

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

OFFICER-INVOLVED SHOOTING – 024-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	4/24/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	5 years, 9 months
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Reason for Police Contact

On Saturday, April 24, 2021, a Hollywood Patrol Division unit was responding to an unrelated radio call. The officers were driving west on Sunset Boulevard, approaching Fairfax Avenue when a suspect in a black Hyundai Sonata unexpectedly maneuvered in front of them. The Subject then reversed and rammed the front of the officers' vehicle. The Subject exited, faced the officers' vehicle, and placed his right hand behind his back. On the count of three, the Subject thrust his right hand forward in a shooting type motion toward the driver officer, resulting in an Officer-Involved Shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 34 years of age			
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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, including any Minority Opinions; 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 3/22/22.

Incident Summary

On April 24, 2021, at approximately 1435 hours, Officer A and Officer B were responding to an unrelated alarm call. The officers traveled west on Sunset Boulevard toward Fairfax Avenue. Officer A drove in the center median between the double yellow lines, to pass vehicles stopped in the number one lane.

As the officers approached the left-hand turn lane on the east side of the intersection, the Subject unexpectedly maneuvered his sedan from the number one lane into the left-hand turn lane ahead of them. Officer A slowed his/her vehicle as he/she approached the Subject's car. Without warning, the Subject shifted his vehicle into reverse and as Officer A came to a complete stop, the Subject drove in reverse approximately 10 feet and rammed the front of the officers' vehicle.

According to Officer A, he/she did not notice the Subject maneuver his vehicle from the number one lane into the left-hand turn lane. Upon first noticing the Subject's vehicle in the left-hand turn lane, Officer A believed the Subject intended to turn left (south) onto Fairfax Avenue. Officer A then observed the reverse lights on the Subject's vehicle activated, and his vehicle gained speed as he reversed toward the officers. According to Officer A, he/she was unable to redeploy and prevent their vehicle from being rammed due to traffic conditions and the short amount of reaction time. Officer A estimated the Subject was travelling approximately 20 miles per hour when he rammed their police vehicle.

The Subject exited the driver's door and immediately turned and squared his body east toward Officer A while simultaneously bringing his right hand from his right side to the small of his back.

Officers A and B unbuckled their seatbelts, exited their police vehicle, sought cover behind their doors, and unholstered their pistols. As the officers exited, the Subject yelled, "Get out of the (unintelligible) car, on the count of three, I am going to shoot (unintelligible)." Simultaneously, the Subject maintained his right hand behind his back and used his left hand, to push his driver's door shut.

When the Subject had his right hand behind his back, Officer A observed the outline of body armor under his sweater. Officer A believed the Subject was holding a gun behind his back and wearing body armor.

Officer A held his/her pistol at a two-handed, low-ready position and ordered the Subject to put his hands up and to put the gun down.

Simultaneous to Officer A's commands, the Subject counted, "One, Two, Three!" The Subject then rapidly swung his right arm from behind his back up to shoulder height and pointed at Officer A while holding a white envelope.

Officer A indicated that the Subject quickly removed his hand from behind his back and brought it up to eye level. Officer A observed the Subject's right arm was fully extended in his/her direction and locked at the elbow, while the Subject's right hand was held in a fist with his thumb up and extended forward as if he were holding a gun. Additionally, Officer A observed a "white flash" in the Subject's hand.

According to Officer A, the speed at which the Subject removed his hand from behind his back and the manner in which the Subject brought his hand up to eye level, caused him/her to believe the Subject was armed with a gun and going to shoot him/her. In response, Officer A fired two rounds at the Subject from an approximate distance of 17 feet.

According to Officer A, before firing his/her second round, he/she observed the Subject was still in the same position, pointing his right hand at him/her. Officer A continued to believe the Subject was armed with a gun and was going to shoot him/her.

Officer A's second round struck the top portion of the window frame of his/her driver's door and shattered the window. As the Subject fell onto his back, Officer A stepped south (to his/her left) to regain a view of him lying in the roadway. It was then that Officer A observed the Subject was holding an envelope in his right hand.

Force Investigation Division investigators reviewed available video footage and physical evidence to approximate Officer A's background at the time of the OIS. The investigation determined that when Officer A fired his/her shots, the background consisted of a white Mercedes sedan that was traveling east on Sunset Boulevard in the number one lane. Additional vehicles, including a gray Audi driven by Witness B, were in the eastbound lanes of Sunset Boulevard, stopped for a red traffic signal on the west side of the intersection.

