rapport with the Subject, Officer A went to get Witness A from her residence to speak with the Subject.

Officer D advised Officer B that he/she was going to deploy his/her police rifle due to the distance between the Subject and the officers. Officer D holstered his/her pistol, ran, and retrieved his/her police rifle from the back of the police vehicle. Officer D inserted a

magazine into the rifle, chambered a round, then ran back and positioned him/herself to the left of Officer F, on the passenger side of the police vehicle. Officer D shouldered his/her rifle, supporting the rifle's handguard on top of the door frame. Officer D aimed his/her rifle and aligned his/her sights on the Subject. Using this stance, Officer D provided containment on the Subject until the time of the OIS. From time to time, Officer D would look through his/her sights at the Subject, making sure his/her rifle was still aimed correctly in what he/she described as "snapping on and off."

Officer A walked Witnesses A and B to Officer C's location, behind the garage. Officer C advised the Subject that Witness A would talk to him, then handed the phone to her, but the Subject hung up the phone. Officer C called the Subject back, but there was no answer. Officer C passed the phone to Witness A so she could call him, but he would not answer the phone. During this time, Witness A provided additional background information about the Subject to Officer C. This information included that the firearm belonged to the Subject and that Witness A was positive that the Subject had taken the firearm and possibly some ammunition.

Officer A borrowed Witness A's phone and called the Subject, who this time answered the phone. Officer A attempted to build a rapport with the Subject by using Officer A's own first name, "Tom," and making a connection since they shared the same birthday. Officer A told the Subject that he had hung up on Witness A and advised the Subject that he/she would put Witness A back on the phone.

Officer A walked toward Witness A and turned on the phone's speaker to have her talk to the Subject. Witness A can be seen and heard on Officer A's BWV talking to the Subject, as he (the Subject) is asking why she had called the police. Witness A told the Subject, "you[re] sitting there with a gun. Just put the gun down and come out." The Subject responded, "Why the fuck did you call the cops?" Witness A further stated to Subject, "Come out for them." When the Subject asked again why she called the police, Officer A advised Witness A to tell him because she was worried. Witness A told Subject, "Because I was worried." Then Officer A asked the Subject where the gun was; however, the Subject hung up.

Sergeant B broadcast he/she was at the location (Code Six) and met with Officer A who advised him/her they were communicating with the Subject by phone. Sergeant B was advised of the status of the radio call and the Subject possibly being armed.

Sergeant B then spoke with Witness A and attempted to ascertain why the Subject was distraught. Witness A advised Sergeant B that the Subject was drunk and began relating what the Subject had done earlier in the evening.

Officer A called the Subject back a couple of times, but the Subject would just hang up. Eventually, the Subject answered the phone, and Officer A advised him that Officer A wanted to get him help. The Subject advised that he would put the gun down.

During this time, Officer F, still armed with a beanbag shotgun, had been standing on the passenger side of the police vehicle next to Officer D. Officer D observed a pistol on the Subject's lap and immediately advised the other officers, who were present, of his/her observations. Officer F heard Officer D stating that the Subject had a handgun in his lap and immediately slung the beanbag shotgun and drew his/her pistol to a two-handed, low-ready position. Officer F indicated that he/she unholstered his/her pistol, because the Subject was armed, to protect his/her life and the lives of the officers at scene.

Uniformed Police Officers G and H arrived and broadcast they were Code Six at the location. This was the first time that Officers G and H worked together. During their shift they discussed tactics, back-up weapons, radio calls, and their roles when assisting other units.

According to Sergeant B's BWV, he/she walked over to Officer C's location, who was behind the garage near the mouth of the alley, to assess the resources that were at the scene. Officer C advised Sergeant B that they could get a high ground position by placing his/her partner, Officer D, who had a police rifle and him/herself in the apartments close to the alley. In addition, the officers wanted to contain the end of the alley with another unit. Sergeant B agreed with the plan; however, he/she was concerned that none of the officers were wearing helmets. Sergeant B instructed Officer C to "helmet up" first, then to switch with the officers who were watching the Subject from behind the doors of the police vehicle. Once those officers grabbed their helmets, Officers C and D could deploy to the high ground position. Officer C walked over and advised Officer E to put on his/her helmet as he/she took his position behind the driver's door.

Officer C was unaware that his/her partner, Officer D, had already deployed the police rifle.

