

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

**OFFICER-INVOLVED SHOOTING – 081-16**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Southeast	12/11/16		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	9 years, 1 month

**Reason for Police Contact**

Officers decided to investigate potential criminal activity at the scene of a large party in a residential area. Upon their arrival, multiple individuals fled in all directions. As officers chased one person into a rear yard, they heard a gunshot and then observed that he was armed with a handgun. When the Subject turned and pointed the firearm toward an officer, an officer-involved shooting (OIS) occurred.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 23 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 November 21, 2017.

## **Incident Summary**

Officers A, B, C, and D, assigned to gang enforcement activities, responded to a back-up request for a “man with a gun” call, initiated by Officers E and F. The incident resulted in the detention of a juvenile, who was in possession of a replica handgun. The juvenile was released at the scene and the replica handgun was booked as evidence.

After leaving the location, Officers B and C began driving back to the station. As they drove, Officer B observed what he believed to be a large party where several people were drinking in public, playing loud music, and where vehicles were double parked in the street. According to Officer B, there had been several shootings and homicides in the immediate area as a result of feuding gang members, and he had been part of prior investigations with similar activities that resulted in arrests for gun violations. Officer B had also spoken with residents in the area who expressed their fear of gang members in the area. Officer B indicated he wanted to identify the subjects involved and investigate if there was anything “out of the ordinary there.”

**Note:** It was later determined that the party was a vigil for a local resident who had been killed in another area of the county.

Officer C was advised by Officer B that there was a group of about 10 to 15 people on the sidewalk, there were vehicles that were double parked, and that he (Officer B) wanted to investigate the group.

Officers B and C drove to an area several blocks away, where Officer B contacted the aforementioned officers by cellular phone. Officer B believed the group had seen the officers drive by and were getting ready to leave. The officers formulated a tactical plan for investigating the activity.

The tactical plan was for all the officers to drive to the location, where Officers C (driver) and B (passenger) were going to drive just past the party location. Then Officers A (driver) and D (passenger) were going to stop in front of the party location. Finally, Officers E (driver) and F (passenger) were going to stop just short of the party location and position themselves close by. Officer B believed this plan would enable them to establish some type of containment on the group if anyone ran.

According to Officer B, this was not a pre-planned operation and he had no prior knowledge of the vigil. Officer B did not request a supervisor because he wanted to get to the location as quickly as possible with the other officers, and he would request a supervisor at scene if they needed one. Furthermore, according to Officer B, the officers would not ordinarily contact a supervisor when spontaneously contacting a group of people.

According to Officer E, he and Officer F were driving back to the station to book evidence when he was telephonically contacted by Officer B. Officer B advised Officer E about a large group of 15 to 20 people gathered for a party. Officer E was advised of the tactical plan and how they were going to travel in trail and stop their three vehicles

at the location. According to Officer E, they only had three cars but if they had a fourth or fifth car, they would have posted them on a parallel street because people typically run from them and the easiest route would be to run. Since they were pressed for time, Officer E and his partner joined the other units, near the meeting location, as they began traveling to the location.

According to Officer C, the officers did not request an Air Unit (police helicopter) because it had been his experience that vehicles double parked will be gone by the time the Air Unit arrives. Officer C stated they did not request a supervisor because they did not know the size of the group and they were just going to investigate. The officers also believed that they had a sufficient number of officers to deal with the group of that size at the location.

The officers believed that time was of the essence and did not have time to wait for an Air Unit. Also, Officer E recalled receiving messages, via his Mobile Digital Computer, days prior to the OIS, about the Air Units being down due to weather. Officer E was unsure if Air Units were down on the date of the OIS. The investigation determined that the Air Units were grounded due to weather at the time of the OIS. Communications Division (CD) initially advised the officers that Air Units were down as the officers were attempting to set up a perimeter; however, a short time later an Air Unit arrived over the scene due to the help call.

According to Officer A, he was informed that there was a group of approximately 15 gang members disturbing the peace, drinking in public and cars were double parked. Officer A believed that additional patrol units were not requested to assist because, from his previous experiences, they were unfamiliar with how these officers conducted their investigations. Officer A knew from prior contacts that this was an area where there had been multiple shootings, potentially in connection with an ongoing gang feud. Officer A recalled that about six months prior to this incident, officers chased a man with a gun at this location and that force was used to apprehend him.

According to Officer D, the officers had had briefings on the importance of monitoring the gang activity in the area. Officer D also did not have any prior knowledge that the gathering was for a vigil.

