

Incident Summary

Communications Division (CD) received a 911 call from a subject who stated that there was a male subject with a brown handgun, sitting on the curb in front of a food truck parked at the roadside.

CD broadcast a 415 man with a gun call. Officers A and B were returning to Southwest Police Station after completing another call and realized they would be driving by the location of the radio call.

Air 18 arrived over the location and observed a male that matched the suspect description. Air 18 broadcast the description and location of the suspect. The air-unit advised there was a possible suspect on the side of the street, sitting under a tree, in front of a white food truck near a silver vehicle. As they approached the location, the officers observed a white food truck and a silver car. Officer B stopped the police vehicle beside the white food truck and the officers exited their vehicle.

Officer A moved to the right rear of the parked food truck and, believing the situation could escalate to where deadly force was justified, unholstered his pistol and peeked around the truck looking toward the subjects. He saw two males sitting on the curb. Officer B went around the front of the police vehicle and took cover next to the driver's door of the parked, unoccupied, silver vehicle, located directly in front of the food truck.

Officer B could see two males, one who matched the suspect description. They were seated on the curb in front of the silver vehicle. Officer B unholstered his pistol and began giving commands in English for the suspects to stand up and show their hands. Neither of the suspects responded to Officer B's commands yet they were both looking directly at him. Officer A believed the male sitting closest to him (later identified as the Subject) matched the description broadcast of the man with a gun.

Officer A could see the Subject's left hand, which was resting at his left side, but was unable to clearly see the Subject's right hand. Sitting approximately one foot to the Subject's right was another male. He could see both hands of the second male, which were in the subject's lap.

Seeing that neither subject was responding to his partner's commands, Officer A redeployed to the right rear of the silver vehicle and also gave commands, in Spanish, for the subjects to raise their hands. Neither of the subjects complied with his commands.

Officer A saw the Subject, while still seated, drop his right hand out of view to the pocket area of his right side. As he did so, his hand continued to swing backward. When it cleared the back of his rib cage, Officer A was able to see that the Subject was now holding a revolver in his right hand with the barrel pointing downward. Officer A ordered the Subject to drop the gun, but the Subject began to swing the revolver forward and point the barrel toward Officer B.

Officer A, fearing that the Subject was going to shoot his partner, fired one round at the Subject. Officer A assessed the shot and noted that the Subject was still holding the revolver and was still pointing it in the direction of his partner. Believing the Subject was still a threat, Officer A fired a second shot which appeared to have no effect. Officer A fired a third time and the Subject fell backward, rolled on his right side, and dropped his gun.

Officer B stated that after his partner issued commands, the Subject appeared to attempt to stand up by putting his arm down in an effort to push himself up. At that time, he heard his partner fire between two and four gunshots. After the Subject fell over to the ground, Officer B could see blood coming from his mouth and facial area. Additionally, he then observed a revolver lying on the ground. Fearing the gun was accessible to the second subject, he again gave commands, in English, for him to raise his hands, but that subject did not comply.

While still pointing his pistol toward the Subject, Officer A retrieved his radio from his Sam Browne with his left hand and broadcast that shots were fired. He provided the location and directed the approach for the responding units. Officers C and D arrived at the location immediately after the broadcast.

The four officers, while utilizing the silver vehicle for cover, developed a plan to approach. It was decided that Officers A and D would approach the suspects and Officer A would handcuff the Subject. Officers B and C would provide cover from the driver's side of the silver vehicle. Officer A holstered his weapon and approached the Subject. Officer A retrieved the gun from the ground next to the Subject, and handed the revolver to Officer D.

Officer A did not feel comfortable handcuffing the Subject with his hands in front of him so he turned him over onto his stomach and handcuffed him. Officer D then handcuffed the second subject. Officer B broadcast a Code-4 and requested a rescue ambulance (RA) for the Subject.

Sergeant A responded to the help call and upon his arrival at the scene, obtained the Public Safety Statement from Officer A and then monitored Officer A until he was relieved. Sergeant B also responded to the help call, and upon arrival, he began to establish the crime scene and have a crime scene log started.

The Los Angeles Fire Department (LAFD) arrived on scene to treat the Subject. The Subject did not respond to medical treatment and, after a telephonic conference with a doctor, the Subject was pronounced dead.

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 Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Tactical Communications

Officers A and B utilized exceptional tactical communication prior to, and during, an incident involving a man with a gun radio call. Upon arrival, Officers A and B deployed toward the Subject, with Officer B moving to a position facing the Subject and utilizing the parked silver vehicle as cover. At the same time, Officer A utilized the rear portion of the food truck, parked behind the silver vehicle, as cover. Officers A and B observed the Subject seated on the curb alongside an additional male. Subsequently, Officer B issued verbal commands to both subjects with negative results. Consequently, Officer B believed there was a possible language barrier and instructed Officer A to assume the role as the contact officer and issue commands in Spanish. Officer A moved from his position behind the food truck to a position behind the parked silver vehicle and initiated Spanish commands to the subjects with negative results.

The BOPC conducted an assessment of Officers A and B's tactical communication prior to and during the incident, and commended both officers on

their endeavors to communicate with the subjects in English and Spanish, in order to gain compliance.

- 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.

After a thorough review of the incident, the BOPC determined that the tactics employed by Officers A and B neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B were responding to a radio call of a 415 man with a gun. Upon arrival, Officers A and B exited their police vehicle and observed a possible suspect, matching a description given by CD and Air Support Division, seated on the curb. Consequently, Officers A and B drew their respective service pistols.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances would reasonably believe that the Subject was armed with a handgun and that he posed a substantial risk wherein the situation had escalated to the point where deadly force was justified.

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

C. Lethal Use of Force

- **Officer A** (pistol, three rounds)

First Sequence of Fire (one round)

Officer A observed the Subject seated on the curb of the roadway. Officer A issued verbal commands at the Subject, at which time the Subject moved his right hand rearward and armed himself with a revolver. The Subject held the revolver, with the barrel pointed downward, at which time Officer A ordered him to drop the gun. The Subject failed to comply with A's verbal commands and moved the revolver forward

and pointed it toward Officer B. Consequently, Officer A discharged one round from his service pistol at the Subject.

Second Sequence of Fire (one round)

Officer A assessed the Subject's actions and observed that he continued pointing the revolver in the direction of Officer B. Consequently, Officer A discharged one additional round from his service pistol at the Subject.

Third Sequence of Fire (one round)

Officer A again assessed the Subject's actions and observed that the Subject still posed a threat to Officer B. Consequently, Officer A discharged one additional round from his service pistol at the Subject.

The BOPC conducted a thorough review of each of the aforementioned uses of lethal force. The Subject's revolver was subsequently recovered after the Subject dropped it when he was shot.

Accordingly, an officer with similar training and experience would reasonably believe that the actions of the Subject in each circumstance represented an imminent threat of serious bodily injury or death and that the use of lethal force was justified.

Consequently, the application of lethal force for Officer A as indicated was objectively reasonable and in policy.