

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

**IN-CUSTODY DEATH – 033-21**

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

Outside City                      6/25/21

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

Not Applicable.

**Reason for Police Contact**

Three subjects participated in an armed robbery outside of a residence in the Hollywood Hills. During the robbery, two of the subjects sustained gunshot wounds when they exchanged gunfire with a security guard at the residence. Officers were responding the radio call associated with this incident when they located the subjects stopped in their car at an intersection in the City of Beverly Hills. After backup units arrived, the officers employed high-risk vehicle stop tactics and took the subjects into custody. The officers learned two of the subjects had gunshot wounds and Rescue Ambulances were requested. One subject was transported to the hospital with non-life-threatening injuries. The second was pronounced deceased at scene after lifesaving measures were ineffective.

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

Subject: Male, 19 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 May 10, 2022.

## **Incident Summary**

Subjects 1, 2, and 3 attempted to rob three community members who were standing on the street.

One of the community members, Victim A, was an armed security guard. During the incident, Victim A exchanged gunfire with at least one of the subjects. As a result, Victim A suffered a gunshot wound to the abdomen, Subject 2 sustained a gunshot wound to his right ankle, and Subject 1 sustained a gunshot wound to the center of his torso. The subjects fled the scene in a dark gray vehicle. As a result of the incident, Communications Division received eight 911 calls.

Communications Division made an "*Ambulance Shooting*" broadcast over the police radio (Hollywood Area Base Frequency). The broadcast resulted in the response of an Air Unit and multiple officers.

Approximately seven minutes later, officers arrived at the robbery scene and located a shooting victim. The officers broadcast the subjects' description. In response, an Air Unit advised they would check the surrounding area for the subjects' vehicle.

Approximately one minute later, a Los Angeles Fire Department (LAFD) Engine that was en route to the call advised they had just seen the subjects and provided the direction of travel.

Approximately two minutes later, Officers A and B observed the subjects' vehicle approach a red light and stop in the number one lane in front of them. Officer A stopped his/her police vehicle behind the subjects' vehicle while Officer B broadcast a backup request. As he/she did so, Officers C and D arrived and parked their police vehicle behind Officers A and B.

Inside of the subjects' vehicle was Subject 3, who was seated in the driver's seat, Subject 2, who was seated in the right front seat, and Subject 1 who was seated in the right rear seat. The officers were unaware that Subjects 1 and 2 had been shot.

While stopped at the red light behind the subjects' vehicle and waiting for a supervisor and an Air Unit to arrive, the officers observed the vehicle's front passenger door swing open. Officers A and B exited their police vehicle, stood behind their vehicle's ballistic doors, unholstered their handguns, and ordered the subjects to put their hands up. Simultaneously, Officer C moved forward and joined Officer A on the driver's side, while Officer D joined Officer B on the passenger's side.

Officers E and F arrived at the incident and parked their police vehicle immediately east of Officer A's vehicle. The officers were subsequently joined by an Air Unit and by additional officers.

Officer D utilized the public address system in Officer A's police vehicle and ordered the

occupants out of the vehicle. Subject 3 (the driver) exited first and was ordered into a prone position on the driver's side of the subjects' vehicle.

Officer D then ordered Subject 2 (the right front passenger) to exit the subjects' vehicle. In response, Subject 2 yelled to the officers that he had been wounded. As Subject 2 exited the right front seat, Subject 1 opened the right rear door and fell out of the vehicle and onto his back. Subject 2 ultimately exited the vehicle and assumed a seated position on the roadway while holding his right ankle with both of his hands. Officer C ordered Subject 1 and Subject 2 to crawl away from the subjects' vehicle and advised them that he/she would get them an ambulance. Subject 2 scooted several feet west and away from the vehicle while holding his right ankle with both hands. Simultaneously, Subject 1, who was still on his back, attempted to scoot away from the vehicle, but was unsuccessful and rolled onto his stomach.

Subject 2, who was still near the vehicle, said to the officers, "He's dying!"

Officers B, C, D, G, and H moved from the passenger side of Officer B's police vehicle to the passenger side of the subjects' vehicle. Officer G, who was equipped with a police rifle, and Officer D who was equipped with his/her duty handgun, functioned as designated cover officers, while Officers B, C, and H moved Subjects 1 and 2 to the rear of Officer B's police vehicle.