According to Officer E, he knew from prior experience that the area was a gang area, and had previously been informed about the same types of violations they encountered: drinking in public, parking violations, loud music, and quality of life issues. These were similar violations from prior incidents that Officer E knew had resulted in arrests for gun violations. Officer E was part of an investigation in the area earlier that year that resulted in multiple arrests for gun violations stemming from similar activities.

According to Officer F, he also knew from prior experience the location was a gang area. Prior to the OIS, Officer F was advised by Officer C about the individuals loitering, blocking the sidewalk, and having cars that were double parked. According to Officer F, a supervisor was not called because this was a spontaneous group forming and as

such, the officers wanted to act quickly to prevent any possible crimes that might occur.

Upon arrival, Officer B broadcast the status and location (Code Six) for all the involved units, informing communications of their location.

According to Officers B and C, as they neared the location, they observed several individuals. According to Officer B, he focused on a man who was on the porch of a residence making furtive movements toward his waistband, and he saw what appeared to be some type of blue steel object. This subject ran into a residence, along with other individuals. Officer B observed another group of two or three men on the side of the location making furtive moments toward their waistbands as they ran. Officer B believed they were possibly armed. Officer B yelled out his open window to alert his partners of the possibly armed individuals who were running.

Upon exiting his vehicle, Officer B requested a back-up for a "man with a gun." Communications Division broadcast the back-up request for any unit in the vicinity, as well as an Air Unit and a supervisor. According to Officer B, he, along with Officers E and F, set up in the driveway of the location. Officer E positioned himself near the gate of the driveway, Officer F remained in the middle of the driveway behind cover, and Officer B set up closer to the entrance of the driveway, in an effort establish containment. According to Officer B, his position allowed him to maintain a view of the front door of the residence.

According to Officers A and C, as they exited their respective vehicles, they observed four individuals running into a neighboring driveway while holding their waistbands, which was an indication to both officers that they were possibly armed. Officers A and C followed the four individuals in the driveway, using the cars parked on the street and driveway for cover, to set up containment.

According to Officer D, when his partner, Officer A, pulled onto the street, he (Officer D) observed at least two individuals break from a group of 10 to 15 people and run in the driveway near the target location. Officer D believed they were clutching some sort of contraband, which, based on his experience, he believed to be a weapon. Officer D heard the alert over the radio from one of the other officers of the possibly armed individuals running. Officer D exited his vehicle and followed behind Officers A and C.

According to Officer C, as he followed the individuals in the driveway, he observed a handgun being thrown in the air toward the rear of a residence. He did not observe who discarded the handgun. According to both Officers A and C, they observed a man throw a handgun into the rear yard of one of the residences. Officers A and C observed two other individuals simultaneously climbing over a chain link gate that was near one end of the driveway. One of these individuals, the Subject, was subsequently involved in the OIS. Officer A observed the second individual climb over the gate and drop what appeared to be a long handgun. The third individual who climbed over the gate was never identified.

Officer C, who had observed one of the individuals discard a handgun, and believing that he could still be armed, unholstered his pistol and pointed it at him. The man appeared to be unable to climb over the gate because the other three individuals who climbed over had blocked him. He then turned around, faced the officers, and submitted to arrest by proning himself out. Officer C, who was now in the driveway, began covering him.

Officer D, who was the passenger and had exited his vehicle after Officers A and C their exited vehicles, caught up to his partners near the end of the driveway and observed the individual on his knees and facing him. Officer C advised Officer D that he had tossed a gun. Officer D considered the tactical situation and the possibility that the detained individual could still be armed. Officer D unholstered his weapon and held him at gunpoint. Officer D held his weapon at a low-ready position with two hands.

According to Officer A, he began repositioning himself by moving in the driveway to get closer to the cinder block wall near the chain link gate. According to Officer A, as he moved to get cover and maintain a view of the fleeing individuals, someone from the rear yard fired one round at him. Officer A observed the muzzle flash and heard the shot coming from the area where the Subject was located. Officer A yelled out to his partner, "shots fired," as he unholstered his firearm. Officer A observed the individuals "stutter step" as they were looking where to run and it seemed like they were about to run into each other. Officer A focused on the Subject, who at that point turned his upper body to the left and using his right hand pointed a handgun at Officer A.

