



## **Incident Summary**

Witness A was inside her residence. Witnesses B and C were also there.

Witness A observed the Subject approach her front door.

The Subject retrieved a blue steel revolver from his waistband, walked inside Witness A's residence, and approached Witness B. The Subject pressed the handgun against Witness B's stomach and threatened to kill him. Witness C intervened and told the Subject he would have to kill her as well. Communications Division (CD) received a 9-1-1 call about the incident and was told that the Subject had returned to his (the Subject's) residence.

Communications Division broadcast, "possible [Assault with a Deadly Weapon (ADW)] suspect" threatening a witness, possibly armed with unknown type handgun. Communications Division received a second 9-1-1 call about the incident and obtained information that the Subject was down the street. A second radio broadcast was initiated.

Officers A and B requested the radio call be assigned to them. Officers A and B discussed that since the Subject's location could not be determined, they would respond to Witness A's residence. The officers turned off their siren and emergency lights as they approached to avoid alerting the Subject to their presence. Just prior to turning onto the street of Witness A's residence, Officer B observed three individuals (Witness A, a female; the Subject; and a third whom was not identified). The Subject's physical description matched the description of the subject of the possible ADW radio calls. Officer B relayed his observations to Officer A.

Simultaneously, as Officer A turned the vehicle onto the street, he observed Witness A point frantically toward the Subject. Based on the Subject's appearance and Witness A pointing, Officer A formed the opinion that the Subject was the subject from the possible ADW radio calls. Officer A stopped and exited the police vehicle and, as he did so, he observed Witness A indicate to him that the Subject was the man who had threatened her. Officer A ordered the Subject not to move. The Subject immediately raised both hands to shoulder level, but when Officer A stepped toward him, the Subject ran into the driveway of a residence. Officer A ran toward the driveway after him.

Simultaneously, Officer B exited the police vehicle and observed the Subject run toward a chain link gate at the rear of the residence. Officer B observed the Subject grab the front of his waistband as he ran down the driveway. As the Subject approached the chain link gate, Officer A observed a blue steel handgun fall from the Subject's person onto the ground. The handgun made a metallic sound as it hit the ground and slid to a stop at the base of the gate.

Officers A and B unholstered their pistols as the Subject ran to the handgun and crouched down next to it. The Subject unlatched the two portions of the gate and

pushed it open. The Subject made eye contact with Officer A, looked back at the handgun, which was by his right foot and, with his right hand, reached down toward it. The Subject grabbed the handgun with a shooting grip, looked back at Officer A, and started to raise the handgun in Officer A's direction. Officer A believed the Subject's actions had changed from merely trying to escape to re-arming himself to possibly shooting and killing him or his partner. Officer A decided his only available option was to use lethal force to stop the Subject's actions.

Officer A raised his pistol and fired three rounds at the Subject. The Subject then started to pull the handgun back toward his body, as he crouched down.

The Subject immediately ran into the rear yard of the residence and out of Officer A's view. Officer A redeployed around the corner of the house while holding his pistol.

As Officer A came around the corner, he observed the Subject on top of the wooden fence along the side of the property. The Subject appeared to be hung up on top of the fence as he looked in Officer A's direction and raised his fully extended right hand, pointing his handgun directly at Officer A. The Subject looked directly at Officer A and, according to Officer A, with his right hand, pushed out and fully extended his elbow and wrist in a one-handed shooting position, pointing his arm and gun directly at Officer A.

Officer A raised his pistol and fired one round at the Subject. The Subject pushed himself over the fence and continued running through the yards of the residences. None of Officer A's four rounds struck the Subject.

Officer B ran back to the sidewalk in front of the residence. From his position, Officer B tracked the Subject as he ran and then turned out of his view. Officer A ran back and joined his partner in front of the residence.

Officer B broadcast an "officer needs help, shots fired" radio call, and included the direction of the Subject. Officer B then broadcast a request for a perimeter and provided the Subject description and his last known location. Numerous units responded and established a perimeter. Officers A and B kept their pistols unholstered while the perimeter was established and holstered their pistols once responding units took their positions on the perimeter.

When Officer A first arrived at his corner, he indicated that he had "lost sight" of his partner. Officer A further indicated that when he looked back to make sure everything was okay with his partner, for the first time, he realized there was a "bow" in the street, between the two corners, and thus that there was no line of sight to his partner. Officer A was surprised and immediately tried to correct the situation by moving into the street.

Officer A indicated that there was significant traffic on the street, and because he did not have the ability to stop traffic and observe the street for containment purposes, Officer A returned to the sidewalk. Officer A immediately observed two responding units arriving at the scene.

Sergeants A and B were the first supervisors to respond to the help call. Sergeant A made contact with Officer A on the street.

Metropolitan Division K-9 Units were subsequently requested to respond and search for the Subject. The Subject was located by a K-9 search team behind the garage to the rear of a residence. A K-9 contact occurred under a table where the Subject hid. During the K-9 contact, the Subject sustained dog bite injuries to his right foot, left foot, and shin. The Subject was taken into custody without further incident.

During a subsequent K-9 search for a weapon, a five-shot .38 caliber revolver with an approximate 3 ¼ inch barrel and black grips was located in a yard. The revolver was loaded with one live round.

The Subject was positively identified by Officers A and B during a field show up. It was also determined the Subject was the subject from the original 9-1-1 calls. The Subject was taken to the CP where a Rescue Ambulance was standing-by.

