



## **Incident Summary**

Officers A and B were working patrol in a marked black and white police vehicle when they observed a black vehicle with its muffler hanging down, creating sparks and making a loud noise as it scraped the ground. Both officers observed that the vehicle had two occupants (driver, NFI, and the Subject (passenger)). Officers A and B decided to conduct a vehicle stop for the violation of operating an unsafe vehicle. Officer A activated their vehicle's emergency lights and siren. The vehicle slowed down and pulled over to the curb. Officer A stopped his vehicle approximately one car length behind the black vehicle and advised Communications Division (CD) of their status and location. The officers then exited their vehicle.

As Officer A stepped out of his vehicle, he observed the front passenger door of the black vehicle swing open, and the Subject run out of the vehicle, away from the officers. Officer A observed the Subject's hands fumbling with an object. The object fell out of the Subject's hands, and, as it fell to the ground, Officer A observed that the object was a semi-automatic pistol. Officer A yelled, "Gun!" and the Subject quickly bent down and picked the gun up and continued running away.

Meanwhile, Officer B had exited the passenger side of the police vehicle and was walking toward the black vehicle, when he observed the passenger's side door of the black vehicle swing open and the Subject run away from the officers. Officer B then heard Officer A yell, "Partner, he's got a gun. He's got a gun." Officer B realized he did not have any cover so he immediately made his way back to the police vehicle.

Meanwhile, Witness A was walking on the sidewalk when he observed the black vehicle being pulled over by the police. The officers were making their way toward the black vehicle when the front passenger (the Subject) of the black vehicle got out and ran away from the police officers. The Subject ran at an angle toward Witness A. Witness A observed a handgun fall out of the Subject's sweater pocket to the ground. Witness A then saw the Subject pick up the gun and continue running on the sidewalk.

Witness B observed the police vehicle stopping a black vehicle. After the vehicle stopped, the Subject ran from the officers. Witness B observed the Subject drop an object, which he believed was a cellular phone, but was unsure because the Subject picked it back up so quickly.

Officer B broadcast a request for additional units for a man with a gun. Officers A and B were both familiar with the area and knew that there was an elementary school nearby. Officer A drove past the driver's side of the black vehicle and followed the Subject, who was now running on the sidewalk. The black vehicle drove away from the scene. The driver was never identified.

The Subject continued running on the sidewalk and then made his way toward the entrance of a gated housing complex. The Subject ran to a seven-foot wrought iron

fence with vertical bars and began to climb over it. Officer A stopped his vehicle in the middle of the street, placed it in park and both officers exited.

Officer A drew his pistol as he made his way toward the fence. Officer A observed the Subject reach the top of the fence and it appeared that the Subject's clothing got caught on the fence. Officer A ordered the Subject to get off the fence. The Subject jumped down on the other side of the fence and landed in a crouched position, facing toward the officers. Officer A then observed the Subject raise both of his hands and point a gun toward the officers. Officer A fired one round as he was still moving. Officer A observed the Subject begin to move backward, still facing the officers, and still pointing his gun at them. Officer A observed that his first round had no effect on the Subject, and he fired another three rounds at the Subject. After Officer A fired his fourth round the Subject turned around, ran away and went out of Officer A's view.

Meanwhile, Officer B drew his pistol as he made his way around the right rear fender of his police vehicle, and then toward the sidewalk. Officer B saw the Subject on the other side of the fence with his back toward the officers and his right hand by his waistband area. Officer B observed the Subject turn clockwise toward Officer A and then raise his right arm toward Officer A. Officer B believed that the Subject was about to shoot Officer A. Officer B fired one round at the Subject in defense of Officer A's life. After Officer B fired his round at the Subject, the Subject stated, "Okay, okay, okay," and then slightly bent down. Officer B assumed that the Subject had placed his gun on the ground, but he was not in a position to see the gun. The Subject placed his hands up for half a second and then ran away in an eastbound direction, away from the officers.

Officer A broadcast a help call and provided a description of the Subject. Officers A and B approached the fence and discovered that the security door was locked. Officers A and B believed that it was not safe for them to climb over the fence because the Subject may shoot at them. Officer A ran on the sidewalk and observed the Subject running on the other side of the buildings, and then along the border of the housing complex. Officer A observed that the Subject no longer had a gun in his hands and believed he may have discarded it. Given the great distance between the officers and the Subject, Officers A and B returned to their police vehicle.

Officer A drove to the next intersection and directed Officer B to exit their vehicle so he could monitor that corner. Officer A then drove to the next intersection and began broadcasting to coordinate a perimeter.

Additional police units began to arrive. Sergeant A arrived at Officer A's location. Officer A advised Sergeant A that he had been involved in an officer-involved shooting (OIS) and that the Subject was outstanding. Officer A requested Sergeant A to have another unit hold his position because he believed that the Subject may have dropped his weapon. Sergeant A accompanied Officer A to the other side of the location where the Subject had jumped over the fence. Sergeant A and Officer A found the Subject's sweater hanging on one of the metal rods of the fence and a pistol at the foot of the fence. The Subject and the black vehicle were later found inside the perimeter.

## **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 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. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

- In their analysis of the incident, the BOPC identified the following debriefing points:
  1. Passing an Occupied Vehicle

In this instance, Officers A and B did not run past the black vehicle but re-entered their police vehicle and drove past it. Officer A observed the Subject pick up the handgun and run on the sidewalk. Although the driver of the black vehicle was still inside the vehicle and the vehicle had not been searched, the officers determined that the Subject posed a greater risk to the community. Additionally, Officers A and B remained together as they re-entered their police vehicle and followed the Subject, while monitoring the actions of the occupant as they passed the vehicle. In assessing the actions of both officers, the BOPC evaluated their decision based on the balance of safety to the community in pursuing an armed subject versus the tactical disadvantage posed by driving past the vehicle. The BOPC believed that the actions of both officers were reasonable under the circumstances in order to address the fleeing armed subject. Also, the BOPC was glad that both officers were attentive to the driver as they passed the vehicle.

