



## **Incident Summary**

Officers A, B, C, and D were on duty in plain clothes travelling in an unmarked police vehicle. The officers were monitoring the area for specific violations. Officer A was driving. Officer B was the right front passenger, Officer C was the left rear passenger and Officer D was the right rear passenger in their vehicle.

Officers A, B, and D observed two males walking in a northerly direction in the middle of the street, toward the north sidewalk. Officer A slowed down the vehicle as the two males continued to cross the street in front of their vehicle. As Officer A drove past the males, one of the males yelled out the name of a local gang.

As Officer A continued driving, Officers D and B observed another male standing on the south sidewalk. The males on the north side yelled at the male on the south side in order to get his attention. Officer D then observed the male on the south side run north into the street as the officers passed him. Officer A continued driving. He looked in his rear view mirror and observed a male standing in the street, pointing a handgun in their direction. Immediately thereafter, the officers heard several gunshots being fired and rounds impacting their vehicle.

As Officer D heard the gunshots, Officer C, who was seated to his left, keeled forward. Officer D believed that Officer C had been shot.

Officer D placed his left hand on Officer C's back as he twisted his upper body over Officer C's back. Officer D, using a one-handed grip with his right hand on his gun, placed it out of the left rear passenger window and fired two rounds at the male in the street pointing a gun in the officers' direction.

Officer A accelerated their vehicle out of the line of fire away from the location. The officers heard more gunshots as they fled. Officer A parked the vehicle and Officers A, B, C, and D exited the vehicle, donned raid jackets, and took cover behind a building. Additional officers responded to the scene and detained Subjects 1 and 2 as the possible subjects.

A subsequent search of the residence of Subjects 1 and 2 yielded three firearms. Subjects 1 and 2 were arrested for offenses related to the firearms.

In a subsequent photo line-up, Officer D identified Subject 1 as the shooter and Officer A identified Subject 2 as the shooter.

## **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, B, C, and D's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

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

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

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

### **Basis for Findings**

#### **A. Tactics**

- In their analysis of this incident, the BOPC identified the following tactical consideration:

1. Equipment – Body Armor and Raid Jackets

The officers were assigned to monitor the area for possible specified violations.

As the involved officers' plan was to don the required equipment prior to making contact with any suspects, the officers complied with the intent of the applicable standard and did not substantially deviate from approved Department tactical training.

- 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, it was determined that the identified area for improvement did not substantially deviate from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

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

## **B. Drawing/Exhibiting**

- In this instance, as the officers drove past the males, one of the males yelled out the name of the local street gang. Shortly thereafter, the officers were fired upon. In response, Officers A and D drew their service pistols.

After the officer-involved shooting, Officer A accelerated and Officer D lost visual contact with the suspect and holstered his service pistol. Officer A turned and parked the vehicle and holstered his service pistol.

Upon exiting the police vehicle, the officers donned their body armor and Department raid jackets. Officers A, B, C, and D then proceeded to draw their service pistols, taking a position of cover behind a building.

The BOPC determined that officers with similar training and experience who were fired upon would reasonably believe that the situation had already escalated to the point where deadly force may be justified.

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

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

- **Officer D** (pistol, two rounds)

While Department policy generally prohibits shooting from moving vehicles because of the possible risks, those risks must be balanced against the seriousness of the crime involved. In this case, after hearing gunshots and ballistic impacts to his vehicle, in addition to observing his partner move in a manner consistent with being shot, Officer D reasonably believed that the subject(s) presented a threat of serious bodily injury or death. Consequently, any officer with similar training and experience in similar circumstances would have reacted with deadly force. Furthermore, Department policy permits officers to shoot from a moving vehicle in the immediate defense of life as was the case in this incident.

Consequently, the BOPC determined Officer D's use of lethal force in defense of his life and the lives of his fellow officers was objectively reasonable and consistent with Department policy.

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