

ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED SHOOTING – 043-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	7/25/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	8 years, 6 months
Officer B	4 years, 2 months
Officer C	4 years, 8 months

Reason for Police Contact

Officers were conducting a foot beat in a housing complex where gang members were known to congregate and observed a suspect armed with a handgun. Subject 2 then fled on foot. As the officers chased Subject 2, Subject 2 shot one of the officers, striking him in the arm. A foot pursuit of Subject 2 led to officer-involved shootings (OISs) in several different locations within the housing complex.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 18 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on June 27, 2017.

Investigative Summary

Southeast Area uniformed Police Officers A (driver), and B, (passenger), parked their vehicle, a marked black and white, hybrid police vehicle with ballistic door panels, in a parking lot.

Note: This was the first time that Officers A and B had worked together. At their start of watch, both officers stated they discussed tactics, specifically foot pursuits, as well as who would be the contact officer and cover officer.

There are various pole cameras positioned throughout a housing complex. Of the 38 cameras that were operating and recording during this OIS, five of the cameras were positioned recorded portions of this event as it evolved.

One camera attached to a post on the southwest end of a baseball field, east of building A and was pointed south. This camera showed the officers arriving, parking their vehicle, exiting, and walking northbound toward the baseball field.

The officers exited their vehicle and walked northbound along a sidewalk toward the open baseball field. It was the officers' intention to conduct a foot-beat at a known hangout of a known street gang clique. Because the clique consists of mostly juveniles, the officers were going to check for curfew and underage drinking violations. The officers did not broadcast their status and location (Code Six) because they were not certain if anyone was hanging out in this area or not.

As officers approached the location, they walked west between buildings A and B. Officer B was ahead and to the right of Officer A and was designated to be the contact officer. According to Officer A, as he emerged from between the buildings, he immediately observed approximately 6-8 males and females loitering near a park bench that was in the center of the mini field, approximately 60 feet southwest of his location. Officer B stated he observed 5-6 people seated on the bench.

Officer A immediately identified one of the males as Subject 1. Subject 1 looked toward the officers and immediately began talking with a loud voice and walking toward them.

Subject 1 continued walking toward Officers A and B with his hands up and stating loudly, "You can pat me down, check me!"

Officer A stated he continued walking west toward the bench and past Subject 1, looking for someone who may be running or concealing contraband, but no one stood up. Officer A then heard 1 say, "[Subject 2], go, go, go!" Officer A first looked west toward the bench, but no one moved. Officer A then looked north and observed a male, Subject 2, wearing a white long sleeve shirt, running northbound along the west side of

building B. Officer A described Subject 2 as holding the right side of his waistband as if he was concealing or clenching a firearm. Officer A communicated to Officer B that Subject 2 was running north as Officer A doubled back between buildings A and B and ran northbound on the east side of building B. Officer A attempted to broadcast the foot pursuit, but Communications Division (CD) was broadcasting a radio call on the Southeast (SOE) Radio Frequency.

At the same time, Officer B heard Subject 1 say "Police," as he motioned to someone to the north. Officer B looked to the north and observed a male, wearing a white T-shirt and holding a gun in his right hand, running northbound. Officer B communicated, "He's got a gun!" and began to pursue the male. Officer B stated he was unable to broadcast due to CD broadcasting on the SOE Frequency as the foot pursuit began. Officer B began running northbound and believed that his partner was right behind him.

Officers A and B separated at this time. Officer B followed Subject 2 northbound on the west side of building B, and Officer A doubled back and paralleled northbound on the east side of building B.

Officer B stated he unholstered his pistol at the onset of the foot pursuit and ran with it in his hand until the end of the incident, when he holstered his pistol and handcuffed Subject 2.

Officer A continued to run north on the walkway that was west of the baseball field with his pistol holstered and holding his radio in his left hand as he waited for the frequency to clear so that he could broadcast the ongoing foot pursuit.

As this was happening, Officer A observed Subject 2 to the north and running east along the walkway that borders the northern portion of the baseball field. According to Officer A, he observed Subject 2 clearly armed with a handgun as he was sprinting eastbound. Subject 2 had his right arm extended at shoulder height, with his gun pointed back toward the west. Officer A knew his partner was somewhere to his left, west, but he was not sure how far Officer B had gone north. Officer A believed that Subject 2 was going to shoot his partner, so he came to an immediate stop, unholstered his pistol and came up on target, Subject 2's center body mass, with his finger on the trigger. At the same time, Officer A heard Subject 1 yelling from behind, "Shoot that [expletive]!" Subject 2 immediately turned his attention to Officer A, pointed his gun, and fired 1-3 rounds. In fear for his life, Officer A, who was still on target, fired 4-5 rounds from his pistol.

Note: The area of this OIS was not covered by the pole cameras in the housing complex.

