

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

OFFICER-INVOLVED SHOOTING – 048-15

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

Outside City 6/19/15

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

Officer A	1 year, 8 months
Officer B	2 years, 6 months
Officer C	3 years, 7 months
Officer H	6 years, 9 months
Officer I	3 years, 6 months
Officer J	10 years, 6 months
Officer T	1 year, 10 months

Reason for Police Contact

Officers attempted to stop the Subject for felony domestic violence and a pursuit ensued. The Subject stopped his vehicle, pointed a weapon at numerous officers, resulting in an Officer Involved Shooting (OIS).

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

Subject: Male, 34 years of age.

Board of Police Commissioners' Review

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

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

The following incident was adjudicated by the BOPC on May 10, 2016.

Incident Summary

On the date of this incident, Southeast Patrol Division uniformed Officers A and B responded to a domestic violence radio broadcast at an apartment complex. After arriving at scene, the officers interviewed Victim A, who described being choked by her husband, later identified as the Subject, who was possibly under the influence of methamphetamine. Officers A and B observed scratches and what appeared to be finger imprints on Victim A's neck.

While the officers were conducting their investigation, the officers observed the Subject walk through the courtyard on the ground floor and exited the front doors of the apartment complex. The officers ran after the Subject and followed him out onto the street, where they observed him enter Victim A's vehicle and drive off.

As the Subject drove off, Officer A and B noticed the left rear tire of the vehicle was flat and lost sight of the vehicle. Officers A and B returned to their vehicle and conducted an area search, locating the unoccupied vehicle parked on a nearby street. As the officers were searching the area on foot, they observed the Subject hiding between cars at the curb. The Subject was able to reenter the vehicle and drove off before the officers could detain him.

The officers began to follow the Subject and attempted to initiate a traffic stop, but he refused to stop. Officer B broadcast that they were in pursuit of a felony domestic violence Subject. Communications Division (CD) subsequently acknowledged the pursuit and requested an airship and supervisor for the officers.

Note: The pursuit lasted approximately two hours prior to terminating outside the city. It covered approximately 47 miles.

Uniformed Officers C and D broadcast that they were joining the pursuit as the secondary unit. Uniformed Sergeant A broadcast that he was responding from the police station, and when he caught up with the pursuit, he declared himself the Incident Commander (IC).

Air Support Division (ASD) personnel broadcast they were over the pursuit and were prepared to track the vehicle, if necessary. Sergeant A requested that the Air Unit track the pursuit and limit the number of units in the pursuit to the primary and secondary units only. As the pursuit continued, Officer B broadcast that the vehicle had lost its left rear tire.

Uniformed Police Officers F and G were nearby and could see the pursuit coming in their direction. Officer F broadcast that they had a Tire Deflation Device (TDD), and Sergeant A authorized them to deploy the device. Officer G placed the device in the westbound lanes of traffic and estimated the Subject's speed at the time of the deployment was approximately 45 miles per hour. The Subject drove around the TDD, and Officer Burton observed that the driver was a male and he did not see anyone else in the vehicle.

CD broadcast to all units that the California Highway Patrol (CHP) had the Subject "calling in" and was stating that he had a gun on his lap.

Note: California Highway Patrol (CHP) dispatchers spoke to the Subject on his cell phone at various times during the pursuit after he called 911 and relayed the information to CD.

Because the Subject was now believed to be armed with a firearm, Sergeant A broadcast a request for discontinuation of the Air Unit's tracking of the vehicle and directed Officer A and B to reengage the pursuit. Sergeant A also requested a third unit to join the pursuit. Uniformed Officers H and I joined the pursuit as the third unit. CD broadcast that per CHP, the Subject was possibly suicidal. Officer B broadcast that the Subject had a silver metal object in his hand. CD broadcast that the Subject just hung up with the CHP and wanted everyone to know that he loves them. CHP believed that the Subject was accelerating his suicidal behavior.

As the pursuit continued, Officer B broadcast that he observed the Subject with a gun in his hand. The Subject also appeared to be holding the weapon to his head, and alternately holding it out the window.

Note: The Subject was observed holding the handgun up or placing the barrel of it in his mouth numerous times during the pursuit by officers and media cameramen.

