

Incident Summary

While on patrol, Officers A and B observed a bicyclist, later identified as the Subject, on the south sidewalk. Both officers separately observed that the Subject did not have a rear red reflector on his bicycle, a violation of California Vehicle Code Section 21201 (d)(2). Officer B completed a left turn in the intersection, in order to stop in front of the bicyclist and initiate a traffic stop.

While the officers attempted to stop the Subject, the Subject responded by stopping his bicycle, jumping off and running east, away from the officers.

Officer A observed the Subject grabbing his waistband, which Officer A believed might indicate that the Subject was armed. The Subject continued to run down the sidewalk.

As the Subject started to slow and came to a stop, Officer A observed the Subject, who was still facing east, away from him, hold his waistband with his left hand and reach to his waistband with his right hand. Officer A, believing the Subject was reaching for a weapon and believing the situation could escalate to the use of deadly force, drew his service pistol from his holster.

Officer A began ordering the Subject, "Let me see your hands." The Subject responded by turning his upper body toward Officer A. Officer A observed a handgun in the Subject's right hand. Believing the Subject was going to shoot him, Officer A fired two rounds at the Subject. The rounds appeared to have no effect on the Subject. Officer A immediately fired two more rounds. The Subject was struck, threw his gun in a southerly direction to the ground, and immediately fell forward to the sidewalk.

Officer B observed the Subject's actions and believed that the Subject was either armed or possessed contraband. Officer B observed Officer A draw his pistol and due to the fact that he believed the Subject was possibly armed, and trusting that his partner had observed a weapon, he drew his service pistol. Officer B assumed a two-hand low-ready grip on the pistol, placing his right index finger along the slide. Officer B, from a distance of approximately 40 feet, observed the Subject holding a small black object with a handle resembling the grip of what appeared to be a handgun in his right hand and saw Officer A fire three to four rounds at the Subject. Officer B saw the Subject stumble and then throw the small black object resembling the outline of a handgun in an overhand manner to the south and then fall down.

Officer B broadcast that shots had been fired, in addition to the officers' location. Officers C and D immediately responded to the scene and assisted with handcuffing the Subject, establishing a perimeter, and requesting an RA for the Subject.

The Subject was subsequently transported to a local hospital, where he 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 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 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 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

A. Tactics

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

1. Tactical Communication (Code-Six)

In this instance, Officer B observed a Vehicle Code violation and informed Officer A that he intended on stopping the Subject for the noted violation. Within seconds of making that decision, Officer B maneuvered the police vehicle into a position to conduct the stop and stopped on the street. The Subject stopped, dropped the bicycle and immediately began running eastbound away from the officers.

While the BOPC would prefer that officers always go Code-Six prior to initiating contacts, there are occasions when not doing so because of the circumstances is not unreasonable; especially when failing to do so is not an intentional act.

In evaluating the officers' actions, the BOPC took into consideration that officers are required to balance officer safety considerations versus the need to make a timely Code-Six notification to Communications Division (CD). Therefore, Department tactical training allows for officer safety concerns to take precedence over making an immediate Code-Six broadcast. Accordingly, based on the tactical situation rapidly unfolding, it would be unreasonable to expect the officers to break focus from the subject they were stopping and focus on going Code-Six.

Therefore, the BOPC found that their actions did not substantially deviate from approved Department tactical training. However, this issue was addressed during the Tactical Debrief.

2. Tactical Vehicle Deployment

In this instance, Officer B deployed the police vehicle at an angle facing the corner of an intersection. Based on the Subject's position on a sidewalk and his approach to the street, Officer B was faced with a tactical situation wherein the options were limited due to the time to make a decision and take action. Officer B subsequently deployed the police vehicle in a position that enabled him to react to the Subject's movements had he continued westbound or decided to turn southbound.

Importantly, the BOPC considered that the decision to contact the Subject was made hastily. Additionally, the Subject was riding a bicycle which limited their options. Furthermore, Officer B did not pass or drive alongside the Subject, which would have placed both officers at a tactical disadvantage.

Accordingly, based on the totality of the circumstances, the BOPC found that Officer B's deployment of the police vehicle did not substantially deviate from approved Department tactical training. However, this issue was addressed during the Tactical Debrief.

3. Foot Pursuit Broadcast – Pursuing an Armed Subject

In this instance, Officer A focused on the Subject as he grabbed his waistband and ran down the sidewalk. Officer A momentarily maintained a safe distance from the Subject until the Subject ran approximately 25 feet and fell down. Subsequently, the Subject stood up and continued to run an additional 35 feet when he suddenly slowed down, stopped and removed a handgun from his waistband with his right hand while he turned toward Officer A.

The decision to pursue an armed subject while in apprehension mode should be considered when the subject is at a tactical disadvantage. Officer A believed that when the Subject fell to the ground, he (Officer A) had gained a tactical advantage which would allow him to take the Subject into custody. However, after falling, the Subject immediately stood and ran an additional 35 feet.

Cognizant of the fact that tactics are conceptual in nature and incident specific, the BOPC considered that it would not be reasonable to expect Officer A to transition from an apprehension mode to a containment mode within such a short duration of time and distance. Additionally, although the BOPC would have preferred that a foot pursuit broadcast had been made, based on the unfolding tactical scenario and the number of factors that came into play in such a short duration of time, it was reasonable for the broadcast to be delayed as the officers dealt with the immediate tactical concerns.

Consequently, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training. However, the topics of foot pursuit broadcasts and apprehension versus containment were addressed 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 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 and discuss the incident and individual actions that took place during this incident.

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

B. Drawing/Exhibiting

- In this instance, the Subject stopped, grabbed his waistband, dropped his bicycle and ran eastbound away from the officers. Officer A initiated a short foot pursuit of the Subject. The Subject stopped a short distance later and removed a handgun from his waistband. Officer A, believing the situation could escalate to a use of lethal force, drew his service pistol.

Officer B exited the police vehicle when he observed the Subject holding his waistband and running eastbound. Officer B subsequently observed Officer A draw his service pistol. Based on their discussions regarding tactics and their previous history as partners, Officer B believed the tactical situation may escalate to the point where deadly force may be justified.

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 there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

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

During the foot pursuit, Officer A observed the Subject holding his waistband with his left hand while he attempted to hold or conceal what he opined was a handgun. The Subject eventually slowed, stopped and reached into his waistband with his right hand. Officer A issued commands for the Subject to let him “see his hands.” The Subject responded by turning to his left with his upper body toward Officer A. Officer A observed the Subject holding a handgun in his right hand. The handgun was held in a close contact position with the barrel pointed directly at Officer A. Officer A, fearing for his life, fired two rounds at the Subject. Officer A stated the Subject was not affected by the gunshots and was still holding the handgun. Consequently, Officer A fired an additional two rounds to stop the Subject’s deadly behavior.

Upon observing the Subject remove the handgun from his waistband, Officer A stated that he believed he was going to be shot by the Subject.

The trajectory of the rounds was evaluated and it was determined to be consistent with the actions of the Subject reaching into his waistband with his right hand while he turned his upper torso in a counter clockwise movement toward Officer A. The rounds subsequently struck the Subject in his back and could be attributed to the time it takes for an officer to identify a threat and take action.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances would reasonably believe that the Subject represented an imminent threat of death or serious bodily injury and that the use of lethal force would be reasonable in order to stop his actions.

Therefore, the BOPC found Officer A’s use of lethal force to be objectively reasonable and in policy.