According to Officer A, he believed he was going to be shot at again, and in fear for his life, he fired one round at Subject from 15 to 20 yards away. According to Officer A, he observed the other fleeing individual go behind a detached garage. He also observed the Subject climb over the chain link fence that divided the rear yards. According to Officer A, at that point, he did not observe the Subject with a handgun but he did see him flee through one of the rear yards. He then turned his attention to one of the individuals who remained on the ground near the detached garage.

**Note:** Multiple discarded handguns were recovered during this incident; however, Officer A was unable to provide a description of the handgun that was pointed at him. After the OIS, a semiautomatic pistol was recovered from the immediate area where Officer A had seen the muzzle flash emanate from. The weapon was cocked and loaded, and a spent cartridge was located within a foot of the pistol.

According to Officer C, he was detaining the individual in the driveway when he heard a single gunshot south of him. Officer C turned around and observed Officer A holding his firearm in a two-handed grip and pointing it toward the rear yard. Officer C estimated that he was three to four feet away from Officer A when he observed Officer A fire one round into the rear yard. Officer C did not see who fired the first round, but it sounded different than the shot fired by Officer A.

According to Officer D, he was facing toward the house, also dealing with the individual in the driveway, when he heard what he believed to be a chain link fence rattling and then two or three gunshots. Officer D did not see anyone fire a gun, but noted that the second shot sounded like it was very close to him. Officer D believed the gunshots came from the rear yard.

After hearing the gunshots, Officer D turned and saw that Officer A had his gun pointing toward the rear yard. Shortly after that he heard one of the officers say, "We got shot at." Officer D grabbed his radio and broadcast a help call, indicated that shots had been fired, and began setting up a perimeter. Officer D, however, did not hear any units responding. Officer D holstered his weapon and proceeded to handcuff the individual in the driveway. Officer D then walked him to the front yard, where responding patrol units were located. According to Officer D, he handed off the individual to one of the patrol officers but did not remember who it was. Officer D then realized that he had broadcast the help call and perimeter request on the wrong radio frequency, but then heard someone broadcast the help call on the correct frequency. More than two minutes elapsed before CD was notified that shots were fired and help was being requested; however, officers in the area were already responding to the officers' initial back-up request.

Officer A remained behind the chain link gate, near the cinder block wall, with his pistol unholstered while still keeping an eye on the individual on the ground in the rear yard. According to Officer A, he did not know if the man had been shot, if he was prying himself out to be taken into custody, or if he was reaching for a weapon. Officer A observed the individual moving and Officer A wanted to move to get a better position. Officer A advised Officer C that he was going to climb over the chain link gate. Officer A holstered his weapon as Officer C, with his pistol still out, provided cover. Officer A then unholstered his pistol and provided cover for Officer C, who holstered his pistol and climbed over the gate. Officer C unholstered again as Officer A made his way to the detached garage. Officer A asked the individual if he was shot and if he possessed a gun. The man replied that he was not shot and did not have a gun. Officer A advised Officer C that he was going to handcuff the man and directed Officer C's attention to the weapon that he had dropped. The weapon was on the cement patio, adjacent to the detained individual. Officer C provided cover as Officer A holstered and proceeded to handcuff him.

After handcuffing the man, Officer A advised Officer C to keep watching him. Officer C provided cover for Officer A, who went to inspect the area where the Subject had jumped over the fence and fled. Officer A saw what he initially believed to be a handgun, but turned out to be a cellular phone. Officer A believed the Subject had dropped his cellular phone as he climbed over the fence. Officer A picked up the cellular phone for safe keeping. Officer A then returned to the handcuffed individual and proceeded to walk him to the front of the residence, where he met up with Sergeant A and passed him off to a patrol unit. Officer A placed the recovered cellular phone inside his police vehicle for safekeeping. Officer A then advised Sergeant A that he had been involved in an OIS.

Officer B, along with Officers E and F, made their way to the side of the residence to establish containment. As Officer B was monitoring the front door, he heard Officers E and F, who were near him in the driveway, calling out to someone to stop. Officer B looked toward the officers and saw a man in the rear yard jumping over the fence and continuing to run. Officer B returned his attention to the front door and heard other police officers giving verbal commands to stop and get down on the ground.

According to Officer B, he then heard approximately two gunshots close to his location. Officer B did not witness the shooting and did not know if any officers were shot since there was no immediate transmission on the police radio. Officer B communicated with Officer F about checking on the officers on the side of the residence. He provided cover as Officer F moved to the side of the house, using a vehicle parked on the front lawn as cover. Officer F yelled out, "They shot at officers. They shot at officers." Officer B stated he broadcast a help call. Officer B also stated that Officer F returned to the side of the house.

