

Incident Summary

Communications Division (CD) received a 911 call from an anonymous caller who stated there were approximately ten people making a lot of noise and playing music at an abandoned house. A radio call was generated and officers were dispatched to the location.

Officers A and B monitored the radio call. Due to the radio call's time and location, the officers believed the trespassers might be gang members and decided to back the primary unit. As the officers drove toward the location, they heard music coming from inside the darkened property. Officer B stopped the police vehicle in the street and both officers exited from their respective doors. As Officer B exited the police vehicle, his attention was diverted to a male, later identified as the Subject, talking to a female seated in a vehicle parked along the curb. Initially, Officer A did not observe the Subject. Officer A walked toward the north sidewalk, to monitor the yard and residence.

Officer B illuminated the Subject with his flashlight. As he did so, the Subject held his waistband with his right hand, turned and ran. Due to these actions, Officers B and A believed the Subject may be holding a gun and they began to run after the Subject in the middle of the street, 10 to 15 yards behind him, using parked vehicles for cover. Both officers now illuminated the Subject with their flashlights. The Subject continued to run while holding his front waistband area and appeared to be manipulating the front of his waistband as he ran. At mid-block, Officer A passed Officer B and took the lead in the foot pursuit. Officer B then broadcast that the officers were in foot pursuit of a man with a gun.

As the officers pursued the Subject, the Subject kept looking over his right shoulder to see where the officers were. The Subject also kept looking south as if he was looking for an open gate to run through; however, all of the gates were closed. At this time, the Subject began to slow down. Officer A was approximately 20 to 25 yards east of the Subject and also slowed down. Officer A continued to illuminate the Subject with his flashlight.

The Subject turned in a clockwise direction toward Officer A, drew a dark object from his waistband, which Officer A believed to be a gun. Officer A ran toward a parked vehicle for cover and drew his weapon. Simultaneously, Officer B observed the Subject pull a dark object, which Officer B believed to be a gun, from his front right pocket and Officer B drew his pistol.

As Officer A took cover, Officers A and B heard the Subject yell that he (the Subject) had a gun. Witnesses A, B, C and D also heard the Subject tell officers he had a gun. Witness A saw the Subject begin to raise his arms but could not see both hands. Witness A also saw the Subject raise his left hand at a 80 to 90 degree angle out in front of his body, though Witness A could not see the Subject's right hand—the hand in which Officers A and B observed the Subject to be holding the gun. Witness B saw a dark object in the Subject's right hand but could not tell what it was.

The Subject pointed the gun at Officers A and B, and Officer A fired a total of six rounds at the Subject. Witness B saw the dark object fall from the Subject's hand and heard it hit the sidewalk. The Subject fell to the ground. The officers requested an ambulance for the Subject. The Subject died at the scene. The Subject's gun was recovered next to him.

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/Holstering 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 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

In this instance, Officers A and B identified the location of the radio call and exited their vehicle with the intent to broadcast their Code Six location. However, Officer B had his attention diverted to the Subject, who was standing across the street from the location of the radio call, and Officer A had his attention divided between the Subject and another male individual who was trying to enter the residence adjacent to the radio call location. The BOPC would have preferred that the officers had gone

Code Six when they arrived at the location, in order to alert CD and other responding officers responding to the call, for the purpose of officer safety.

The BOPC determined that not going Code Six did not substantially deviate from approved Department tactical training.

2. Foot Pursuit of Armed Suspect/Foot Pursuit Tactics

Officers A and B elected to initiate a foot pursuit of the Subject who they believed was possibly armed with a gun. Due to the spontaneity of the foot pursuit, the officers had to rely on their prior discussions on foot pursuit tactics.

As the Subject ran, Officers A and B tracked the Subject by running in the middle of the street utilizing parked vehicles as cover. The officers were approximately 20 to 25 yards behind the Subject when he began to slow his pace. As the officers began to close the distance between themselves and the Subject, Officer A adjusted his tactics by angling in a northwest direction to maintain distance and place the Subject in a triangle formation between him and his partner. However, as the Subject removed his handgun from his waistband, Officer A closed the distance between himself and the Subject to seek additional cover behind the engine block of a parked vehicle. As a result of closing the distance on the Subject, Officer A and the Subject were approximately 15 feet from each other at the time of the OIS.

In this instance, based on the officer's statements and the tactics employed during the foot pursuit, it is evident that Officers A and B pursued the Subject in an attempt to contain him and monitor his movements through a densely populated residential community. Though the officers' intent was not to apprehend the Subject nor provoke an armed confrontation, the Subject's actions necessitated Officer A to adjust his tactics and seek the nearest available cover.

The BOPC found that the officers' decision to pursue a potentially armed suspect and the tactics employed during the foot pursuit 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 responded to a radio call of “Trespass suspects there now at a vacant residence.” Upon arriving to the radio call location and exiting the police vehicle, Officer B’s attention was diverted to the Subject who began to walk away from the officers holding his waistband area. The Subject then turned and ran away from Officers A and B resulting in a foot pursuit.

During the pursuit, Officer A passed Officer B. The Subject slowed to a jog turned in a clockwise direction toward Officer A, reached into his waistband and withdrew a gun. Simultaneously, Officer B observed the Subject pull a gun from his front right pocket.

The BOPC determined that another officer with similar training and experience would reasonably believe that when encountering an armed suspect, the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- During the foot pursuit, Officer A observed the Subject remove a dark object from his waistband area. Believing that the object was a handgun, Officer A drew his service pistol. After drawing his service pistol, Officer A confirmed that the dark object was a blue steel handgun. After taking cover behind a parked vehicle, Officer A observed the Subject pointing the handgun at his head. Believing he was going to be shot, Officer A fired his service pistol at the Subject. After firing, Officer A reassessed the situation and observed that the Subject was still standing and still pointing a gun at him and his partner. In response, Officer A fired additional rounds.

In assessing Officer A’s use of lethal force, the BOPC took into account the statements of Officers A and B as well as the statements of civilian witnesses and the physical evidence. The preponderance of available evidence supports Officer A’s account in that, at the time of the OIS, the Subject was holding a handgun in his hand and was pointing it in the direction of the officers.

The BOPC determined that an officer with similar training and experience and under similar circumstances would reasonably perceive that the Subject posed an imminent threat of serious bodily injury or death to Officers A and B. Therefore, Officer A’s use of lethal force was objectively reasonable and within Department policy.

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