

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

OFFICER-INVOLVED SHOOTING – 019-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Rampart	3/29/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	4 years
Officer C	3 years, 9 months

Reason for Police Contact

Officers observed the Subject walking in an alleyway. The officers drove into the alleyway and as the Subject walked past the driver's side of the police vehicle, the driver officer observed a handgun in the Subject's sweatshirt pocket. The officers exited their police vehicle, requested backup, and attempted to detain the Subject. The Subject fled on foot, resulting in a foot pursuit. As an additional unit arrived, the Subject tripped, and his handgun fell onto the ground. The Subject crawled toward the firearm and armed himself, resulting in an Officer-Involved Shooting (OIS).

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 38 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 Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on March 8, 2022.

Investigative Summary

On Monday, March 29, 2021, uniformed Police Officers A and B, were conducting crime suppression. The officers were in a marked black and white police Sport Utility Vehicle (SUV), equipped with ballistic door panels and a Digital In-Car Video System (DICVS).

According to Officer A, the area the officers were patrolling is a high crime and narcotics area where individuals armed with firearms have been arrested in the past.

At 0346 hours, video surveillance footage captured the Subject walking west in an east/west alleyway. The video footage captured the Subject walking with his left hand inside his left front sweatshirt pocket as his right arm swung freely. The sweatshirt hoodie covered the Subject's head as he walked.

Meanwhile, Officers A and B were traveling south. According to Officer A, he/she was driving the police vehicle at a slow rate of speed, when he/she observed the silhouette of a person walking in the alleyway in an unknown direction. Officer A continued south, passing the alleyway. The alleyway was illuminated by artificial illumination from the parking structures adjacent to the alley and by an overhanging streetlight on the north side of the alley.

Officer A told Officer B that he/she had observed a pedestrian walking in the alley. Officer A negotiated a U-turn and drove north toward the alley to determine the direction the person was walking. Officer A approached the alleyway, came to a near stop, at which time Officers A and B observed the Subject walking west toward them.

Video surveillance footage captured the Subject continuing west in the alleyway with his left hand still in his left front sweatshirt pocket as his right arm swung freely.

At approximately 0346:50 hours, Officer A negotiated an eastbound turn into the alley, activated the high-beam headlights to his/her police vehicle, and drove slowly east toward the approaching Subject. According to Officer A, the Subject appeared startled when he observed them. Officer A described the startled look as both eyebrows going upward, as his eyes widened. The Subject was attired in a black hooded sweatshirt with the hoodie covering his head, with both hands inside the sweatshirt pockets.

According to Officer B, the Subject appeared calm and didn't acknowledge the officers. Officer A believed that he/she turned on the driver's side spotlight when he/she entered the alley; however, his/her BWV did not capture him/her activating the driver's side spotlight at any time.

According to Officer A, as the Subject was approximately 10 feet from the front of the police vehicle, he removed both hands from the pockets of his sweatshirt. Officer A observed the front of the Subject's sweatshirt stretch downward, particularly on the left side, as if there was a heavy object inside the front portion of the sweatshirt. Officer A believed he/she observed the imprint of a firearm in the sweatshirt pocket.

Officer B also noted that the Subject's sweatshirt pocket appeared bulky. Officer B believed that the Subject looked calm and observed the Subject retrieve and begin to drink from a Gatorade bottle.

Officer A's BWV captured the Subject pass alongside the driver's side of their vehicle as he/she continued to drive slowly eastbound. Officer A retrieved his/her flashlight with his/her left hand and shined the light toward the pocket of the Subject's sweatshirt. According to Officer A, when he/she shined the light into the left front pocket of the Subject's sweatshirt, he/she had a clear and unobstructed view of the inside left front pocket. Officer A observed a black semiautomatic pistol, with a sandpaper grip, inside the left sweatshirt pocket. Officer A stated the handgun was lying on its right side, along the Subject's stomach, with the grip toward the left pocket and barrel pointed north toward the right pocket. Officer A stated the driver's door window was rolled down and that the Subject was approximately two feet from the driver's door when he/she observed the Subject's handgun. Officer A immediately informed Officer B that the Subject was armed with a handgun and that it was in his sweatshirt pocket.

Officer A stopped the police vehicle approximately 77 feet into the alley and placed the car in reverse. Officer A stated, "Initially I thought we were closer to the street and not so deep into the alley. Um, so my initial reaction was to reverse quickly and get in front of him because at that point as he walked by and I observed one hundred percent sure that it was a firearm he had a position of advantage as he passed us. At that point I had enough probable cause to detain him for a weapon investigation. Um, so my initial reaction was to get in front of him because immediately he was behind us in a position of advantage where we can be ambushed, shot at, um, seriously hurt. I didn't want to continue eastbound into the alley because that would take me deeper and there was no cover in there." Officer A reversed the vehicle approximately 15 feet west, placed the police vehicle in park, and told Officer B to request a back-up.

At approximately 0347:13 hours, Officers A and B opened their respective doors and exited their police vehicle to detain the Subject for a firearm investigation. Once Officer A was out of the driver's seat, he/she illuminated the Subject with a flashlight in his/her left hand and unholstered his/her service pistol with his/her right hand. Officer A stated, "I unholstered my duty weapon, um, based on the circumstances of him being an armed suspect, with again, with what I knew was a semi-automatic handgun in his hoody pocket, for my safety and others and my partner's I unholstered my weapon and gave him commands to stop and show me his hands." Officer A held his/her pistol in his/her right hand, in a low-ready position with his/her finger along the frame, while holding his/her flashlight in his/her left hand.

Officer A's BWV captured the Subject momentarily stop in the alley and turn to face Officer A with both arms raised, while holding a Gatorade bottle in his right hand. The Subject then turned around, away from the officers, and continued walking west away from Officer A. Officer B was near the police vehicle's right rear passenger door when the Subject finished his turn and began to walk away.

The BWVs of Officers A and B had not yet been activated so were still in buffer mode and did not capture any audio during this time.

Officers A and B each activated their BWVs and followed the Subject while Officer B retrieved his/her hand-held radio.

The Subject continued west and used his left hand to remove the hoodie covering his head. Officer A continued to illuminate the Subject with his/her flashlight and approached the Subject. Officer A momentarily holstered his/her pistol, placed his/her right hand on the Subject's left arm as the Subject turned and faced Officer A with both arms raised. Simultaneously, Officer A told the Subject, "Get on the wall." The Subject responded, "What is you [expletive] with me for?" According to Officer A, "My initial reaction was to go hands on as I believed he was going to comply when he stopped initially, go hands on to get him in custody as quickly as possible."

Officer A was asked why he/she approached an armed suspect and he/she stated, "I -- I believed that when he stopped he was going to comply and -- and turn around. Um, I do realize now that they're possibly can be down his knees, get behind cover a little better. But, um, I just wanted to take him into custody as quickly as possible. And I believed at the moment that he was going to comply."

According to Officer B, it was at this time that he/she observed the outline of a gun inside the Subject's front sweatshirt.

Officer B stated that he/she did not immediately broadcast because he/she observed Officer A approach the Subject, make physical contact with him, and wanted to assist Officer A.

