

Incident Summary

While on patrol, uniformed Police Officers A and B, observed a group of four to six males standing on the sidewalk. Within the group of males, both officers immediately recognized the Subject, a known gang member who was on probation and wanted on a warrant.

According to the officers, the Subject looked in their direction and appeared startled. He immediately grabbed his waistband with both hands and quickly walked away from the officers. The Subject then began running at a full sprint while still holding his waistband, as he crossed the roadway, running in a northeasterly direction.

As the Subject began to flee, Officer A stopped the officers' vehicle, placed it in park, and removed the keys from the ignition. Officer B exited the vehicle, turned on his Body Worn Video (BWV), and began chasing the Subject. The BWV camera worn by Officer B captured the pursuit as the Subject fled.

Officer A unholstered his pistol and held it in a two-handed, low-ready position. Once the Subject began running, Officer A stated that he attempted to holster his weapon, but was having difficulty holstering while on the move and simultaneously broadcasting the foot pursuit.

The Subject then made a right turn. At this point the Subject was approximately 20 to 25 feet in front of Officer B. Officer B said that throughout the foot pursuit, the Subject never said anything, but he repeatedly looked back at them.

Note: The total distance covered during the foot pursuit was approximately 663 feet.

The Subject continued running and at one point, turned his head to look back and collided into an overhead streetlight pole causing him to fall against a parked vehicle. This afforded Officer B enough time to catch up to him. At that point, Officer B saw that the Subject's hands were empty, and decided to take him into custody.

Almost instantaneously, the Subject removed a handgun from his waistband and held it with his left hand and brought it round to point at Officer B's chest area. Officer B immediately grabbed the Subject's left hand and tried to gain control of the gun. They were then facing each other and physically struggling next to the light pole. As they struggled, Officer B could see and feel that the Subject was moving his arm, pointing the handgun toward his chest and head area. According to Officer B, he attempted to push the gun away. As that occurred, the Subject fired two to three shots, with one of the rounds striking Officer B on the upper right arm near the bicep.

The two continued to struggle for the gun, as the Subject discharged additional rounds in the direction of Officer A, who was on the sidewalk running toward them. Officer A unholstered his weapon when he saw what was unfolding.

Officer B pushed the Subject against a parked vehicle along the front hood. Officer B believed he was overpowering the Subject as he pushed him backwards onto the roadway. Due to the momentum of being pushed, the Subject fell and landed on his back, with Officer B falling on top of him but offset to the right side of the Subject, who still had possession of the handgun. At this point, Officer B was using his right hand to control the Subject's left hand to prevent the Subject from shooting him.

Officer A saw his partner's right arm stretched across the Subject's torso, but Officer B appeared motionless. At that point, Officer A believed his partner was possibly dead. With his partner lying on top of the Subject, Officer A believed he could not get a clear shot at the Subject. Within a split second, Officer A ran up to Officer B and the Subject, dropped to his knees, and straddled the Subject's right leg. Officer A held his pistol in his right hand close to his body and fired six rounds toward the Subject at close range. Officer A fired the rounds in rapid succession until the Subject stopped moving.

Once the Subject was no longer moving, Officer A stood up, holstered his weapon, and checked on his partner. Officer A broadcast an "Officer Needs Help" call and requested two Rescue Ambulances. He then tended to his wounded partner, who was bleeding from the gunshot wound to his right arm.

Responding officers applied a tourniquet to Officer B's arm and transported him directly to hospital where he was treated for the gunshot wound. Officer A was also later admitted to the hospital following the OIS.

Firefighter/Paramedics responded to the scene. Following an examination of the Subject, they found no signs of life and determined the Subject to have died.

During the course of the investigation, Force Investigation Division detectives identified Witness A. According to Witness A he saw the Subject with his hands near his waist as he was running on the sidewalk, being chased by two uniformed officers. The officer who was running behind the Subject repeatedly shouted for the Subject to stop. Witness A stated that he heard a gunshot, that wasn't fired by the officer, then got on the ground right away. Witness A believed he then heard a further six shots as he lay on the ground.

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 Officer A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Non-Lethal Use of Force

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

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC considered the following tactical issues:

1. Pursuing Armed Suspects

Officers A and B went in foot pursuit of the Subject they believed was possibly armed with a weapon.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

In this case, Officers A and B had been working together for a long period of time and were aware of each other's tactics. As they pursued after the Subject, they never lost sight of each other and according to both officers they were just about to transition into containment mode and then observed the Subject trip and fall, and had nothing in his hands. At that moment, the officers' believed they had gained the tactical advantage and attempted to take the Subject into custody.

It is the BOPC's expectation that officers are decisive in their actions during a rapidly unfolding, life-threatening situation while taking into consideration police work is inherently dangerous. In this case, the officers were faced with a non-compliant and possibly armed suspect as soon as they stopped their vehicle.

Based on the totality of the circumstances, the BOPC determined that Officer A and B's actions were reasonable 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.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officers A and B did not substantially deviate from approved Department tactical training and warranted a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he observed the Subject wrapping both hands around his waistband as if he was grabbing a football and take off in a full sprint on the south side of the street. Based on the Subject's actions, he believed that the Subject was going to bring out a gun from his waistband, and that the situation could escalate to one involving the use of deadly force. Accordingly, Officer A drew his service pistol.

According to Officer A, he observed the Subject and his partner grabbing at each other's arms as he was approaching them. Officer A then observed two shots being fired and the muzzle flash as the Subject's gun was being pointed in his direction. Believing his partner's life was in danger, Officer A drew his service pistol.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer A, 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.

Therefore, the BOPC found Officers A's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use Of Force

- **Officer A** (Physical Force and Bodyweight)

According to Officer A, he observed Officer B struggling with the Subject over control of a handgun. He got on top of the Subject's right side and straddled the Subject's right leg, holding him down with bodyweight, while using his left hand to stabilize himself on the Subject's body.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would believe that the application of non-lethal force by these officers would be reasonable to overcome the Subject's resistance, prevent his escape, and effect an arrest.

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

- **Officer B** (Firm Grip, Physical Force, and Bodyweight)

According to Officer B, he grabbed the Subject's left wrist with his right hand when he observed the Subject reach into his waistband and produce a handgun. As he struggled with the Subject over control of the handgun, the Subject fired the gun towards him and Officer A. As they continued to struggle, the Subject fell on his back, and Officer B fell on top of the Subject. Officer B then utilized bodyweight to hold the Subject's left wrist area with his right arm to prevent the Subject from firing his weapon at him and his partner.

D. Lethal Use of Force

- **Officer A** – .(pistol, six rounds)

According to Officer A, he observed Officer B and the Subject fighting for the gun and then observed the two both go down to the ground. The Subject was facing up with the gun in his left hand and had his left arm curled towards himself and Officer B. Believing that the Subject was going to fire more rounds, and that his partner was either shot, seriously injured, or dead, he fired three to five shots at the Subject to stop the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and therefore, the use of lethal force would be objectively reasonable.

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