The investigation determined that Officer A discharged 11 rounds from this location. Impacts located on the chain link backstop and to the south and west facing walls of building C and west facing wall of building D are

consistent with Officer A's statement that he discharged his weapon in a northeast direction at Subject 2.

The investigation determined that Subject 2 also discharged two rounds from this location. During evidence collection, two casings from Subject 2's pistol were recovered, but there were no impacts or fragments located that would indicate the direction or trajectory of Subject 2's gunfire.

Officer A broadcast on the Southeast Area frequency, "[S]hots fired, shots fired...!"

Officer B stated that as he approached the northwest end of building B, he slowed down and was in the process of tactically going around the corner, when he heard the first volley of gunshots coming from the east. Officer B stated he then heard Officer A broadcast, "Shots fired, shots fired. Officer needs help. I've been hit."

Note: During the walk-through Officer B placed himself on the west side of building B, approximately 60 feet south of the northwest corner, at the time that he heard the first volley of gunfire.

The investigation determined that Officer A was not shot by Subject 2 during the first exchange of gunfire. During Officer A's first broadcast, he did not state that he had been shot.

Note: A review of video from a pole camera depicts Officer B running north through the parking lot after the first volley of gunfire by Officer A.

Subject 2 turned northbound from the baseball field between buildings C and D and then, at the north end of building D, he turned eastbound.

Note: A pole camera depicted Subject 2 rounding the northwest corner of building D, running north then east, and holding a gun in his right hand.

Officer A lost sight of Subject 2 to the north, but continued in tracking mode as he paralleled east along the walkway, north of the baseball field. As Officer A came around building D, he moved north along the walkway between buildings D and E and observed Subject 2 running east and then south around the corner toward him. Officer A stated that Subject 2's upper body was pointed toward the south, but his lower body was running and turned toward the east.

Subject 2 had his right arm extended with a gun in his hand pointed at Officer A. Officer A utilized one handed shooting technique, aimed at Subject 2's center body mass, and fired 4-6 rounds. Subject 2 pointed his gun at Officer A and fired multiple rounds in a southerly direction. Officer A advised he was attempting to broadcast and was holding his radio up to his mouth with his left hand, and his left arm was bent at a 45-degree angle when he was struck on his left forearm by a single gunshot from Subject 2. Officer A stated he fell onto his back when he was shot in the arm. Officer A stood back

up, aimed at Subject 2's center body mass, and again utilizing a one-handed shooting technique, fired another 2-3 rounds.

Note: The investigation determined that Officer A discharged 7 rounds from this location. During evidence collection, impacts to the east facing wall of building D are consistent with the pathway of south to north and are consistent with Officer A's statement that he fired at Subject 2, who was to the north.

The investigation further determined that Subject 2 discharged two rounds from this location, but during evidence collection, there were no impacts or fragments located other than Officer A, who was directly south of Subject 2 when he was shot during the exchange of gunfire. Therefore, it was determined that Subject 2's direction of fire was from north to south.

Officer A stated, "So I get hit. I know, no doubt in my mind I got shot. I felt a, it felt like a heavy thud. I -- I had never experienced that happen before. It was just -- it was just -- I -- It's hard to explain the -- sensations. It was just -- felt hot, but then my arm was just -- like, my pinky and my ring finger for a second I didn't feel it. I'm still trying to broadcast."

Officer A observed that his pistol had gone to slide lock while he was on the ground; he conducted a speed re-load, ejecting the empty magazine to the ground, and replaced it with a magazine from his ammunition pouch.

Witness A heard "continuous" gunshots that he believed were coming from the baseball field area. Witness A heard the first shot coming from the north. Witness A believed that he heard two distinctively different guns being fired. Witness A observed and heard Officer A in the courtyard, firing his weapon toward the north. Witness A stated he could see the muzzle flash coming from Officer A's gun. Witness A believed Officer A was being shot at because he heard gunshots coming from the north and observed Officer A moving backward and then falling onto his back. Witness A then observed Officer A stand up and return fire. Witness A believed Officer A fired approximately 6 rounds, and he believed he heard 6 rounds being fired from the north. During the exchange of gunfire, Witness A could hear Officer A communicating over his radio. Witness A could clearly see that Officer A was wearing a police uniform with a badge on his chest, however he could not see who was firing from the north.

According to Witness A, Officer A eventually ran south and then east, around building E, and out of view. At the same time, Witness B heard multiple gunshots, which she stated sounded like they were from different guns. Witness B observed a male on the ground with dark hair and wearing a police uniform. Witness B stated the field lights were on so the area was illuminated. Witness B stated she could hear the gunshots coming from the northern area of the courtyard, but she could not see who was shooting. Also, Witness B stated that she believes the officer was still being shot at as he stood up. Witness B observed Officer A stand up, holding his left arm, and she could hear him calling for help. Witness B never observed Officer A firing his weapon.

Witness B then observed Officer A run east along the south side of building E and then out of her view.

Officer A broadcast over the Southeast Frequency his location and "I've been hit!"