The Subject did not comply with Officer A's commands, and Officer A utilized his/her right hand and again unholstered his/her pistol. Officer A advised Officer B to put it out and that the Subject was armed with a handgun.

The Subject turned away from Officer A and began to walk south on the east sidewalk as the Subject placed his left hand near his left front sweatshirt pocket. Officer A told the Subject, "Get on the wall! Do not reach for it!" and told Officer B to broadcast for a back-up. The Subject continued walking south as he held the Gatorade bottle in his right hand.

At 0347:33 hours, Officer B broadcast, "[L]et me get a backup, [...] 415 man with a gun."

Simultaneously, Officer A redeployed onto the northbound lane of the street to distance him/herself from the Subject as he/she told him, "Get on the [expletive] wall, you got a gun. Get on the wall. Don't reach for it." Officer A stated that he/she used profanity to convey to the Subject that he/she was serious and to gain his compliance and de-escalate the situation.

Officer B began to walk south, on the east sidewalk, and unholstered his/her service pistol. Officer B stated, "I think that's when I drew out my gun, because I felt like, you know, he wasn't listening to our commands, and I saw the frame of the firearm on him, and my partner saw the gun clearly, so we both knew he had a gun and he's not listening to our commands... So I thought that the situation was going to lead to the point where deadly force was going to be justified, so I drew- I drew and exhibit my firearm."

Officer B stated he/she held his/her weapon in his/her right hand in a low-ready position with his/her finger along the frame.

In response to the back-up request, Police Officers C, D, E, F, G, H, and Sergeants A, B, and C responded.

At 0347:49 hours, as the Subject was on the east sidewalk of the street, continuing south, Officer A broadcast, “[H]old the air. He’s walking away. Has a gun in his hoodie. Male Black, 5’7”, wearing black over black, black hoodie. Walking southbound [...] Have units respond southbound.” Officer A followed the Subject from the roadway as he/she pointed his/her pistol in the Subject’s direction.

Although Officer A was the contact officer, he/she chose to broadcast because, “My radio was too low. It wasn't off. It was too low. And even though I'm completely confident in my partner, I wanted -- because of the severity of the situation unfolding, I wanted to make sure we got a clear description, updated location of where the suspect was at and where his hands were at and which way units needed to respond, my lines of communication, my resources on how they needed to get there.”

During his/her interview, Officer B stated he/she was going to broadcast the additional information, but Officer A did it before he/she could.

The Subject continued to walk southbound. Officer A continued to hold his/her pistol in his/her right hand as he/she told the Subject, “Get on the wall! You got a [expletive] gun. Get on the wall!” The Subject made an inaudible remark at which time Officer A stated, “Yes you do, I see it. Get on the wall!” Officer A then told Officer B, “[Officer B], get over here.” Officer A stated he/she made this statement because Officer B was walking behind him/her and wanted Officer B in a position where they could tri-angulate on the Subject.

Surveillance footage and Officer B’s BWV captured the officers’ positions: Officer B was approximately 27 feet away from Officer A as they followed the Subject south.

The Subject crossed an intersection and began to run. Officer A stated the Subject’s hands went into the front hoodie pockets of his sweatshirt, where he/she had observed the outline of a handgun. Officer A believed the Subject placed his hands on the gun to prevent the pistol from falling out as he ran. Officer A stated, “At this point I used the trees and redeployed continuously from tree to tree. Um, that was in the center island of [the street] in case the [Subject] deployed out with the firearm. I also increased by distance between the [Subject] and myself due to his hands being in his hoody pocket where the firearm was observed.”

Officer A ran after the Subject with his/her gun in his/her right hand and hand-held radio in his/her left hand. As the Subject ran south, Officer A told the Subject, “Do not reach for it. You’re going to get shot.” Officer B was running behind Officer A, along the east sidewalk, with his/her pistol in his/her right hand.

According to Officers A and B, as the Subject was mid-block on the east sidewalk of the street, the Subject turned and faced them. Both officers stated they observed the

Subject retrieve a cellphone from the right front hoody pocket of his sweatshirt with his right hand and heard him say, "See, this is a [expletive] phone," while maintaining his left hand inside his left front sweatshirt pocket. Officer A stated the Subject faced them as if he was preparing to take a shooting stance by holding the corner of the cellphone as if holding the grip of a firearm.

Officer B stated the Subject raised his right arm, held the phone over his head, and began to wave his right hand.

Officer A redeployed from the northbound lane of the street, onto the east sidewalk. Officer A stated that he/she moved to the east sidewalk to obtain cover behind a stairwell of the apartment complex. Officer A's BWV captured him/her moving toward the north parking structure entrance/exit of an apartment complex, pause briefly, and continue running after the Subject. Officer A ran with his/her right arm raised and his/her pistol pointed in the Subject's direction. Officer B ran on the east sidewalk, behind Officer A, while holding his/her gun in his/her right hand.

Surveillance footage captured the Subject momentarily turning his torso toward the officers and then continuing to run.

Officer A's BWV captured the Subject making an inaudible statement and then saying, "My [expletive] phone."

Officer A stated that he/she used the trees on the center island of the street for cover in the event the Subject deployed his handgun; however, Officer A's BWV did not capture this.

At 0348:30 hours, Officer A broadcast, "[H]e's running southbound. Has a gun. He's reaching for it. He's running southbound toward [...] Let me get an airship." Officer A stated he/she increased the distance between him/herself and the Subject due to the Subject having both hands inside his sweatshirt.

Officer A stated that he/she broadcast to provide the Subject description and update their location. Officer A was the lead officer as Officer B trailed. The investigation determined that Officer B was approximately 43 feet away from Officer A at this point.

According to Officer B, he/she believed he/she was approximately 15 to 20 feet away from Officer A and could have rendered aid to him/her if necessary.

As Officer A broadcast, Officers C and D arrived on scene, traveling south in their police vehicle. Officer B observed the arriving unit and yelled, "Cut him off!" According to Officer B, "And then I said, "Cut him off. Cut him off," because I wanted them to cut him off [...] to, you know, maybe redirect him or make -- you know, have him stop and give up, you know."

As Officer D approached, Officer C observed the Subject running with a blue-steel semiautomatic handgun in his/her right hand. Officer C opened the front passenger door of his/her moving police vehicle and his/her BWV captured him/her telling Officer D, "He's got it in his hand. He's got it in his [expletive] hand." Officer D stated he/she

observed the Subject running full sprint with a gun in his right hand. Officer D drove past Officers A and B.

The Subject continued running south, with Officers A and B still running behind him. As the Subject arrived at the southeast corner of the intersection, Officer D turned the police vehicle facing in a southeasterly direction to use his/her vehicle for cover. According to Officer D, "I looked over because I was also driving. I looked over, and I see the suspect running full sprint with a handgun in his right hand. As we're getting closer, I was trying to use -- or trying to set up containment knowing that, you know, [the Subject] is still running and use our cover -- our car as cover." As Officer D stopped the car, Officer C unholstered his/her service pistol and exited the vehicle.

According to Officer C, "As our vehicle approached [...] my partner then slowed down. I exited the vehicle. I observed the suspect running westbound from the east curb [...]. He ran along the south curb westbound towards the southwest corner [...]. I observed Officer A running behind him. So I left my area of cover in order to, um, assist Officer A so he/she wouldn't have to be engaging -- not engaging -- but making contact with the suspect by him/herself."

