

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

OFFICER-INVOLVED SHOOTING – 101-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Central	12/13/13		

Officer(s) Involved in Use of Force	Length of Service
Officer D	6 years, 11 months
Officer F	3 years, 7 months
Officer I	3 years, 5 months
Officer L	1 year

Reason for Police Contact

Officers were involved in a vehicle pursuit of Subject 1. The pursuit ended when Subject 1's vehicle collided with another vehicle. When Subject 1 exited his vehicle, an OIS occurred.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: Male, 51 years old.			

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 25, 2014.

Incident Summary

On Friday, December 13, 2013, uniformed Officers A, passenger, and B, driver, were in a black and white police vehicle. The officers noticed a vehicle being pursued by an outside agency. They monitored the radio in case they were needed, but did not participate in the pursuit at that time. A short time later, they noticed the same vehicle driving at a high rate of speed, but without any law enforcement pursuing.

Within moments, the outside agency's air unit broadcast over Los Angeles Police Department (LAPD) frequency that they had been following a reckless driver, but were not in pursuit of the vehicle. The air unit said they had been in pursuit of the vehicle. The pursuit then went into surveillance mode and was later terminated. Another outside agency then followed the vehicle, but terminated their following due to the vehicle entering the City of Los Angeles. The air unit continued to monitor the vehicle and advised LAPD's Communication Division (CD) that the vehicle was still being driven recklessly with no law enforcement agency following it.

Officer A broadcast to the Watch Commander asking if they should pursue the vehicle. The Watch Commander advised them to track the vehicle and request an air unit.

Officers A and B again saw the vehicle with no law enforcement following or in pursuit of the vehicle. Officer A broadcast they were in pursuit of the vehicle and requested a supervisor and an air unit. Officer A began broadcasting their direction of travel.

Shortly thereafter, the LAPD air unit advised CD that they were overhead and with the pursuit.

Officers C, driver and Officer D, passenger, were in a black and white police vehicle. Officer D advised CD that they were the secondary unit in the pursuit.

Sergeant A joined the pursuit and declared herself Incident Commander (IC).

Officers E, driver, and F, passenger, were deployed in a black and white police vehicle, and subsequently entered the pursuit as the third unit.

Officers G, driver, and H, passenger, were deployed in a black and white police vehicle. They positioned themselves behind Sergeant A during the pursuit. They were followed by Officers I, driver, and his partner J, passenger, who were also deployed in a black and white police vehicle.

At some point during the pursuit, Officers A and B saw the driver of the vehicle, Subject 1, leaning over toward the passenger side and thought that he may be arming himself. Officer A broadcast a request for two additional units to join in the pursuit. Officer A did not know if Subject 1 had any weapons in the vehicle, but wanted additional units just in case he was arming himself.

The pursuit travelled through Newton, Southwest and then Central Divisions. As the vehicle entered an intersection, it collided with another vehicle being driven by Witness A. The impact caused Witness A's vehicle to spin out of control and shear off a fire hydrant on the west side of the street. Subject 1's vehicle spun out of control and came to rest on the northwest corner of the intersection.

Officer B stopped his police vehicle 43 feet behind and slightly south of where the vehicle came to rest. He stated the reason he stopped where he did was because of the way Subject 1 had been reaching underneath his seat and his willingness to evade the police. Officer B believed the distance and cover gave them more time to evaluate Subject 1's actions.

Officer C estimated that he was approximately three to five car lengths (approximately 85 feet) behind the primary unit when the primary unit entered the intersection. Officer C estimated they were traveling at an approximate speed of 35 to 40 MPH when they saw the collision and he immediately began to apply his brakes, but although he applied his brakes his vehicle continued to move forward. When Officer C's vehicle finally came to rest it was approximately 16 feet behind and slightly offset to the right of the vehicle. According to Officer C, he purposely passed the primary unit's position. His belief was the primary unit should have stopped directly behind the vehicle. He took it upon himself to position his vehicle as he was trained, behind the vehicle and assume the role of giving commands.