Note: Officer A stated his empty magazine and flashlight were dropped in this area, but neither item was recovered during evidence collection.

After the shooting occurred in front of his residence and the officer had left that location, Witness A observed several unidentified civilians loitering in the area picking up unknown items from the ground.

A pole camera captured Officer B running eastbound from the west parking lot. Officer B stated he observed Subject 2 to his east with his right arm fully extended and holding a gun that was pointed to the south. Per Officer B, based on Officer A's broadcast, he knew Officer A was also to his east and had just been shot. Believing Subject 2 would continue to shoot at his partner, Officer B aimed at Subject 2's center body mass, and fired multiple rounds. Officer B stated he then observed Subject 2 run northbound.

Note: Officer B stated he did not attempt to contact Officer A over the radio because his partner was broadcasting, and he did not want to cause radio interference. Instead, Officer B tracked his partner by running toward the sound of gun fire and followed the directions of the foot pursuit put out by Officer A.

According to Officer B, after Officer A stated he had been shot, Officer B felt his partner was not seriously injured because he could hear what he believed to be his partner's calm voice while broadcasting his continued pursuit of Subject 2. Additionally, during Officer A's broadcast, Officer B stated he could hear Officer A's equipment shuffling around, which led him to believe that Officer A was running.

The investigation determined that Officer A made an additional broadcast of Subject 2's clothing description and direction of travel.

There was no ballistic evidence or any pole cameras positioned to cover this area where Officer B believed he fired this volley.

Officer B then went north in between buildings F and G and came out to an intersection. Officer B stated he observed Subject 2 running north across the street and fumbling with the gun in his hands. Subject 2 turned and pointed his gun at Officer B. Believing that Subject 2 was going to shoot him, Officer B aimed at Subject 2's center body mass and fired multiple rounds in a northeasterly direction. Subject 2 then turned and climbed over the driveway gate of a residence.

Note: The investigation determined that Officer B discharged five rounds at this location.

During the collection of evidence, along with the five casings from Officer B's pistol, pathway analysis for two impacts are consistent with Officer B's statement that he fired at Subject 2 at this point. Both pathways were from west to east and south to north.

There are no pole cameras positioned to cover this area.

Simultaneously, Officer A stated that he was northbound in the parking lot just east of building F, when he looked directly across the street and observed Subject 2 climbing the gate at the location. Officer A observed Subject 2 turn toward him, pointing his gun at him as he completed scaling the gate. Officer A stated he fired multiple rounds at Subject 2, aiming at his center body mass.

Note: After being shot, Officer A's recollection of his direction of travel and certain aspects of the incident were not clear to him. Therefore, Officer A's path to the intersection are unclear and not substantiated by witness statements or surveillance video.

During the collection of evidence, no casings relative to Officer A's firearm were located near this parking lot, or in the nearby vicinity.

There are no pole cameras positioned to cover this area of the parking lot.

Witness C heard approximately 20 gunshots and observed Subject 2, who he described as a male with curly hair and wearing a white shirt, blue jeans, armed with a black, semiautomatic handgun. Witness C stated he was approximately 20 feet away from Subject 2, and he could see Subject 2 running fast and appearing to be uninjured. Witness C observed Subject 2 climbing over a white gate and falling onto the driveway of a residence. Witness C could see Subject 2 manipulating a gun and pointing it upward, and he could also hear Subject 2 yelling, but he could not make out what was being said. Witness C did not see Subject 2 shooting, nor could he see the officers chasing him.

Officer A broadcast over the Southeast Frequency his location and, "Male [...], white, long sleeved shirt. He's still going north!"

Officer B ran toward the gate and took cover behind a brick wall at the mouth of the driveway as Subject 2 was moving north and maneuvering between some parked vehicles. As Subject 2 moved north, he turned and pointed his handgun at Officer B. Officer B fired 2-3 rounds at Subject 2 from approximately 30 feet to stop the threat and assessed. Officer B then observed Subject 2 as he continued moving north, he again turned and pointed his gun at Officer B. In response, Officer B fired another 2-3 rounds

at Subject 2, as he continued to the end of the property. Officer B assessed and observed Subject 2 climb over the north fence of the property.

Note: The investigation determined that Officer B fired 16 rounds at this location.

Sixteen casings were recovered from the mouth of the driveway of this residence. Officer B conducted an out of battery speed re-load during his volley. His magazine and the casings were recovered by Forensic Science Division (FSD), Firearms Analysis Unit (FAU) during the collection of evidence.

During evidence collection, two impacts to the west facing wall of the residence were identified. Also, there was one impact to a south facing gate toward the rear of the house, three more impacts to the south facing rear wall of the property and 12 impacts to the south facing wall of building H and to a vehicle parked in the parking lot. These impacts had a pathway of south to north and are consistent with Officer B's statement that he fired at Subject 2, who was moving north between the cars in the drive-way and over the back wall.