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

The BOPC found Officer A'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 considerations:

#### 1. Code Six

Officers A and B observed Witness A frantically pointing at the Subject 1. The officers immediately stopped their police vehicle and exited to address the Subject, who was reportedly armed with a gun. Neither Officer A nor B advised CD of their location at this time.

Although the officers did not advise CD that they were at scene, they had not arrived at the radio call location, and at the time Officers A and B encountered the Subject, the tactical situation that they were confronted with required immediate action.

In conclusion, due to the totality of the circumstances, the BOPC found that Officers A and B acted appropriately and that their actions did not represent a substantial deviation from approved Department tactical training.

#### 2. Foot Pursuit of Armed Suspect

Upon initially observing the Subject on the driveway, Officers A and B did not observe him in possession of a handgun. When Officer A communicated to the Subject that he wanted to speak with him, the Subject grabbed his waistband area and ran down the driveway toward the rear of the residence. At this time, Officers A and B formed the opinion that the Subject was possibly in possession of a handgun as he ran down the driveway.

In addition, the officers initiated a foot pursuit of the Subject prior to confirming that the Subject was in possession of a handgun. It was not known to Officers A and B that the Subject possessed a handgun until it dropped onto the driveway as the Subject approached the gate.

Once Subject 1 picked up the handgun, he pointed it at the officers, and an OIS occurred. The Subject then ran around the corner of the residence into the rear yard, out of Officer A's view. Officer A, believing the Subject posed an active threat, cleared the corner of the residence in an effort to maintain view of the Subject's location. Officer A observed the Subject on the property's wooden fence as the Subject started to raise the handgun and point it at him a second time. Believing he was going to be shot, Officer A fired one round at the Subject. The Subject continued over the fence and out of Officer A's view. At this time,

Officers A and B transitioned into containment mode and established a perimeter.

In conclusion, the BOPC found that Officers A and B's decision to pursue the Subject did not substantially deviate from approved Department tactical training.

### 3. Establishing Containment/Tactical Deployment

In this instance, Officers A and B discontinued their pursuit of the Subject and established a perimeter immediately after Miles climbed over the fence and out of the officers' view.

Immediately following the OIS, Officer B broadcast a help call and provided information for responding units. Officers A and B took their positions at adjacent corners, effectively establishing three-sided containment. Due to the curvature of the street Officer A briefly lost sight of his partner. Once Officer A realized he could no longer see his partner, he moved southbound onto the roadway and regained view of him.

Officer A lost sight of Officer B for a very short time before he was relieved by a responding unit.

While the BOPC was critical of the position that both officers were ultimately in, the BOPC took the following factors into account in assessing whether or not this was a substantial deviation from approved Department tactical training:

- Officers A and B had been partners for approximately seven years and maintained a clear understanding of one another's tactical decision making and actions that have occurred during similar incidents.
- Officers A and B understood that they were in containment mode and knew the intended and actual location of one another while in containment mode and subsequent perimeter operations.
- Both Officers A and B knew that units were nearby on a recently concluded incident and immediately following the help request Officer A could hear the sirens of responding units.
- Officer B communicated via his radio with responding units while setting up the perimeter, effectively directing units to their location to assist.
- Within 10 to 15 seconds of Officer A taking his position, he could see responding units coming from west and north of him. Within 30 seconds, Officer A had a unit with him.

With Officers A and B's knowledge that an armed subject was at large in a residential neighborhood, the BOPC determined that it was reasonable for the officers to contain the Subject in the manner of which occurred and they had few options under dynamic and fast moving tactical circumstances. The BOPC was

satisfied that both officers were aware of each other's location and would have been able to render aid to each other if necessary.

Officers A and B's actions were reasonable under those circumstances and did not unjustifiably and 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. In this instance, the tactical considerations neither individually nor collectively unjustifiably or substantially deviated from approved Department tactical training.

A Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

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 a handgun fall from the Subject's person at the rear gate of the residence. Believing that the situation had escalated to the point where deadly force may be justified, Officer A drew his service pistol.

Officer B drew his service pistol as he believed the Subject was a potentially armed subject, and he observed the Subject grabbing his waistband as the Subject ran down the driveway.

The BOPC determined that due to the nature of the radio call, officers with similar training and experience would reasonably believe that the situation had escalated to the point where deadly force may be justified when the Subject was observed to be in possession of a handgun.

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

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

- **Officer A** (pistol, four rounds, two separate sequences of fire)

### First Sequence

Officer A observed the Subject run westbound on the driveway toward the rear gate. As the Subject approached the gate, a handgun dropped from his person onto the driveway. The Subject unlatched the gate and then looked back at Officer A. The Subject then crouched down and grabbed the handgun, acquired a shooting grip and pointed it at Officers A and B. Fearing for his and his partner's life, Officer A fired three rounds in rapid succession at the Subject.

### Second Sequence

The Subject ran northbound into the rear yard and out of Officer A's view. Officer A tactically cleared the corner of the house and observed the Subject on top of a wooden fence on the side of the property. The Subject then fully extended his right arm and raised the handgun and pointed it at Officer A. Officer A fired one round at the Subject, as the Subject continued over the fence and out of Officer A's sight. Officers A and B then transitioned into containment mode and established a perimeter.

Based on Officer A's observations, an officer with similar training and experience would reasonably believe that they were going to be shot by the Subject. Consequently, in each instance, it was objectively reasonable for Officer A to perceive the Subject's actions as a deadly threat and use lethal force in defense of his and Officer B's lives. Therefore, the decision by Officer A to use lethal force was objectively reasonable and consistent with Department policy.

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