

Incident Summary

Hollywood Patrol Division uniformed Police Officers A (passenger) and B (driver) were patrolling in a residential area in a marked black and white police vehicle when Officer A heard yelling. An unidentified man stopped his vehicle near Officers A and B. The man spoke in Spanish in an urgent tone and pointed to the south. Neither officer spoke Spanish, but they inferred that someone needed assistance or was causing a disturbance. The officers turned in the direction the man had pointed and observed the Subject holding an unknown object while standing in the middle of the street.

Officer A activated the police vehicle's siren using a quick burst to gain the Subject's attention and to have him move from the middle of the street. Upon activation of the siren, the Subject ran to the sidewalk. As the officers drove past the Subject, Officer A heard him screaming, "I've had enough of this! I'm done with this!" Officer A observed the Subject raise both of his arms and observed him carrying what looked like a "sword" in an upright position like a rifle. As the officers continued driving, the Subject pointed the object at the officers as they drove past.

According to Officer A, the officers discussed whether the Subject was carrying a sword. Officer A thought it looked like a knife but that was the only part he could see and it appeared very thin. Officer A then told Officer B that it could also be a gun. Officer B negotiated a U-turn and slowly followed the Subject, who was walking down the sidewalk.

Officer B recalled that there were no street lights and that the Subject took a shooting stance while pointing the unknown object at Officer A. Officer B asked Officer A if the Subject had just pointed a gun at them because it was very difficult to see. Based on this observation, Officer A broadcast the officers' location and that they were investigating a man with a gun. Communications Division (CD) then acknowledged the call.

Officer B activated the vehicle's forward-facing lights and emergency light bar, as well as utilized the driver's side spotlight to illuminate the Subject. Officer A observed the Subject facing away and could only see the tip of what he perceived as a sword.

Officer A was unsure if the Subject was armed with a gun or a sword and did not want officers responding if in fact he was not armed with a rifle, so he made an additional broadcast stating, "correction unknown object." Officer A, fearing for his safety and believing the situation might escalate to the point where deadly force might be necessary, unholstered his service pistol.

As the Subject continued walking, he held the rifle and was pointing it across the street. The Subject then brought the rifle back to an upright position. Officer A looked across the street, observed some pedestrians there, and asked Officer B if the Subject was pointing it at someone.

From the lowered passenger window, Officer A identified the officers as the police and ordered the Subject several times to stop. The Subject did not comply and continued walking north, holding the rifle upright. According to Officer A, the Subject's verbal response to the repeated commands was something to the effect of, "Or what?" Officer A did not observe any pedestrians in the Subject's path as he continued walking down the sidewalk. Officer B angled the police vehicle toward the Subject to attempt to deploy from the vehicle. However, the Subject continued to walk even as Officer A repeatedly issued verbal commands to stop. Officer B activated the Public Address (PA) system to identify the officers as the police and order the Subject to stop.

Officers A and B, while still monitoring the Subject, discussed deploying less-lethal options, specifically the Beanbag Shotgun. However, Officer A came to the realization that he needed to maintain his pistol drawn to protect himself and his partner if the Subject were to suddenly attack. Officer A held his service pistol in a lowered position and waited for additional units to arrive before formulating a plan utilizing less-lethal options.

Officer B realized the Subject was carrying a rifle with an attached bayonet at a 45-degree angle with his left hand on the barrel and his right hand on the stock. Officer B told Officer A, "It's a rifle. It's a rifle." Officer A observed the Subject when he walked underneath the overhead street lights at an intersection. Officer A was able to make a positive identification of what the Subject was carrying and stated to Officer B, "No. That's a gun."

Officer B broadcast a request for backup for a man with a rifle. Officer B made an additional broadcast that the Subject's weapon looked like it had a bayonet on the end of it and requested a helicopter as well.

Meanwhile, uniformed patrol Police Officers C (driver) and D (passenger) were monitoring the radio when they heard the backup request and responded to the area. The officers were in a marked black and white police vehicle.

Officer A repeatedly gave the Subject commands to stop, but he did not comply and continued walking. The Subject walked toward a recreational vehicle with a camper parked along the curb and the officers temporarily lost sight of him. Officer A regained his view of the Subject as he passed the recreational vehicle but again lost sight of the Subject as he walked toward a large commercial box truck parked along the curb.

Officer B observed Officers C and D approaching from the opposite direction. To avoid any potential crossfire, Officer B stopped his police vehicle mid-block and down the street from the approaching police vehicle.

Officers C and D observed Officers A and B coming in their direction. As Officer C approached, he looked for the Subject. Officer C noticed that Officers A and B's attention was focused toward the far sidewalk. Taking into account that the call was for a man armed with a rifle, Officer C stopped his police vehicle in the farthest lane to

create some distance. Except for visual acknowledgement, there was no communication captured between the two pairs of officers.