Sergeant A requested units that were either "Code Sam" or "Code Robert"-equipped.

Note: "Code Sam" refers to a beanbag shotgun. "Code Robert" denotes a police rifle or slug shotgun.

Uniformed Officers J and K broadcast they were Code Robert-equipped. Sergeant A authorized them to join the pursuit as the fourth vehicle and to take a position ahead of him in the line.

Note: Officer J was slug shotgun-qualified and had his personally-owned Department-authorized shotgun in the vehicle's trunk.

Sergeant A called the station requesting that officers respond to the Subject's house and contact his wife (Victim A) or anybody who might be able to call the Subject on his cellular phone and talk to him.

Note: Uniformed Sergeant B responded to the Subject's residence, along with Officers L and M.

As the pursuit continued, Air Support Division personnel broadcast an update that the Subject's vehicle was throwing sparks from his left rear wheel. Sergeant A broadcast that he wanted officers to deploy the beanbag shotgun immediately after the Subject came to a stop.

Given that the initial Air Unit was running low on fuel, its personnel broadcast that a different Air Unit would assume responsibility for covering the pursuit. Officer A broadcast that the Subject had thrown an object from the vehicle. Sergeant A broadcast requesting a trailing unit stop and search for the object and advise what was found.

Note: An unidentified officer broadcast that no article was found.

The Subject stopped the vehicle outside his residence. Officers stopped and exited their vehicles, taking cover positions behind their open ballistic doors. The Subject remained in the vehicle for approximately 20 seconds, and then drove away. The Subject continued driving through several full phase red lights.

The Air Unit broadcast that a media cameraman was paralleling the pursuit after initially mistaking the vehicle for a plainclothes police unit. Sergeant A broadcast that the media were paralleling and following the pursuit and directed units to block the rear of the pursuit to keep the media from interfering.

The Subject came to a complete stop on the top of an overpass. Officers positioned their vehicles across all four lanes of traffic, exited their vehicles and took up positions behind their open ballistic doors. Sergeant A stopped his vehicle behind the line of patrol vehicles, exited his vehicle and walked up to the lead car, and directed officers to turn off their sirens and allow the primary unit to use the public address (PA) system to give the Subject commands. Approximately 15 seconds later, the Subject drove away, continuing the pursuit.

Sergeant A broadcast the pursuit was far enough out of the City of Los Angeles that he was requesting the additional units behind the pursuit to continue to respond with emergency lights and siren and maintain close proximity to the pursuit should they be needed as additional resources once the pursuit terminated. As a result, Sergeant C, along with Officers P, Q, R, S, T, U, V, W, and X continued to respond to the pursuit as well as Lieutenants B and C.

Officer B broadcast that the Subject threw a gray plastic bag from the vehicle into the roadway.

Note: Officers R and S stopped and recovered the plastic bag, which contained toiletries.

Officer B broadcast on his handheld radio that his vehicle's radio was not working. Sergeant A confirmed he received the information and directed the secondary unit, Officers C and D to take over broadcasting the pursuit and to use their PA system to communicate with the Subject when he eventually stopped. Officer D broadcast that the Subject was shining a flashlight at them out of the driver's window.

The Subject now stopped his vehicle in a residential area. Officers L and M were with Victim A, who told them that the Subject had family in the area where he stopped. Officer M then broadcast that information to the units in the pursuit, alerting them to the Subject's possible destination. Officers stopped their vehicles, formed a line across the street, exited their vehicles, and took up positions behind the ballistic panels of their front doors. Sergeant A also exited his vehicle and took up a position next to Officer A and B's vehicle.

Note: The Subject's sister lived in a home near where the Subject stopped.

Sergeant A designated Officer C to deploy a beanbag shotgun, Officer W to deploy a rifle, Officer J to deploy his slug shotgun, Officer H to deploy his shotgun, Officer A and B to unholster their pistols, and Officer D to operate the PA system. Sergeant A directed the other officers to take cover positions and Officer D to start giving the Subject commands using the PA system. Officer D began giving the Subject numerous commands to drop his weapon and come out of the vehicle. The Subject was heard shouting back at officers, but his words were unintelligible. The Subject remained at that location, sitting in his vehicle, for approximately three minutes, until the officers reentered their respective vehicles and resumed the pursuit.

