

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

IN-CUSTODY DEATH – 027-21

Division **Date** **Duty-On (X) Off () Uniform-Yes (X) No ()**

Hollywood 5/01/21

Officer(s) Involved in Use of Force **Length of Service**

Officer G 2 years, 10 months

Reason for Police Contact

Officers pursued a stolen vehicle. The Subject became involved in a traffic collision, exited the vehicle, and ran from the location. As the Subject climbed over a fence, he became stuck, causing him to hang upside down and drop a handgun. The Subject fell from the fence, picked up the handgun, and stumbled to the ground. Officers ordered the Subject to stop and deployed a TASER. The Subject then fatally shot himself with his handgun.

Subject(s) **Deceased (X)** **Wounded ()** **Non-Hit ()**

Subject: Male, 27 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, 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 April 12, 2022.

Incident Summary

On Saturday, May 1, 2021, at 2217 hours, Police Officers A and B were patrolling in a police vehicle when they observed a black Audi sport utility vehicle (SUV). Officer B conducted a Department of Motor Vehicle want and warrant check on the license plate using the Mobile Data Computer (MDC). The check revealed the license plate of the vehicle was registered to a Jaguar vehicle and not an Audi vehicle.

The officers began to follow the Audi SUV. Upon stopping for a light, the Audi SUV accelerated out of the left turn lane and drove away on the wrong side of the road. The officers activated their police lights and siren and followed the Audi SUV. The Audi SUV failed to stop for the police lights and siren and continued driving away.

At 2218:31 hours, the officers reported they were in pursuit, and asked for back-up.

At 2219:29 hours, Sergeant A broadcast that he/she was en route and monitoring the pursuit. Sergeant A responded with emergency lights and siren (Code Three) with Sergeant B, who was the front passenger in his/her vehicle.

At 2219:30 hours, Police Officers C and D broadcast that they were the second unit in the pursuit. Officer C was driving the marked black and white patrol vehicle.

At 2219:31 hours, Air Support Division Tactical Flight Officer (TFO), Officer E, and Pilot, Sergeant C responded to the area and located the Subject's vehicle.

Sergeant B broadcast that tracking was to be initiated.

Sergeant B repeated his/her requested for tracking to be initiated. Tactical Flight Officer E acknowledged the request for tracking.

According to DICVS from Officer B's vehicle, at 2220:49 hours the Audi SUV was stopped, facing north, and two females exited the passenger side of the vehicle. A male wearing a dark baseball cap, light colored jacket, dark pants, and light color shoes exited the driver's side door holding a black bag and ran to the front of the vehicle. Officer B broadcast the information.

Officers A, B, C, and D did not chase the Subject. They remained with the two female passengers and the Audi SUV. Officers took the two female passengers into custody and cleared the Audi SUV for additional suspects.

Sergeant B indicated that based on the positioning of his/her vehicle, he/she was unable to move forward until the Subject's vehicle was cleared and the female passengers were taken into custody.

Police Officers F and G responded to the incident.

At 2221:11 hours, TFO Officer E broadcast the Subject's description and direction of travel.

Police Officers H and I responded to the incident.

At 2221:51 hours, Officer G's BWV captured as he/she exited the passenger side of his/her police vehicle, and as both Officers G and F ran south.

At 2221:54 hours, Officer F's BWV captured as he/she ran behind Officer G in a southeast direction to the east sidewalk. Both Officers F and G ran to the area on the east side of the street that was being illuminated by the Air Unit.

At 2222:09 hours, Officer F's BWV captured as he/she moved to the north gate of the apartment complex. Officer G followed Officer F.

According to Officer H's BWV, at 2222:09 hours, he/she exited his/her police car and ran behind Officer I to the gate of the apartment complex, meeting with Officers F and G.

Officer I climbed over the metal gate with assistance from Officers F and G.

At 2222:09 hours, Officer G's BWV captured as Officer I climbed over and opened the metal gate for Officers F and G. Officers F, G, and I entered the north walkway of the apartment complex. Simultaneously, Officer H's BWV captured as he/she positioned him/herself at the gate of the neighboring apartment complex.