Based on a review of Officer B's BWV, the investigation determined that he/she was approximately 76 feet behind Officer A.

The Subject ran west, across an onramp to the southbound 110 Freeway, followed by Officers A and C. Officer C raised his/her pistol, pointed his/her pistol in the Subject's direction, and yelled, "Drop the [expletive] gun. Drop the [expletive] gun [expletive]. Drop the [expletive] gun," as he/she ran south toward the Subject. Officer A then told the Subject, "Drop the gun, drop the gun. Get on the [expletive] wall. Don't reach for it."

At approximately 0348:55 hours, the Subject arrived at the southwest corner of the southbound 110 Freeway onramp. As he continued running on the rock-filled embankment, the Subject fell forward, on to his hands and knees. The Subject landed with his head facing south and feet facing north, and his sweatpants fell downward, exposing his buttocks.

According to Officer A, the fall caused a black semiautomatic handgun to fly out of the left side of the Subject's sweatshirt and onto the rock-filled embankment, approximately five to seven feet south of the Subject.

According to Officer C, once the Subject fell, he/she heard the audible sound of what he/she believed to be a metallic object striking a rock; however, he/she did not see the gun fall. He/she indicated the area was dark.

Officer B indicated his/her view was blocked by Officers C and D's police vehicle and he/she did not see the Subject fall.

Officer D observed the Subject fall but did not see the gun after the Subject fell.

As Officers A and C arrived at the rock-filled embankment and closed the distance to the Subject, they each told the Subject not to reach for the gun.

Officer A was positioned east of the Subject and Officer C was northeast of him. The Subject was now facing south on his hands and knees in a crawling position. Officers A and C continued to tell the Subject not to reach for the gun. Officer C advised the Subject, "Don't [expletive] reach for it [expletive]." Officer A advised the Subject, "Don't [expletive] reach for it. You're going to get [expletive] shot." After an approximately two-second pause, the Subject began to crawl forward on his hands and knees, in a southerly direction.

Officer C stated that he/she used profanity to impress upon the Subject the seriousness of the incident. Officer C noted in his/her past experiences that the use of profanity has resulted in violent suspects cooperating with officers.

As the Subject was crawling south, Officer C's BWV captured the Subject reach out in front of him with his right hand. According to Officer A, the Subject was crawling toward the gun lying on the ground, so Officer A used the bottom of his/her right foot to kick the Subject away from the firearm. Officer A stated, "My thought process was to give him a front kick to create distance, front kick in a westerly direction away from the firearm that way Officer C who was on my right side, west of me, can cover the suspect in greater distance would be -- would have been created by my front kick and I would have maintained visual of the firearm."

According to Officer A, his/her kick/push was ineffective, and the Subject picked up the firearm with his right hand and raised and pointed the pistol toward his/her direction. Officer A stated, "So initially my thought process was to front kick. As I approached to front kick, the suspect lunged towards the firearm, picked it up with his right hand and raised it up, pointed it at me, and I could see the barrel of the firearm and his finger on the trigger."

Officer A believed that he/she struck the Subject's left bicep/tricep area with his/her left foot; however, Officer C's BWV captured Officer A striking the Subject's left wrist/forearm area with his/her right foot.

According to Officer C, "At that point, um, I saw [the Subject] brace his left hand and reach out with his right hand and grab -- grab the firearm from the rock. At that point he then turned his body towards us and straightened his arm in order to point what I believed in order to point the firearm at myself or Officer A." Officers A and C then fired their weapons at the Subject.

Below is an account of each of the officers' actions during the OIS and their rationale for the use of deadly force. Additionally, it does not represent the sequence in which the officers discharged their weapons, since it occurred simultaneously:

Officer A was standing on the rock-filled embankment, southeast of the Subject, when the Subject picked up the firearm with his right hand and pointed the pistol toward his/her direction. Officer A held his/her pistol in his/her right hand and fired four consecutive rounds in a downward and westerly direction, toward the Subject's center mass, from an approximate distance of two feet. According to Officer A, "I fired each round because, um, the suspect was still pointing the firearm at me. I was still in fear

for my life, my partner's life, Officer C's life. Um, and I believe the suspect was determined to, um, injure or -- or -- or even worse, possibly kill one of us or any of the background that was behind the vehicles on the onramp.”

As Officer A fired, he/she backed away from the Subject in an easterly direction. Officer A stated that he/she stopped firing when the Subject's firearm was not pointed at him/her any longer and as the Subject rolled in a westerly direction.

According to Officer A, his/her background at the time of the OIS was the trees and bushes of the freeway embankment.

Officer C was standing on the rock-filled embankment, northeast of the Subject, when he/she observed the Subject brace his left hand and pick up the pistol with his right hand. Next, he/she saw the Subject turn his body towards them and straighten his arm to point the firearm at him/her or Officer A. Officer C held his/her pistol in a two-handed grip and fired six consecutive rounds from his/her service pistol, in a southwesterly direction, toward the Subject's chest and abdomen from an approximate distance of eight feet. According to Officer C, “At that point, um, I fired approximately six shots in order to protect myself and to protect Officer A because at that point I believed his intention was to kill us. Um, so I had to think about myself. I had to think about my family. I had to think about Officer A. I had to think about my partner behind me and his/her partner Officer B.”

As Officer C fired, he/she backed away from the Subject in a northeasterly direction. Officer C stated that he/she stopped firing when the Subject was no longer facing them and lost sight of the firearm.

According to Officer C, “My background, since my fire -- since the suspect was on the ground and my firearm was pointed in his chest or abdomen area, the background would have been the rocks and the wall just west of the rocks.”

The investigation determined that Officer C fired as Officer A kicked the Subject. When he/she was asked if Officer A's leg was ever in his/her line of fire, Officer C stated, “No. I didn't see it because at that point I had a clear sight picture from my front, my rear sight, um, pointed in the direction of the suspect's abdomen/chest area. So at no point did I see [his/her] leg within my sight picture.”

As Officers A and C fired at the Subject, Officer C's BWV captured the Subject raise his upper body, turn and face in Officer A's direction, and raise his right arm. The Subject was struck multiple times, fell onto his buttocks, and began to roll in a westerly direction into the bushes. Officers A and C backed away and redeployed toward the freeway onramp.

The investigation ultimately revealed that the Subject threw his handgun in a southwesterly direction at the approximate time of the OIS. Officers A and C were unaware that the Subject had tossed a handgun. According to Officer A, he/she believed the Subject was still armed as he rolled in a westerly direction. According to Officer C, he/she was unaware of the firearm's location once the Subject began to roll.

Meanwhile, Officer D had positioned his/her police vehicle facing in a southwesterly direction at the southbound 110 Freeway onramp and had just exited the driver's door when the OIS occurred. Officer D's BWV captured him/her standing outside of the open driver's door, near the east/west crosswalk, approximately 45 feet east of the involved officers at the time of the OIS. According to Officer D, he/she saw the Subject crawling as Officers A and C gave him commands not to reach for the handgun and then observed the OIS.

Officer B had been running to catch up to the officers and was slightly east of Officer D at the time of the OIS. According to Officer B, he/she observed Officers A and C fire their service pistols simultaneously but did not see the Subject fall because Officer D's police vehicle was blocking his/her view.