Sergeant A broadcast that if the pursuit stopped again, he wanted one of the trailing units to attempt to put down a TDD ahead of their route of travel. Air Support Division personnel broadcast that if the Subject turned again, he wanted one of the trailing units to break off and drive on a parallel street and set up a TDD at a designated intersection. As a result, Sergeant A broadcast a request to Sergeant C to assign officers to deploy the TDD.

Note: Lieutenant B advised CD he had caught up with the pursuit and subsequently declared himself the IC after exiting his vehicle after the Subject stopped a second time.

The Subject came to a stop outside a residence. The Subject stayed in the vehicle for approximately 45 seconds and then slowly drove forward approximately 30 feet,

stopping. The vehicle stayed there for approximately 20 more seconds before slowly driving forward a short distance and stopping again.

After the Subject stopped the vehicle, the officers again exited their vehicles and deployed in the same manner as they had previously. Officer D began giving the Subject commands to surrender over his vehicle's PA system. Sergeant A alerted officers that Officer C would be deploying a beanbag shotgun.

Note: Sergeant A had discussed with Officer C whether the Subject was out of range of the beanbag shotgun, but the Subject got out of the vehicle prior to the officers redeploying forward.

Officer B had unholstered his pistol to the low-ready position and was providing lethal cover. After approximately 40 seconds, the Subject exited the vehicle holding a handgun, and then he placed it in his waistband as he walked toward the rear of the vehicle. As he reached the rear of the vehicle, Officer C fired the beanbag shotgun at the Subject's beltline and observed the Subject wince as it struck his upper right thigh. He then fired three additional beanbag rounds which did not appear to strike the Subject or were not effective.

Note: The Subject can be heard on the Digital In-Car Video System (DICVS) video footage yelling, "Use a real gun."

The Subject walked back toward the driver's door, reached in, and then turned and pointed a dark object at the officers. The object flashed a bright light and Officer B, believing the Subject had armed himself and was firing at them, fired two rounds from his pistol in rapid succession at the Subject.

Note: The investigation determined the dark object held by the Subject was a flashlight which he operated in strobe mode. Sergeant A recognized the object as a flashlight and immediately alerted the other officers after Officer B had fired that the Subject was not firing at them. He was aware that Officer B had fired his pistol.

The available evidence could not conclusively determine whether or not the Subject was struck by the gunfire.

When they were back in their vehicle and reengaged in the pursuit, Officer B told his partner he had fired at the Subject, believing that he was shooting at them, before realizing the object was a flashlight.

Immediately after the OIS, Officer C fired one additional beanbag shotgun round at the Subject, which did not appear to strike him or was not effective. Knowing he was almost out of beanbag rounds, Officer C called out for additional rounds and Officer K handed him another fully-loaded beanbag shotgun.

After continuing to shine the flashlight at officers for approximately 20 seconds, the Subject subsequently reentered the vehicle and drove away. Once again, the officers reentered their respective police vehicles and continued the pursuit. After the pursuit was reengaged, Lieutenant B told Lieutenant C that there had been an OIS and asked if they should preserve the scene. He stated that Lieutenant C thought that only beanbag rounds had been fired.

Note: Lieutenant C stated that he was aware there was an OIS and he confirmed that fact to Lieutenant B when asked. At the time of the OIS, Lieutenants B and C were behind the front line walking amongst the officers, so their positions were not captured on DICVS.

Officers U and V had heard Sergeant A's request for a TDD, and since they were trailing the pursuit in the rear, they drove around the pursuit, where they deployed a TDD. The Subject subsequently drove over the device, further disabling the vehicle.

Note: The TDD got caught on the Subject's already flattened left rear tire and was pulled out into the street, where Officer W drove over it, resulting in flat tires to both the driver's side front and rear tires. Officers U and V also got a flat tire at the end of the pursuit.

Lieutenant B broadcast a request for Sergeant C and another unit to return to the scene of the first OIS and secure the scene. As a result, Sergeant C and Officers R, S, U and V responded to the scene to secure it.