According to Officer C, he/she drew his/she pistol because Officer C believed the incident could escalate to one involving the use of deadly force since the officers were dealing with a man who was suicidal and was armed with a handgun. Officer C held his/her pistol with a two-handed, low-ready position with his/her trigger finger on the slide.

Simultaneously, Officer A was talking to the Subject, who advised Officer A that he had placed the handgun down on his left side and complained about the lights being shined on him. Officer A advised the Subject not to touch the handgun, walked to the corner of the garage and peeked out toward the Subject; however, Officer A was too far away to observe anything in the Subject's vicinity. Officer A advised the officers that the handgun was on the Subject's left side; however, Officers C and D stated the handgun was not at the Subject's side, since Officer D could see the gun on the Subject's lap.

The Subject then grabbed the handgun and fired one round in the officers' direction.

Security video footage from an apartment complex depicts the Subject sitting on the side of the alley with his back against the cinder block wall of a residence. Smoke can be seen emitting in and around the area of the Subject's upper torso, consistent with a handgun being fired.

Simultaneously, security video footage from a residence captured a metal gate on the side of the alley, close to the Subject, being struck after the Subject fired his gun in the officers' direction. After approximately one second, the security video footage from an apartment complex depicts debris coming up from the ground as Officer D returned fire at the Subject. The Subject can be seen in the same video footage rolling to his right. Officer C re-deployed to the rear of the police vehicle after the Subject fired his handgun and remained there while Officer D returned fire.

The perception of the officers and civilian witnesses of the OIS are described below.

Officer D was standing behind the passenger door of the police vehicle parked in the mouth of the alley. Officer D observed the Subject with the gun and communicated with the officers around him/her where the Subject's gun was and what the Subject was doing. Officer D observed the Subject stand up, face toward the officers and point a dark black pistol at him/her. During Officer D's interview with investigators, Officer D stated, "He (the Subject) then got up and pointed the weapon in our direction." Officer D also heard other officers say that the Subject was pointing the handgun in their direction. Then, Officer D heard one gunshot fired from the Subject's location. The Subject was not standing at the time of the OIS.

Officer D ducked behind the passenger door to avoid being struck by gun fire. Officer D stated that since he/she ducked, he/she did not see a muzzle flash.

According to Officer D, from his/her slightly crouched position he/she placed his/her rifle through the open window, resting the rifle's handguard on the bottom of the window opening for a more stable platform. Officer D aimed at the Subject's center body mass and fired what he/she believed were seven to ten consecutive rounds toward the Subject from an approximate distance of 175 feet.

Officer D stated he/she fired because he/she was in fear for his/her life and the lives of his/her partners. Officer D believed that if he/she did not return fire, the Subject would have shot at them again and possibly fatally strike Officer D or one of his/her partners. Officer D stopped firing once he/she saw the Subject go down. Officer D did not specifically recall taking the safety off his/her rifle before he/she began firing. When Officer D was asked about his/her background, he/she stated the alley was free from pedestrians and vehicles and that illumination was provided by the street lights and the police vehicle's spot lights.

Regarding his/her assessment during the OIS, initially Officer D stated he/she did not assess between the rounds he/she fired. Officer D stated he/she had just attended

police rifle re-certification a couple of weeks prior to the OIS and was trained to shoot until the Subject goes down without assessing.

Officer D was later re-interviewed regarding his/her statement about his/her training to shoot until the Subject goes down and his/her assessments during the OIS. Officer D stated that he/she had used the wrong verbiage. Officer D stated the Subject was the threat and once the threat was neutralized, Officer D stopped shooting, consistent with the way he/she was trained. Officer D added that he/she was trained to continue shooting until the threat was neutralized, while assessing each round.

Officer D stated he/she was confused during the first interview regarding assessing after each round fired. Officer D indicated he/she did not conduct a traditional assessment like during a pistol qualification where one would look left, right, and behind. Officer D stated he/she did not do that because he/she did not have time during the OIS and that was where he/she was confused. Officer D indicated knowledge about being responsible for each round fired, and he/she continually assessed during the OIS until the threat was no longer in existence.

Officer D's BWV did not depict the Subject's actions; however, it did capture audio of the Subject firing at officers and of Officer D firing his/her rifle. The round fired by the Subject and Officer D firing back can also be heard on other officers' BWV.

The Force Investigation Division (FID) investigation concluded that Officer D fired nine rounds from his/her police rifle. Officer D's police rifle was equipped with standard iron sights.