The investigation determined that of the two rounds fired by Officer A, one projectile was retained in the Subject and the other was captured by the window frame on Officer A's door.

According to Officer B, as the officers approached the intersection of Sunset Boulevard and Fairfax Avenue, he/she observed a black sedan merge into the left-hand turn lane from the number one lane. It appeared to Officer B that the vehicle was trying to cut them off or block their progress.

According to Officer B, the vehicle came to a stop before he/she observed the Subject's reverse lights. Officer B estimated that the Subject drove in reverse approximately 20 feet at an estimated speed of 15 to 20 miles per hour before ramming their vehicle.

Officer B unbuckled his/her seat belt, quickly exited the police vehicle, and stood behind his/her front passenger door. Once outside, Officer B unholstered his/her pistol with his/her right hand and held it in a two-handed, low-ready position.

Officer B described the Subject as extremely angry, agitated and almost accusatory. According to Officer B, he/she heard the Subject yelling, but he/she could not make out the words.

Officer B ordered the Subject to put his hands up, removed his/her left hand from his/her pistol, grasped his/her police radio, and raised it to broadcast. Officer B said that he/she did not have time to react to what was happening. Officer B said that when he/she realized what was going on, the Subject was already stopped and there was no need for any additional shots or any additional force to be applied.

Immediately after the OIS, Officer B utilized his/her hand-held police radio to broadcast a "shots fired, officer needs help" call. While waiting for additional units, the officers remained near the cover of their vehicle doors.

The Subject had fallen to his back while maintaining the envelope in his right hand. Moments later, he rolled to his left side with his back facing the officers. Officer B ordered the Subject to show his hands, but he did not respond. Officer A then ordered the Subject to roll onto his stomach and advised the Subject that he/she wanted to provide him medical aid. The Subject then rolled onto his stomach with his arms tucked under his torso.

Officer A maintained his/her focus on the Subject while Officer B covered the Subject's car. While waiting for the additional units to arrive, Officer B advised Communications Division that the Subject was "down," but the vehicle had not been cleared.

Officers C, D, E, F, and Sergeant A arrived at the scene in response to Officer B's help call.

Sergeant A met with Officer B and ensured the officers were not injured. Sergeant A then moved to the driver's side where Officer A pointed out the Subject's location and stated that he/she believed the Subject was unarmed. Officers C, D, E, and F positioned themselves behind the open doors of Officers A and B's police vehicle.

Sergeant A advised Officers A and F that the other officers were going to clear the Subject's vehicle from the passenger side, and that they should continue monitoring the Subject. Approximately three minutes after the OIS, Officers C, B, D, E, and Sergeant A approached the Subject's vehicle from the passenger side and ensured there were no additional suspects.

The officers then assembled near Officer A's door. Officer A continued directing the Subject to put his arms out to his sides; however, the Subject was unresponsive. Officer C directed Officer D to retrieve his/her medical kit from their vehicle. Officer C advised the group of officers and Sergeant A that they needed to move forward and render aid to the Subject. Officer A again stated that he/she did not believe the Subject was armed.

Prior to approaching, the officers communicated their roles to each other. Officers A and C were the designated cover officers and Officers E and F were assigned as the arrest team. Sergeant A monitored the officers as they approached. Upon reaching the Subject, Officer E grasped the Subject's left arm, and Officer F grasped the Subject's right arm. Simultaneously, they brought the Subject's arms out from under his body and behind his back. Officer F then handcuffed the Subject's left wrist before connecting a second set of handcuffs provided to him/her by Officer D. Officer F then handcuffed the Subject's right wrist. Officer F searched the Subject for weapons and rolled him onto his back.

Officer C cut through the front of the Subject's sweatshirt, exposing his body armor. As Officer C removed the body armor, he/she located a Bible that the Subject had positioned between the body armor and the T-shirt he wore. Officer C continued to cut through the final layer of clothing and assessed that the Subject did not have a gunshot wound to the torso but had sustained a gunshot wound to the head. Officer C then advised the group that the Subject's injury was past their scope of medical training.

At 1442:05 hours, approximately 30 seconds after the Subject was handcuffed, Sergeant A inquired on the status of the Rescue Ambulance and advised Communications Division that it was safe for the Los Angeles Fire Department (LAFD) to enter.