Officers C and D believed that Subject 1 could possibly have a gun. They exited their vehicle and unholstered their pistols. They took positions behind their respective vehicle doors. While Officer C was taking cover behind his driver side door, he was able to see Subject 1 seated in the vehicle moving left to right. Subject 1 appeared to be shaking.

Officer D sidestepped away from his vehicle door to see if there was a passenger inside the vehicle. He saw Subject 1 moving around and it appeared that he was attempting to drive away. Officer C saw Officer D move forward to approximately the front of their vehicle. Officer C yelled at him to get back. Officer D then went back to his passenger door for cover.

Officer E, in the third unit in the pursuit, indicated that at the time of the collision his unit had just turned at another intersection and that he was not aware that the subject's vehicle had been involved in a collision. As he entered the intersection, Officer E positioned his vehicle to the left of and adjacent to Officers C and D's vehicle, which he believed was the primary unit based on their vehicle positioning.

Upon exiting his vehicle, Officer E saw Subject 1 still seated in his vehicle. Officers E and F believed Subject 1 might be armed and unholstered their pistols while maintaining a position behind their respective doors. According to Officer E, the vehicle appeared to be wedged between a tree and a light post. Officer E believed that Subject 1 could still maneuver his vehicle out and he holstered his pistol, believing that the pursuit was going to continue. Officer F yelled commands at Subject 1 to exit the vehicle and put

his hands up. Subject 1 did not comply and instead maneuvered his vehicle, apparently attempting to free it from between the post and the tree.

According to Officers G and H, the fourth unit in the pursuit, upon their arrival, Officer G positioned their vehicle to the left of Officers A and B's vehicle. Officer H exited his vehicle. He believed Subject 1 might be armed and unholstered his pistol. He moved forward, stopping to the right of Officer F who was taking cover behind his passenger door.

According to Officer A, he exited the passenger side of his vehicle and moved forward to the driver's side of Officers C and D's vehicle. He stopped next to Officer C who was taking cover behind his driver's door. Subject 1 was still inside his vehicle moving around. Officer C yelled to Officer A to get the beanbag shotgun out of the trunk of his (Officer C's) vehicle.

According to Officer I, the fifth unit in the pursuit, he positioned his vehicle to the right of Officer C and D's vehicle. He yelled out to his partner, Officer J, that he was moving up to the vehicle in front of them. Officers I and J believed that Subject 1 was possibly armed with a handgun, based on the primary unit's broadcast during the pursuit that Subject 1 was reaching underneath his seat. Officer I unholstered his pistol and moved up behind the passenger door of the police vehicle in front of him. He was now standing next to Officer D.

Officer J exited his vehicle and unholstered his pistol. He heard someone from his south yell, "Somebody grab a beanbag!" He moved from the passenger side of his vehicle to the trunk of the police vehicle in front of him. Officer J saw Officer A retrieve the beanbag shotgun from the trunk of the vehicle. Officer J requested and obtained the beanbag shotgun from Officer A. He chambered a round and moved forward, standing behind Officer D. He shouldered the shotgun as he looked over the roof of the police vehicle. He saw Subject 1 exit the vehicle and stagger to the rear of the vehicle. Officer J did not perceive Subject 1 as a threat, but moments later he heard gunfire. He then heard an officer yell, "cease fire."

According to Officer I, he saw Officer D leave cover from behind his passenger door. He appeared to be heading to the passenger side of the vehicle with his handgun drawn. Subject 1 was still in the vehicle attempting to drive off. Officer I recalled grabbing onto Officer D and pulling him back behind his passenger door for cover. Officer I moved to the outer portion of the passenger door while Officer D positioned himself next to the A-pillar.