There was no evidence that Subject 2 discharged his weapon during this point of the OIS.

According to Officer B, he went west down the street and observed Officer A for the first time since the beginning of the foot pursuit. Officer B stated that he saw his "partner running so he knew he was good." Officer B then ran north on the east sidewalk of the street, while Officer A ran north on the west sidewalk of that same street. According to Officer A, he last observed Subject 2 running east through the parking lot just south of building H, and he continued northbound on the street in containment mode.

Note: A pole camera depicted officers separating, as Officer B is seen running north on the east sidewalk of the street and then east into the parking lot south of building H, and Officer A lagging behind and running northbound on the west sidewalk and then crossing the street from the west sidewalk to the east sidewalk.

At the same time, an additional responding unit, with Southeast Area Police Officers C and D, is seen on the camera arriving, and their vehicle stopping west of building I.

The Digital In-Car Video System (DICVS) in Officers C and D's vehicle was activated and depicted Officer A crossing the street from the west sidewalk to the east sidewalk and stopping on the grass area between buildings H and I. Also on the video, Officer A appeared to be in a bladed shooting stance and firing his pistol toward the east.

Officer B continued his chase and followed Subject 2 east across a parking lot and came up to the southeast corner of building I. Officer B slowly went around the corner of the building, and observed Subject 2 running north on the east side of buildings H and I. According to Officer B, as Subject 2 ran north, he kept turning around toward Officer B and extending his right hand, which was holding the gun, in an underhanded right arm extension, similar to that of a baton pass in a relay race. According to Officer B, he continued to verbalize to Subject 2 to drop the weapon. Officer B, in fear for his or his partner's lives, stated he fired 3-4 rounds at Subject 2's center body mass. Officer B had heard sirens and knew back-up officers had arrived.

Note: Officer B did not have a visual on his partner or arriving officers, but based on the direction of the sounds of sirens and the direction of the sound of gunfire, he believed that additional officers were positioned to his west.

During the walk-through, Officer B did not remember shooting from this location, but during the interview, Officer B stated that he may have fired multiple rounds from this location. Ten casings were recovered by Forensic Science Division (FSD) Firearms Analysis Unit (FAU) during evidence collection.

The investigation determined that Officer B fired a total of 10 rounds at this location.

Note: According to Officer B, upon reaching the southeast corner of building H, he went around the corner of the building, looking north. He then saw Subject 2 "jogging" northbound "just south of building [I]." Officer B did not recall hearing any gunshots at that time. Officer B stated that he continually gave Subject 2 commands upon seeing him again. According to Officer B, Subject 2 then pointed his pistol back toward Officer B, and Officer B fired the first of his 10 rounds at Subject 2. Officer B indicated he fired his last shot in the area where Subject 2 had dropped his pistol. In response to questions asked by investigators, Officer B indicated he never lost sight of Subject 2, and that Subject 2 never stopped moving northbound or deviated from moving in a northbound direction during this time.

Officer B reported that after Subject 2 dropped his pistol (somewhere between buildings I and J), he (Officer B) started to slowly and tactically advance northbound. He expressed his concern that Subject 2 could have a second weapon. He described reaching the northwest corner of building I and that he then began to yell and flash his flashlight to indicate he was an officer and to let others know his position. Officer B then described seeing Officer C walk east between buildings I and J and join him. Together they continued to Subject 2 and cuffed him. Officer B

indicated he did not see any other civilians in the immediate area during this time.

Meanwhile, according to Officer C, he exited the driver side of his vehicle and observed Officer A standing between buildings H and I, near the east sidewalk of the street. According to Officer C, Officer A was in a shooting stance and firing multiple rounds in an easterly direction.

Note: Officer A was shown the video prior to his interview and stated he did not recall firing his pistol in that area.

The investigation determined that Officer A fired a total of 5 rounds from this location.

Officer C immediately positioned himself behind the cover of the southwest corner of building I. Officer C looked to the east and observed Subject 2 running across the east end of the buildings. Officer C stated that he saw a male matching the description of Subject 2 and saw that the male was holding "something." Officer C then fired five rounds from his duty weapon from an approximate distance of 152 feet at Subject 2. Officer C's target was Subject 2's center body mass.

After firing, Officer C assessed and illuminated his target area with his flashlight, but he could not see Subject 2 anymore. Officer C then took cover behind the building as he heard additional rounds being fired to the east.

Note: Audio from Officer C and D's DICVS did not capture the sound of any further gunshots being fired after Officer C concluded his sequence of fire.

Note: Pole camera video shows Officer C approaching the corner of building I, activating his tactical light, and illuminating his target area prior to and during the discharging of his firearm.

Note: Although Officers C and D's DICVS did not visually capture the OISs during this portion of the incident involving Officers A, B, and C, the audio portion was captured on the DICVS in Officers C and D's vehicle.