Subject 1 was lying face-down on the roadway when Officer C reached him. Officer C immediately grabbed Subject 1's wrists with each of his/her hands and pulled him back to the area behind Officer A's police vehicle for medical treatment. Subject 1 was handcuffed by Officer I before being searched by Officers I and J.

Subject 2 was lying on his back while holding his right ankle with both hands at the point when Officers B and H reached him. Officer H grabbed the shoulders of Subject 2's jacket with each of his/her hands and slid him back to the area behind Officer A's police vehicle for medical treatment. Officer B assisted by grabbing the right shoulder of Subject 2's jacket with his/her right hand. The officers then handcuffed Subject 2 and placed him in a left lateral recumbent position.

Once Subjects 1 and 2 were behind the police vehicle, Officer B stayed with Subject 2 while Officers D, I, and J and provided medical treatment to Subject 1.

Upon assessing Subject 1, Officer J located a single gunshot wound to the middle of Subject 1's torso. Upon verifying that there was no exit wound, Officer J applied an occlusive dressing to the gunshot wound and placed Subject 1 in a right lateral recumbent position. Subject 1 was then continuously monitored by Officers I and J.

According to Officer J, upon making initial contact, Subject 1 was conscious and able to speak. Approximately two minutes after he/she applied the dressing, Officer J noticed that Subject 1 was no longer verbal and determined that Cardiopulmonary Resuscitation (CPR) was necessary. Officer I removed Subject 1's handcuffs, and Officer J began

CPR.

Approximately 13 minutes after Subject 1 was moved behind the police vehicles, a Los Angeles County Fire Department (LACFD) Rescue Squad staffed by firefighter paramedics (FF/PM) arrived at the scene and began assessing Subject 1. Approximately 15 minutes later, after performing CPR, completing a life-status assessment, and consulting with medical staff at the medical center, FF/PM A declared Subject 1 to be 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 B	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes
Officer I	Yes	Yes	Yes	Yes	Yes
Officer C	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 B, C, I, and J's tactics to warrant a Tactical Debrief.

**B. Drawing and Exhibiting**

The BOPC found Officers B, C, and J's drawing and exhibiting of a firearm to be In Policy.

**C. Use of Force**

Not applicable.

**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 Officers 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 Officers 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 Officers 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 Officers 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 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 C and D had been partners for approximately two weeks, during which they had discussed tactics and police procedures. Officers A and B had worked together approximately seven times, during which they had discussed tactics, specifically felony stops and contact/cover roles. During the high-risk vehicle stop, Officer C designated Officer D to communicate with Subjects 1, 2, and 3 using the PA system. Officer C formulated a tactical plan to bring Subjects 1 and 2 behind cover to render medical aid. As part of the plan, he/she designated officers to provide lethal cover as the team approached the subjects' vehicle and extracted Subjects 1 and 2.

**Assessment** – Observing the subjects' vehicle, Officers A and B opined that it belonged to the subjects. Observing Subjects 1 and 2 exit the vehicle and lay on the ground, Officer C opined that they were seriously injured. Based on his/her assessment, Officer C determined that their immobility was a result of their injuries and not an unwillingness to comply. Officer C assessed that Subjects 1 and 2 required immediate medical attention.

**Time** – There is an equation that saves lives: “distance plus cover equals time.” Observing the subjects' vehicle's front passenger door swing open, Officers A and B exited their police vehicle and took cover behind the ballistic door panels. They were soon joined by Officers C and D. As the officers ordered Subjects 1, 2, and 3

to exit the vehicle, it became apparent that Subjects 1 and 2 needed immediate medical attention. Officer C used time to formulate a plan to extract Subjects 1 and 2 quickly but safely.

**Redeployment and/or Containment** – Officer C requested units to block traffic to contain the subjects and protect the public. When Officer L arrived, Office C advised him/her that Officer G had already deployed a patrol rifle, limiting deployment to one rifle covering the subjects' vehicle's passenger side. In response, Officer L redeployed to assist officers covering Subject 3 along the subjects' vehicle's driver's side. Officers B, C, and H then extracted Subjects 1 and 2 to cover.