According to Sergeant A, he did not see the collision involving the subject's vehicle. As Sergeant A entered the intersection, he believed that Officers C and D were the primary unit, based on their vehicle positioning. He exited his vehicle and began to move forward. Subject 1 was still seated in his vehicle and it appeared that he was attempting to leave. Sergeant A believed that the pursuit was going to continue and walked back to his vehicle.

Officer K, driver, and Officer L, passenger, were in a black and white police vehicle and were not involved in the pursuit, but arrived at the termination of the pursuit. Officer K stopped their vehicle to the left and slightly ahead of Officer's E and F's vehicle. Officer K exited his vehicle, but did not unholster his pistol.

Officer L exited the passenger side of his vehicle. He believed that Subject 1 was possibly armed based on what he heard during the pursuit. He unholstered his pistol, taking cover behind his vehicle door. Officer L observed Subject 1 jerking his head back and forth while he was seated in the driver's seat and hitting the steering wheel with clenched fists. Officer L thought that Subject 1 may be having some sort of psychotic episode or be under the influence of a narcotic substance. Officer L heard other officers ordering Subject 1 to get out of the vehicle. As he continued to keep his eyes on Subject 1, Officer L was trying to reach into the glove box to grab the TASER. He heard Officer K yell for him to get the beanbag shotgun. Officer L holstered his weapon, retrieved the beanbag shotgun from the trunk of their vehicle, chambered a round, and walked back behind his passenger side door.

According to Officer K, he yelled, "Beanbag, beanbag, beanbag," as loud as he could, because of the noise from the helicopters overhead, water spewing from the sheared fire hydrant, and the police sirens. It was Officer K's intention to alert other officers that a beanbag had been deployed.

Officer L saw Subject 1 exit his vehicle and take what appeared to be an aggressive stance with his fists clenched. As officers were yelling commands at Subject 1 to get on the ground, Subject 1 began to walk to the rear of his vehicle with his fists clenched. Officer L considered Subject 1's actions to be aggressive and combative. Officer L yelled for Subject 1 to stop. It appeared to Officer L that Subject 1 continued walking toward the officers who were positioned behind the police vehicle closest to Subject 1's vehicle. Officer L had the beanbag shotgun aimed at Subject 1's navel area and, because he believed Subject 1 was going to attack the officers in front of him, fired one round from an approximate distance of 39 feet. Officer L saw Subject 1 turn just prior to firing the beanbag round and believed the beanbag struck Subject 1 on the right side rib cage area.

Note: The investigation revealed that Subject 1 was struck one time with the beanbag round on the back of the upper left thigh.

Officer L lowered the muzzle of the beanbag shotgun to assess and saw Subject 1 begin to fall to the ground. As he saw Subject 1 fall, Officer L saw Subject 1's hands drop to his waistband. Officer L then heard multiple gunshots. Subject 1 fell to the ground out of his view on the passenger side of the vehicle.

According to Officer E, while still maintaining a position behind his door, he heard commands for Subject 1 to get on the ground. Subject 1 appeared to be agitated as he walked around the rear of his car flailing his arms. Officer E heard Officer K yell out, "Beanbag standby!" Officer E then heard one shot fired from the beanbag shotgun. He observed Subject 1 react to the beanbag round by the buckling of his right leg and

dipping his right shoulder. From Officer E's position, he could not see Subject 1's waistband and could no longer see his hands. Officer E then heard shots being fired.

According to Officer F, he maintained his position behind his passenger side door. When Subject 1 finally stepped out of the vehicle, he saw him flailing his arms over his head as he walked toward the rear of the vehicle. Subject 1 turned, and then headed toward the sidewalk. At that point, he observed Subject 1 put his left hand into his waistband and then jerk his hand up as if he was retrieving a firearm. Believing that Subject 1 was preparing to arm himself, Officer F fired four rounds from his pistol at Subject 1 from an approximate distance of 33 feet. Officer F did not see a weapon, nor did he see an object in Subject 1's hand before he shot. Officer F stated he did not hear anyone yell out beanbag nor did he hear a beanbag round being fired.