Officer A redeployed and positioned him/herself behind the driver's door of Officer D's vehicle. Officer C positioned him/herself behind the passenger door of Officer D's police vehicle. Both officers pointed their pistols in a southwesterly direction toward where the Subject was last observed.

At approximately 0349:27 hours, Officers G and H arrived at the scene and parked just west of Officer D's vehicle.

At 0349:29 hours, BWV captured Officer A broadcast, "[H]ave everybody respond southbound. Officer needs help, shots fired. Suspect is down. Unknown if he/she has a firearm in his/her hand."

At approximately 0349:31 hours, Sergeant A's DICVS captured him/her arrive at scene, broadcast he/she was Code Six, and declare him/herself as the Incident Commander. Sergeant A parked west of Officers G and H's police vehicle. Sergeant A went to his/her trunk, deployed his/her Police Rifle (PR), and chambered a round.

Sergeant A's broadcast was not captured on the radio frequency due to Officer A's simultaneous broadcast.

At 0349:42 hours, Officer D broadcast, "I need an airship and I need a perimeter." According to Officer A, "Um, once behind the driver's side door of the responding unit's vehicle I advised everybody involved in that scene to relax, take a breath, um, communicated, used my line of communications to my peers and the officers there that the suspect was still moving, unknown and appeared that he still had the hand gun in his hand, um, and that we needed shield, code Robert, which is a rifle or a tube which is a shotgun and less lethal."

Meanwhile, Officers F and G arrived at the scene. Officer F positioned their police vehicle east of Officer D's vehicle.

At 0350:05 hours, as additional responding officers began to arrive, Officer A's BWV captured him/her telling officers to deploy a shield and shotgun. Officer A advised the officers that the Subject is moving and still has the gun in his hand. Sergeant A and Officer D then told officers at the scene to don their ballistic helmets.

At 0350:15 hours, Officer A broadcast, “[H]e still has the gun in his hand. I need somebody with a shield. I need less-lethal and I need a Code-Robert.”

Officer D broadcast, “Code Robert at scene. I need a shield.”

According to Sergeant A, “There was a statement made by an unknown officer, “He has the gun in his hand,” telling me that the suspect was armed. At that point I understood the shots were fired. I did not know by whom or if the suspect was wounded. I couldn't see any wounds of the suspect or blood from my vantage point. Based upon the fact that the officer is telling me he's armed, he's behind cover, and that there's no other weapon system out at that point, besides officers' handguns, I decide that at least one rifle needed to be deployed. On the watch last night, as I'm aware of, I was the only Code Robert or rifle equipped person on the watch.” Body Worn Video captured Sergeant A position him/herself by the driver's door of Officer D's vehicle and point his/her rifle in a southwesterly direction.

At 0351:09 hours, Sergeant A requested an officer to reposition the police vehicle. Officer F entered the driver's door, turned on the driver's side spotlight, and moved the police vehicle forward and in a southerly direction, just east of Officer D's police vehicle.

At 0351:20 hours, Sergeant A asked who was involved in the shooting. Officer C advised Sergeant A that he/she and Officer A were involved in the OIS incident.

At 0352:08 hours, as the Subject laid in the bushes, Sergeant A broadcast a request for a rescue ambulance (RA).

At 0352:39 hours, Sergeant A directed the involved officers off the tactical operation. Officers A, B, and C removed themselves from their positions, holstered their pistols, and walked north toward the intersection.

From the time Sergeant A became aware of who was involved in the OIS incident until the time he/she directed the involved officer off the tactical operation, approximately one minute, 19 seconds had elapsed.

At 0353:01 hours, Officer D unholstered his/her pistol. Officer D stated, “I unholstered a little bit after the -- the OIS because I could still -- I could -- I could see the movement of the [Subject]. And I felt that the -- I believe that the [Subject] was trying to look for the gun, retrieve the gun, and use it towards us, and I felt that if deadly force arrives, I would have to -- to use my -- my weapon.” Shortly thereafter, Officer D holstered his/her pistol and retrieved the 40 millimeter Less-Lethal Launcher from the front seat of his/her police vehicle.

At approximately 0354:17 hours, Officer D's BWV captured movement in the bushes where the Subject was last observed. Officer D advised officers that the Subject did not have a gun.

At 0355:08 hours, a Los Angeles Fire Department (LAFD) Engine received the alarm to respond and stage nearby.

In response to a help broadcast, several outside area units ultimately responded, which included uniformed Police Officers I and J. At 0356 hours, Police Officers I and J arrived at the scene and exited their police vehicle. Officer J obtained a ballistic shield from the trunk of their car and joined the tactical operation.

At 0356:08 hours, Officer F utilized the public address (PA) system of the police vehicle and broadcast, "Suspect in the bushes, make your way out to the street. Crawl to the street so we can see you. Make sure your hands are visible. Do not grab for anything. Crawl out to the street." As Officer F broadcast, Officer D's BWV captured what appeared to be the Subject displaying his/her hand(s).

At approximately 0356:22 hours, Officer B obtained a ballistic shield and joined the tactical operation. According to Officer B, "Sergeant A said, 'Hey, all the involved officers step out, even if you're not the shooter.' So that's why I stepped out. And I think Sergeant B told us, "Hey, just go off." So I went off briefly, but then they needed -- they needed bodies -- they needed shields, so I went back on. I got the shield from -- that was right there by the shop, which I think was Sergeant C brought it from the station."

An arrest team was formulated, consisting of Officers J, shield, Officer I, cover/lethal, Officer B, shield, Officer D, arrest team, Officer E, arrest team/TASER, and Sergeant A, rifle and supervisor in charge. The arrest/rescue team had their ballistic helmets donned except for Officers I and J.

Officers I and J stated they did not don their helmets because when they arrived at the scene, the arrest/rescue team was about to make their approach to the Subject. In addition, they were not directed to don their helmets.

Before the arrest team approached the Subject, Officers I and J each unholstered their service pistols. Officer J stated he/she unholstered due to the nature of the shots fired broadcast. Officer I stated that he/she unholstered because he/she believed the situation could escalate to one involving the use of deadly force.

At approximately 0358:24 hours, the arrest team approached the Subject, utilizing a police vehicle as cover. The team momentarily stopped their approach, at which time Officer F used the PA system and broadcast, "Suspect let me see your hands. We can't help you unless we see your hands...Put your hands together." Officer D's BWV captured movement in the brush and Officer D telling the team that the Subject's hands were together.

Officers D and E put on a pair of latex gloves to make contact with the Subject.

At 0400:28 hours, Sergeant A advised the arrest team that he/she was taking over as the designated cover officer (DCO). Sergeant A gave the order to approach, at which time the team approached the Subject with the two assigned Ballistic Shield officers in front. Once they arrived at the Subject, Officers D and E reached into the shrubbery. Officer D obtained a grip of the Subject's right arm as Officer E obtained a grasp of his/her left arm. Officers D and E pulled the Subject in an easterly direction, away from the shrubbery, placed the Subject's hands behind his back, at which time Officer E

handcuffed him. Officers D and E searched the Subject, and he was placed in the left lateral recovery position. Officers B, I, and J then holstered their pistols.