Officer A was on the sidewalk, behind the garage and close to the alley, as he/she was on the phone with the Subject. According to Officer A, the Subject told him/her that he had put down the gun on his left side. Officer A conducted a quick peek around the garage wall, looked over and told the Subject he/she could not see the gun from that distance. According to Officer A, the Subject told him/her, "You want to see something? I'll show you something." Officer A observed the Subject, using his right hand, point a handgun directly down the alley in the officers' direction. Officer A backed away behind the garage and yelled, "Hey, hey he pointed it." Officer A heard a gunshot coming from the alley and immediately attempted to put down the cell phone and unholstered his/her firearm. Officer A turned his/her attention toward Officer D, who was still behind the passenger door of the police vehicle and observed Officer D fire eight to ten rounds from his/her police rifle. Officer A unholstered his/her pistol after the first gunshot and explained he/she unholstered because he/she knew the Subject was armed.

Officer C was positioned with his/her pistol drawn behind the driver's door of the police vehicle in the mouth of the alley. Just prior to the OIS, he/she observed the Subject holding the handgun in his left hand and pointing it in the officers' direction. Officer C ducked and redeployed to the rear of the police vehicle for better cover. As Officer C was at the rear of the police vehicle, he/she heard a volley of gunshots. Officer C did not know who had fired the gunshots.

Officer B was behind the garage wall as Officer A was talking to the Subject on the cell phone. Officer B was unsure if Officers D and F could hear what Officer A was telling them about the Subject's gun being on his left side. Officer B walked behind the police vehicle toward the passenger side to relay the information. Officer B then heard someone say that the gun was now between his (the Subject's) legs. Officer B began to walk back toward his/her original location. As Officer B was near the right rear fender of the police vehicle, he/she heard one or two gunshots followed by approximately six gunshots. Officer B believed the first gunshot was fired from the alley where the Subject was seated. Officer B did not see who fired the six additional gunshots. Officer B assumed it was Officer D since he/she was armed with the police rifle and the rounds fired were in rapid succession, similar to a police rifle and not a pistol. Officer B also stated that he/she believed the sound of the additional gunshots was near the police vehicle.

Officer F saw a handgun on the Subject's lap and then saw him pick it up and move it to his left side, placing it on the ground. Officer F stated that the Subject remained seated as he picked up the handgun with his left hand and raised it, with the muzzle pointing toward the officers. Officer F stated he/she ducked to avoid being struck in the head since he/she did not have a helmet on. Officer F heard an exchange of gunfire as Officer D fired back at the Subject. Officer F did not know how many rounds Officer D had fired.

Officer F believed that the Subject had fired two rounds at the officers. Officer F had heard a second gunshot that sounded different than Officer D's gunshots.

Officer E saw the Subject holding a black object resembling a handgun. The Subject would pick up the object and move it from his lap to his left side. Officer E was then instructed by Officer C to "helmet up" and he/she walked to the trunk of his/her police vehicle to retrieve his/her helmet. As Officer E was putting on his/her helmet, he/she heard multiple gunshots. Officer E did not know who fired or how many rounds were fired; however, he/she believed there were two different firearms being fired. Officer E indicated that the first two gunshots sounded like they were from a pistol and the rest sounded like they were from a rifle. Officer E ducked behind the rear of the police vehicle for cover.

Officer E stated he/she unholstered his/her firearm two times during this incident. The first was when he/she observed the Subject in the alley. Officer E holstered his/her firearm to position his/her vehicle in the mouth of the alley. Officer E then drew his/her firearm a second time when he/she positioned him/herself behind the driver's door. Officer E stated he/she held his/her firearm at a two-handed, low-ready position with his/her trigger finger along the frame. Officer E stated he/she drew his/her pistol both times because the Subject was armed, was a threat, and needed to protect him/herself and his/her partner from reasonable bodily injury or death. Officer E holstered his/her firearm when he/she walked to the rear of his/her vehicle to put on his/her helmet.

Sergeant B was standing on the sidewalk, close to the alley and Officer A, looking into the alley prior to the OIS. Sergeant B was concerned that none of the officers were wearing helmets and had advised Officer C to have the officers behind the police vehicle put on their helmets. Sergeant B saw the Subject sitting on the side of the alley and could hear Officer A on the phone with the Subject.