Officer F based his decision to shoot on two factors: The first factor was that Subject 1 was not following his or any other officers' commands. The second factor was that Subject 1 had earlier committed a felony crime; however, Officer F could not articulate what the felony crime was. Officer F holstered his pistol when he saw officers approach Subject 1 to take him into custody.

According to Officer I, he saw Subject 1 seated in the vehicle flailing his arms. Officer I lost sight of Subject 1 as he leaned to his right. Suddenly, Subject 1 stepped out in an aggressive manner. Officer I saw Subject 1 with blood on his face and flailing his arms. Subject 1 then walked to the rear of the vehicle. Officer I saw Subject 1's left hand sliding along the side of the vehicle as he walked. Officer I described Subject 1's shirt as oversized and bulky. As he made his way to the midway point of the rear bumper, Subject 1 put his left hand underneath his shirt by his waistband. He said it looked like his hand was holding the grip of a pistol and saw what appeared to be a bulge. Officer I believed Subject 1 was holding onto a handgun. Subject 1 then turned his body in a 45-degree angle toward Officer I, with his left hand near his waistband area and his right hand above his head. Officer I believed that Subject 1 was pointing a gun at him from underneath his shirt. He heard a couple of pops and believed Subject 1 was shooting at him and the other officers. From an approximate distance of 20 feet, Officer I fired two rounds at Subject 1. Believing Subject 1 was continuing to fire his weapon at the officers, Officer I fired two additional rounds. He then saw Subject 1 fall to the ground.

Note: The investigation revealed Officer I fired a total of eight rounds. He only recalled firing four rounds.

According to Officer D, he observed Subject 1 exit the vehicle with blood on his face. Subject 1 then began walking toward the rear of the vehicle. Officer D heard other officers yelling commands for Subject 1 to stop. Officer D did not yell any commands. Officer D saw that Subject 1 was approximately midway behind his vehicle walking toward the sidewalk when he saw Subject 1 reach with his left hand toward his waistband. Subject 1 then turned toward Officer D for a split second, made a slight jerking motion/movement toward him and fellow officers. Officer D believed Subject 1 was an armed suspect, although he did not see a gun. Officer D was in fear that Subject 1 was going to shoot at him or his fellow officers. From a distance of

approximately 21 feet, he fired four rounds at Subject 1. As Subject 1 was going down to the ground, Officer D was still unable to see Subject 1's left hand. He still considered him a threat. He fired five additional rounds at Subject 1 until he fell to the ground, at which time he no longer considered him a threat. Officer D indicated he did not hear any rounds being fired prior to firing his own weapon. Officer D conducted a reload and held his position until Sergeant A tapped him on the shoulder and told him to holster.

Note: Video footage captured from news media helicopters depicts Subject 1 exiting the vehicle and walking around the left rear quarter panel, his arms held out. When he passes the vehicle's right rear quarter panel and steps onto the sidewalk, Subject 1's hands touch the light standard/pole that his vehicle had struck. From another video angle, Subject 1 is seen being hit by the beanbag round and he appears to react to it by lowering his arms to his front. At this point in time, Subject 1's back is toward the officers and he is moving away from them. The video captures Officers D and I firing their weapons at Subject 1. Subject 1 falls to the ground. The video footage captures Officers D and I continuing to fire rounds at Subject 1 after he had fallen to the ground.

The investigation determined that Subject 1 was unarmed.

From Officer C's position behind his black and white patrol vehicle, he could see Subject 1's hands about chest high. He saw Subject 1's hands abruptly drop down to the left side of his waistband, at which time Officer C lost sight of him. From his position, standing behind his black and white patrol vehicle, the light bar obstructed his view of Subject 1. Officer C then heard 10 to 15 shots fired. Officer C was not certain who was firing but believed the gunfire was coming from both his right and left sides.