According to Officer B, he unholstered and holstered several times throughout the incident. Officer B unholstered his firearm upon exiting his vehicle because he saw an individual make furtive movements to his waistband and saw what appeared to be some type of blue steel object, which he believed to be the butt of a handgun, and believed the situation could have escalated to a deadly force situation. Officer B then holstered before he handcuffed that individual once he was called out of the residence. Officer B unholstered again as part of an entry team to conduct a protective sweep inside the residence, and holstered after the house was cleared.

As he arrived on scene, Officer E saw several people running into a residence. Officer E observed one individual grab something concealed in his waistband and run into the house. Before Officer E could stop his car, he heard officers from the police cars in front of him yelling that the individuals were running. According to Officer E, the officers immediately switched to containment mode since there were 30 to 40 people there and the officers were not going to run inside the house under those circumstances. He and Officer F exited the police vehicle and went to the driveway on the side of the residence with Officer B.

As Officer E was monitoring the backyard, he saw a man, who he believed was the same person he saw run into the house, jump a fence and flee into the next property. Officer E identified himself as a police officer and ordered the person to stop. When Officer E grabbed his radio to broadcast this information on the man running, he heard what he believed to be two or three gunshots coming from the side of the house. Officer E then heard someone yell, "Hey they are shooting at us." Officer E did not witness the shooting, but prior to the shooting, he heard what he believed to be people jumping a chain link fence on the side of the property.

Officer E maintained his position in the driveway, near the gate, and waited for additional units to arrive. As Officer E monitored the backyard, he looked over the gate

and observed three guns on the ground. Once Sergeant A arrived, Officer E contacted him via police radio and advised him of the guns in the backyard. Because there were still outstanding suspects and a large group of people inside the residence, Sergeant A advised Officer E to retrieve the guns so they would not be used against them. Officers E and F jumped over the fence, and Officer E recovered the guns as Officer F provided cover. Officers E and F remained in the backyard until the residence was cleared by other officers. Afterward, Officer E was instructed by Sergeant A to place the recovered firearms in the trunk of Sergeant A's police vehicle.

According to Officer E, he unholstered and holstered several times throughout the incident. He first unholstered when he was in the driveway of the residence and peeked over the top of the gate. Officer E unholstered because he heard officers yell out that there was possibly a suspect with a gun. Officer E also believed that the individual he saw had grabbed something in his waistband, went into the house, and was in the backyard. Officer E holstered his weapon when he jumped over the fence and unholstered to provide cover as Officer F jumped over the fence. Officer E holstered to recover the guns and place them in the police car. Officer E unholstered when he returned to provide cover as the residence was being cleared. Officer E holstered as he handcuffed a man that came out of the house. Officer E passed the man off to a patrol unit, returned to his partner's location, and again unholstered to provide cover. Officer E holstered once the house was cleared and the situation was stable (Code Four).

According to Officer F, upon arriving on scene, he observed multiple individuals running and some holding their waistband area. He heard Officers B and E saying that there were men with firearms running. He went with those officers to the driveway on the side of the residence to set up a containment. Officer F unholstered his weapon because he believed the situation could escalate to a deadly force situation. Officer F kept his weapon at a low-ready position. While in the driveway, he heard two or three gunshots. Officer F did not know who fired the shots and did not know if the shots were from the same weapon.

Officer F was advised by Officer E that there were multiple guns to the rear of the residence. After additional resources arrived, Officer F provided cover as Officer E holstered his weapon, climbed the gate, and entered the backyard. Officer E then provided cover as Officer F holstered and climbed over the gate to get to the backyard. Officer F unholstered and provided cover for Officer E as he recovered the three guns. Officer F holstered his weapon once there was a broadcast issued that the incident had been resolved (Code Four) and the residence had been cleared.

Upon Sergeant A's arrival, he observed Officer B with his weapon drawn as he was prying out four individuals in front of the residence. According to Sergeant A, based on the nature of the call and seeing Officer B with his gun drawn, Sergeant A unholstered his firearm to help cover the four individuals on the lawn. Officer B advised Sergeant A that an OIS had occurred and there were additional individuals still inside the house, including one that ran in with a gun. Sergeant A assumed command of the tactical situation.