At approximately 1445 hours, an LAFD Rescue Ambulance equipped with Firefighter/Paramedics and a Firefighter/Emergency Medical Technician arrived and conducted a life status assessment. At 1450 hours, the paramedics determined that the Subject was deceased.

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

B. Drawing and Exhibiting

The BOPC found Officer A and Officer B's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officer A'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, subjects, 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 Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

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

Planning – Officers A and B had been partners for approximately two and half years, during which they had discussed tactics, including Contact/Cover roles. Officer A was the driver and contact officer. Officer B was the passenger and cover officer; Officer A was in charge of communications. The Subject's actions rapidly escalated the incident

to an immediate defense of life situation, limiting Officers A and B's time for planning and implementing de-escalation techniques.

Assessment – Observing the Subject's vehicle merge into the offset left-hand turn lane, Officer B believed the Subject was trying to cut them off or block their progress. As Officer A came to a stop, the Subject shifted into reverse and drove backward approximately 10 feet, intentionally colliding with the front of the officers' police vehicle. Officer B estimated the Subject drove 20 feet backward at 15 to 20 miles per hour before "ramming" their police vehicle. Officer A estimated that the Subject was traveling at 20 miles per hour when he collided with the police vehicle. Both officers described the Subject as "agitated." Officer A opined that the Subject wanted to fight. Observing the outline of body armor under the Subject's sweater, Officer A believed he was wearing body armor and holding a gun behind his back. When the Subject rapidly swung his right hand from behind his back, extending his right arm as if he was holding a handgun, Officer A observed a "white flash" in the Subject's right hand. Based on his/her observations, Officer A believed the Subject was armed with a handgun and was going to shoot him/her.

After the OIS, Officer C assessed the need to render medical aid to the Subject. Discovering that the Subject had sustained a gunshot wound to the head/neck, Officer C advised officers that the Subject's injury exceeded the scope of their medical training and equipment.

Time – There is an equation, distance plus cover equals time. Here, Officers A and B were unable to dictate distance as the Subject drove toward the officers, intentionally colliding with their police vehicle. However, after exiting their police vehicle, both officers used their ballistic door panels as cover. Unfortunately, the Subject's subsequent actions limited the officers' ability to use time as a de-escalation technique.

Redeployment and/or Containment – Due to traffic conditions and the dynamic nature of this incident, Officer A was unable to prevent the Subject from colliding with the police vehicle. Following the collision, Officers A and B exited their police vehicle, sought cover behind their respective ballistic doors, and unholstered their service pistols. Following the OIS, Officer A monitored the Subject while Officer B monitored the Hyundai. Officers A and B contained the scene until additional units arrived.

Other Resources – Before the OIS, both Officers A and B attempted to request the assistance of additional units; however, they were forced to immediately respond to the Subject's actions. Immediately after the OIS, Officer B used his/her hand-held police radio to broadcast an "officer needs help" call. Officers A and B waited for additional officers to arrive before approaching the Subject or his vehicle. Approximately 3 minutes and 18 seconds after the OIS, responding officers broadcast a request for a Rescue Ambulance (RA). Before approaching the Subject, Officer C directed his/her partner to obtain a medical kit.

Lines of Communication – Before the OIS, Officers A and B attempted to communicate with the Subject. Both officers ordered the Subject to raise his hands, Officer A ordered the Subject to drop his gun. The Subject did not respond to the officers' commands. When the Subject rapidly swung his right arm from behind his back, simulating a firearm, he limited Officer A and B's ability to communicate at that point .

After the OIS incident, Officer B advised Communications Division (CD) of his/her location and that shots had been fired; Officers A and B were able to update responding units with a direction of approach for responding units. Responding officers requested an RA unit to respond, LAFD subsequently advised that they were staged approximately one-half mile from the scene. Officer A ordered the Subject to roll to his stomach, adding that officers wanted to provide him with medical aid. While waiting for additional units to arrive, Officer B advised CD that the Subject was down and that his vehicle had not been searched for additional occupants/suspects. Arriving at the scene, Sergeant A implemented and communicated tactical plans to clear the Subject's vehicle, take him into custody, and render medical aid to him. After the Subject was handcuffed, Sergeant A inquired regarding the status of the RA and advised CD that it was safe for LAFD to enter the scene.