According to Officer H, after he saw Subject 1 exit his vehicle, he appeared to be disoriented. He also believed that Subject 1 was going to be combative suspect. He then heard gunshots and then saw Subject 1 drop to the ground. As he saw Subject 1 falling to the ground, he continued to hear gunfire. At that moment, he did not perceive Subject 1 as a threat and yelled out, "Cease fire!" Additionally, he recalled hearing multiple officers yell out, "Cease fire!"

According to Sergeant A, after hearing what he believed was the beanbag shotgun discharge, he turned and walked toward the officers. At that point, he heard multiple handguns being fired. He saw two officers standing behind the passenger door of their vehicle, pointing their handguns at Subject 1 and believed they were the shooters. He stated that when the shooting began he heard someone from his left yell, "cease fire." He then yelled, "cease fire," approximately three times.

Sergeant B responded to the termination of the pursuit. As he entered the intersection, he heard gunfire. Sergeant B immediately broadcast that there were shots fired.

Sergeant B directed a group of officers to approach Subject 1's vehicle to ensure there was no one else inside it. The team of four officers approached and cleared the vehicle

from the driver's side. Once it was determined that there were no other occupants in the vehicle, they backed away and another team of officers approached Subject 1 who was lying on the sidewalk on his back. The officers handcuffed Subject 1 and searched him for weapons. There were no weapons found. Multiple Rescue Ambulances (RAs) were requested. An RA arrived at the scene and Los Angeles Fire Department began rendering medical aid to Subject 1. Subject 1 was subsequently transported to the hospital, where he succumbed to his injuries.

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/Holstering of a weapon 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 Officers C, D and K's tactics to warrant Administrative Disapproval. The BOPC found Sergeant A and Officers E, F, H, I, L's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers C, D, E, F, H, I, K and L's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officers D, F, and I's use of lethal force to be out of policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:
 1. Deployment/Tactical Placement of Police Vehicle (Substantial Deviation)
Driver Officers C and K.

Officer C

Officers C and D was the secondary unit in the vehicle pursuit. At the termination of the pursuit Officer C passed the primary unit and stopped directly behind Subject 1's vehicle at a distance of approximately 17 feet.

Officer C's deployment of the vehicle in relation to the subject's vehicle placed himself and his partner as a significant tactical disadvantage, especially given the prior broadcast from the primary unit that *the driver keeps reaching underneath his seats continuously* and therefore could be attempting to arm himself. Additionally, Officer C compromised the integrity of the felony traffic stop configuration by placing his police vehicle in front of the primary unit's vehicle. As a result, the subsequent officers responding to the termination of the pursuit were forced to adjust to the deployment of Officer C's vehicle and also had to pass the primary unit's position.

The BOPC found that Officer C's actions were a substantial deviation from approved Department tactical training without justification.

Officer K

As the officers began to tactically deploy their police vehicles behind Subject 1's vehicle, Officers K and L arrived at the termination of the pursuit. Officer K was the driving officer, Officer L was the passenger.

Upon entering the intersection, Officer K drove past the primary unit and stopped his police vehicle partially parallel with Subject 1's vehicle. Officer K was not involved in the pursuit and was subsequently the seventh unit to arrive on scene. By placing his vehicle in this position, Officer K placed his partner, Officer L, at a significant tactical disadvantage.

Accordingly, the BOPC determined that Officer K's vehicle deployment at the termination of the pursuit compromised the integrity of the high risk traffic stop and unnecessarily placed Officer L at a significant tactical disadvantage because the placement of the vehicle put Officer L in direct line of fire if Subject 1 had a gun, substantially deviating from approved Department tactical training, without justification.

2. Cover / Leaving Cover (Substantial Deviation) Officer D

At the termination of the pursuit Officer D left the cover of his ballistic door panel and approached Subject 1's vehicle prior to it being cleared. Officer D said he was attempting to verify the condition of Subject 1 and to see if there were any other additional occupants in the vehicle.

