



## **Incident Summary**

Officers A and B were on patrol when they observed the Subject riding his bicycle in the middle of a street. As the officers were following the Subject, the Subject suddenly stopped his bicycle, removed a handgun, and began to fire his gun toward a vehicle that was driving down the street. The officers stopped their police vehicle and Officer A (passenger) exited, unholstered his service pistol and gave the Subject commands to drop his gun. Simultaneously, Officer B (driver) unholstered his service pistol and exited the police vehicle. Officer A attempted to use his hand held radio to broadcast their location and request help; however, as Officer A grabbed for his hand held radio, he realized it had fallen out of its holster.

Officers A and B moved from behind the doors of the police vehicle. According to Officer A, Witness A was driving northbound and stopped just south of Officers A and B. Officers A and B had their service pistols trained on the Subject, who was in close proximity to Witness A. Fearing for Witness A's safety, Officer A momentarily left his position of cover and attempted to direct Witness A out of harm's way.

The Subject, who was still straddling his bicycle, turned and faced the officers, then pointed his gun in the direction of the officers. Officer A, fearing that the Subject was going to shoot them, fired several shots at the Subject striking the Subject in the upper body. The Subject dropped his gun and fell to the ground. Officer B broadcast a help call, which included their location. An ambulance was also requested.

The Subject was handcuffed and an ambulance responded to the scene and transported the Subject to a local hospital where he was treated for his injuries.

The Subject was armed with a .40 caliber semi-automatic pistol. Four expended cartridge casings were recovered from the scene and later matched to the Subject's pistol, indicating the suspect fired four rounds.

## **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 tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

The BOPC found Officer A and B's drawing and exhibition of a firearm to be in policy.

## **C. 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. Tactical Communications / Code Six

In this instance, Officer A attempted to use his hand held radio to broadcast their Code Six location and request help. As Officer A grabbed for his hand held radio, he realized it had fallen out of its holster.

In evaluating the circumstances surrounding this incident, the BOPC took into consideration that although officers are required to go Code Six and provide Communications Division (CD) with their status and location when conducting field investigations, Officer A needed to act immediately to preserve life during this rapidly unfolding tactical incident. Officers A and B were forced to react to the Subject's actions, thereby mitigating the requirement to advise CD of their status and location until they addressed the threat. Additionally, Officer B broadcast a help call, which included their location, when the tactical situation afforded him time to do so.

In conclusion, although not advising CD of their status and location while conducting a field investigation is worthy of discussion at a Tactical Debrief, in this instance the officers acted appropriately and made the appropriate notifications once the tactical scenario had subsided to a point where time was made available. Therefore, the officer's actions did not substantially deviate from department policy.

#### 2. Utilizing cover

In this instance, Officers A and B initially left their position of cover behind the ballistic doors of the police vehicle prior to the arrival of additional personnel.

When evaluating the use of this tactic, the BOPC first considered Officer A's statement regarding Witness A. According to Officer A, Witness A was driving northbound and stopped just south of Officers A and B. Officers A and B had their service pistols trained on the Subject, who was in close proximity to Witness A. Fearing for Witness A's safety, Officer A momentarily left his position of cover and attempted to direct Witness A out of harm's way.

Although officers are generally cautioned against leaving cover until it is tactically safe to do so, here Officer A acted based on his concern for the safety of Witness A. Additionally, the BOPC was pleased to learn that after initially starting to approach the Subject, the officers reassessed and properly redeployed to a position of cover behind their ballistic doors and waited for additional units prior to approaching the Subject. Accordingly, the BOPC found that the officers' actions 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.

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, Officers A and B observed the Subject riding a bicycle. The officers then observed the Subject stop, straddle his bicycle and fire four rounds from a handgun at a passing vehicle. As Officer B stopped the police vehicle, both he and Officer A exited the police vehicle and drew their service pistols.

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.

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, 3 rounds)

In this instance, the Subject stopped, straddled his bicycle, removed a handgun from his person and fired multiple rounds at a passing vehicle. Despite Officer A's commands to drop the handgun, the Subject turned, looked over his right shoulder and raised his handgun in Officers A and B's direction. Fearing for his partners and his life, Officer A fired several rounds from his service pistol striking the Subject.

An officer with similar training and experience as Officer A would reasonably believe that the Subject's actions of firing upon a moving vehicle then turning and pointing a handgun in their direction represented an imminent threat of serious bodily injury or death and the use of lethal force would be a reasonable option.

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