Sergeant B suddenly saw something shiny in the Subject's hands being aimed in their direction. According to Sergeant B, it appeared that the Subject, while in the seated position, turned his/her torso to face the officers. Sergeant B indicated he/she could hear them saying, "just drop it, put it down." Sergeant B moved behind the garage for cover and heard gunshots being fired; however, he/she could not tell if the gunshots fired were from the Subject or his/her officers because they were simultaneous.

Officer G was standing on the sidewalk, close to Officer A. Prior to the OIS, Officer G had looked around the corner of the garage and saw that the Subject was sitting in the alley. Officer G backed away from the alley and believed he/she was about 10 to 15 feet away from the alley when the first round was fired. Immediately after the first gunshot, Officer G heard seven to eight additional gunshots. Officer G indicated that he/she did not know who fired the rounds.

Officer H was standing on the sidewalk, close to Officer G at the time of the OIS. Officer H stated he/she did not have a view of the Subject. Officer H saw Officer C replace Officer E, who was behind the driver's door of the police vehicle and saw Officer D with a police rifle on the passenger side of the same police vehicle. Officer H stated that Officer A was also on the phone with the Subject as well, stating, "I'll show you," or something similar. Officer H heard Officer C say something like, "Hey, don't do it," or "Don't point it" as Officer C began to duck down.

Officer H heard a gunshot and saw Officer D fire between four and seven rounds from his/her police rifle. Officer H drew his/her firearm after hearing the first gunshot because he/she now knew the Subject was armed and held his/her firearm at a two-handed, low-ready position with his/her trigger finger along the frame.

Witness A was standing on the sidewalk, near her daughter (Witness B), close to the alley. Witness A saw Officer A on the phone talking to the Subject stating, "I don't see it. I'm a hundred feet away." Witness A then heard four gunshots being fired. Witness A indicated the gunshots appeared to be from the same gun and were fired in rapid succession. Witness A did not see who fired the rounds and did not hear any gunshots coming from the alley where the Subject was. Witness A indicated she heard screaming after the shooting and she managed to cross the to the other side of the street. Witness A looked down the alley and saw the Subject lying on the ground.

Witness B was standing on the sidewalk, close to the alley, near Witness A. Witness B observed Officer A talking on the phone with the Subject stating, "Oh yeah. I want to help you, but I can't help you if I don't know where the gun is." According to Witness B, Officer A continued talking to the Subject stating, "Oh, the guns to the left of you."

Witness B saw Officer A peek around the garage and heard him/her say, "Oh, I can't see it from here. I'm about 100 meters away from you."

After Witness B heard four consecutive gunshots that sounded the same. Witness B did not see who fired because she was looking in another direction. Witness B added that she did not hear any gunshots coming from the alley where the Subject was.

Once the gunshots stopped, Officer C stood up, moved to his/her left and looked toward the Subject's location. Officer C observed the Subject moving to his right, as if he (the Subject) was rolling over. Officer C was aware that there were apartment buildings and residential homes close to the alley.

Officer C became concerned that people would be waking up or possibly walking around. Officer C wanted to close the distance between the officers and the Subject and have eyes on him in case he ran.

According to Officer C's BWV, he/she stated, "Let's go" and began running along the side of the alley with his/her pistol drawn toward the Subject. Other BWV showed that Officer B followed behind Officer C, then Officers A, E, and H respectively. From the passenger side of the police vehicle, Officer D observed Officer B moving in the alley, and he/she did not want to be behind other officers since he/she was armed with a police rifle. Officer D did not know whose idea it was to move up. Officer D also began running with his/her rifle along the side of the alley toward the Subject followed by Officer F.

Simultaneously, after the gunshots stopped, Sergeant B broadcast "Officer needs help, shots fired." Sergeant B also requested a Rescue Ambulance (RA) to respond and stand by. Sergeant B indicated that after broadcasting the help call he/she was getting ready to formulate a plan to approach the Subject, but the officers started running in the alley. Sergeant B can be heard on his/her BWV yelling at the officers to "helmet up" and to "come back and get cover." Officer E was the only officer that returned to the police vehicle, donned his/her helmet, then ran in the alley toward the Subject. Once Sergeant B saw that the officers were running into the alley, he/she followed them and instructed the officers to secure the weapon and to handcuff the Subject.