Three distinct sets of gunfire are audible on the DICVS audio. Six loud gunshots are heard, followed by eight quieter gunshots, followed by five loud gunshots. Based on the available evidence, these gunshots represent the rounds fired by Officers A, B, and C, respectively, with the sounds of two of Officer B's rounds being obscured by another officer(s)' shots. The combined gunfire of all three officers lasted approximately 10 seconds. Approximately four and one half seconds elapsed between the end of Officer A's sequence and the beginning of Officer C's sequence of fire.

At the same time, Police Officer E was responding with emergency lights and siren and was driving eastbound near the location. Officer E's DICVS was activated as he approached the intersection, and depicts Officer C facing eastbound.

The video shows Officer C firing multiple rounds toward the east. Officer E stated he did not hear gunshots, but he did observe muzzle flash and the recoil coming from Officer C's pistol.

According to Officer D, he exited the passenger side of his vehicle and observed Officer C go directly to the southwest corner of building I. According to Officer D, he positioned himself at the northwest corner of building I, while Officer C took the southwest position. Officer D described looking eastward but did not see Subject 2. He then heard multiple gunshots and Officer D looked toward Officers A and C to "make sure they were ok." He then again looked eastward and reported seeing Subject 2 running northbound, at which point Officer D broadcast his observation. Based on DICVS audio, Officer D's broadcast began less than one second after the final gunshot was heard. Officer D indicated he (Officer D) then ran northbound until he lost sight of Subject 2 as Subject 2 reached building J.

Note: Pole camera video footage shows that Officer D exited the police vehicle and ran around the rear of his vehicle to the east side of the street. Officer D took a couple of steps southbound and then turned and began to move northbound. Meanwhile, Officer C took up a position near the southwest corner of building I and began firing. Officer D did not stop at or reach the northwest corner of building I before he began to move northbound. Officer D changed direction and began moving northbound 1-2 seconds prior to Officer C opening fire.

Officer D broadcast over the Southeast Frequency, "[...] he's going northbound."

According to Officer B, he was positioned behind the cover of the southeast corner of building H, when he observed Subject 2 running north and at one point, observing him slow down. Officer B continued to hear gunshots coming from the west. Officer B kept his focus on Subject 2, when he heard a loud metallic sound, which he identified as a gun hitting the ground. Officer B believed Subject 2 was wounded. Subject 2 continued north a short distance, but eventually he went down to the ground and proned himself out near the northeast corner of building J.

Southeast Area Police Officers F and G responded Code Three to the "Help" call and arrived and parked at the location. Both officers exited and observed two unknown officers with their weapons drawn moving north along the east sidewalk. Officer G stated that he did not unholster his weapon as he and his partner followed the two unknown officers east through the buildings.

Officer B knew that other officers were located to his west, but he did not want to get caught with friendly fire, so he flashed his flashlight toward the north and called out, "Blue, blue, blue."¹ Officer C responded in the same manner and came to meet Officer B to the east of building I. Officers B and C approached Subject 2 from the south. Officer C was the cover officer and moved slightly ahead of Officer B, who was the contact officer. Officer B approached Subject 2 from his right, grabbed his right wrist and lifted his right arm as he straddled Subject 2's right shoulder. Officer B then completed the cuffing process without incident. Officer B stated that when he patted down Subject 2 for additional weapons, he noticed blood on the front and back of Subject 2's shirt.

An unknown officer broadcast on the Southeast Frequency, "Hold the frequency; we're taking one into custody, Stand-by."

Note: A review of the incident print out did not reveal that comment being broadcast, therefore, no radio identification associated with the specific broadcast was documented.

After securing Subject 2, Officers B and C went over to search for Subject 2's gun, where Officer B believed he heard it fall.

Officer F broadcast a request for a Rescue Ambulance for Subject 2.

At this time, Sergeant A responded to the help call. As Sergeant A exited his vehicle, he observed two to three officers moving east between buildings J and K. Sergeant A followed those officers to the east end of building J and came up on Subject 2, who was handcuffed and lying face down on the ground. According to Sergeant A, he was not present when Subject 2 was handcuffed. Sergeant A immediately took command and control of the crime scene and assigned arriving officers to protect the perimeter of the scene.

Sergeant A was made aware of the location of Subject 2's pistol and he assigned two uniformed officers to guard the evidence. Eventually yellow crime scene tape was set up, and officers maintained security of the perimeter.

As Officer A's gunshot wound was being treated, he advised other officers that Subject 1 was also involved. The information regarding the outstanding suspect was broadcast over the SOE Frequency. Arriving officers began looking for Subject 1 within the crowd that was forming on the street.

Sergeant B heard the "Help" call and responded to the location. Upon arrival, Sergeant B assisted with the crime scene preservation and crowd control management. Sergeant

¹ According to Officer B, the "Blue" terminology was taught during a unit tactical training day. The term "Blue" is used to advise and identify an officer that is not visible at the time.