Officer H began to scale the fence/gate of the apartment complex along with Officer I; however, he/she then abandoned his/her attempt and ran to the adjacent fence/gate at the neighboring apartment complex. Meanwhile, Officer I completed scaling the fence/gate and opened it for other officers, as Officer H scaled the fence/gate at the neighboring complex.

At 2222:30 hours, Officer I's BWV captured as he/she ran east in the north walkway of the apartment complex. Officers F and G followed behind.

At 2222:34 hours, Officer H's BWV captured as he/she climbed the locked gate of the neighboring apartment complex. Officer H entered the property and ran east in the walkway.

At 2222:38 hours, Officer I's BWV captured as he/she was running east in the walkway. As Officer I reached the end of the walkway, the Subject climbed over the fence and was hanging upside down inside the property of the neighboring complex. The Subject's right pants leg was caught on the fence separating the properties.

At 2222:39 hours, Officer I's BWV captured as the Subject released his right leg from the fence, causing him to fall on his back with his right arm extended out. The Subject

then reached down toward his right side with his right hand. The Subject picked up a blue steel handgun from the ground with his right hand.

According to Officer I's BWV, at 2222:41 hours, the Subject turned his body toward his left side and moved onto his hands and knees in a face down position. The Subject attempted to stand by raising his upper body while still on his knees but fell back down, to his hands and knees. The Subject planted both of his feet on the ground, placing himself in a hunched forward position and attempted to run to the rear area of the property. The Subject stumbled forward, swinging his right arm back and pointing the handgun toward the officers. Officer I jumped off the fence and unholstered his/her firearm.

At 2222:43 hours, Office I's BWV captured as the Subject stumbled to the ground holding a handgun in his right hand. The Subject rolled on the ground into a left lateral position, facing away from the officers.

At 2222:44 hours, Officer F's BWV captured as he/she jumped away from the fence and unholstered his/her handgun. Officer F held his/her handgun in his/her left hand, pointing at the Subject, as he/she removed his/her handheld radio with his/her right hand and broadcast.

Officer F indicated that he/she saw the Subject jump over the fence and heard an officer yell that he/she was armed with a gun.

At 2222:47 hours, Officer I unholstered and pointed his/her handgun at the Subject.

At 2222:47 hours, Officer G's BWV captured as he/she unholstered and pointed his/her handgun at the Subject and ordered him to drop the gun.

At 2222:51 hours, Officer G's BWV captured as he/she holstered his/her handgun and unholstered his/her TASER and advised the other officers.

Officer G indicated when he/she transitioned from his/her handgun to his/her TASER, the Subject was making moves that he/she perceived to be either the Subject trying to re-arm himself or the Subject acquiring a target to shoot.

At 2222:53 hours, Officer G's BWV, captured as the Subject turned his head to the left and looked back in the direction of the officers, while in a hunched left lateral position. Officer G fired his/her TASER at the Subject.

Officer I indicated that he/she heard the TASER discharge but did not see the TASER wires or the probes make contact with the Subject.

At 2222:54 hours, the Subject turned his head away from the officers, looked down toward his stomach, and raised the handgun he was holding in his right hand. The Subject pointed the handgun at his stomach and fired a single shot. After firing the

handgun, the Subject rolled to a face down position. The Subject then moved from a face down position to a left lateral position.

At 2223:04 hours, Officer H's BWV captured as he/she positioned him/herself adjacent to Officers F, G, and I. Officer H unholstered and pointed his/her handgun at the Subject. Officer F warned, "He's armed with a gun." Officer I turned his/her head toward Officer H and pointed at the Subject with his/her right hand, communicating, "He's got a gun." Officer H ordered the Subject, "Drop the gun!" Officer H backed away and communicated, "I'm going to put it out" and removed his/her handheld radio with his/her left hand.

At 2223:07 hours, Officer I's BWV captured as the Subject turned his head to the left and back, as if looking over his shoulder while in the left lateral position. Officer I yelled, "Hey, show me your hands! Put your hands-on top of your head!" The Subject did not follow directions and turned his head toward the right and faced forward.

At 2223:17 hours, Officer G's BWV captured as the Subject fired the handgun a second time.