Officer B initially removed his/her radio from its holster to broadcast a help call, then as he/she ran in the alley, he/she observed other officers with their pistols drawn. Officer B attempted to holster his/her radio with his/her left hand, in order for Officer B to draw his/her pistol with his/her right hand. Officer B was unable to holster his/her radio, and it fell on the ground as he/she drew his/her pistol with his/her right hand. Officer B held his/her pistol in a two-handed, low-ready position as he/she ran in the alley.

Officer H observed Officer B's radio fall to the ground and became concerned about someone having access to it. Without stopping, Officer H held his/her pistol in his/her right hand, leaned down, grabbed the radio with his/her left hand and continued running.

Officer H dropped the radio as he/she later approached the Subject because he/she did not want to have it in his/her hand in case something happened.

Once the officers started moving in the alley, Officer D began giving commands to get cover and stay to the right. Officer D stated that as they were running into the alley, he/she heard Sergeant B telling the officers to get their helmets and to get cover. Officer D indicated that by the time he/she heard Sergeant B telling them to get their helmets, the officers were already committed into the alley.

After the OIS and prior to the officers going into the alley, Officer A's intentions were to use the police vehicle as cover and move up. Officer A wanted to put an officer with a police rifle on the front passenger door and have a driver inside of the police vehicle. Officer A stated he/she had done that before. However, Officer A did not have time to implement his/her intentions because the officers moved into the alley so quickly.

According to Officer G, after the shooting, he/she ran back to his police vehicle, retrieved his/her police rifle from the center front rack and chambered a round. Officer G indicated that he/she deployed the police rifle. Because of the shooting that had just occurred, he/she believed the police rifle was the best weapon for the incident given the distance to the Subject. There was no broadcast that the incident had been resolved (Code Four), and Officer G wanted to be prepared if the shooting continued.

As the officers continued running in the alley, Officers A, B, C, and H moved to the side of the alley and joined Officers D and F near the garage door, where they momentarily stopped their movement. Officers B and C momentarily stepped in front of Officer D as they crossed to the side of the alley. Officer D lowered his/her rifle to prevent him/her from covering the officers in front of him/her.

From his/her position, Officer A observed the Subject rolling around in the alley and yelling. Officer D observed a handgun next to the cinder block wall about three to four feet away from the Subject, and he/she did not want the Subject to grab the gun which could result in another OIS. Officer D relayed his/her observations to the other officers and the officers continued toward the Subject. As the officers approached the Subject with their weapons drawn, Officer D instructed an officer to kick the gun away from him/her. Officer B ran toward the handgun and kicked it back so that it could be secured by an officer behind him/her. Officer A, who was behind Officer B, proceeded to secure the Subject's handgun by placing his/her foot on top of it. Officer A then yelled out, "I got it, I got it."

According to Officer H, he/she had observed the Subject on the ground and observed Officer A holding the Subject at gun point while standing on the Subject's handgun. Officer H believed the Subject was close enough to reach the handgun and he/she (Officer H) was not comfortable since the Subject had not been handcuffed. Officer H decided to recover the handgun from the ground. Officer H holstered his firearm, picked up the gun from under Officer A's foot, and moved it back a foot or two. Simultaneously, Officer A told him/her not to move it since it was an FID investigation,

referring to the handgun being part of the OIS investigation. Officer H stated he/she placed the gun back on the ground facing the wall, so it was not pointing at any officers or the Subject.

Officers B and C holstered their pistols in order to take the Subject into custody while Officers A, D, and F provided cover. The Subject was laying on the ground on his stomach and was moving his arms as if he was attempting to push up when the officers approached him. At this point, Officer G armed with his/her police rifle and Sergeant B joined the rest of the officers, followed by Officer E. Sergeant B directed the officers to take the Subject into custody. Officer C grabbed the Subject's right hand to handcuff it as Officer B handcuffed the Subject's left hand. The officers utilized two pairs of handcuffs on the Subject because of his large stature and were able to cuff him without any resistance. As Officers B and C were taking the Subject into custody, Sergeant B broadcast another request for an RA. Once the Subject was handcuffed, Officers A and F holstered their pistols, and Officer D slung his/her rifle.

Officer A's BWV depicted that when Officer C reached and grabbed the Subject's right arm to handcuff him, Officer A momentarily covered Officer C with the muzzle of his/her pistol. In addition, Officer F was advised that his/her BWV depicted him/her holding his pistol with officers in front of him. Officer F stated, "I know it looks like that from that angle, but it wasn't like that. It was facing downward." Officer F added that if an officer had moved in his/her path, he/she would have moved his/her pistol so that Officer F would not cover that officer.