B stated that when he arrived at scene, there were several officers in the street with their guns drawn out to a low-ready position. Because of this, Sergeant B exited his vehicle, unholstered his pistol to a two-handed, low ready position, with his index finger along the frame. After realizing that there was no threat, Sergeant B holstered his weapon.

Sergeant B heard the broadcast of an outstanding suspect. Sergeant B then observed Police Officer H move west through the crowd that was gathering at the intersection at the last OIS location. Officer H identified and approached Subject 1 in the crowd and took him into custody without incident. Officer H handed Subject 1 over to Officer E, who then placed him into his vehicle and transported him to the station.

Note: Officer E's DICVS was activated during the transportation. A review of the DICVS showed there was no conversation between Officer E and Subject 1.

Southeast Division GED uniformed Sergeant D responded to the "Help" call and upon arrival at the scene, immediately attempted to locate the injured officer, Officer A. Sergeant D located Officer A. Sergeant D obtained the Public Safety Statement (PSS) from Officer A, who was then being treated inside the ambulance by Los Angeles Fire Department (LAFD) personnel. Officer A stated the following: he fired 20 rounds in a northerly direction while running eastbound, believed the suspect was down and that there was an outstanding suspect. Officer A described Subject 1, and Sergeant D broadcast the outstanding suspect information over the SOE Frequency.

Sergeant D monitored Officer A and rode in the RA to the hospital with him. Officer A was transported to a local hospital, where he was treated for the gunshot wound to his left forearm.

Sergeant E responded to the scene and obtained the PSS from Officer B. Officer B stated in his PSS that he fired 23-30 rounds and had conducted a reload. Officer B also added that Subject 2 fired at his partner, and that both Subject 2 and his partner (Officer A) had been injured. When asked about outstanding suspects, Officer B stated that Subject 1 was involved. Based on the number of rounds that Officer B stated he fired and the current ongoing crowd control situation, Sergeant D directed Officer B to conduct a chamber check and see the status of his weapon, which revealed Officer B's weapon was empty.

Just as Sergeant B was giving orders to officers to push the crowd back to the south and to the east, Officer C approached him and advised that he had shot during the incident as well. Sergeant B ordered Officer C to give him a PSS immediately. Sergeant B walked Officer C away from officers, and Officer C told him that he had fired 3 shots in an easterly direction. Officer C also advised that he believed Subject 2 fired at him in a westerly direction. When asked about any outstanding suspects or weapons, Officer C pointed to the east, where Subject 2 had been taken into custody.

Sergeant B ordered Officer C not to discuss the incident with anyone prior to the arrival of the investigators.

Note: The investigation determined that Subject 2 did not fire any rounds at Officer C.

Sergeant F responded and obtained a PSS from Officer D at the location.

Los Angeles Fire Department personnel responded to treat Subject 2 and declared him deceased at the scene.

The investigation determined that Officer A sustained a graze wound to his left forearm as a result of this incident, for which he was transported to a local hospital and released the same morning.

An investigator from the Los Angeles County Department of Coroner's office was notified and responded to the scene. The investigator conducted an on-scene investigation, which included a collection of gunshot residue (GSR) kit, hair, and nail samples from Subject 2. The day after the incident occurred, a GSR analysis was conducted by Los Angeles County Department of Medical-Examiner personnel. Results documented Subject 2 to have GSR on both hands.

Two days subsequent to this incident, Forensic Scientific Division (FSD) personnel obtained two buccal swabs from Subject 2's gun and magazine. The Criminalist obtained one swab for possible biological material from the textured areas of the pistol. The second swab was obtained from the magazine lips and floor plate removed from the pistol.

The following day, FSD received a Deoxyribonucleic Acid (DNA) Hit Notification from the Department of Justice DNA Laboratory. The report confirmed that the above buccal swabs from Subject 2's gun and magazine matched Subject 2's DNA.

Los Angeles County Coroner Medical Examiner-Coroner personnel subsequently performed a post-mortem examination of Subject 2's remains. The Coroner determined that Subject 2 sustained two gunshot wounds. The first gunshot wound was fatal and entered through the left side of the back and exited the center chest with no evidence of close or intermediate range discharge of a firearm. The wound direction was from back to front, left to right, and upward. The second gunshot wound entered Subject 2's right hand on the palm. The wound path was from front to back, right to left, and downward.

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. The BOPC found Officers C and D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

Detention

- The officers were conducting a foot beat in a housing complex where gang members were known to congregate and observed a suspect armed with a handgun. Subject 2 then fled on foot. As the officers chased Subject 2, Subject 2 shot one of the officers, striking him in the arm. As the officers attempted to apprehend Subject 2, Subject 2 shot at an officer at least one additional time. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

- 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, substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the BOPC found that Officers C and D's tactics did not substantially deviate from approved Department tactical training.