At 0401:18 hours, Sergeant A broadcast, “Code-Four, suspect in custody.” At 0401:29 hours, Sergeant A broadcast, “Code-Four, suspect in custody. RA can come in.”

At 0403 hours, Firefighter/Paramedics provided emergency medical treatment to the Subject for gunshot wounds to his torso.

At approximately 0410 hours, Sergeant A’s BWV captured him/her entering the inner crime scene and moving items on the ground. Investigators asked Sergeant A what his/her rationale was for moving items inside the crime scene, and he/she indicated he/she had not seen a weapon; a weapon had not been located up to this point and was concerned the Subject was not armed. As he/she searched the inner crime scene for a firearm, he/she observed some plastic bags on the ground and moved the bags to see if the Subject had hidden a weapon underneath the bags.

At 0415 hours, the Subject was transported to a local hospital. The Subject did not respond to the treatment, and on March 29, 2021, he was pronounced dead.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	No	Yes	No	Yes	Yes
Officer A	Yes	Yes	Yes	No	No
Officer B	Yes	Yes	Yes	No	No
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes

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). Based on the BOPC’s review of the instant case, the BOPC made the following findings:

A. Tactics

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

B. Drawing and Exhibiting

The BOPC found Officers A, B, C, D, and Sergeant A’s drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officer A's non-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officers A and C's lethal use of force to be In Policy

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation."

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);

- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a Rescue Ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge

of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**

Tactical de-escalation does not require that an officer compromise his/her or his/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.

Planning – Officers A and B had been working together for approximately one and a half years and routinely discussed tactics and engaged in tactical planning. According to Officer B, as the passenger in the police vehicle, he/she was designated the cover/less-lethal officer. As the driver, Officer A was designated as the contact/lethal officer. Officers A and B consistently debriefed past tactical incidents to enhance future performance. At the beginning of the shift on the night of the incident, Sergeant C, Watch Commander, discussed an incident that had occurred the night before. The incident involved a foot pursuit of a man armed with a firearm who avoided apprehension. Officers A and B further discussed the incident as they canvassed this area later in their shift.

Arriving at scene after the OIS, Sergeant A developed a comprehensive tactical plan to safely take the Subject into custody. Sergeant A designated two separate arrest teams consisting of a ballistic shield as the point, a designated less-lethal officer, and a designated contact/arresting officer.

The BOPC was particularly concerned about the lack of communication and planning between Officers A and C once the Subject fell to the ground, which ultimately escalated into a use of force. Officers A and C did not develop,

communicate, nor adhere to a tactical plan to approach or contact the Subject who they believed was armed with a handgun.

Assessment – Officer A assessed the Subject and his actions throughout the incident. Observing the Subject in the alley, Officer A used his/her handheld flashlight to identify the handgun inside the Subject's sweatshirt pocket. Officer A showed restraint during the foot pursuit, as the Subject turned toward him/her and produced a cellular telephone from his/her sweatshirt pocket. Although the Subject held the cell phone in his/her hand as if it were a handgun, Officer A correctly assessed that it was not a firearm.

Responding to the backup request, Officers C and D observed the Subject running with his handgun in his hand. Assessing the distance between Officers A and B, Officer C joined Officer A as the Subject reached the onramp. When the Subject fell, losing control of his handgun, Officer A assessed that the Subject was at a tactical disadvantage. Officer A used the opportunity to apply non-lethal force to prevent the Subject from rearming himself.

Arriving at scene, Sergeant A was advised by Officer A that the Subject was still holding his handgun. Sergeant A assessed that he/she was the first Patrol Rifle certified unit to arrive at scene. Due to the Subject's distance and concealment in the bushes, Sergeant A assessed the need for a superior weapon system and designated him/herself as the DCO until additional resources arrived at scene to fulfill that role.

Time – According to Officer A, during the foot pursuit, he/she deployed to the middle of the street to provide him/herself more time to react to the Subject. According to Officer B, he/she allowed the Subject to distance himself and utilized several different structures along the foot pursuit route as cover to provide more time to address the situation.

Redeployment and/or Containment – Officer D positioned his/her police vehicle in a manner that would contain the Subject while providing cover as the officers ordered him/her to surrender. Officer D used his/her police vehicle's door as cover and advised other officers to do the same. Officer D also used his/her hand-held police radio to establish a perimeter around the crime scene.

Immediately following the OIS, Officers A and C redeployed behind the doors of Officer D's police vehicle. However, the BOPC was critical of Officers A and C's decision to not redeploy or seek cover until after the OIS had occurred.

Other Resources – Upon broadcasting that they were in a foot pursuit, officers and supervisors, along with Air Support Division personnel, responded to the area to assist Officers A and B.

Before taking the Subject into custody, Sergeant A requested that LAFD personnel stage near the scene. Sergeant A also utilized additional Department supervisors to separate and monitor the involved officers.

Lines of Communication – Observing the Subject in the alley, Officer A communicated his/her observations to Officer B. When Officer A recognized the handgun in the Subject's sweatshirt pocket, he/she immediately notified Officer B and directed him to “put it out.” According to Officer A, “put it out” meant to initiate a radio broadcast and notify CD of their observations. Later, Officer A told Officer B, “back up, back up,” directing him/her to put out a Back-Up request to CD. Officer A provided the Subject with clear commands. Officer A also advised the Subject that he/she knew that he/she possessed a handgun. During the foot pursuit, Officer A advised CD of the officers' location, the Subject's description, weapon, and direction of travel. After the Subject fell to the ground, both Officers A and C ordered the Subject not to reach for the handgun.

The BOPC recognized that this was a fluid situation and discussed that additional coordination and communication with the officers was conducted by Sergeant A upon his/her arrival. The BOPC noted the continuous efforts throughout the incident by Officers A, B, and C to communicate with the Subject to gain compliance. However, the BOPC was critical of Officers A and B's lack of communication with each other before initiating physical contact with the Subject in the alley. The BOPC was also critical of Officers A and C's lack of communication with each other before initiating physical contact with the Subject at the onramp. The BOPC noted that while Officer A used non-lethal force to prevent an OIS, his/her lack of communication with Officer C placed Officer A at a significant tactical disadvantage. The BOPC did note that after the OIS, personnel utilized time while attempting to de-escalate the situation, hoping that the Subject would surrender.

- During its review of this incident, the BOPC noted the following tactical considerations:

1. Code Six

To investigate the Subject, Officers A and B entered an alley, in an area known for narcotics and weapons violations. As the Subject passed the police vehicle's driver's door on foot, Officer A illuminated the front pocket of his sweatshirt and observed that the Subject had a handgun. Officer A appropriately communicated his/her observation to Officer B and told him to “put it out.” The officers then exited their police vehicle and contacted the Subject. Neither officer notified CD of their Code Six location before contacting the Subject.

According to Officer A, they did not have reasonable suspicion to stop the Subject until he walked past their police vehicle and Officer A saw the handgun in the front pocket of his sweatshirt. According to Officer B, he/she did not advise CD that they were Code Six at that point because the Subject was behind their police vehicle with a tactical advantage. Officer B exited the police vehicle for his/her safety before initiating the radio broadcast. Officer A then approached the Subject and again Officer B delayed his/her radio broadcast so that he/she would be available to assist Officer A.