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

- **Code Six** –Due to the dynamic nature of this incident, Officers A and B were unable to place themselves Code Six before the OIS. Immediately after the OIS, Officer B used his/her hand-held police radio to broadcast an “officer needs help” call, which included his/her location. Also, while Sergeant A advised CD that he/she was responding to the incident as he/she was arriving on the scene, he/she did not clarify that he/she was Code Six. The tactical incident was ongoing when Sergeant A arrived, and several officers were present.
- **Contact/Cover Roles** – Officers A and B had been partners for approximately two and half years, during which they had discussed Contact/Cover roles. While Officer A was the contact officer and Officer B was the cover/communications officer, both officers attempted to broadcast with their hand-held police radios while trying to communicate with the Subject.
- **Proper Firearm Presentation** – After the collision, Officers A and B exited their police vehicle, sought cover behind their respective ballistic doors, and unholstered their service pistols. To request additional resources, both officers retrieved their hand-held police radios from their equipment belts with their left hands. As a result, when the OIS occurred, Officer A discharged his/her service pistol using a one-handed grip. Generally, officers should use a two-handed grip when discharging their service pistols.

- **Background** – When Officer A discharged his/her service pistol at the Subject, his/her background was eastbound traffic on Sunset Boulevard. The FID investigation determined that of the two rounds fired by Officer A, one projectile was retained in the Subject and the other was captured by the window frame on Officer A's door. The environments in which police activity occurs can vary dramatically. While not every situation will allow for an officer to decide the location of the police activity, officers should strive to be aware of their environment at all times.
- **Situational Awareness** – After the OIS, the Subject was laying in the eastbound lane of Sunset Boulevard. To prevent the Subject from being struck by a vehicle and members of the public from driving toward the OIS scene, to clear the officers' background, and to safely approach the Subject, Sergeant A directed two police units to control the intersection of Sunset Boulevard and Fairfax Avenue. While doing so, the units were briefly downrange from the arrest team.
- **Non-Medical Face Coverings** – Officer A and additional personnel were not wearing non-medical face coverings at scene as directed by the Chief on May 20, 2020.

These topics were to be discussed at the Tactical Debrief.

- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

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

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, he/she was responding to an unrelated radio call when his/her police vehicle was "rammed" by the Subject's vehicle. Officer A estimated that the Subject was traveling at 20 miles per hour when he collided with the police vehicle. The Subject then exited the Hyundai's driver's door and immediately turned, squaring his body toward Officer A, while simultaneously placing his right hand in the small of his back. Believing that the Subject was a threat, Officer A exited his/her police

vehicle, sought cover behind his/her ballistic door, and unholstered his/her service pistol.

The BOPC evaluated Officer A's drawing and exhibiting of his/her service pistol. The BOPC noted that the Subject rapidly escalated the situation by ramming the officers' police vehicle, immediately exiting his vehicle in an agitated manner, and placing his right hand behind his back as if he was armed with a handgun. The BOPC also noted that Officer A believed the Subject stated that he intended to kill Officer A when he exited the Hyundai. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer A to believe that the Subject was a threat and could escalate the situation to the point where deadly force would be justified.

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

- **Officer B**

- First Occurrence**

- Observing the Subject's black Hyundai merge into the offset left-hand turn lane, Officer B believed that the Subject was trying to cut off the officers' police vehicle or block their progress. Officer B estimated that the Subject drove 20 feet backward at 15 to 20 miles per hour before he "rammed" their police vehicle. Due to the Subject "violently" ramming the police vehicle, Officer B believed there was a high probability for the situation to rise to the point where deadly force may be justified. In response, Officer B exited his/her vehicle and unholstered his/her service pistol.

- Second Occurrence**

- After the OIS, Sergeant A established and communicated a tactical plan to clear the Subject's vehicle, apprehend him, and render medical aid. Initiating the plan, Officers C, B, D, E, and Sergeant A approached the Subject's vehicle on the passenger side, ensuring that it was unoccupied. Officer B unholstered his/her service pistol because he/she was assigned as the team's lethal cover officer; it was unknown if anyone else was in the Subject's vehicle when the team approached.