Note: Officer V estimated the OIS scene was unattended for approximately five to 15 minutes prior to their arrival. Sergeant C indicated he arrived at the scene, but advised he was unable to find any evidence of an OIS. Officer V stated that residents told him during a canvass that unknown persons had picked up items from the scene after the OIS had occurred and prior to the officers' return to the location.

The Subject continued driving at slow speeds on the wheel rims of the vehicle in the area, with flames now visible underneath the engine compartment of the vehicle. The Subject made a U-turn, ended up facing officers and came to a stop. Once again, the officers exited their vehicles and deployed behind cover, facing the vehicle. Officer D began giving the Subject commands over the PA system. After approximately one minute, the Subject exited the vehicle with a handgun in his left hand and a large piece of cloth in his right hand held over his head and draped in front of his left arm, concealing the firearm.

Note: Various officers described the object that the Subject held over his head as a blanket or an unknown clothing item. The investigation determined it was a cloth slipcover for a reclining chair.

Various officers alerted the other officers of pedestrians and media personnel gathered south of the Subject on the sidewalk and in a parking lot. Officers yelled at them to move away from the Subject and they complied.

Officer C was positioned by the rear trunk of a police vehicle and fired three consecutive beanbag rounds, striking the cloth.

Note: Officer C stated he fired approximately four beanbag rounds at the Subject but a review of physical and video evidence determined he only fired three rounds.

The Subject lowered the cloth and raised his left arm, pointing the handgun at officers, and a second OIS occurred.

Note: Air Support Division personnel broadcast that the Subject was pointing a gun at officers.

The following is the individual account of each involved officer's actions immediately prior to and during the second OIS. It does not reflect the precise order in which each officer fired during the OIS. Based on their respective interviews and the DICVS evidence, there were two distinct volleys of gunshots that were preceded by the firing of three beanbag rounds. Video and audio evidence determined there was a pause of approximately 12 seconds between the first and second volleys of lethal uses of force.

Officer B exited his police car and unholstered his pistol, carrying it in a two-handed, low-ready position. Because the officers were exposed to the Subject's vehicle, Officer A suggested he and Officer A move behind a sedan parked at the curb in an attempt to flank the Subject. They told Sergeant A what they wanted to do and he agreed. Using the other police vehicles as cover, they moved to the sidewalk and up to the sedan, where Officer B took a position of cover at the rear of the vehicle, with Officer A to his right. Officer B observed pedestrians approaching on the other side of the vehicle directly south of his position. He initially thought they were other officers and alerted them to possible crossfire, but then realized it was media personnel filming the scene. Officer B then observed the Subject in the vehicle with a gun in his right hand. The Subject placed a blanket over the gun and exited the vehicle. When the Subject pointed the gun in the direction of officers at a police vehicle, the blanket dropped and Officer B had a full view of the firearm pointed at the other officers. Officer B, in an attempt to protect the lives of the other officers, fired two rounds at the Subject. The Subject moved a few steps and then fell down. Officer B observed that the Subject still had the gun and heard other officers yelling at him to drop it. Officer B also yelled at him, but when the Subject raised the gun and pointed it at the officers again, he fired an additional two rounds at the Subject. The Subject put the gun down and then eventually threw it forward in front of him. Sergeant A formed a tactical team to move forward and arrest the Subject. Officer B lowered his weapon to low-ready as officers moved forward and handcuffed the Subject, at which time he holstered his weapon.

Note: Officer B stated he believed the Subject was holding the gun in his right hand. A review of video evidence determined the Subject was holding the gun in his left hand and holding the slipcover up over his head with his right hand.

Officer B stated he believed his partner fired during both volleys of gunfire. According to Officer A, he did not fire his weapon during the second volley. His account was supported by video evidence. The investigation determined that Officer B fired a total of four rounds from his weapon in two volleys of fire at the second OIS scene.