Officer C visually inspected the Subject and saw that there were no bulges or other firearms on him. Officer C also noted the Subject had sustained gunshot wounds to his left hip, left side and stomach area. Officer C rolled the Subject onto his left side, into a modified recovery position and advised him that fire department personnel were en route to help him. Officer C remained with the Subject until the Los Angeles Fire Department (LAFD) arrived.

Sergeant B broadcast that the incident had been resolved. At that time, Sergeant B was advised that an Air Unit was responding with a four-minute estimated time of arrival. Sergeant B advised CD that an Air Unit was no longer needed and to just send the RA.

After the Subject was in custody, Sergeant B began directing officers to secure the scene, to maintain contact with the Subject's family, and identified Officer D as the involved officer. Sergeant B asked Officer D his/her direction of fire and the approximate number of rounds discharged to determine the extent of the crime scene. Officer D stated he/she had fired seven to eight rounds.

Sergeant B asked Officer D questions which he/she indicated were part of the Public Safety Statement (PSS), in the presence and within earshot of Officers A, B, and C.

Officer G returned to his/her police vehicle to download his/her police rifle and then returned to the alley and began securing the crime scene.

Uniformed Sergeant C responded to the help call and upon arrival learned that the incident was an OIS and that Officer D was the officer involved. Once the scene was stabilized, he/she moved Officer D away from the crime scene to obtain a Public Safety Statement (PSS) and to secure Officer D's police rifle and BWV camera. Sergeant D placed Officer D's police rifle and BWV camera in the back of his police vehicle and monitored Officer D until he/she was relieved by uniformed Sergeant D.

LAFD paramedics arrived at the shooting scene and began medical treatment on the Subject, who was transported to a nearby hospital for treatment. The Subject did not make any statement while enroute to the hospital.

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

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers D'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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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), 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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

- During its review of the incident, the BOPC noted the following tactical considerations:

1. **Utilization of Cover/Approaching an Armed Suspect** (Substantial Deviation - Officers A, B, C, D, F, and H)

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing the officer's exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options.

In this case, immediately following the OIS, Officers A, B, C, D, F, and H left their positions of cover and without formulating a tactical plan, ran toward an armed Subject who had just fired at them. The officers' failure to re-assess and maintain a position of cover, contrary to the direction of Sergeant B, placed them at a tactical disadvantage and unnecessarily endangered their safety.

Based upon the totality of the circumstances, the BOPC determined that Officers A, B, C, D, F, and H's decision to approach an armed Subject without the benefit of cover was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 1. **Situational Awareness** – The investigation revealed that Officers A, B, C, and D initially responded to a residential address different from the one provided in the radio call. The officers were reminded of the importance of maintaining constant awareness of their location, as well as the location of the radio calls.
 2. **Involving a Citizen during a Crisis Negotiation**– The investigation revealed that after the Subject requested to speak to Witness A, Officer A contacted Witness A from her apartment to the sidewalk adjacent to the active tactical incident. Witness A was then allowed to contact the Subject via telephone.

Officer A was reminded that involving a civilian in a tactical situation should be avoided. The use of unvetted third-party negotiators (individuals other than law enforcement personnel, typically family members) is discouraged due to the inability to ensure that they will contribute to a peaceful outcome. While Officer A did an excellent job creating a rapport with the Subject, the BOPC would have preferred he did not involve an untrained citizen in the process.