The BOPC noted that the purpose of broadcasting a Code Six location is for officers to advise CD and other officers of their location and the nature of their

activity. While both Officers A and B were familiar with the area and its history of criminal activity, neither officer broadcast their Code Six location before contacting the Subject. The BOPC also noted that before contacting the Subject, Officers A and B were not confronted by activity that would have prevented them from broadcasting their Code Six location. Officers A and B were conducting a self-initiated investigative stop and had sufficient time to broadcast their Code Six location. The BOPC further noted that Officer A directed Officer B several times to broadcast the backup request and that Officer B's first broadcast to CD was a backup for a "415 Man with a gun" approximately 20 seconds after both officers had exited their police vehicle. The BOPC opined that Officers A and B's failure to broadcast their Code Six location before contacting the Subject placed them at a tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation without justification from approved Department tactical training.

2. Approaching a Possibly Armed Suspect

To stop the Subject in the alley, Officer A left the cover of his/her police vehicle, approached the Subject, and placed his/her right hand on the Subject's left arm; Officer A knew the Subject had a handgun in his sweatshirt pocket. Officer B also left the cover of the police vehicle and approached the Subject. Officer A had informed Officer B that the Subject was armed with a handgun and that it was in the Subject's sweatshirt pocket.

As Officers C and D approached an intersection, Officer C observed the Subject running with a blue steel semi-automatic handgun in his right hand. As their police vehicle slowed to a stop, Officer C unholstered his/her service pistol and exited the vehicle. Officer C observed the Subject run toward the southwest corner of the intersection with Officer A in foot pursuit closely behind. Officer C left the cover of his/her police vehicle, joining Officer A in foot pursuit of the Subject. Together, Officers A and C closed the distance on the Subject and approached him when he fell. To prevent the Subject from rearming himself, Officer A kicked the Subject as he reached for his handgun.

The BOPC noted that instead of using cover, Officers A and B approached the Subject, initiating verbal and physical contact, without the benefit of cover. According to Officer A, he/she was "100 percent sure" the Subject was armed with a handgun and had notified Officer B that the Subject had a handgun in his sweatshirt pocket. The BOPC also noted that near the termination of the foot pursuit, Officer C left the cover of his/her police vehicle and approached the Subject, knowing he was armed with a handgun.

The BOPC would have preferred that Officers A and B had utilized cover when stopping the Subject in the alley. The BOPC noted that cover would have minimized the officers' exposure and provided them more time to develop a tactical plan and communicate with each other. The BOPC would have also preferred that Officers A and C had communicated and developed a tactical plan

before approaching the Subject. The BOPC noted that Officers A, B, and C's failure to utilize available cover and approach an armed Subject in a safe and coordinated manner placed them in a tactically disadvantageous position and compromised their safety.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A, B, and C were a substantial deviation without justification from approved Department tactical training.

3. Foot Pursuit Concepts

Arriving at the south curb of the intersection, the Subject ran south, on the east sidewalk. According to Officer A, the Subject placed his/her hands in the front pocket of his/her sweatshirt, the same pocket where Officer A had observed the handgun. Officer A believed the Subject was trying to prevent the handgun from falling out of his/her pocket as he/she ran. Officer A followed the Subject, holding his/her service pistol in his/her right hand, and his/her police radio in his/her left hand. According to Officer A, he/she was cognizant of his/her muzzle direction throughout the incident. Using the east sidewalk, Officer B followed Officer A, his/her service pistol in his/her right hand. According to Officer A, the Subject faced the officers as if he/she was preparing to take a shooting stance, holding the corner of his/her cellular telephone as if it were a firearm. To obtain cover behind the stairwell of an apartment complex, Officer A redeployed from the northbound lane of the street onto the east sidewalk. Officer A moved toward the north parking structure entrance/exit of an apartment complex, pausing briefly, and continuing to run after the Subject. Because the Subject had placed both his/her hands inside his/her sweatshirt, Officer A increased the distance between him/herself and the Subject. The Subject continued running south, with Officers A and B following. Based on a review of his/her BWV, Officer B was approximately 76 feet behind Officer A. As the Subject crossed the 110 Freeway onramp, Officer C joined Officer A. The Subject soon fell, ending the foot pursuit. According to the investigation, the distance between Officers A and B during the foot pursuit varied from 27 to 76 feet.

The BOPC noted that Officer B followed in containment mode, allowing the Subject to distance himself while Officer A pursued the Subject in apprehension mode. The BOPC noted that the lack of tactical planning and communication led to confusion between Officers A and B regarding whether they were in apprehension mode or containment mode during the foot pursuit. The BOPC opined that both Officers A and B failed to develop a clear tactical plan, addressing pursuing armed suspects, apprehension versus containment, and the roles of primary/secondary officers.

The BOPC opined that as the secondary officer, it was Officer B's responsibility to broadcast the relevant information for the duration of the foot pursuit. While Officer A effectively broadcast his/her observations of the Subject and updated their location and direction of travel, the BOPC opined this added responsibility had the potential to diminish Officer A's ability to provide verbal commands and assess threats the Subject posed. The BOPC noted that Officer A broadcast

with his/her hand-held radio in one hand as he/she held his/her service pistol in the other. The BOPC opined that this could have limited his/her ability to utilize a two-handed shooting platform had he/she needed to discharge his/her firearm at that point to engage the Subject. However, the BOPC did conclude that in this instance, Officer A's decision to run with his/her service pistol drawn was reasonable given the Subject's actions.

The BOPC noted that as Officers A and B followed the Subject on foot, they failed to discuss a plan to apprehend him safely. In terms of the distance between Officers A and B during the foot pursuit, the BOPC opined that as the lead officer, and in the concept of working as a team, Officer A should have slowed his/her pace, sought cover, and waited until Officer B was close enough to render immediate aid and effectively communicate with Officer A. While the BOPC did note that Officer C joined Officer A at the end of the foot pursuit, the Board still would have preferred that Officers A and B had remained in closer proximity to each other.

Based on the totality of the circumstances, the BOPC determined, that the tactics employed by Officers A's and B were a substantial deviation without justification, from approved Department tactical training.

4. Utilization of Cover

As the Subject arrived at the 110 Freeway onramp, Officer D positioned his/her police vehicle in a southeasterly direction, using the vehicle as cover. As Officer D slowed the police vehicle, Officer C unholstered his/her service pistol, exited the vehicle, and joined Officer A. As the Subject ran west, across the 110 Freeway onramp, Officers A and C followed on foot.

The BOPC noted that while pursuing the Subject, Officer A ran past Officer C and D's police vehicle. The BOPC noted that Officer A knew the Subject was armed and opined that he was aware Officers C and D had arrived near the onramp in their police vehicle. The BOPC also noted that immediately following Officer C and D's arrival, Officer D advised Officer C to remain behind the cover of his/her police vehicles. Instead, Officer C left cover to assist Officer A. While Officer C did not want Officer A to face the Subject alone, the BOPC opined that his/her decision to leave cover placed him/her in a tactically disadvantageous position and unnecessarily compromised his/her safety. While the Subject had temporarily lost possession of his handgun, Officers A and C were near him, without cover, when he rearmed himself and pointed his handgun at the officers. Since they knew the Subject was armed, the BOPC opined that Officers A and C should not have pursued him across the onramp and should have taken/remained behind cover after he fell.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officers A and C were a substantial deviation without justification from approved Department tactical training.