After firing the handgun, the Subject slowly turned to the right from the left lateral position onto his back with his right arm above his head.

At 2223:19 hours, Officer G activated the electronic probes of his/her TASER, as Officer I yelled, "Put your hands on your head!"

At 2223:32 hours, Officer I communicated, "I think he shot himself in the head. Suspect shots fired!"

A sound graph analysis was conducted of the audio from Officer G's BWV, identifying the two gunshots and the deployment of the TASER. The results indicated the TASER was deployed by at 2222:53 hours and the Subject fired the first gunshot at 2222:54 hours. The sound graph analysis further revealed the Subject fired the second gunshot at 2223:17 hours, and Officer G activated his/her TASER a second time at 2223:19 hours.

Officer F broadcast a request for a Rescue Ambulance.

A review of the recording of the Hollywood Division frequency revealed the request for an ambulance was not received by CD.

Immediately after Officer F's broadcast requesting help, Sergeant A and TFO Officer E communicated with responding units over the radio, managing their response to the location.

At 2224:18 hours, Officer H's BWV captured as he/she formulated a plan to approach the Subject. Officer H instructed Officer F to position him/herself next to Officer G and instructed Officer I to join him/her.

Officer H was in the walkway of the neighboring apartment complex, separated by the fence from the other officers, for two minutes and 20 seconds before Officer I joined him/her.

At 2224:24 hours, Officer G held the TASER in his/her right hand and motioned with his/her left hand pointing at Officers F, H, and him/herself, stating, "DCO, DCO, less-lethal." Officer F communicated, "He's still breathing." Officer H asked, "Is he still breathing?"

Officer G responded, "He's still breathing, yeah."

According to Officer G, "We formulated a new plan. At this point [Officer H] was the new DCO and was covering the Subject, who was down, and we could see that he had a gun -- he had the gun next to his head, so he still had a gun nearby and could easily access it and he was still breathing."

At 2226:30 hours, Officer F's BWV captured as he/she attempted to verify if an ambulance was responding.

At 2226:52 hours, Officer F's BWV captured as he/she walked west in the walkway with Officer G.

Officer G stated to Officer F, "Hey dude, we gotta do chest compressions." Officer F replied, "Yeah."

Officer F stopped adjacent to a set of steps which were on the property north of the location and climbed the metal fence separating the properties. Once over the fence, Officer F opened the gate leading into the south walkway of the neighboring apartment complex.

Officer G entered the south walkway and walked east to meet with Officers H and I. Officer F followed behind Officer G, as he/she put rubber gloves on. Both Officers F and G positioned themselves behind Officers H and I. Officer G reacquired his/her TASER from Officer I.

At 2228:27 hours, Officer H's BWV captured as officers initiated their plan to approach the Subject and take him into custody.

At 2228:40 hours, Officer I's BWV captured as he/she removed his/her BWV from his/her chest and held it over the Subject's body, capturing the gun on the ground next to the left side of the Subject's head. Officer I verbalized, "We are getting all this on camera, where the gun is."

The Subject was handcuffed and taken into custody without further incident.

Following handcuffing, the Subject's body was left in a prone position and no medical aid was attempted by the officers.

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 G	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer I	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 F, G, and I's tactics to warrant a Tactical Debrief. The BOPC found Officer H's tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

The BOPC found Officers F, G, H, and I's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officer G's less-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. It is also recognized 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. 4, 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.

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.

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

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.

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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

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 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 – At the time of the incident, Officers F and G had been partners for approximately 10 months and had been involved in multiple tactical incidents including foot pursuits and vehicle pursuits. Officers F and G had daily conversations regarding contact and cover roles, with the passenger generally serving as the contact/less-lethal officer and the driver as the cover/lethal officer. Officers H and I had been working together for approximately one and a half years and had daily discussions on foot pursuit concepts and contact/cover roles.

Assessment – Officers pursued the Subject, a stolen vehicle suspect, on foot. When officers realized that the Subject had a handgun, they transitioned from apprehension to containment mode. Assessing that there were enough lethal options, Officer G drew his/her TASER. Assessing a possible deadly force situation, Officer G deployed his/her TASER. Assessing that the Subject had shot himself, officers requested a RA.