According to Sergeant A, as he was requesting additional resources and directing them to their position, Officer A approached him and advised that he was involved in the OIS. Sergeant A holstered his firearm took a Public Safety Statement (PSS) from Officer A to help him better coordinate his incoming resources. Sergeant A directed Sergeant B, who had arrived simultaneously with Sergeant A, to monitor Officer A at the scene.

Sergeant A directed another officer to reposition the first two police vehicles toward the residence. According to Sergeant A, he wanted to use the public-address (PA) system in the vehicles to call out the occupants inside the residence. Sergeant A then directed the officer to call out the occupants. Approximately 30 individuals exited the house. According to Sergeant A, once the location was believed to be clear, he formed an entry team to conduct a protective sweep inside the residence and accompanied the team. During the sweep, the officers located two elderly individuals in the house. The two individuals were escorted out and the officers continued clearing the house. According to Sergeant A, he ensured the entry team was equipped with helmets and non-lethal weapons during the protective sweep.

After responding to the help call, K-9 officers were asked to conduct a search of the area with their police dogs for additional discarded firearms. One handgun was recovered as a result and Sergeant A was notified of the discovery.

After the OIS, the Subject was detained a short distance away by Officers G and H. According to Officer G, as he and Officer H responded to assist with the perimeter, he observed the Subject walking at a fast pace away from the location. The Subject also had his hands in his sweater pockets, and it appeared to Officer G that he was fleeing from the scene. The Subject complained of a gunshot wound to his right shoulder and Officer G requested an ambulance. Officer G then conducted a check and discovered that the Subject was a documented gang member. Officer G's attention was heightened since the Subject was walking away from the area of an OIS and had a gunshot wound. Accordingly, Officer G contacted the Command Post and notified them of the individual they had stopped.

According to Officer H, he and Officer G responded to the back-up request to assist with the perimeter. As they neared the area of the incident, he observed a possible suspect (the Subject) putting his hoody on to conceal his identity. According to Officer H, he exited the vehicle and began giving the Subject verbal commands to show his hands. Officer H then had the Subject turn around before he grabbed his hands. The Subject advised Officer H that he had been shot as he looked at his right arm. Officer H did not see any blood but did see a hole in his sweater. Officer H turned to his partner to advise him of the injury, but he was already requesting an ambulance. Officer H asked what happened, and the Subject responded that he was standing when he heard one shot.

Fire Department personnel responded to attend to the Subject's gunshot wound, and he was transported to the hospital for treatment.

Subject 1 was treated for a through and through gunshot wound to his upper right arm.

The Subject told investigators he was standing in front of a house with about 30 people for a candlelight vigil honoring his friend who had just passed away. As soon as the police showed up, the people in front started running and he began to walk away. The Subject stated he did not hear any police commands before or after the shooting, and he kept walking until he was stopped by the police, where he informed them that he had been shot. The Subject said it was possible that he had been in the backyard when the police fired the one round, but was not sure. He claimed he did not remember the specifics after the shooting, and he denied having a gun, firing a gun, or pointing a gun at the officers.

Based on the Subject's statements that he was present when the police arrived, that it was possible he was in the rear yard of the residence when he was shot, the fact that he had a gunshot wound, the proximity of his detention to the OIS location, and the fact that a handgun and an expended cartridge were recovered in the area where Officer A observed him scaling the chain link fence, the Subject was arrested.

Although several witnesses stated they observed police officers exit their vehicles with their firearms in hand, only Officer B stated he had his weapon out as he exited his vehicle. The remaining officers involved in the incident provided an account as to when they unholstered their firearms.

There were 32 individuals detained during this incident. Of the 32 detained, 16 were heard-only witness, four stated they did not witness or hear anything, three refused to be interviewed, and the remaining nine provided a recorded interview.

FID Detectives reviewed all documents and circumstances surrounding the separation, monitoring, and admonition to officers not to discuss the incident prior to being interviewed by FID investigators. All protocols were followed and properly documented.

### **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 its review of the instant case, the BOPC, made the following findings:

## **A. Tactics**

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

## **B. Drawing/Exhibiting**

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

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

The BOPC found Officer A's lethal use of force to be in policy.

## **Basis for Findings**

- **Detention**

While conducting crime suppression in the area, officers heard loud music and observed several cars double-parked in front of a known gang location. Upon responding to the location with additional officers, multiple individuals fled while making movements towards their waistbands. An officer also observed a person with a handgun flee into the residence. As the officers pursued the individuals, one fired a shot at the officers. The officers' actions were appropriate and within Department policies and procedures.