5. Tactical Planning/Tactical Communication

To keep the Subject from rearming himself, Officer A tried to kick the Subject away from his handgun. According to Officer A, his/her kick was ineffective, as the Subject managed to retrieve his handgun. The Subject then raised his handgun, pointing it in Officer A's direction. In response, Officer A discharged his/her service pistol toward the Subject's center mass as he/she backed away from the Subject. According to Officer C, he/she was standing on the embankment when he/she observed the Subject retrieve his handgun, turn toward him/her and Officer A, straighten his arm, and point his handgun at the officers. In response, Officer C discharged his/her service pistol toward the Subject's chest and abdomen.

The BOPC was critical of Officers A and C's lack of communication, which the board noted created confusion and a potential crossfire situation. The BOPC noted that while Officer A observed a handgun fall from the Subject's pocket and Officer C heard the handgun hit the ground, neither officer communicated what they saw/heard. While Officer A kicked the Subject to prevent him from rearming himself, hoping to prevent an OIS, Officer A utilized non-deadly force nearly simultaneously as Officer C's use of deadly force. By firing his/her service pistol with Officer A in his/her foreground, Officer C risked striking Officer A. Conversely, by kicking the Subject, Officer A placed him/herself in Officer C's line of fire. The BOPC noted that as law enforcement contacts are fluid and unpredictable, it is incumbent upon officers to develop, communicate, and attempt to adhere to a tactical plan. The BOPC noted that Officers A and C made decisions that placed them in tactically disadvantageous positions and unnecessarily compromised their safety.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and C were a substantial deviation without justification from approved Department tactical training.

- The BOPC also considered the following:
 - **Initiating Physical Contact While Holding a Service Pistol** – The investigation revealed Officer A was holding his/her service pistol in his/her right hand when he/she kicked the Subject. While Officer A kicked the Subject to prevent an OIS, using non-lethal force can increase the potential for an unintentional discharge or loss of the firearm.
 - **Profanity** – The investigation revealed that while providing commands to the Subject, both Officers A and C utilized profanity. Both Officers A and C believed the language was needed to emphasize the gravity of the situation and gain the Subject's compliance.
 - **Non-Medical Face Coverings** – The investigation revealed that Officers A, B, C, D, and Sergeant A were not wearing non-medical face coverings at the scene as directed by the Chief on May 20, 2020.

These topics were to be discussed at the Tactical Debrief.

Command and Control

Sergeant A was the first supervisor to arrive at the scene, and he/she declared him/herself as the IC. Sergeant A was advised by Officer A that the Subject was still holding his handgun. Assessing that he/she was the first Patrol Rifle certified unit to arrive at scene, Sergeant A deployed his/her rifle and declared him/herself as the DCO until additional resources arrived at scene to fulfill the role. Due to the Subject's distance and concealment in the bushes, Sergeant A had assessed the need for a superior weapon system. When Officer K arrived with his/her Patrol Rifle, Sergeant A delegated to him/her the role of DCO. Sergeant A also requested that an RA standby near the scene. Sergeant A identified the involved officers, directed them to disengage from the ongoing tactical operation, and relinquished their tactical positions. Sergeant A developed a tactical plan to take the Subject into custody, assigned roles, and directed the officers to don their ballistic helmets. Except for Officers I and J, who arrived shortly before the team approached the Subject, all members donned their ballistic helmets.

At approximately 0400:28 hours, the arrest team consisting of Officers B, D, E, I, J and Sergeant A approached and apprehended the Subject. Sergeant A then advised LAFD that the scene was clear to enter.

The BOPC noted that throughout this incident, Sergeant A was an active leader who used his/her resources to accomplish tasks and minimize risks, particularly through his/her communication skills. Sergeant A also displayed reverence for life by developing and implementing a plan to secure the Subject and provide him with medical care safely and quickly. However, the BOPC was critical of Sergeant A's decision to relieve Officer K and resume the role of DCO with the arrest team. While Sergeant A believed that his/her rifle's optic and his/her level of experience as a Patrol Rifle operator were better suited to the arrest team, the BOPC would have preferred that he/she had remained focused solely on overseeing the tactical operations. Sergeant A's decision to resume DCO at such a critical point unnecessarily placed him/herself and the arrest team at a tactical disadvantage.

While Sergeants A's Command and Control was consistent overall with Department supervisory training, based on the totality of the circumstances, the BOPC determined that resuming the role of DCO was a substantial deviation without justification from approved Department tactical training, requiring a finding of Administrative Disapproval for Tactics.

Sergeant C responded to the scene. Sergeant C established a Command Post and at 0415 hours, he/she notified the DOC of this incident. Sergeant C directed an officer to monitor the Subject's firearm until investigators arrived. Sergeant C also ensured sufficient supervision was available for the involved officers, and that the crime scene was secured. However, there was an approximately 30-minute delay for locating and including Officers A and C's police vehicle into the crime scene.

The overall actions of Sergeant C were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

Sergeant B responded to the scene after the OIS occurred. According to Sergeant B, because another supervisor was at scene, he/she did not activate his/her emergency lights and siren as he/she responded to the help call. Per Sergeant B, he/she responded "nice and easily." While at scene, Officer A advised Sergeant B that he/she was involved in the OIS incident. Sergeant B did not immediately separate and monitor Officers A and C. Sergeant B subsequently obtained Public Safety Statements (PSS) from Officers A and C.

The actions of Sergeant B were not consistent with Department supervisory training and the BOPC's expectations of a field supervisor during a critical incident.

- 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 determined that Officers A, B, C, and Sergeant A's tactics were a substantial deviation without justification from approved Department tactical training. Conversely, the BOPC determined that Officer D's tactics did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

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

B. Drawing and Exhibiting

- **Sergeant A – (rifle)**

According to Sergeant A, upon arrival, he/she was advised that the Subject was still armed with the handgun in his hand. Sergeant A was aware that shots had been fired and that he/she was the only Department certified Patrol Rifle operator assigned to Rampart Patrol that night and at scene at that point. Due to the Subject being armed and secreted in bushes, Sergeant A deployed his/her Patrol Rifle.

The BOPC noted that upon his/her arrival, Sergeant A was advised that an OIS had occurred and that the Subject was still armed with his handgun. Sergeant A recognized that the Subject was secreted in shrubs and that a superior weapon system, such as the Patrol Rifle, would be beneficial based on the tactical situation.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A, 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 Sergeant A's drawing and exhibiting of a firearm to be In Policy.

- **Officer A** – (pistol, two occurrences)

First and Second Occurrence:

Officer A approached the Subject, illuminated him with his/her flashlight, and unholstered his/her service pistol. According to Officer A, he/she observed a handgun in the Subject's sweatshirt pocket, was "one hundred percent certain" that the Subject was armed with a handgun and believed that the tactical situation may rise to the level of deadly force. According to Officer A, he/she commanded the Subject to stop and show his hands. The Subject refused and began to walk away. Officer A momentarily holstered his/her service pistol and placed his/her right hand on the Subject's left arm. The Subject turned and faced Officer A with both arms raised. Officer A then gave the Subject commands to, "Get on the wall!" When the Subject failed to comply with his/her commands, Officer A unholstered his/her pistol again.