Time – Observing the Subject retrieve his/her handgun from the ground, officers created distance by stopping their forward progression. Based on the complex's layout, the officers had no viable cover options. Despite the officers' orders to drop his handgun, the Subject refused. When the Subject committed suicide, he essentially eliminated the officers' ability to use time as a de-escalation tool. Despite the Subject's final act, officers did not rush forward. Instead, the officers used time to develop a plan to safely approach the Subject as a team.

Redeployment and/or Containment – Officers pursued the Subject, a stolen vehicle suspect, on foot. When officers realized that the Subject had a handgun, they transitioned from apprehension to containment mode. Officers maintained their distance while containing the Subject. After the Subject committed suicide, officers redeployed to the neighboring apartment complex to apprehend the Subject and facilitate medical aid. The BOPC noted that while most officers went to the rear of one apartment complex, Officer H elected to go to the rear of the neighboring apartment complex alone. While his/her partners could see him, Officer H was separated from them by a spiked metal fence. The BOPC was concerned that Officer H's decision placed him/her at a tactical disadvantage in that there would have been a significant delay had he/she needed assistance.

Other Resources – Pursuing a possible stolen vehicle, officers requested backup units. In response, several units and an Air Unit responded. When the Subject fled

from the vehicle, the Air Unit directed responding officers to his location. Noticing there were enough lethal options, Officer G drew his/her TASER. Following the Subject's suicide, officers requested a RA. Before approaching the Subject, officers ensured they had enough personnel for an arrest team, as well as lethal/less-lethal options.

Lines of Communication – The Air Unit broadcast updates on the Subject's and the responding officers' locations. Observing the Subject retrieve a handgun from the ground, Officer I warned Officers F and G that the Subject was armed with a handgun and ordered the Subject to drop his handgun. Officer F broadcast that officers were Code Six on a subject with a gun. After deploying his/her TASER, Officer G announced to his/her fellow officers that he/she had deployed his/her TASER and warned the Subject that he/she would utilize his/her TASER again. As Officer H arrived, Officers F and G warned him/her that the Subject was armed with a handgun. After the Subject sustained a self-inflicted gunshot wound to the head, officers communicated that they had not fired their service pistols and their belief that the Subject had shot himself.

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

1. Code Six

Officers F, G, H, and I did not notify CD of their Code Six location when they arrived at the scene. Due to the fluid incident and heavy radio traffic, officers did not want to broadcast on Hollywood Base Radio Frequency. The Air Unit was overhead and provided updates to CD for the officers' location. Observing the Subject holding the handgun, Officer F broadcast his/her unit designation, that the Subject was armed with a handgun, and that he/she was Code Six, but he/she did not provide a location. CD broadcast that an unknown unit was in foot pursuit of a man armed with a gun at an unknown location. The Air Unit then broadcast the officers' location. After the Subject fired his handgun a second time, Officer F broadcast an "officer needs help" call for shots fired. Officer F then broadcast their location. While Officer F's broadcast was interrupted by other radio traffic, CD broadcast the location as provided by the Air Unit.

The BOPC discussed Officers F, G, H, and I's decision not to broadcast their Code Six location when they arrived at the scene. The BOPC noted that the Code Six policy's intent is to alert others to an officer's location in the event assistance is needed. While the Department expects officers to advise CD of their location when they arrive, the Department also asks officers to practice radio discipline during emergencies. Here, the BOPC noted that after the termination of the pursuit, the Air Unit was occupying the frequency, broadcasting the Subject's direction of travel and directing officers to his location. The BOPC also noted that four officers were attempting to contact one subject. As such there were enough resources at that point. Also, had additional resources been needed at that point, the Air Unit was

aware of the officers' location and could direct additional resources as needed. Furthermore, when the officers' Code Six broadcast was interrupted, the Air Unit advised CD of their location. While the BOPC would have preferred that Officers F, G, H, and I had advised CD of their Code Six status when they arrived at the scene, the BOPC opined that it was reasonable for the officers to keep the radio frequency clear when they arrived.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officers F, G, H, and I were a substantial deviation, with justification, from approved Department tactical training.