## **A. Tactics**

### **Tactical De-Escalation**

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

In this case, as the officers approached a known gang location, several individuals immediately ran toward the back yard of a residence. A foot pursuit ensued, and one person shot at the officers. Faced with an imminent threat of serious bodily injury or death, an officer utilized lethal force to stop the deadly threat.

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Tactical Communication/Tactical Planning – (Substantial Deviation – Officers A, B, C, D, E, and F)

Officers A, B, C, D, E, and F did not effectively communicate or develop a tactical plan that included a supervisor and resources necessary to minimize the potential risk to the officers.

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' lack of planning and inability to effectively communicate placed them at a significant tactical disadvantage.

Based upon the totality of the circumstances, the BOPC determined that Officers A, B, C, D, E, and F's lack of communication and tactical planning was a substantial deviation, without justification, from approved Department tactical training.

## 2. Passing Unsearched Suspects

Officers A, B, C, D, E, and F ran past a group of unsearched individuals who were potentially a threat to them as they pursued several armed individuals they believed might be armed.

Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety, be able to recognize an unsafe situation, and then work collectively to ensure a successful resolution.

In this case, the officers encountered a group of 10 to 40 individuals loitering in front of a known gang location, and then observed several of the people running away while holding their waistbands, presumed to be armed. Based on their observations, the officers immediately began to focus their attention on the individuals who were potentially armed and the possible deadly threats.

Although the officers' decision to not address the group potentially placed them in a tactical disadvantage, they maintained their situational awareness and believed the fleeing individuals posed a greater risk to themselves and the community.

Based upon the totality of the circumstances, the BOPC determined that Officers A, B, C, D, E, and F's actions were a substantial deviation, but with justification, from approved Department tactical training.

## 3. Help Call – (Substantial Deviation – Officer B)

Officer B did not broadcast a "Shots Fired, Officer Needs Help" call until almost three minutes after the OIS.

Although officers are given discretion regarding the appropriate time to broadcast a request for additional resources based on the ongoing tactical situation, it would have been tactically advantageous for Officer B to broadcast a Help Call after the OIS to alert responding personnel of the seriousness of the incident.

In this case, Officer B was designated as the communications officer and therefore he was responsible for broadcasting the help call. Although he broadcast a Back-Up request for a man with a gun initially, he should have immediately broadcast a help call advising CD that shots had been fired as soon as the OIS occurred. As a result, the initial officers who had responded to the scene were unaware that an OIS occurred.

Based on the totality of the circumstances, the BOPC determined that Officer B's delay in broadcasting a Help Call over the police radio substantially and unjustifiably deviated from approved Department tactical training.

These topics were to be discussed at the Tactical Debrief.

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

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

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

## **B. Drawing/Exhibiting**

- According to Sergeant A, he responded to the location of the help call. He observed Officer B with his service pistol drawn out with several individuals on the front lawn of the location and drew his service pistol to assist with providing cover.

According to Officer A, as he got closer to the fence, he observed a flash, heard gun fire, and drew his service pistol while deploying to cover. He drew his service pistol a second time after he jumped over the fence to take one of the fleeing individuals into custody because he already observed him drop a firearm.

According to Officer B, he observed a man make furtive movements toward a blue steel object in his waistband and then run into the house. Believing the situation

could escalate to a situation involving the use of deadly force, he drew his service pistol.

According to Officer C, he observed a person throw a firearm and believed he could be possibly armed with another weapon. Believing that the situation may lead to a situation involving the use of deadly force, he drew his service pistol.

According to Officer D, Officer C advised him the person he had detained had discarded a firearm. Believing he could possibly be armed with another weapon, Officer D drew his service pistol.

According to Officer E, as the officers approached the location, he observed several individuals run toward the backyard of a known gang location. Believing one or several of the individuals may be armed, Officer E drew his service pistol.

According to Officer F, he observed several individuals grabbing their waistbands and running into a known gang location. Believing they may possibly be armed and that the situation could escalate to use of deadly force, he drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A and Officers A, B, C, D, E, and F, 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 Sergeant A, along with Officers A, B, C, D, E, and F's drawing and exhibiting of a firearm to be in policy.

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

- Officer A – (pistol, one round)

According to Officer A, he observed muzzle flash, heard a gunshot, and observed the Subject with a gun in his hand turn. Believing the Subject was going to shoot him, he fired one round at the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A 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 Officer A's lethal use of force to be objectively reasonable and in policy.