Tactical De-Escalation²

- Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the officers were faced with a rapidly unfolding tactical situation when the armed suspect ran from them through the housing development. A foot pursuit ensued, and Subject 2 shot at the officers at least two times. Subject 2 maintained possession of the handgun during the foot pursuit and repeatedly pointed his handgun at the officers.

Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat and apprehend Subject 2.

- During a review of the incident, the following tactical issues were noted:

1. Code Six (Substantial Deviation – Officers A and B)

Officers A and B did not advise Communications Division (CD) of their Code Six location prior to conducting a foot beat through the housing complex.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this incident, the officers had sufficient time to broadcast their Code Six location, as well as any other relevant information prior to starting their foot beat.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision not to advise CD of their Code Six location was a substantial deviation, without justification, from approved Department tactical training.

2. Tactical Communication/Tactical Planning (Substantial Deviation – Officers A and B)

Officers A and B did not effectively communicate their observations or actions with one another on multiple occasions throughout the incident.

² Use of Force Tactics Directive, Directive 16 – Tactical De-Escalation Techniques was adopted by the Department on October 26, 2016. As such, the investigation did not obtain specifics about de-escalation techniques used during the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the officers' lack of planning and inability to effectively communicate placed the officers at a significant tactical disadvantage.

Based upon the totality of the circumstances, the BOPC determined that Officers A and B's lack of communication and tactical planning was a substantial deviation, without justification, from approved Department tactical training.

3. Passing Unsearched Suspects (Substantial Deviation – Officers A and B)

Officers A and B ran past a group of gang members who were potentially a threat to them to pursue an armed suspect.

Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and then work collectively to ensure a successful resolution.

In this case, the officers encountered a group of eight to ten possible gang members sitting on a bench and then observed Subject 2 running away while holding a handgun. Based on their observations, the officers immediately began to focus their attention on the suspect who was armed and the possible deadly threat.

Although the officers' decision to not address the group potentially placed them in a tactical disadvantage, they maintained their situational awareness and believed Subject 2 posed a greater risk to themselves and the community.

Based on the totality of the circumstances, the BOPC determined that the officers' actions were a substantial deviation, with justification, from Department tactical training.

4. Separation/Pursuing Armed Suspect (Substantial Deviation – Officers A and B)

Officers A and B separated from each other as they engaged in a foot pursuit of an armed suspect.

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.

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.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision to separate from each other in order to pursue an armed suspect was a substantial deviation, without justification, from approved Department tactical training.

5. Utilizing Cover (Substantial Deviation – Officer A)

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer A had already been shot and fired his service pistol at Subject 2 to address the immediate threat when he observed Subject 2.

Based on the totality of the circumstances, the BOPC found that Officer A's decision to take immediate action was not a substantial deviation from approved Department tactical training.

- The BOPC additionally considered the following:

1. Fire Control/Fire Discipline

The investigation revealed that a total of 64 rounds were fired by Officers A, B, and C during this incident. Although, the officers fired their service pistols in immediate defense of their lives, consideration for the safety of the public is also of paramount concern. The officers are reminded of the importance of target acquisition, fire control and fire discipline.

2. Required Equipment

The investigation revealed that Officers A, B, C, and D did not have their side handle baton or collapsible baton on their persons at the time of the incident. Also, Officers A, B, and C did not carry their Oleoresin Capsicum (OC) spray on their persons at the time of the incident. In addition, Officers A, C, and D did not carry their Hobble Restraint Device (HRD) on their persons at the time of the incident. The officers are reminded to have all their required equipment on their person while performing field patrol duties.

- Each tactical incident also 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 the officer's individual actions that took place during this incident.

Therefore, the BOPC found Officers A and B's tactics to warrant Administrative Disapproval. The BOPC found Officer C and D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he observed Subject 2 holding a handgun. Believing the situation could lead to the use of deadly force, he drew his service pistol.

According to Officer B, he observed Subject 2 with a firearm in his right hand as he was running north down the street and drew his service pistol.

According to Officer C, while en route to the "Officer Needs Help" radio call, he heard Officer A broadcast that he was hit and that an officer was down. As he arrived to the scene, he observed Officer A shooting, exited his police vehicle, and drew his service pistol.

According to Officer D, he drew his service pistol because he heard shots already being fired, Officer A had been shot, and he believed the situation could escalate to a point when he would need to be able to defend himself or someone else.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, and D, 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, B, C, and D's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer A** – (Pistol, in four sequences of fire. First sequence, nine to eleven rounds. Second sequence, four to six rounds. Third sequence, two to three rounds. Fourth sequence, five to six rounds.)

Note: The investigation revealed Officer A fired a total of 24 rounds during the incident.

Officer A's first sequence of fire

According to Officer A, he observed Subject 2 look in his direction, and then point the gun towards his direction and fire two to three rounds. He then raised his service pistol up on target and fired approximately four to five rounds at Subject 2 to address the deadly threat and stop his actions

Officer A recalled, "Suspect looks -- looks towards me. Clearly extends his hand out with the gun towards me. At that point he fired two to three rounds. I come up on target and I fire approximately four to five rounds. But it was an exchange of gunfire."