Officer A exited his police car and unholstered his weapon, holding it in a two-handed, low-ready position. The headlights from the Subject's vehicle were facing him and he could see smoke coming out of the vehicle, but not the Subject himself. Sergeant A was giving orders to officers. Officer A was in front of the Subject, who was still in his vehicle, and came to the conclusion that he was not in the best tactical position. He moved to the trunk of his car and told Sergeant A he thought a better position for him was behind a black sedan parked at the curb 20 to 30 feet ahead, north of the Subject. Sergeant A approved and Officers A and B moved up to the vehicle, where he used the front of the car as cover, with Officer B to his left. Officer A saw the Subject exit the vehicle with a blanket in one hand and a black handgun in the other, and he broadcast that the Subject had a gun. The Subject did not seem to notice Officers A or B behind the vehicle. The Subject was using the blanket to cover the firearm so the officers he was facing could not see it, but Officer A was to the Subject's left and was able to see the firearm. Officer A observed the Subject bring the blanket and gun up and point it at the officers near the other police vehicles. In an attempt to protect those officers, Officer A pointed his weapon at the Subject and fired two times in rapid succession. He then observed the Subject fall to the ground while still holding the gun. Officer A alerted Officer B that the Subject still had the firearm next to him and under him. Officer A heard an officer on the PA and other officers ordering the Subject multiple times to drop the gun. He then heard additional gunshots.

Note: Officer A stated he did not fire his weapon during the second volley because he did not see the Subject point the gun at himself or other officers, and he believed the gun was underneath the Subject's body.

Officer A observed the Subject use one of his hands to reach underneath his body and slide the firearm across the pavement about two to three feet away from his head. He heard officers ordering the Subject to place his arms out to his side away from his body and after he complied, an arrest team moved up to the Subject and handcuffed him, at which time Officer A holstered his pistol. The investigation determined that Officer A fired a total of two rounds during the first volley of fire.

Officer T parked his police vehicle toward the rear of the other black and white vehicles and moved up behind the front right side of one of the vehicles. The Subject was yelling

obscenities and unintelligible words at the officers, and it appeared he was trying to drive his vehicle toward the officers, but it would not move anymore. Officer T unholstered his pistol and held it at a low-ready position. The Subject had a shirt or small blanket and was using it to conceal something he had in his other hand, and he moved approximately five yards to his left away from the vehicle. The Subject suddenly dropped the blanket, and Officer T observed he was holding a black handgun pointed in the direction of Officer T and the other officers. Officer T, in fear for his life and the lives of the other officers, fired approximately eight rounds at the Subject. He observed the Subject fall to the ground while still holding the handgun. Officer T then observed the Subject was still pointing the gun at him while lying on the ground, and in response, he fired approximately five more rounds at him. Officers continued to give commands to the Subject, who eventually pushed his handgun approximately three feet away from him. After Officer T's second volley of rounds, he conducted a tactical reload with a full magazine from his equipment belt. Officer T joined the arrest team, holstered his pistol and deployed a TASER, covering the Subject with less-lethal uses of force. When Officer T reached the Subject, he holstered the TASER, and he and another officer handcuffed the Subject.

Note: The other officer who assisted in handcuffing was identified as Officer C.

Officer T searched the Subject and then rolled him onto his right side. After rolling the Subject on his side, Officer T noticed blood on his hands from the Subject and he heard one of the supervisors request a Rescue Ambulance (RA). The investigation determined that Officer T fired a total of 13 rounds in two volleys of fire.

Officer I and his partner, Officer H, were the third vehicle in the pursuit, and they parked behind another vehicle. Officer I heard Sergeant A call for "long guns" up first, and since Officer H had a shotgun, he unholstered his pistol, holding it in a low-ready position and they moved up to the right another vehicle. The Subject stayed in his vehicle for a while before he exited, holding a blanket which he used to cover himself. Officer I then observed that the Subject was holding a handgun in his left hand as he moved to his left, away from the vehicle. The Subject suddenly raised the gun and pointed it at Officer I and the other officers, at which time, in fear for his life, he fired three rounds at the Subject. Officer I saw the Subject fall down, at which time he could see the Subject was still holding the gun, but it was not pointed at him. Moments later, Officer I heard an officer next to him yell that the Subject was still pointing the gun at him and he then heard more rounds fired. Officer I then conducted a tactical reload with a full magazine from his equipment belt. Sergeant A formed an arrest team, and Officer I provided cover while the Subject was handcuffed, after which Officer I holstered his pistol. The investigation determined that Officer I fired a total of three rounds during the first volley of fire.