In the BOPC's assessment of the tactics used by Officer D, the BOPC found that by moving away from cover, Officer D unnecessarily placed himself in the potential line of fire and exposed himself to additional danger by putting himself at a significant tactical disadvantage without reasonable justification. Consequently, Officer D should not have stepped away from the cover of his ballistic door panels. Officer D's decision to leave cover to approach the car and not seek other suitable cover was not reasonable or consistent with Department guidelines. Therefore, the BOPC found that Officer D's actions were a substantial deviation from approved Department tactical training without justification.

As the officers began to exit their vehicles, they drew their respective service pistols and moved to cover behind the ballistic door panels of the police vehicles that were deployed closest to Subject 1's vehicle. The investigation revealed that a total of seven officers attempted to take cover behind the passenger door of Officers E and F's police vehicle. Due to the number of officers seeking cover behind one ballistic door panel it could be surmised it would not be sufficient to provide adequate cover for all the officers.

The BOPC determined that the actions of multiple officers leaving the cover of their police vehicle ballistic doors and obtaining cover behind the passenger door of one police vehicle, while not the best option, did not substantially deviate from Department tactical training. However, in an effort to enhance future tactical performance, the BOPC will direct that this topic be addressed during the Tactical Debrief.

3. Beanbag Deployment

Officer L did not provide a verbal warning to Subject 1 prior to discharging the Beanbag Shotgun.

Officers are often confronted with circumstances that require a balance be maintained between officer safety and the ability to resolve a situation. In this case, Officer L believed that Subject 1 was going to charge the officers and was not complying with his orders to stop.

Under these circumstances, Officer L was responding to the subject's aggressive actions and therefore is not required to give a verbal warning. However, each incident has tactical considerations that can enhance future performance in the

event the involved personnel become involved in a similar incident. Accordingly, the BOPC will direct this be a topic of discussion during 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. In assessing this, the BOPC understands and appreciates the dynamic and rapidly evolving nature of the incident. The BOPC knows that officers must make immediate decisions and based on the BOPC's comprehensive review, the BOPC found that the tactics utilized by Officers C, D and K substantially and unjustifiably deviated from approved Department tactical training, warranting a finding of Administrative Disapproval.

The BOPC also conducted an assessment and review of the tactics used by Sergeant A, and Officers E, F, H, I and L throughout this incident and determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training, warranting a finding of Tactical Debrief.

B. Drawing/Exhibiting

- Following the pursuit, the subject's vehicle collided with another vehicle in the intersection. As the vehicle came to rest, the pursuing units deployed their police vehicles in preparation for a high-risk stop. The officers exited their police vehicles and drew their respective service pistols.

All statements were consistent with the officers' reasonable belief that the incident may escalate to the point where deadly force may be justified.

In assessing the drawing and exhibiting for each officer, the BOPC determined that based on the totality of the circumstances, an officer with similar training and experience as Officers C, D, E, F, H, I, K and L, while faced with similar circumstances, would reasonably believe that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers C, D, E, F, H, I, K and L's Drawing/Exhibiting of a Firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer L** - Beanbag Shotgun, one sock round.

Officer L observed Subject 1 stepping out of the vehicle with clenched fist and walk in the direction of officers that were deployed behind his vehicle while ignoring repeated commands by officers. In response, Officer L fired a sock round at Subject

1's navel area from an approximate distance of 42 feet to stop Subject 1 from advancing towards the officers.

The BOPC assessed Officer L's deployment of the Beanbag Shotgun at the time he discharged the sock round. The BOPC noted that Officer L was unaware if Subject 1 was armed with a weapon and that Officer L perceived Subject 1 as a continued threat to the other officers as he turned in their direction.

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer with similar training and experience in a similar circumstance. The BOPC determined that an officer with similar training and experience would reasonably believe that the application of Less-Lethal Force to stop Subject 1's actions was reasonable and would have acted in a similar manner.

In conclusion, the BOPC found Officer L's Less-Lethal Use of Force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer D** - nine rounds.