**Other Resources** – Locating the subjects' vehicle, Officers A and B requested backup units. Officers C and D arrived as the request was being made. Additional officers also responded to the request. Using his/her police radio, Officer I requested RAs for Subjects 1 and 2.

**Lines of Communication** – Officer D utilized the police vehicle's PA system to communicate with Subjects 1, 2, and 3 before approaching the subjects' vehicle. Officer C communicated with Subject 1 and Subject 2, reassuring them that a RA was coming as he/she requested their cooperation. As the team prepared to approach the subjects' vehicle, Officer C looked toward the officers monitoring Subject 3 and yelled out, "Hey, we're moving up to pull the wounded guy back...everyone hold, no crossfire!"

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

### **1. Tactical Planning/Communications**

Arriving at the scene of the vehicle stop, Officer C took command and control of the incident. Due to the extent of Subject 1 and Subject 2's injuries, Officer C concluded that neither could comply with instructions and determined it was necessary to immediately render medical aid. Before approaching the subjects' vehicle, he/she designated Officer G as a DCO covering the vehicle and Officer H as a DCO covering Subject 2. Officer C told Officer H, "You hold him," referring to Subject 2. Officer H misunderstood Officer C and physically took hold of Subject 2. While Officer C did not designate a less-lethal officer as part of the team, he/she was aware that officers were equipped with their TASERs. As the team prepared to approach the subjects' vehicle, Officer C looked toward the officers monitoring Subject 3 and yelled, "Hey, we're moving up to pull the wounded guy back...everyone hold, no crossfire!" Officer C then moved toward the subjects' vehicle as part of the team and took hold of Subject 1. After moving Subject 1 behind the police vehicle, Officer C advised him that a RA was responding. Officer C directed the officers not to touch the subjects' vehicle and Officer G to monitor a handgun inside the vehicle. Officer C continued to provide directions until Sergeant A arrived and assumed command.

The BOPC considered Officer C's planning, communication, and control of the incident. The Board noted that Officer C immediately assumed command and control, moving among the officers as he/she provided direction. Recognizing that multiple officers were giving the Subjects commands, Officer C announced that only one officer would give commands and designated a communications officer using the PA. Observing Officer L with a patrol rifle, Officer C had the presence of mind to redirect him/her, limiting it to one rifle covering the subjects' vehicle's passenger side. Determining that Subject 1 and Subject 2 were physically unable to comply with commands, Officer C managed to direct Subject 2 away from the subjects' vehicle, offsetting him from Subject 1. When he/she determined that Subject 1 and Subject 2 needed immediate medical attention, Officer C formed a team to extract them to safety. The BOPC noted that before approaching the subjects' vehicle, Officer C announced to officers covering Subject 3 that the team was moving forward to extract "the injured guy" and to avoid crossfire. While Officer C's directions could have been clearer, based on the dynamic nature of this incident, they were reasonably well articulated.

In terms of less-lethal availability, the BOPC noted that while Officer C designated two lethal cover officers, he/she did not designate a less-lethal officer. While Officer C indicated that he/she knew officers were equipped with TASERS on their persons, the BOPC would have preferred that Officer C had designated an officer whose sole responsibility was less-lethal cover, preferably with a 40mm LLL or Beanbag shotgun.

In terms of Officer C's decision to extract Subject 1 and Subject 2 before handcuffing and searching them, the BOPC noted that tactics are conceptual and intended to be flexible and incident specific. The BOPC also noted that officers are sometimes forced to make split-second decisions under stressful and dynamic circumstances. While the BOPC would have preferred that all three subjects had been handcuffed and searched before Subject 1 and Subject 2 were extracted, they considered the unique circumstances of this incident, specifically Subject 1 and Subject 2's need for immediate medical aid. Based on the situation, the Board opined that the officers appropriately adapted their tactics.

Based on the totality of circumstances, the BOPC determined that the tactics employed by Officer C were not a substantial deviation from approved Department tactical training.