2. Separation

At approximately 2222:30 hours, Officer I climbed the spiked pedestrian gate and opened it for Officers F and G. As Officers F, G, and I ran eastbound through the walkway toward the Subject, Officer H climbed the pedestrian gate of the neighboring apartment complex. Officer H then ran eastbound in the walkway of that complex. The two properties were separated by a spiked metal fence, running east and west along the walkways. While the officers had an unobstructed view of each other and were able to communicate, Officer H was separated from Officers F, G, and I by the spiked metal fence.

The BOPC noted that Officer H was the last officer to arrive at the gate of the apartment complex. As Officer I climbed over that pedestrian gate, Officer H redeployed to the pedestrian gate of the neighboring apartment complex without direction from the Air Unit or advising his/her fellow officers of his/her intentions. While the approximately five-foot-high spiked fence did not obscure the officers' view of Officer H or their ability to communicate with him/her, it did act as a barrier that would have caused a significant delay had he/she needed aid. The BOPC noted that had the Subject decided to engage Officer H, he had an unobstructed path to Officer H as well as the ability to use the corner of the complex as a barricade. The BOPC opined that Officer H's decision to enter the walkway alone placed him/her at a significant tactical disadvantage.

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

3. Rendering Aid

After the Subject shot himself in the head, Officer F requested that a RA respond to their location. Reaching the Subject, officers observed that he had a gunshot wound to the head. Officer F observed blood covering his face. The Subject's mouth was drooping, and his chest was not rising or falling, indicating he was not breathing. Due to his/her observations, Officer F believed the Subject was deceased. Officer G asked Officer F if the Subject was conscious and breathing. Officer F responded,

“No.” Additionally, Officer H observed brain matter on the ground around the Subject’s head. While officers had summoned an RA, they did not render medical aid to the Subject. After conducting an assessment, paramedics pronounced the Subject deceased.

The BOPC noted that when he was taken into custody, the Subject appeared to be deceased. The BOPC considered the officers’ observations of the gunshot wound to the Subject’s head and opined his injuries exceeded the officers’ medical training and experience and the level of equipment available to them. The BOPC noted that while officers have a duty to render aid, they can discontinue care when they reasonably believe the person receiving assistance has died. In this case, officers did not begin to render aid because they reasonably perceived the Subject was already dead.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officers F, G, H, and I were a substantial deviation, with justification, from approved Department tactical training.

- The BOPC also considered the following:

Tactical Communication – Officers F, H, and I each at separate times attempted to broadcast updated information on their hand-held police radios during the tactical situation. Officer G assigned DCO and less-lethal roles among his/her team but did not designate a specific officer for radio communications.

Utilization of Cover – As Officers F, G, and I entered the walkway of the apartment complex and approached the Subject, the Subject had climbed a fence to the neighboring apartment complex and picked up a handgun from the ground. Officers F, G, and I had a metal wrought iron fence separating them from the Subject and no immediate means of cover to which they could redeploy.

Non-Conflicting Simultaneous Commands – While attempting to take the Subject into custody, Officers F, G, H, and I gave the Subject non-conflicting simultaneous commands to drop his handgun.

Handcuffing Protocols – Upon reaching the Subject, officers observed that he had a gunshot wound to the head. Officer F observed blood covering his face. The Subject’s mouth was drooping, and his chest was not rising or falling, indicating he was not breathing. Officer G asked Officer F if the Subject was conscious and breathing. Officer F responded, “No.” Additionally, Officer H observed brain matter on the ground around the Subject’s head. Upon taking the Subject into custody, Officer F rolled the Subject from a supine to prone position and placed handcuffs on his wrists. Due to his/her observations, Officer F believed the Subject was deceased. The Subject remained prone until the arrival of LAFD Paramedics.

Profanity – Officer I utilized profanity before observing the Subject’s handgun while ordering him not to move. Officer G utilized profanity while advising officers to preserve evidence. Officer F utilized profanity following the ICD. The profanity was not excessive or derogatory, and a likely product of the incident’s intensity.

Non-Medical Face Coverings – Officers F, G, and I were not wearing a non-medical face covering at the scene as directed by the Chief on May 20, 2020.