Officers C and D immediately exited their police vehicle. Officer D stated that he immediately observed the Subject with a rifle on the far sidewalk. Officer D, fearing for his safety, unholstered his weapon and held it pointed in the direction of the Subject.

Note: Per Officer D, he advised CD of the officers' location. However, this broadcast was not recorded on the local radio frequency or received via the Mobile Digital Computer (MDC).

Officer C removed his Department-authorized police rifle from the rifle rack located inside the vehicle. Upon exiting the police vehicle, Officer C chambered a round and deployed to the rear of the police vehicle. Officer C held his rifle in a low-ready position with the safety on. Officer C stated that at this time, he knew that Officers A and B were dealing with a Subject who was armed with a rifle and was not responding to their commands.

Officers C and D moved to the front passenger side of the police vehicle and utilized the engine for cover. In the dimly lit area, Officer C observed the Subject on the sidewalk quickly walking past two parked vehicles. The Subject was dressed in dark clothing and holding an object shaped like a rifle.

Note: Officer C was not sure if he first observed the Subject when he was positioned toward the front or rear of his police vehicle.

According to Officer D, he observed the Subject again walking while holding a rifle. His left hand was on the barrel of the rifle and his right hand was at his waist. According to Officer D, the barrel of the rifle was actually facing the street, pointed towards him and his partner. Officer D heard Officers A and B ordering the Subject to stop and put down the weapon. The Subject refused as he continued walking.

Officer D instructed the Subject to stop and drop his weapon, but he refused and yelled expletives at the officers. The Subject walked past a large commercial box truck, momentarily breaking Officers C and D's visual of him. At that moment, both officers re-deployed to the rear passenger side of their police vehicle. Officer C took up a position of cover at the right rear passenger trunk area, while Officer D placed himself to the right and offset near Officer C, not in a position to engage the Subject.

Officer C, with his police rifle in a low-ready position, observed the Subject walk past the parked vehicles. Officer C observed the Subject attired in a black hooded sweatshirt and dark clothing, holding a rifle with a fixed bayonet at the muzzle. The background was dark and the lighting conditions made it difficult for Officer C to determine if the Subject was holding the rifle in a horizontal position in his direction or away from him. Officer C heard Officers A and B command the Subject to stop and put down the rifle.

Officer C heard that Subject reply that he would not put it down and that they should shoot him.

According to Officer C, he observed that the rifle was pointed horizontally and when he was able to make out that there was a bayonet and that the bayonet was pointed towards him, he fired two rounds from approximately 47 feet away. According to Officer D, he observed the Subject raise the weapon pointed at his partner and that Officer C fired two rounds, causing the Subject to fall to the ground.

The Subject stumbled for approximately ten feet and fell onto his back as the rifle fell to his left. According to Officer C, as the Subject lay on the ground, he moved his hands in an alternating motion from his chest to his waistline.

As Officers A and B deployed from their vehicle, they heard two gunshots. A large commercial box truck was parked along the curb and Officers A and B utilized it for cover. The officers then deployed to opposite sides of the parked truck; Officer B sought cover along the driver's side and Officer A deployed to the right rear of the truck, nearest the sidewalk. Officer B, concerned about a potential crossfire, redeployed toward Officer A's position. However, when Officer B arrived at the rear of the truck, he observed that Officer A was no longer at that position and had moved forward along the curb toward the Subject. Officer B took up the position behind the rear passenger side of the commercial box truck but could not see the Subject.

Once Officer A had redeployed toward the Subject, he sought cover behind the right rear passenger side of parked vehicle near the Subject. Officer A observed the Subject lying on his left side, facing away from the street. Officer A could see the Subject's right hand and the lower portion of the rifle laying on the Subject's left side, within his reach. According to Officer A, the Subject was yelling and screaming unintelligibly. According to Officer A, it seemed like the Subject was making one last effort to turn his body. Officer A believed that the Subject was going to obtain the weapon and was in fear that the Subject was going to try to shoot him.

Fearing for his life, Officer A stood near the curb and fired one round toward the Subject's lower torso from approximately 31 feet away. The Subject laid back down and Officer A reassessed.

Officer B did not hear or observe Officer A when he discharged his weapon, and he subsequently moved forward toward Officer A's position. Officer B, with his weapon unholstered, observed the Subject with his back on the pavement and the rifle lying about a foot from his left hand. Officer C was not focused on the Subject when he heard Officer A discharge his weapon. Officer D observed the Subject on his back with his right hand toward his side. Officer D did not have a visual of the Subject's left hand and was not aware Officer A had discharged his weapon.

Other officers arrived at the location and the Subject was taken into custody. A Rescue Ambulance was requested and responded, but the Subject did not respond to treatment and was pronounced dead at the scene.