In conclusion, Officers A and B's decision to follow the Subject with their police vehicle did not substantially deviate from approved Department tactical training.

## 2. Foot Pursuit Concepts/Communications

In this instance, Officer A requested back-up after confirming the Subject was armed with a handgun. A description of the vehicle and driver would have assisted responding officers with identifying possible subjects. Although Officer A's broadcast did not contain detailed information, additional units responded quickly to the area based on his back-up request. In assessing this point, while the BOPC would have preferred that more information be included, the BOPC was satisfied that the actions of both officers were reasonable in light of the threat they faced.

In conclusion, Officer A's actions did not substantially deviate from approved Department tactical training.

## 3. Apprehension vs. Containment/Pursuing Armed Suspects

In this instance, Officers A and B exited the police vehicle, drew their service pistols and approached the Subject as he was climbing over the wrought iron fence in order to take him into custody. Although officers should generally not pursue armed subjects while in apprehension mode, the Subject was in possession of a handgun next to an elementary school in session and therefore posed a significant threat to the community. In evaluating the discretionary decisions made in this case, the BOPC believed that the decision to pursue in apprehension mode under the facts and circumstances present was a reasonable one.

In conclusion, Officers A and B's decision to pursue the Subject while in apprehension mode rather than establish containment did not substantially deviate from approved Department tactical training.

- The BOPC additionally considered the following:

### 1. Running with Service Pistol Drawn

In this instance, Officer A pursued the Subject on foot as the Subject continued to hold the handgun, posing a continuous threat of serious bodily injury or death. While running with a service pistol drawn is generally discouraged due to the inherent dangers associated with doing so, based on the Subject's continual threat, the BOPC determined that it was reasonable for Officer A to run with his service pistol drawn based on the continuing threat. Nevertheless, Officers A and B would benefit from further discussion on this matter. The BOPC will direct that this topic be discussed during the Tactical Debrief.

## 2. Firearms Safety

The practice of placing a finger on the trigger during search mode is not consistent with basic firearms safety rules, or consistent with approved Department firearms training. During this incident, it was not apparent that Officer A placed his finger on the trigger of his service pistol at any time other than when he intended to shoot. However, due to Officer A stating that he places his finger on the trigger while in search mode, the BOPC will direct that the topic of firearms manipulation and safety be discussed 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. Each tactical incident inherently results in considerations for improvement.

Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this case, although there were identified areas where improvement could be made, the tactics utilized did not substantially and unjustifiably deviate from approved Department tactical training.

The BOPC determined that a Tactical Debrief is the appropriate mechanism for Officers A and B to evaluate the events and actions that took place during the incident and discuss the positive aspects and those actions where improvement can be made.

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

## **B. Drawing/Exhibiting**

- In this instance, Officer A observed the Subject drop a handgun as he fled from the black vehicle. The Subject then picked up the handgun and continued to run. After Officer A alerted his partner, both Officers A and B entered their police vehicle and followed the Subject. When the Subject began to climb over the wrought iron fence, Officer A stopped the police vehicle and both officers exited and drew their service pistols. In analyzing the actions of Officers A and B, the BOPC determined that any officer with similar training and experience would reasonably believe that the situation had escalated to the point where deadly force may be justified.

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

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

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

In this instance, Officer A was confronted by the Subject who refused to comply with the officers' commands while pointing a handgun at Officer A. Officer A feared not only for his life, but also the lives of his partner and possible by-standers behind Officer A. After Officer A fired his first round, the Subject appeared unaffected and continued to point his gun at Officer A. As a result, Officer A fired three additional rounds. The BOPC determined that an officer with similar training and experience would reasonably believe that the Subject posed an imminent threat of death or serious bodily injury to the officers and surrounding community.

Based on the continued deadly threat and the Subject's violent actions, the BOPC determined that Officer A's use of lethal force was objectively reasonable to protect his and his partner's life.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.

- **Officer B** (pistol, one round)

In this instance, Officer B believed the Subject was armed with a handgun based on his partner's statement, and the Subject's actions, as the Subject turned to face the officers while raising his hands in front of his body in a motion consistent with pointing a handgun. Officers A and B never lost sight of the Subject prior to the OIS, therefore Officer B's belief that the Subject was armed remained constant. In reviewing Officer B's decision to fire his service pistol at the Subject, the BOPC assessed the reasonableness of Officer B's perception that the Subject was armed with a handgun. Based on Officer A alerting Officer B that the Subject was armed with a handgun, coupled with the Subject's actions, the BOPC believed that an officer with similar training and experience would reasonably perceive that the Subject was armed with a handgun, and was pointing it at the officers. Officer B believed if he did not react to the threat that the Subject posed and take immediate action, he or his partner would be seriously injured or killed. Officer B's belief that the Subject was armed with a handgun and was pointing it in the officers' direction was based on his training and experience and the actions of the Subject preceding the OIS. Based on the totality of the circumstances and the Subject's actions, the BOPC determined that an officer with similar training and experience would reasonably believe that the Subject posed an imminent threat of death or serious bodily injury to the officers and surrounding community and that Officer B's use of lethal force was objectively reasonable to protect himself and his partner.

In conclusion, the BOPC found Officer B's use of lethal force to be in policy.