



## **Incident Summary**

Officers A and B observed a black sedan driving at a high rate of speed. Officer B estimated the vehicle to be traveling at a speed of at least 55 miles per hour (MPH) in a posted 35 MPH zone.

As the vehicle passed the officers, they both recognized the driver. Officer A knew he was on post-release community service, community supervision for weapons violations, and vandalism. Officer A further stated that the driver had gang conditions, meaning he could not associate with other gang members. Officer A recognized the front passenger as an individual the driver was prohibited from associating with, per the conditions of his probation. Officer A also recognized the rear left passenger as the Subject, whom the driver was also prohibited from associating with, per the conditions of his probation.

Officers A and B discussed the speed violation and the driver's probation conditions, which prohibited him from associating with the other two passengers.

Officer A conducted a U-turn and drove after the vehicle, with the intention of conducting a traffic stop for speeding and to inquire about the driver's presence with other known gang members. Officer B observed the Subject look in their direction as they caught up to the vehicle. According to the officers, the driver pulled into a parking lot but failed to stop. He continued across the lot, out another driveway, and then crossed the street into a gas station.

**Note:** A video camera attached to a light pole captured a portion of the vehicle's movements.

Officer A pulled into the gas station behind the vehicle. Officer B believed he broadcast the officers' status and location (Code-6) via the radio but was not sure. A subsequent review of the Area radio frequency recording revealed that Officer B did not broadcast that the officers were Code-6.

While following the vehicle, Officer A read the license plate number to his partner in order to conduct a warrant check via their Mobile Digital Computer; however, Officer B entered the license plate incorrectly. Officer A observed the driver speaking to the other occupants of the vehicle, which alerted Officer A that they may be speaking about running once the vehicle came to a stop.

The driver stopped his vehicle in the service station next to the fuel pumps. According to Officer A, he stopped the police vehicle behind and to the left of the driver's vehicle, and opened the driver's door of his vehicle.

Both officers exited the police vehicle and observed the Subject's rear left passenger door open. Officer A advised Officer B that when the door was opening, he believed the Subject was going to run. Officer A was approximately ten feet south of the Subject,

side stepped to the left of the driver door of his vehicle, believing the Subject was going to run, and observed the Subject exit the vehicle. According to Officer A, the Subject exited the vehicle in a northwest direction with a blue steel revolver in his left hand, in front of his body.

**Note:** According to Officer B, the Subject exited the vehicle, faced east with the handgun in his right hand in a 45-degree angle against his body near his rib cage. The Subject turned his body slightly to the left, and pointed the handgun in the officers' direction.

The video that was recovered from the Probation Department located across the street from the gas station, depicted the Subject exit the vehicle and face in a northwesterly direction. The video lacked the clarity to either corroborate or conflict with Officer B's statements with regard to the position the Subject held his weapon.

Officer A unholstered his weapon. Officer B began to unholster his weapon but was unsure if he completed the action. According to Officer A, the Subject initially pointed his handgun toward the ground. As the Subject took a step forward, he raised the handgun and transitioned it into his right hand. The Subject, while still facing in a northwest direction, brought his right arm across his body and pointed the handgun in Officer A's direction. The Subject then began to run north. According to Officer B, the Subject turned his body slightly in a counter-clockwise direction toward the officers.

**Note:** Witness A was in the market of the gas station and looked out of the northwest window that faced the gas pumps. After he observed the Subject exit the rear passenger door of the driver's vehicle, Witness A observed the Subject tugging at his waistband with his right hand as he ran. Witness A stated that he heard an officer say, "Hey, stop, stop."

As the Subject ran north, Officer A observed that the handgun was still pointed in his direction. According to Officer A, he was now on the sidewalk, west of his vehicle. He aligned his sights and fired one round at the center body mass of the Subject's back. Officer A assessed and observed the Subject continue to run north and point the handgun across his body behind him, in Officer A's direction. Officer A took a step to the left and fired two additional rounds at the center body mass of the Subject's back, approximately at the same time the Subject threw the gun. The Subject was not hit and Officer A chased him on foot, while Officer B chased him in the police vehicle. Officer A also stopped to retrieve the Subject's handgun. The officers separated during the chase.

The Subject stopped running, and Officer B stopped his vehicle, exited, unholstered his weapon, and ordered the Subject to get on the ground. The Subject complied. Officer B momentarily approached the Subject and stepped on his leg to control his movement, but then stepped back and away from the Subject until Officer A arrived. Officer A

eventually arrived and placed the Subject's handgun on the ground while he assisted Officer B in taking the Subject into custody. There were no injuries during this incident.

### **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 Administrative Disapproval.

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

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

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

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

### **Basis for Findings**

#### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:

##### **1. Tactical Communication and Planning (Substantial Deviation – Officer A)**

Officer A did not effectively communicate or formulate a plan with his partner, when he engaged the Subject in a foot pursuit.

In this case, Officer A's lack of planning and inability to effectively communicate with his partner placed the officers at a tactical disadvantage.

##### **2. Utilization of Cover (Substantial Deviation – Officers A and B)**

Officer A stepped away from cover to approach an armed suspect at the initiation of a traffic stop. Officer B failed to utilize available cover when he approached an armed suspect.

In this case, both officers stepped away from cover after observing the Subject exiting the vehicle armed with a handgun.

**3. Separation/Pursuing Armed Suspects** (Substantial Deviation – Officers A and B)

Officer A separated from his partner as he initiated a foot pursuit of an armed suspect. Officer B separated from his partner as he pursued the armed suspect into a parking lot with the police vehicle.

As a result of the separation, the officers were not in a position to effectively communicate or render immediate aid to one another if required.

**4. Contact and Cover** (Substantial Deviation – Officer B)

Officer B did not wait for his partner to provide cover before making contact with a possibly armed suspect.

In this case, Officer B exited the vehicle and made contact with the Subject before Officer A had arrived on foot.

**5. Stepping on Subject's Limbs**

The investigation revealed that Officer B placed his left foot on the back of the Subject's knee, prior to placing the Subject in handcuffs.

**6. Maintaining Possession of Suspect's Pistol**

The investigation revealed that Officer A laid the Subject's pistol on the ground while the Subject was being taken into custody. Officer A is reminded of the importance of maintaining control and properly securing evidence.

These topics will be discussed during the Tactical Debrief.

In conclusion, the BOPC found that the tactics utilized by Officers A and B substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

**B. Drawing/Exhibiting**

- According to Officer A, he observed the Subject exiting the vehicle holding a firearm that was initially pointed towards the ground. As the Subject stepped out of the

vehicle, the firearm started to come up and crossed over his body with the gun pointing behind him. Believing the situation could escalate to the use of deadly force, Officer A drew his service pistol.

According to Officer B, he observed the Subject exit the vehicle with a gun in his hand and drew his service pistol when he observed the Subject point the gun in their direction.

Based on 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 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 exhibiting of a firearm to be in policy.

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

- **Officer A** – (pistol, three rounds)

First Sequence of Fire (Round 1) – from a distance of approximately 70 feet

According to Officer A, the Subject continued running north, with the gun pointed behind him toward his direction. In fear for his life, he fired one round from his service pistol at the Subject to address the immediate deadly threat.

Second Sequence of Fire (Rounds 2 and 3) – from a distance of approximately 130 feet

According to Officer A, he observed the Subject still holding his arm across his body with the gun pointing in his direction. He conducted a quick assessment, stepped to his left and fired an additional two rounds 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 that the use of lethal force would be objectively reasonable to stop the threat.

The BOPC found Officers A's use of lethal force to be objectively reasonable and in policy.