Required Equipment – The FID investigation revealed that Officers F, G, and I along with Sergeants A and B had their batons stored in their assigned police vehicles during the incident.

Loading Standards – During the FID ammunition count, it was determined that one of Officer F’s magazines was not loaded with the maximum number of rounds.

These topics were to be discussed at the Tactical Debrief.

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officers F, G, and I were a substantial deviation, with justification, from approved Department tactical training. The BOPC also determined that Officer H’s actions were a substantial deviation, without justification, from approved Department tactical training.

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

The BOPC found Officers F, G, and I’s tactics to warrant a Tactical Debrief. The BOPC found Officer H’s tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

- **Officer G** – Service Pistol

According to Officer G, he/she heard Officer I yell, “He has a gun.” Officer G observed a handgun in the Subject’s right hand. Officer G believed the Subject could discharge the handgun, escalating the situation to one involving the use of deadly force, so Officer G unholstered his/her service pistol.

- **Officer F** – Service Pistol

According to Officer F, he/she observed the Subject climbing over the fence. After the Subject climbed the fence, Officer F observed that he was holding a handgun in his right hand in a “pistol grip.” Believing that the situation could escalate to one involving the use of deadly force, Officer F unholstered his/her service pistol.

- **Officer H – Service Pistol**

Arriving at the end of the walkway, Officer H positioned him/herself adjacent to Officers F, G, and I. Officers F and I warned Officer H that the Subject was armed with a handgun. Officer H was concerned that his/her life and the lives of his/her partners could be in danger. In response, Officer H unholstered his/her service pistol and ordered the Subject to drop his handgun.

- **Officer I – Service Pistol – Two Occurrences**

First Occurrence:

Freeing himself from the fence, the Subject fell to the walkway. Officer I attempted to climb over the fence and ordered the Subject not to move. The Subject reached down toward his right side with his right hand and picked up a handgun from the ground. As the Subject struggled to get to his feet, Officer I yelled, “Drop, drop the gun!” As the Subject stumbled forward, his right arm swung back, pointing the handgun toward the officers. Officer I yelled, “He’s got a gun!” as he/she jumped away from the fence and unholstered his/her service pistol.

Second Occurrence:

According to Officer I, he/she holstered his/her service pistol to join Officer H. Arriving, Officer I took possession of Officer G’s TASER and waited until he/she and Officer F arrived on his/her side of the fence. When Officer G arrived, Officer I handed him/her the TASER. Believing the situation could still escalate to the point that deadly force may be necessary, Officer I unholstered his/her service pistol.

The BOPC evaluated Officers F, G, H, and I’s drawing and exhibiting. The BOPC noted that Officers F, G, H, and I were initially in foot pursuit of the Subject for a stolen vehicle, but the situation quickly escalated when the Subject was observed in possession of a handgun. The officers then clearly communicated with each other that the Subject was armed with a handgun. The BOPC concluded that it was reasonable for Officers F, G, H, and I to believe this incident may escalate to the point where deadly force may be necessary.

Regarding Officer I’s second occurrence, the BOPC noted that he/she holstered his/her service pistol to transition to the neighboring apartment complex. Arriving there, Officer I held Officer G’s TASER while he/she transitioned. Officer I then unholstered his/her service pistol. As the Subject had not been apprehended, the BOPC opined that it was reasonable for Officer I to believe that the situation could still escalate to the point where deadly force may be necessary.

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

C. Less-Lethal Use of Force

- **Officer G** – (TASER – two activations, in probe mode)

First Activation – TASER X26P, one five-second activation in probe mode with one dart in contact with the Subject's clothing, from approximately 15 feet.

Observing the Subject looking back, Officer G interpreted it as the Subject trying to acquire a target to possibly shoot at officers. Officer G believed the incident was about to rise to a deadly force situation and that officers could not redeploy. To de-escalate the situation, preventing it from rising to the level of deadly force, Officer G activated his/her TASER in probe mode, from an estimated 10 feet. Because the Subject was moving in a way that Officer G perceived as the Subject trying to rearm himself and/or acquire a target, Officer G did not give a use of force warning. Officer G believed his/her deployment of the TASER was the best option to de-escalate the situation and that a use of force warning was not feasible.