Officer A's second and third sequences of fire

According to Officer A, Subject 2 continued running east and then pointed his gun at him and fired more shots. He then fired several rounds at Subject 2 to stop the deadly threat. His left arm was struck by Subject 2's gunfire. He felt the impact, lost his footing and fell backwards onto the ground. He then got up and fired his service pistol at Subject 2 again to stop his actions.

Officer A recalled, "As soon as he opens -- he -- I get a visual of him between the next set of north/south buildings, again he points towards me, exchange of gunfire. I get -- I get hit. So it was an exchange of gunfire I get hit and I struck the suspect. And he's facing south so his chest is face -- or facing south, but his feet are running east and he's firing."

Officer A's fourth sequence of fire

As Officer A continued to move east down the street, he fired his service pistol at Subject 2 again. According Officer A, he was feeling woozy as a result of being shot and did not recall firing his service pistol at this location.

Officer A stated, "After reviewing video I observe myself take a shooting stance facing eastbound. I don't recall firing at that position. If I did, I don't -- I don't remember shooting. Again, that's when -- after review the video I see myself kind of running ragged and woozy. I don't recall if I engaged at that location."

- **Officer B** – (Pistol, in three sequences of fire. First sequence, five rounds. Second sequence, 16 rounds. Third sequence, 10 rounds.)

Officer B's first sequence of fire

According to Officer B, as he observed Subject 2 running north, Subject 2 turned around with his body facing south. Believing Subject 2 was going to shoot him, he fired his service pistol at Subject 2 to stop the threat.

Officer B recalled, "So at that -- at that moment I -- I knew that he was trying to -- if he already shot my partner cause he broadcasted that he had been hit I -- I -- at that moment I felt that I needed to -- to use deadly force and -- and -- and to -- to shoot off rounds at the suspect to -- stop the threat. I feared not only for my life but for my partner's life. I then saw the suspect come out of -- of -- he continued traveling northbound[...] At that point again I engaged. If I recall correctly I -- he was still trying to do the same turning in a southbound direction, however, still running

northbound turning half of his body facing southbound and I believe I -- I shot another set of -- I don't know how many rounds I shot at the -- at the suspect to put him down. Stop the threat."

Officer B's second sequence of fire

According to Officer B, he observed Subject 2 fiddling with his gun. He then observed Subject 2 point his gun back in his direction and fired his service pistol at Subject 2 again.

Officer B recalled, "So at that point I run to the -- to the north curb and I take cover behind this brick wall. And at this point -- again, he was fiddling with his gun as if he was trying to -- I don't know if he had a malfunction or if he was trying to reload his weapon. But, again, he pointed his gun back in my direction. I was facing northbound. He was facing southbound. And that's when I started to -- to -- to shoot in a northern direction at the suspect to again try to -- to take -- to just get rid of the threat."

Officer B's third sequence of fire

According to Officer B, when he reached the east side of building H, he still observed Subject 2 running north. Subject 2 would swing his arm in a backward motion toward his direction as if going to shoot at him. In fear for his life, he fired his service pistol at Subject 2 to stop the deadly threat.

Officer B recalled, "He continued moving northbound through that driveway. Same thing, he would look back, he would run, he would turn his gun and every time he would turn his gun I would shoot two -- I shot two, three times and assess. And, again, same thing he was -- he was running northbound still. Kept turning around. Kept turning around. So I believe I shot maybe another -- you know, I can't even say the number. But I did shoot a couple rounds in the northern direction."

- **Officer C** – (Pistol, five rounds.)

According to Officer C, as he moved to the southwest corner of building I, he observed Subject 2 running north along the east side of the building with what he believed was a weapon. He observed that Officer A was limping and appeared injured from being shot. He then heard additional officers responding to the area. Believing that Subject 2 was still a deadly threat to himself and the other officers, he fired his service pistol at Subject 2 to stop the threat.

Officer C recalled, "Cause it's a help call I determined that to protect myself, to protect the other responding units, and then too because this guy was identified as the one who was shooting at [Officer A] cause he's shooting back at him. I deployed my -- my pistol approximately four to five times in an easterly direction at where I thought the suspect with a gun was to my east. More so that he just he's [Officer

A's] -- he's -- I saw him limping. He's already injured. He's already shot. So if -- if this guy is shooting at him, you know, we need to stop the threat. And then, two, I hear the units coming [...] and I'm like, man, this guy is going to run right into him. And, you know, that's another officer hit."

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and C would reasonably believe that Subject 2's actions presented an imminent threat of death or serious bodily injury, and the lethal use of force would be objectively reasonable to stop the threat.

Therefore, the BOPC found Officers A, B, and C's lethal use force to be objectively reasonable and in policy.