Officer D, while involved in the pursuit heard Officer A broadcast that the Subject 1 was *leaning over and reaching under the seat*. According to Officer D, upon termination of the pursuit, Subject 1 exited his vehicle waving his hands frantically in the air and refusing to follow the officer's commands. As Subject 1 walked around the rear of his vehicle toward the sidewalk, Officer D observed Subject 1 reaching into his waistband with his left hand and believed he was attempting to arm himself.

Officer D recalled, *"His right side is towards me. His left side is to a position where I could only see his hand going inside his waistband. But I can't see what he's reaching for. And in a split second he turns towards me and the officers at which point I just -- I perceive him as a threat as -- at that point he's -- he's an armed suspect. I was in fear that he was going to shoot at me and my fellow officers and I was in fear for my safety and I took a shot."*

"So like I said when he got mid-point to the trunk of the vehicle he reached into his -- his waistband with his left hand, which I couldn't see at the this time. He did a slight -- he did a jerking motion -- movement towards the officers point at our direction. At which point I decide I perceive him as a threat and that's when I -- I fire my first round...I don't know if it impacted him or not. I -- I couldn't -- I fired two, three, and four rounds. And then he started kind of walking towards the sidewalk. Again, I couldn't see -- I couldn't see his hands. His left hand was never visible to at that time. He was still holding -- kind of holding his waistband. I heard more -- more fire. At which point I still -- he was still holding his waistband so considered him a threat. So I continued firing my last five rounds."

During the BOPC's analysis of Officer D's actions regarding his use of Lethal Use of Force, the BOPC found that in this case the preponderance of evidence did not support Officer D's stated perceptions that a deadly threat was present.

Consequently, a Los Angeles Police Officer with similar training and experience would not have reasonably identified an imminent threat of death or serious bodily injury based on the same facts and circumstances. Accordingly, the BOPC found the Lethal Use of Force utilized by Officer D to be out of policy.

- **Officer F** - four rounds.

Officer F, while involved in the pursuit, heard Officer A broadcast that the Subject 1 was leaning over and reaching under the seat. According to Officer F, Subject 1 exited his vehicle and refused to comply with the commands of the officers. As Subject 1 walked around to the rear of his vehicle he began to frantically flail his arms up and down from his waist to over his head. Subject 1 made his way to the rear of his vehicle and walked toward the sidewalk. It was at this point that Officer F observed Subject 1 crouch down and reach for his waistband in an attempt to possibly arm himself.

Officer F recalled his decision to shoot, *"And he made a jerking motion out. And before we [sic] could finish pulling it out that's when I fired, sir. I didn't give him a chance to pull out whatever he was reaching for."*

"...and when I saw him kind of crouch down and reach for his waistband, that is when I believe him to be arming himself with a weapon to engage us in a fight, sir, and that's when I fired."

"...he reached for his waistband that's when I feared for my life and I fear for the safety of my fellow officers. That's why I fired, sir."

"...and once I saw that the suspect was down I assessed, I holster my firearm, Sir."

The perceptions of officers using deadly force must be based on an objectively reasonable belief that an imminent threat exists. In this case, Officer F believed that Subject 1 was reaching toward his waistband in an attempt to arm himself.

During the BOPC's analysis of Officer F's actions in regards to his use of Lethal Use of Force, the BOPC found that the preponderance of evidence does not support Officer F's stated perceptions that a deadly threat was present.

Each officer is accountable for their own use of force. A Los Angeles Police Officer with similar training and experience would not have reasonably identified an imminent threat of death or serious bodily injury based on the same facts and circumstances, even in consideration of an officer's perceptions. Accordingly, the BOPC found the Lethal Use of Force utilized by Officer F to be out of policy.

- **Officer I** - eight rounds.