Officer H exited his police vehicle and heard Sergeant A calling for a long gun, and he moved up with a shotgun and took cover behind the open passenger door of a vehicle. Several orders were given for the Subject to surrender. The Subject got out of the

vehicle with a blanket around his right arm extending down to his waist. The Subject suddenly raised his arm up with a black semiautomatic handgun and pointed it directly at Officer H and the other officers.

Note: Officer H could not recall whether the Subject dropped the blanket or just moved his arm up immediately prior to pointing the handgun at him.

In immediate defense of himself and the other officers, Officer H fired two rounds from the shotgun at the Subject. The Subject fell to the ground, but it appeared he was still in control of the firearm and was pointing it at the officers.

Note: Officer H indicated he screamed out that the Subject still had the gun in his hand and that he was pointing it at him.

Further, according to Officer H, after a second volley of gunfire, the Subject pushed the firearm away. Sergeant A formed an arrest team and designated Officer H, as point with the shotgun. Officers cleared the vehicle and the arrest team made their approach to the Subject, at which time he was handcuffed without incident. Officer H engaged the safety on the shotgun after the Subject was taken into custody, and he subsequently placed it in the trunk of a police vehicle.

Note: That vehicle was later determined to be Lieutenant B's vehicle. The investigation determined that Officer H fired a total of two rounds from his shotgun during the first volley of fire.

Officer J stopped his police vehicle, some distance behind another vehicle. Officer J was armed with a shotgun loaded with slug rounds which had been handed to him by his partner, Officer K. He exited his vehicle and took a barricaded position of cover behind his open driver's side door. Officer J heard a supervisor giving the Subject commands over the PA system to drop his weapon and come out of the vehicle.

Note: Officer D was the officer giving the Subject commands using the PA system.

After several seconds, the Subject came out of the vehicle with a towel or blanket held out in front of him. Officer J observed a handgun in the Subject's left hand, which was down by his side. The Subject then raised the gun up to shoulder height and punched it out in the direction of the officers standing in front of him and to the right of another vehicle. Officer J, in fear for the lives of those officers, fired one slug round at the Subject. Officer J moved his face away from the shotgun stock and looked toward the Subject's location to assess. The Subject was lying on the ground facing away from Officer J and initially was not moving. Officer J could see the Subject's left hand, which was clear, and he alerted the other officers about his observation. Officer J chambered another slug round, placed the safety on, and moved up to the driver's side door of another vehicle. Officer J could not see the Subject's right hand as it appeared to be underneath him. The Subject was given commands to place his hands out away from

his sides, and he eventually complied. Sergeant A formed an arrest team, which began to approach. Officer J announced they needed to clear the Subject's vehicle, and Officer W assisted him. Officer W used his baton to break out two of the tinted windows so the officers could have a clear view of the interior of the vehicle, which they determined was unoccupied. The Subject was subsequently taken into custody.

The investigation determined that Officer J fired a total of one round during the first volley of fire. Lieutenant B broadcast a request to CD for a Rescue Ambulance (RA) to respond to the location.

Air Support Division personnel broadcast an additional request for a RA and was advised that CD was on the telephone with the Los Angeles County Fire Department.

Los Angeles County Fire Department arrived at the scene, assessed, and treated the Subject. American Medical Response (AMR) contract ambulance arrived at scene. The Subject was placed on a gurney and into the back of the AMR ambulance and transported to a nearby hospital for further medical treatment. Paramedic A rode in the back of the ambulance and continued to monitor and treat the Subject while Paramedic B followed in their RA. Officer X accompanied Paramedic A in the back of the ambulance.

Lieutenant C identified and separated the six involved officers and obtained Public Safety Statements (PSS) from each. Additionally, he directed Officers J and H to secure their shotguns in the trunk of Lieutenant B's vehicle for safekeeping.