3. **Ballistic Helmets** – The investigation revealed that the officers did not don their ballistic helmets during the initial stages of the tactical incident. All involved personnel were reminded of the importance of donning their ballistic helmets as soon as feasible while involved in a tactical situation with an armed suspect.
4. **Fire Control/Fire Discipline** – The investigation revealed that Officer D fired a total of nine rounds during this incident. Officer D fired his/her patrol rifle in immediate defense of his/her life and the other officers present. Officer D was reminded of the importance of target acquisition, fire control and fire discipline. Officers are responsible for every round fired and the importance of a thorough assessment throughout the lethal use of force is paramount in a rapidly unfolding incident.
5. **Maintaining Control of Equipment** – The investigation revealed that while running down the alley, Officer B dropped his/her handheld radio and did not stop to retrieve the radio. Officer B was reminded, whenever tactically feasible, of the importance of maintaining control of his equipment.
6. **Non-Conflicting Simultaneous Commands** – The investigation revealed that Officers A, B, and C gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.
7. **Preservation of Evidence** – The investigation revealed that Officer D directed Officer B to kick the handgun away from the Subject to prevent him from re-arming himself. Officers B and D were reminded that kicking a firearm may increase the risk of an unintentional discharge. Additionally, Officer H picked up the Subject's handgun from the ground, but placed it back down when directed to do so by Officer A. Officer H was reminded, whenever tactically feasible, it is preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene. Additionally, Officer H was reminded that once evidence is moved, it should not be placed back into its former position.
8. **Initiating Physical Contact with Patrol Rifle Slung** – The investigation revealed that Officer D assisted officers with rolling Subject onto his side while his/her patrol rifle was still slung. Officer D was reminded that when sufficient resources are available, initiating physical contact with a Subject while having a

slung patrol rifle could create unnecessary risk of disarmament and inhibit an officer's ability to fully engage with the Subject.

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.

The BOPC found Sergeant B and Officers E and G's tactics to warrant a Tactical Debrief. The BOPC found Officers A, B, C, D, F, and H's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

- According to Officer A, he/she drew his/her service pistol prior to conducting a search for a possibly armed suspect. Once the Subject was located in the alley, Officer A holstered his/her service pistol before the search of the residence was initiated. According to Officer A, while on the phone with the Subject, he/she observed the Subject point the handgun in his/her direction. Officer A stepped back behind cover and heard a gunshot fired from the Subject's direction, so he/she drew his/her service pistol a second time.

According to Officer B, he/she drew his/her service pistol to a low-ready position as the arrest team approached the Subject. Officer B explained that he/she drew his/her weapon because the Subject's gun was close enough for the Subject to grab it.

According to Officer C, he/she drew his/her service pistol because the incident involved a suicidal man armed with a handgun. Officer C believed the situation could escalate to one involving the use of deadly force. Officer C replaced Officer E as the cover officer on the driver's side of the police vehicle as Officer E donned his/her ballistic helmet.

According to Officer D, he/she believed the situation could escalate to the point where the use of lethal force may be used or justified. Officer D drew his/her service pistol when he/she located the Subject in the alley. Officer D estimated that the distance between him/herself and the Subject was approximately 150 feet, so he/she holstered his/her service pistol and transitioned to his/her patrol rifle.

According to Officer E, he/she observed the armed Subject in the alley and took a position of cover behind the driver's side door of his/her police vehicle. Officer E drew his/her service pistol to protect him/herself and his/her partner from bodily injury or death.

During the FID interview, Officer E was asked when he/she drew his/her service pistol. Officer E recalled he/she did so when he/she first saw the Subject in the alley because the Subject was armed and posed a threat. Officer E also stated that he/she did so to protect him/herself and his/her partner from bodily injury or death. Officer E stated that he/she reholstered when he/she redeployed to the trunk to get his/her helmet.

A review of BWV revealed that while at the rear of his/her police vehicle, Officer E drew his/her service pistol a second time immediately following the OIS. Officer E then holstered his/her service pistol and donned his/her ballistic helmet. Officer E did not recall this second drawing of his/her service pistol.

According to Officer F, he/she slung the beanbag shotgun and transitioned to his/her service pistol when he/she was made aware that the Subject was armed with a firearm.

According to Officer G, he/she was standing behind cover when he/she heard the gunshots and observed officers run down the alley. Officer G believed his/her patrol rifle would be a better option than his/her service pistol due to the distance between the officers and the Subject. Officer G retrieved his/her patrol rifle from his/her police vehicle and met up with the officers in the alley.

According to Officer H, he/she heard a gunshot and observed a muzzle flash. Officer H drew his/her service pistol and moved forward with the arrest team.

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

Therefore, the BOPC found Officers A, B, C, D, E, F, G, and H's drawing and exhibiting of a firearm to be in policy.

D. Lethal Use of Force

- **Officer A** – (rifle, nine rounds)

According to Officer D, he/she observed the Subject get up, point the handgun in the officers' direction, and heard a round fired from the Subject's handgun. Officer D ducked behind the ballistic door of the police vehicle, stood back up, reacquired his/her sights and fired what he/she believed was seven to ten rounds from his/her patrol rifle at the Subject to stop the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D would reasonably believe the Subject's

actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

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