Officer I, while involved in the pursuit, heard Officer A broadcast that Subject 1 was leaning over and reaching under the seat. Officer I stated that he observed the vehicle come to a stop on the northwest corner of the intersection following the traffic collision. Officer I observed Subject 1 exit the vehicle and flail his arms as he walked toward the rear of his vehicle. Upon reaching the rear passenger portion of his vehicle, Officer I believed that Subject 1 reached under his shirt with his left hand and retrieved a handgun. While maintaining his left hand under his shirt, Officer I believed that Subject 1 fired at the officers through his shirt.

Officer I stated, "I lose sight of his left hand from my vehicle. Then he puts it up again. His right hand's flowing. He comes to the -- the rear of the bumper with his left hand -- with his left hand still hidden. Now, he's crossing towards the mid -- mid -- mid rear bumper of his -- his vehicle, approximately, 20 feet from us..."

He by-passes it. He -- now, he's from look -- with his right hand, he's still flowing. He -- he look -- he looked in our direction as he continues around towards the passenger side of -- of his vehicle. With his left hand still under -- near his -- his shirt, his waistband, you can't see it. The way his elbow is -- his arm is positioned as if, like, almost as -- as 90 degree as he's hunched over as if he's pointed a -- a gun, what I believe to be a gun, in my direction under -- from underneath his shirt..."

I couldn't see -- I couldn't see his -- his -- his -- his hand is where would he grip. I -- I -- I hear a couple -- I hear -- I hear a gunshot. I hear one or two gunshots. Believing that it's -- it's coming from -- from his direction shooting towards us, believing that he has a weapon, and due to the safety of -- of myself, my partners, and -- and the public that's involved, I fired -- I fired two center and -- and towards the torso. I fired, approximately, two rounds."

Officer I stated, "As after I fired two rounds, suspect continued passing, like, to about -- he -- he passes the car up kinda going -- going up towards -- he's on the passenger side of the car now, and he's still -- he's still angled back at our direction, hand -- hand still positioned in an area. Believing he -- he's firing at us, I shot, approximately, another two rounds towards the body."

Note: Officer I believed he fired only four rounds in two sequences of fire. The investigation revealed that he actually fired eight rounds; however, Officer I could not recall firing the four additional rounds. Additionally, Officer I believed that he began his sequence of fire as Subject 1 was standing to the rear of the vehicle. However, a video obtained during the investigation reflects that Officer I did not start firing his weapon until after Subject 1 stepped onto the sidewalk and began to face away from the officers.

Officer I indicated that he stopped firing when he observed Subject 1 fall to the ground, and no longer observed a deadly threat. Officer I then conducted a reload.

During the BOPC's analysis of Officer I's actions regarding his use of Lethal Use of Force, the BOPC foundd that the preponderance of evidence does not support Officer I's stated perceptions that a deadly threat was present.

The perceptions of officers using deadly force must be based on an objectively reasonable belief than an imminent threat exists. In this case, while Officer I may have perceived that Subject 1 was shooting at the officers, there is no evidence to support that belief. In fact, there is no evidence to support Officer I's account that Subject 1 placed his left hand in his waistband area at any time during the incident and there was no evidence to support Subject 1 was attempting to retrieve a weapon at the time Officer I fired his weapon.

The BOPC considered the reasonableness of an officer's perceptions in light of the facts and circumstances of the incident, including the information that Subject 1 was leaning over and reaching under his seat during the pursuit. The BOPC recognized that shots were being fired at Subject 1 simultaneously. The BOPC also factored in the various distractions and noise level (i.e., sheared fire hydrant, police sirens, multiple officers yelling commands and the police helicopter overhead) at the time of the OIS.

Regardless of the distractions, each officer is accountable for their own use of force. In this case, Officer I's stated reasons for firing at Subject 1 were unsupported by the evidence and actual actions of the suspect.

The BOPC found that a Los Angeles Police Officer with similar background, training and experience, faced with similar facts and circumstances, would not have reasonably identified an imminent threat of death or serious bodily injury based on the same facts and circumstances. Accordingly, the BOPC found the Lethal Use of Force utilized by Officer I to be out of policy.