Note: Lieutenant C stated he was aware that an uninvolved supervisor should take the PSS, but he was concerned about a delay since they were so far outside the City of Los Angeles, and he determined that additional supervisors would take between 30 and 45 minutes to arrive on scene. He knew that the objective was to have the PSS's taken as quickly as possible for public safety, to determine if there were any errant rounds, outstanding Subjects, or any evidence that needed to be preserved.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found Lieutenant B, Sergeant A, Officer A, B, C, H, I, J and T's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, B, H, I, J and T's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officers A, B, H, I, J and T's lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

1. Updating Status

Officers A and B did not update their location when they conducted an area search for the Subject.

The purpose of officers' going Code Six and updating their location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this case, Officers A and B observed the Subject leave the location and indicated that their intention was to just circle the block a few times to search the area for the Subject.

Officer safety is of paramount concern and officers should always strive to maintain the tactical advantage during field duties. Officers A and B are reminded of the Department's requirement to constantly update their status whenever tactically feasible when conducting a field investigation.

Based on the totality of the circumstances, the BOPC determined Officers A and B's delay in updating their status was not a substantial deviation from approved

Department tactical training. This will be a topic of discussion during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Code Sam Request

According to Officer J, he stated he was “Code Sam equipped” with his police rifle. However, “Code Sam” is the Department radio code for the beanbag shotgun. Officers are reminded of the importance of using accurate radio terminology. Captain A discussed this issue with Officer J.

2. Situational Awareness

Officers W and X drove over a TDD. As a result, their vehicle was disabled and they were no longer able to continue in the pursuit. The officers are reminded of the importance of situational awareness during a tactical incident involving the deployment of a TDD. Captain A discussed this issue at roll calls.

3. Post OIS Protocol

Two shotguns used in the OIS were stored in the trunk of Lieutenant B’s police vehicle. Lieutenant B manipulated one of the shotguns to verify the condition of the weapon. Lieutenant B also walked through the crime scene without the approval of the FID investigators. Captain A addressed the issue with Lieutenant B through corrective action at the divisional level.

4. Public Safety Statement

Although Lieutenant C was a witness to the CUOF incident, he recognized that due to the distance outside the City of Los Angeles, there would be a significant delay in the arrival of uninvolved supervisors. However, the investigation revealed that he used an outdated PSS card that did not include the question in regards to how many rounds were fired. Captain A ensured that Lieutenant C received an updated PSS card.

- 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.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Lieutenant B, Sergeant A, Officer A, B, C, H, I, J and T warrant a Tactical Debrief.

B. Drawing/Exhibiting

- **First OIS Location**

Officer A heard the broadcast from CD that the Subject was armed with a gun. In addition, he observed the Subject holding a gun to his head and also holding the gun outside of his window. When the Subject stopped his vehicle in the roadway, Officer A exited his police vehicle and drew his service pistol.

During the pursuit, Officer B observed the Subject holding a gun to his head and holding the gun outside of his window. When the Subject stopped his vehicle in the roadway, Officer B exited his police vehicle and drew his service pistol.

Officer H heard the broadcast from CD that the Subject was armed with a gun. When the Subject stopped his vehicle on the roadway, Officer H exited his police vehicle and deployed his shotgun.

Officer J heard multiple broadcasts from CD that the Subject was wanted for domestic violence and was under the influence of methamphetamine. Also that the Subject was acting erratically and aggressively, and was armed with a handgun. Officer J recalled that he requested to join the pursuit based on a request for a Code Sam, meaning they wanted a slug shotgun deployed. Officer J recalled opening the door of his vehicle and retrieving the shotgun.

- **Second OIS Location**

Officers A, B, H, I, J and T drew or exhibited their respective weapons because they were all present at the second location and observed that the Subject was armed with a handgun.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A, B, H, I, J and T, while faced with similar set of circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found the officers' actions of drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **First OIS Location**

- **Officer C – (beanbag shotgun, five sock rounds)**

Officer C was directed by Sergeant A to deploy the beanbag shotgun at the Subject if he exited his vehicle. The Subject exited the vehicle holding a handgun in his right hand. The Subject proceeded to place the handgun in his front waistband as he

walked to the rear of the vehicle. When the Subject reached the rear of the vehicle, Officer C fired one sock round from his beanbag shotgun at the Subject. Officer C assessed and fired three additional sock rounds at the Subject from his beanbag shotgun in an effort to keep the Subject from re-entering his vehicle. Officer C assessed and fired one additional sock round from his beanbag shotgun at the Subject in a continued effort to keep him from re-entering his vehicle.