- **Officer D** – (pistol)

According to Officer D, before the OIS, he/she had observed the Subject running "full sprint" with a handgun in his right hand. According to Officer D, he/she unholstered his/her service pistol after the OIS occurred. Observing movement in the bushes, Officer D believed the Subject was looking for his handgun to use against the officers. Officer D believed that the tactical situation may rise to the level of deadly force.

- **Officer B** – (pistol, three occurrences)

First Occurrence:

According to Officer B, after the Subject walked past their police vehicle Officer A advised him/her that the Subject was armed with a handgun. Officers A and B exited their police vehicle, Officer A contacted the Subject. Officer B was unsure if the Subject's handgun was real and observed the Subject not complying with Officer A's commands. Officer B believed that the tactical situation may rise to the level that deadly force would be justified and unholstered his/her service pistol.

Second Occurrence:

Once the foot pursuit ensued, Officer B holstered his/her service pistol due to the distance between him/her and the Subject. Additionally, he/she had cover and did not want to run with his/her service pistol in his/her hand. Before the OIS, Officer B

had been running to catch up with Officer A. Officer B had heard Officer A state, "Hey, he has a gun!" Believing the situation may rise to the level of deadly force, Officer B had unholstered his/her service pistol.

Third Occurrence:

During the incident, Sergeant A arrived and directed the involved officers to "step away" from the tactical situation. In response, Officer B holstered his/her service pistol and stepped away from the ongoing tactical situation. Officer B then heard a request for additional personnel and a ballistic shield as Sergeant A established a contact/arrest team. An "unknown officer or supervisor" advised Officer B that he/she could rejoin the tactical incident because he/she did not use lethal force during the incident. Officer B then retrieved a ballistic shield and assumed the role of the cover officer for the contact/arrest team. Officer B unholstered his/her service pistol as the contact/arrest team moved forward to take the Subject into custody.

- **Officer C – (pistol, two occurrences)**

First Occurrence:

According to Officer C, as he/she and Officer D approached the scene in their police vehicle, he/she observed the Subject running with a handgun in his hand. Officer C exited his/her police vehicle, unholstered his/her service pistol, and joined Officer A in foot pursuit of the Subject.

Second Occurrence:

After the OIS, Officer C was removed from the tactical situation by a supervisor and holstered his/her service pistol. As Officer C was leaving his/her position, a supervisor directed officers to don their ballistic helmets. The officer who was replacing Officer C needed to retrieve his/her ballistic helmet from his/her vehicle. Officer C unholstered his/her service pistol and resumed his/her position while the officer retrieved his/her helmet.

The BOPC evaluated each instance that the officers unholstered their service pistols, beginning with the initial pedestrian stop, until the termination of the foot pursuit, and finally with the Subject's apprehension. The BOPC considered the Subject's actions combined with the individual observations of the officers, and the information relayed between each other during this tactical incident. The BOPC noted that each officer clearly articulated their observations or beliefs that the Subject was armed with a handgun during this incident.

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 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.

Accordingly, the BOPC found Officers A, B, C, D, and Sergeant A's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

- **Officer A – (1) Strike/Kick**

According to Officer A, the Subject tripped and fell to the ground, landing on his hands and knees. While falling to the ground, the Subject's handgun came out of his sweatshirt pocket and fell approximately five feet in front of the Subject, causing the Subject to search the ground in front of him in a "frantic manner." Officer A gave several commands to the Subject to not reach for the gun. Ignoring Officer A's commands, the Subject crawled toward the handgun. To prevent the Subject from rearming himself with the handgun, Officer A kicked him. While Officer A believed he/she struck the Subject's arm/shoulder area with his/her left foot, per Officer C's BWV, Officer A struck the Subject's left wrist/forearm area with his/her right foot.

The BOPC evaluated the proportionality and reasonableness of Officer A's use of non-lethal force. The BOPC noted that Officer A observed the Subject's handgun fall out of his sweatshirt and the Subject searching the ground in front of him in a "frantic manner." While Officer A ordered the Subject not to reach for the gun, after a brief pause, the Subject began to crawl toward the handgun. Based on the Subject's actions, Officer A opined that he posed a threat of serious bodily injury or death to his/her partner and him/her. The BOPC noted that Officer A saw an opportunity to prevent an OIS by using non-lethal force by kicking the Subject away from the handgun, preventing him from regaining control of it. While Officer A's kick appeared to be more of a push, the BOPC opined that a push was still objectively reasonable based on Officer A's intention, the level of force, and the threat the Subject posed were he to retrieve his handgun. While the BOPC would have preferred a more coordinated effort, the BOPC opined that the force Officer A used was objectively reasonable.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the use of non-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officer A's non-lethal use of force to be In Policy.

D. Lethal Use of Force

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

According to Officer A, the Subject raised his handgun across his chest and pointed it at Officer A with his finger on the trigger. Officer A was in fear for his/her life and his/her partner's life. Officer A thought about never seeing his/her children. To protect him/herself and his/her partner from serious bodily injury or death, Officer A discharged four rounds from his/her service pistol at the Subject's center mass as he/she backed away from the Subject. Officer A stopped firing when the Subject's

handgun was no longer pointed at him/her, and the Subject rolled in into the bushes along the onramp. While Officer A believed that he/she used a two-handed grip while discharging his/her service pistol, per Officer C's BWV, Officer A fired his/her four rounds using a single-handed grip.

The BOPC assessed the proportionality, reasonableness, and necessity of Officer A's lethal use of force. The BOPC noted that the Subject was given commands throughout the incident. The Subject refused to comply with Officer A's directions and fled on foot. The BOPC also noted Officer A's attempt to utilize non-lethal force before he/she was ultimately required to use lethal force as a last resort to stop the Subject's deadly actions. The BOPC further noted that when Officer A used lethal force, he/she had observed the Subject rearm himself, look up at him/her, and point his handgun at Officer A with his finger on the trigger. The BOPC concluded that it was reasonable for Officer A to believe the Subject presented an imminent threat of serious bodily injury or death to him/her and his/her partners.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the use of deadly force was necessary, proportional, and objectively reasonable.

Therefore, the BOPC found Officer A's lethal use of force to be In Policy.

- **Officer C – (pistol, six rounds)**

The BOPC assessed the proportionality, reasonableness, and necessity of Officer C's lethal use of force. The BOPC noted Officer C observed the Subject running with a handgun in his right hand. After the Subject fell to the ground and lost possession of his handgun, both Officers A and C yelled at the Subject not to reach for the handgun. Despite the officers' commands, the Subject picked up his handgun, turned, raised it, and pointed it toward the officers. The BOPC concluded that given the Subject's actions, it was reasonable for Officer C to believe the Subject presented an imminent threat of serious bodily injury or death to both Officers A and C and that the use of deadly force was necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, in the same situation, would reasonably believe that the use of deadly force was necessary, proportional, and objectively reasonable.

Therefore, the BOPC found Officer C's lethal use of force to be In Policy.