The FID investigation determined that one of the probes was attached to the Subject's jacket. Because only one of the probes contacted its intended target, the TASER Pulse Graph registered the first activation as a miss.

Second Activation – TASER X26P, one five-second activation in probe mode; two seconds with one dart in contact with the Subject's clothing and intermittent contact with TASER wire(s), and three seconds with one dart in contact with the Subject's clothing only, from approximately 15 feet.

According to Officer G, he/she had observed that the Subject was attempting to crawl away. Officer G also observed the Subject look back toward the officers again. This was the same behavior Officer G had previously observed, leading him/her to believe the Subject was an immediate threat of violence and to deploy the TASER. Believing that the Subject may reacquire the gun or acquire a target to shoot officers, Officer G activated his/her TASER a second time in probe mode. Officer G believed the immediacy of the threat did not allow for a TASER warning. However, Officer G had told the Subject that he/she would tase him again.

The TASER Pulse Graph recorded Officer G's second TASER activation as a charged "arc" for two seconds. Based on the Subject's movement, he possibly contacted one of the TASER wires, causing intermittent connection. After the two second connection, the circuit registered as a disconnection.

The BOPC assessed Officer G's use of less-lethal force. The BOPC noted that Officer G had the presence of mind to holster his/her service pistol and transition to his/her TASER after he/she realized there were no less-lethal options. While the BOPC was concerned that Officer G did not advise his/her partners that he/she was going to activate the TASER - to avoid contagious fire - none of the officers used lethal force during this incident. While it was done after the first activation, Officer G did announce "Taser." According to Officer G, this was done to avoid contagious fire.

In terms of the first activation, the BOPC noted Officer G knew the Subject was armed with a handgun. Instead of leaving the handgun on the ground, the Subject had retrieved it and attempted to regain his footing. As he rolled on the ground, the Subject had pointed the handgun toward officers. Observing the Subject looking back toward the officers, Officer G opined that the Subject was trying to acquire a target to possibly shoot at officers. Based on the Subject's actions, Officer G believed the incident was about to rise to a deadly force situation. To de-escalate the situation, preventing it from rising to the level of deadly force, Officer G activated his/her TASER. While the Subject shot himself in the abdomen following the first deployment, there was nothing to indicate his actions were a result of the TASER application. The BOPC noted that one probe had contacted the Subject, resulting in what TASER deemed as a miss. While the TASER failed to cause neuro-muscular incapacitation, the BOPC opined that Officer G's first activation was a sound decision based on his/her assessment of a quickly escalating situation. The BOPC opined that the Subject posed an immediate threat to the officer's safety and that Officer G's use of less-lethal force was justified.

In terms of the second activation, the BOPC noted that Officer G was responding to the same threat he/she had detected during the first deployment. Officer G was still trying to de-escalate the situation, preventing it from rising to the level of deadly force. While the evidence indicates that the Subject shot himself in the head before the second activation, the officers were unaware this had occurred at this point. The BOPC noted that the Subject slowly rolled to his/her back after the second activation, which is when the intermittent TASER connection may have occurred. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer G to believe he/she still posed an immediate threat to the officer's safety.

In terms of Officer G's decision not to provide a use of force warning before the first application, the BOPC noted that while the relevant TASER directive states that an officer shall, when feasible, give a verbal warning before using the TASER, it also states that a warning is not required if a tactical plan requires the element of surprise to control an individual. Here, the BOPC opined that the surprise/tactical element was needed at the time of the first application. The Subject had pointed the handgun toward officers and appeared to be looking back toward them. Also, the officers were afforded little to no cover had the Subject decided to shoot. In terms of the second activation, the BOPC noted that following the first activation, Officer G had warned the Subject he/she would be tased again if he/she did not drop the gun.

Also, the BOPC opined that it was reasonable for Officer G to believe the Subject had been tased during the first application as the Subject had lurched forward. As such, the BOPC opined that Officer G would have had objectively reasonable grounds to believe the Subject was aware that less-lethal force would be used and that he may be injured. While the BOPC would have preferred that a full use of force warning had been given, the BOPC found that Officer G's decision conformed to policy.

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

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