## **2. Handcuffing Protocols**

Officers B and H rolled Subject 2 prone, handcuffed, and searched him. Officer B opined that Subject 2's ankle was broken and attempted to roll him to a recovery position; however, Subject 2 requested to be left on his stomach. When asked to roll to his side, Subject 2 stated he could not and asked to remain

prone. Officer B remained with Subject 2, monitoring his condition and assessing his injuries. Officer B noted that Subject 2's leg was not actively bleeding but determined the injury exceeded the scope of his/her medical training and equipment. Subject 2 was prone for approximately 13 minutes before LACFD arrived and assumed medical care. During that time, Officer J, a certified EMT, assessed Subject 2's ankle and also opined it was broken. Based on his/her assessment, Officer J felt it best to not move Subject 2. Subject 2 appeared comfortable, and Officer J believed his ankle was more stable in the prone position; Officer J was concerned that moving Subject 2 would cause him additional pain and aggravate his injury.

After pulling Subject 1 to safety, Officer C released his/her hands, briefly stepped away while speaking to CD, then returned. Officer I had remained with Subject 1, who was laying on his back. Officers C and I placed Subject 1 into a handcuffing position; Officer I then handcuffed him. Officer I asked Subject 1 his name and if he had any weapons. When Subject 1 began moving, Officer I rolled Subject 1 back in a prone position as he/she donned protective gloves; Subject 1 had not been searched yet. Approximately 26 seconds later, Officers I and J rolled Subject 1 on his side, searched him, and checked his chest/legs/back for gunshot wounds. Locating only an entrance wound, Officer J applied an occlusive dressing to Subject 1's chest. Approximately two minutes after he/she applied the dressing, Officer J noticed Subject 1 was no longer verbal and determined that CPR was necessary. Officer I removed Subject 1's handcuffs and Officer J began CPR.

As it pertains to Subject 2, the BOPC noted that he requested to remain prone; per Subject 2, he had to remain in the prone position. The BOPC also noted that Subject 2 communicated with officers, remained conscious, and was monitored and assessed by Officers B and J until paramedics assumed medical care. The Board noted that paramedics did not move Subject 2 from his prone position until they were able to stabilize his right leg, indicating that Subject 2 was not in respiratory distress while prone. The BOPC also noted that Officer B recognized Subject 2's injury exceeded the scope of his/her training and equipment. The BOPC further noted that Officer J, a licensed EMT, exposed Subject 2's ankle, assessed his injury, and elected to leave Subject 2 prone until paramedics arrived.

As it pertains to Subject 1, the BOPC noted that his pants had come down as he was being extracted, exposing his waistband area; there was no indication Subject 1 was armed at that point. While Subject 1 was not immediately handcuffed and searched after being extracted, the BOPC noted that Officer I donned protective gloves before searching him. Once he was handcuffed, officers searched Subject 1's waistband, checked him for injuries, applied an occlusive dressing, and placed him in a recovery position. When officers determined that Subject 1 was unresponsive, they initiated life-saving efforts. Officers continued their efforts until relieved by paramedics.

Based on the totality of circumstances the BOPC determined that the tactics employed by Officer B were a substantial deviation, with justification, from approved Department tactical training. The BOPC determined that the tactics employed by Officers C, I, and J were not a deviation from approved Department tactical training.

- The BOPC also considered the following:
  - **Simultaneous Non-Conflicting Commands** – While Officer C had designated Officer D as the communications officer, he/she too gave Subject 1 and Subject 2 commands to move away from the subjects' vehicle.
  - **High-Risk Vehicle Stops Tactics** – When Subject 2 opened the passenger door, prompting a high-risk vehicle stop, Officer A's police vehicle was stopped behind the subjects' vehicle. Officer C, the secondary unit, stopped his/her police vehicle behind Officer A's vehicle and exited. Officer F, the tertiary unit, positioned his/her police vehicle to the left of Officer A's police vehicle. During high-risk vehicle stops, the secondary vehicle should position to the left of the primary while the tertiary vehicle should position to the primary's right.

While Subject 3 exited the driver's side of the subjects' vehicle as directed, Subjects 1 and 2 fell/crawled out the passenger side of the vehicle. Due to their injuries, Subjects 1 and 2 were unable to move any further. When feasible, officers should have all subjects positioned on the same side of the vehicle.

As the team approached the subjects' vehicle, Officers D and G covered the vehicle. Neither Officers D nor G initially held on the trunk. After quickly clearing the passenger compartment, Officer G held the trunk until it was cleared. Generally, an officer should hold the trunk while the passenger compartment is cleared.