- The BOPC evaluated Officer B's drawing and exhibiting of his/her service pistol for both occurrences. During the first occurrence, the Subject reversed at a high rate of speed and rammed his vehicle into the front of the police vehicle. The BOPC noted that due to the Subject "violently" ramming his vehicle into the officers' vehicle, Officer B believed there was a high likelihood for the encounter to rise to the point

where deadly force may be justified. During the second drawing and exhibiting, Officer B unholstered his/her service pistol because he/she was assigned as a lethal cover officer for the team that approached the Subject's vehicle to clear it. The BOPC noted that it was unknown if anyone else was in the Subject's vehicle when the team approached.

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

C. Lethal Use of Force

- **Officer A** – (pistol, two rounds)
- **Background** – FID investigators reviewed available video footage and physical evidence to approximate Officer A's background at the time of the OIS. The FID investigation determined that when Officer A discharged his/her service pistol, his/her background consisted of a white sedan traveling east on Sunset Boulevard in the number one lane. Additional vehicles were in the eastbound lanes of Sunset Boulevard, stopped for a red traffic signal on the west side of the intersection. The FID investigation determined that of the two rounds fired by Officer A, one projectile was retained in the Subject and the other was captured by the window frame on Officer A's door.

Officer A described the Subject as "agitated" and believed that he had stated, "I'll [expletive] kill you!" when he exited the Hyundai. Officer A also said that the Subject was bouncing around, as if to instigate a fight. Because the Subject was willing to ram their police vehicle, Officer A believed he was trying to harm them. As the Subject's right hand was behind his back, Officer A observed the outline of body armor under the Subject's sweater. Officer A believed that the Subject was wearing body armor and holding a gun behind his back to engage in a gunfight or shooting spree. In response, Officer A ordered the Subject to raise his hands and drop his gun. The Subject then rapidly swung his right hand from behind his back. Officer A observed the Subject's right arm fully extended in his/her direction, locked at the elbow, with his right hand in a fist, thumb up, and extended forward as if he were holding a handgun. Observing a "white flash" in the Subject's right hand, Officer A believed that the Subject was armed with a handgun and was going to shoot him/her. In response, Officer A discharged one round from his/her service pistol at the Subject from approximately 17 feet, using a one-handed grip. According to Officer A, after discharging his/her first round, he/she observed the Subject in the same position, pointing his right hand at him/her. Believing that the Subject was still

armed and intending to shoot him/her, Officer A discharged a second round at the Subject from approximately the same distance, using a one-handed grip.

The BOPC evaluated the reasonableness, necessity, and proportionality of Officer A's use of lethal force. The BOPC noted that Officer A described the Subject as "agitated" and "bouncing around" as if to instigate a fight. The BOPC also noted Officer A's belief that the Subject indicated he intended to kill Officer A when he exited the Hyundai, as well as his/her belief that the Subject was trying to harm the officers. The BOPC further noted that Officer A had observed the outline of body armor under the Subject's sweater, which added to his/her belief that the Subject wanted to engage in a gunfight.

The BOPC noted that before the OIS, Officer A ordered the Subject to raise his hands and drop his handgun. Instead of raising his hands, the Subject rapidly swung his right hand from behind his back and extended his arm as if he were aiming a handgun at Officer A. It was at this point that Officer A observed a "white flash" in the Subject's right hand. The BOPC noted that based on his/her observations, Officer A believed that the Subject was going to shoot him/her. In response, Officer A discharged two rounds from his/her service pistol at the Subject. While the "white flash" was subsequently determined to be an envelope, based on the Subject's actions, the BOPC opined that at the time of the OIS, it was reasonable for Officer A to believe that the Subject presented an imminent threat of death or serious bodily injury.

The BOPC noted that during his/her FID interview, Officer A indicated that he/she discharged his/her rounds in rapid succession. However, Officer A also indicated that he/she assessed before discharging his/her second round. According to Officer A, when he/she discharged his second round at the Subject, the Subject was in the same position as when he/she discharged his/her first round. Based on his/her observations of the Subject's position, the BOPC opined that it was reasonable for Officer A to believe that the Subject still posed an imminent threat of death or serious bodily injury when he/she discharged his/her second round. While the Subject had been struck by Officer A's first round, the BOPC noted that per the BWV footage, the Subject appeared to fall to the ground after Officer A's second round was discharged. The BOPC opined that both of Officer A's rounds were proportional, objectively reasonable, and necessary to stop the perceived deadly threat posed by Subject.

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 proportional, objectively reasonable, and necessary.

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