- **Second OIS Location**
- **Officer C** – (beanbag shotgun, three sock rounds)

The Subject exited his vehicle with a blanket over his head and his hands down near his waistband. Officer C fired three sock rounds at the Subject from his beanbag shotgun to stop the Subject.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience, while faced with similar circumstances, would reasonably believe that the Subject created a situation wherein it was unsafe for officers to approach. Therefore, the decision by Officer C to deploy the beanbag shotgun was objectively reasonable.

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

D. Lethal Use of Force

- **First OIS Location**
- **Officer B** – (pistol, two rounds)

According to Officer B, the Subject turned his body toward the vehicle and put his hands on his waistband where the gun was located. The Subject then pulled his arm out along with a black object. Officer B observed two flashes. Believing the Subject was armed with a handgun and the flashes were muzzle flash, Officer B fired two rounds from his service pistol at the Subject to stop the threat.

- **Second Location**
- **Officer B** – (pistol, four rounds, in two sequences of fire)

First Sequence of Fire

Officer B observed the Subject in his vehicle holding a gun in his right hand. The Subject placed a blanket over the gun and exited the vehicle with the gun pointed in the direction of the officers in the street. Officer B observed the blanket drop and he was able to see a full view of the gun pointed at the officers. In defense of the

officers' lives, Officer B fired two rounds from his service pistol at the Subject to stop the threat.

Second Sequence of Fire

According to Officer B, he assessed after firing his rounds and observed the Subject fall to the ground with his head facing in a northwest direction. He observed that the Subject still had the gun in his hand and was looking in the direction of the officers. Officer B and other officers gave the Subject commands to drop the gun. He then observed the Subject raise the gun at the officers. Believing that the Subject was going to shoot, Officer B fired two additional rounds at the Subject to stop his actions.

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

According to Officer A, he observed the Subject raise the blanket and point the handgun in the direction of the officers positioned at the police vehicles. In defense of the officers' lives, Officer A fired two rounds from his service pistol at the Subject to stop the deadly threat.

- **Officer T** – (pistol, thirteen rounds, in two sequences of fire)

First Sequence of Fire

Officer T observed the Subject exit his vehicle holding a shirt or small blanket in one of his hands. The Subject held the blanket up at chin level and in a way which concealed his entire torso. According to Officer T, he observed the Subject holding a black handgun in his left hand with the muzzle pointed in his direction and the direction of the other officers. In defense of his life and the lives of the other officers, Officer T fired eight rounds from his service pistol at the Subject to stop the threat.

Second Sequence of Fire

According to Officer T, he observed the Subject fall to the ground. The Subject was still moving and was still holding the gun. He observed the Subject attempting to manipulate the gun and that the gun was aimed in his direction. In defense of his life, Officer T fired five rounds from his service pistol at the Subject to stop the threat.

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

According to Officer I, as the Subject walked away from the vehicle and he observed the Subject holding the handgun in his left hand. The Subject raised the handgun and pointed it at Officer I and his fellow officers. In defense of his life and the lives of the other officers, Officer I fired three rounds from his service pistol at the Subject to stop the threat.

- **Officer H** – (shotgun, two rounds)

According to Officer H, he observed the Subject concealing something behind a blanket. The Subject slowly walked in a northbound direction towards the middle of the street. The Subject then suddenly made a forward motion with his left hand and pointed a black handgun at Officer H and his fellow officers. In defense of his life and the lives of the other officers, Officer H fired two rounds from his shotgun at the Subject to stop the threat.

- **Officer J** – (shotgun, one round)

According to Officer J, he observed the Subject holding a black handgun in his left hand and pointed down at his side. The Subject then raised the handgun up to chest level and pointed it in the direction of the officers that were in front of him. In defense of the officers' lives, Officer J fired one round from his shotgun at the Subject to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, H, I, J and T would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and therefore, the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officers A, B, H, I, J and T's lethal use of force to be in policy.