- **Personal Protective Equipment (Gloves)** – Before extracting Subject 1, Officer C did not don protective gloves; before cutting off Subject 1's bloody shirt, Officer D did not don protective gloves. Before extracting Subject 2, Officers B and H did not don protective gloves; before handcuffing Subject 2, Officer A did not don protective gloves.
- **Non-Medical Face Coverings** – Officers B, C, I, and J were observed at the scene – post-tactical incident - not wearing non-medical face coverings, as directed by the Chief in May 2020.

## Command and Control

- Officer C, a senior officer, assumed command and control of the incident, moving among the officers as he/she provided direction. When multiple officers were giving

commands, Officer C announced that only one officer would do so and designated a communications officer using the PA. When Subjects 1 and 2 were unable to comply with commands, Officer C began communicating with them, directing them to move as far from their vehicle as possible. When Officer L arrived, Officer C advised him/her that Officer G had already deployed a patrol rifle, limiting it to one rifle covering the subjects' vehicle's passenger side. Believing that Subjects 1 and 2 needed immediate medical attention, Officer C determined they needed to be extracted without delay. In response, Officer C formed a team and designated roles. As the team prepared to approach, Officer C looked toward the officers monitoring Subject 3 and yelled out, "Hey, we're moving up to pull the wounded guy back...everyone hold, no crossfire!" After Subjects 1, 2, and 3 were apprehended, Officer C ensured that a RA was responding, directed the officers not to search the subjects' vehicle, and assigned Officer G to monitor a handgun inside the vehicle. Officer C coordinated scene management and continued to provide directions until Sergeant A arrived and assumed command.

Sergeant A arrived at the scene approximately two minutes after Subject 1 and Subject 2 were extracted. Sergeant A verified that RAs had been requested and directed officers to establish a crime scene. Sergeant A liaised with Los Angeles Sheriff's Department personnel, who had been advised that Victim A had been shot. Learning that Subject 1 was deceased, Sergeant A notified the Watch Commander.

The BOPC determined that the actions of Sergeant A and Officer C were consistent with Department training and the BOPC's expectations of field supervisors and senior officers during a critical incident.

These topics were to be discussed at the Tactical Debrief.

- In conducting an objective assessment of this case, the BOPC determined that Officer B's actions substantially deviated, with justification, from Department tactical training. The BOPC also determined that Officers C's actions did not substantially deviate from approved Department tactical training. The BOPC further determined that Officers I and J's actions 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.

Therefore, the BOPC found Officers B, C, I, and J's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer B** – Officers A and B were driving south when they observed the subjects' vehicle approach a red light and stop in the number one lane in front of them. While stopped at the red light, Officer B observed the subjects' vehicle's front passenger door swing open. Believing that the subjects may shoot at him/her and his/her partner, Officer B exited his/her police vehicle, stood behind the ballistic door panel, unholstered his/her service pistols, and ordered the subjects to raise their hands.
- **Officer C** – Based on LAFD's broadcast regarding the subjects' vehicle's location, Officer C drove to the location of the vehicle stop. When he/she arrived, Officers A and B were already behind the subjects' vehicle. Based on the comments of the radio call, bullet holes in the subjects' vehicle, and his/her belief that a victim had been shot, Officer C exited his/her police vehicle, approached Officer A, and unholstered his/her service pistol. Officer C believed that the tactical situation had risen to the point where deadly force may be necessary.
- **Officer J** – Officer J responded to Officers A and B's backup request. While monitoring his/her police radio, Officer J had heard multiple radio calls of an ambulance shooting involving three subjects. Arriving at the backup, Officer J unholstered his/her service pistol because there were multiple subjects who he/she believed were wanted in connection with a shooting and were likely armed.

The BOPC evaluated Officers B, C, and J's drawing and exhibiting. The BOPC noted that the officers were responding to a radio call of an ambulance shooting involving multiple subjects and victims. As police and fire were responding to the shooting, LAFD observed the suspects' vehicle. Acting on information from LAFD, officers located the subjects' vehicle. The BOPC noted that as officers were stopped behind the subjects' vehicle, the passenger door unexpectedly swung open; officers had not attempted to contact the occupants at that point. The BOPC also noted Officer B's concern that when the door opened, the suspects were going to shoot at officers.

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

## **C. Use of Force**

No reportable use of force occurred during this incident. As such, no finding was made regarding use of force.