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, unanimously made the following findings:

A. Tactics

The BOPC found Officers A and B's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers C and D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, B, C, and D's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers A and C's lethal use of force to be in policy.

Basis for Findings

Detention

- While on patrol, Officers A and B were flagged down by a citizen who directed them around the corner to an unknown trouble. When the officers went to investigate, they found a man armed with a rifle. The officers' actions were appropriate and consistent with Department policies and procedures.

Tactical De-Escalation

- Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the officers were immediately placed in a rapidly unfolding tactical situation when they encountered a man armed with a rifle. The officers attempted to de-escalate the situation by verbalizing with the Subject to stop walking and drop the weapon. The Subject refused to comply and ultimately pointed his rifle at some of the officers.

Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat and apprehend the suspect.

A. Tactics

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

1. Tactical Planning/Communication (Substantial Deviation – Officers A and B)

Officers A and B did not discuss tactics prior to initiating contact with an armed suspect and did not communicate with each other or responding units on multiple occasions throughout the incident.

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

In this case, the officers never broadcast the Subject's direction of travel or updated location, which resulted in responding officers driving immediately into an area adjacent to a Subject armed with a rifle. They also did not communicate their intentions to exit their vehicle and seek out different positions of cover. The officers should have coordinated a containment of the Subject and requested the response of Special Weapons and Tactics (SWAT) personnel.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

2. Approaching a Possibly Armed Suspect (Substantial Deviation – Officers A and B)

Officers A and B, while seated in their police vehicle, approached the Subject, who was armed with a rifle and not complying with their commands. Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

In this case, the officers initiated contact with the Subject, who was armed with a rifle, while still seated inside their vehicle and they continued to follow the Subject in close proximity in their vehicle as they attempted to gain compliance.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

3. Backup vs. Help Call

Officers A and B did not broadcast a Help Call after observing the Subject was armed with a rifle. In addition, the officers did not broadcast that shots were fired at any time during the incident.

Although officers are given discretion regarding the appropriate broadcasts for resources based on the ongoing tactical situation, the officers should have broadcasted a Help Call when they determined the Subject was armed with a rifle. Additionally, the officers should have broadcast when shots had been fired to alert responding personnel of the seriousness of the incident.

Based on the totality of the circumstance, the BOPC determined that, in this circumstance, Officers A and B's actions of requesting a backup rather than a Help Call was not a substantial deviation from approved Department tactical training.

4. Initiating Contact While Seated in a Police Vehicle (Substantial Deviation – Officers A and B)

Officers A and B initiated contact with the Subject, who was armed with a rifle, while they were seated inside their police vehicle. The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions of initiating contact with the armed Subject while they were still seated in their police vehicle was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC additionally considered the following:

1. Simultaneous Commands

The investigation revealed that Officers A and B were both giving commands to the Subject as he walked on the sidewalk. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

These topics will be discussed at the Tactical Debrief.

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

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

In conclusion, the BOPC found Officers A and B's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers C and D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, as the officers passed the Subject, he pointed something at them in a manner similar to what it would look like when a rifle is raised up with both hands. The only thing Officer A could see was something thin and looked like a knife, which he thought could be a gun or a sword. Officer A then unholstered his service pistol and pointed it at the Subject due to the possibility that he could be armed with a gun.

According to Officer B, he drew his service pistol as soon as he exited the vehicle because the Subject was armed with a rifle.

According to Officer C, he responded to a back up request for a man with a gun. As soon as he arrived, he observed the Subject walking in his direction with a rifle in his hands. As Officer C exited the vehicle, he retrieved his police rifle from inside of the vehicle and chambered a round.

According to Officer D, he observed that the Subject was holding the rifle so that the barrel of the rifle was actually facing the street, towards him. Fearing for his safety, he drew his service pistol and held it in a low-ready position.

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

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

C. Lethal Use of Force

- **Officer A** – (pistol, one round)

According to Officer A, he could see the Subject's right hand but could not see his left hand and observed the lower portion of the rifle laying next to the Subject's left side within his control. Officer A saw the Subject turn and believed he was going to come up with his rifle and shoot him. Fearing for his life, Officer A fired one round from his service pistol at the Subject to stop the threat.

- **Officer C** – (rifle, two rounds)

According to Officer C, he elevated his rifle's muzzle, activated the mounted tactical light, and looked through the optical sight to get a better view of the Subject. Officer C observed that the Subject was pointing his rifle towards him. Fearing for his life and that of his partner, he fired two rounds at the Subject from his patrol rifle to stop the threat.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers A and C would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury, and the use of lethal force would be objectively reasonable to stop the threat. Therefore, the BOPC found Officers A and C's use of lethal force to be objectively reasonable and in policy.