

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

**OFFICER-INVOLVED SHOOTING – 053-23**

| <b>Division</b> | <b>Date</b> | <b>Duty-On (X) Off ( )</b> | <b>Uniform-Yes (X) No ( )</b> |
|-----------------|-------------|----------------------------|-------------------------------|
|-----------------|-------------|----------------------------|-------------------------------|

|                         |         |  |  |
|-------------------------|---------|--|--|
| 77 <sup>th</sup> Street | 9/27/23 |  |  |
|-------------------------|---------|--|--|

| <b>Officer(s) Involved in Use of Force</b> | <b>Length of Service</b> |
|--|--------------------------|
|--|--------------------------|

|           |                   |
|-----------|-------------------|
| Officer B | 8 years, 7 months |
|-----------|-------------------|

**Reason for Police Contact**

On September 27, 2023, 77<sup>th</sup> Street Area Gang Enforcement Detail (GED) uniformed officers responded to an “ADW Shooting” radio call. Officers located a Subject armed with a rifle and a shotgun. The Subject refused commands to drop the weapons and when he turned toward the officers, an Officer-Involved Shooting (OIS) occurred. The Subject was struck by gunfire and taken into custody without incident. The Los Angeles Fire Department (LAFD) transported the Subject to a local hospital, where he was treated for his injuries.

| <b>Subject(s)</b> | <b>Deceased ( )</b> | <b>Wounded (X)</b> | <b>Non-Hit ( )</b> |
|-------------------|---------------------|--------------------|--------------------|
|-------------------|---------------------|--------------------|--------------------|

Subject: Male, 36 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 (UOFRB) 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 September 17, 2024.

## Investigative Summary

On September 27, 2023, at approximately 1601 hours, Witness A was in the driveway of his residence. According to Witness A, he observed four people engaged in an argument. Two of the individuals were on bicycles and the other two were on foot. The argument escalated when the Subjects on bicycles produced weapons. One of those Subjects was armed with a pistol and the other (Subject 1) was armed with a rifle and a shotgun. The Subjects on foot entered a motorhome parked on the street, where they each retrieved a shotgun. This resulted in an exchange of gunfire between the two parties.

Additionally, Witness A observed the individual armed with the shotgun and rifle, later identified as the Subject in this case, (Subject 1) discharge the rifle into the ground before riding south. Witness A called 911 to report the incident. When later contacted by Force Investigation Division (FID) investigators, Witness A agreed to provide his account of the incident but declined to provide a recorded interview.

In response, Communications Division (CD) broadcast to 77<sup>th</sup> street units an Assault with a Deadly Weapon (ADW) shooting call.

Security video from Witness A's residence showed one of the Subjects who was reported to be on foot, armed with a shotgun. Additionally, one of the Subject's with a bicycle was seen holding a pistol while wearing a green reflective vest. Subject 1 was dressed in a red cap, black T-shirt, black pants, and black high-top tennis shoes with white soles. Additionally, Subject 1 was wearing a black gaiter that partially obscured his face.

Subject 1 fired an AR-15 type rifle north in the direction of the motorhome and where the male with the shotgun was previously standing. As Subject 1 prepared to get on his red bicycle to ride away, he discharged the rifle into the ground toward his feet. Subject 1 then fled south on his bicycle, while maintaining possession of the rifle.

The ADW Shooting was investigated by 77<sup>th</sup> Street Area GED detectives. They determined the occupied motorhome and Witness A's unoccupied vehicle were both struck by gunfire while parked on the street.

At approximately 1602 hours, 77<sup>th</sup> Street Area GED uniformed Police Officers A and B, requested the call. Officers A and B were in full police uniform and operating out of a marked black and white police vehicle equipped with a Digital In-Car Video System (DICVS). Additionally, each officer was equipped with a Body Worn Video (BWV) camera, ballistic vest, Department-approved pistol, TASER, OC spray, handcuffs, and a hobble restraint device (HRD). Officer B had a collapsible baton on his/her person. Officer A had his/her side-handle baton in their vehicle at the time of the OIS.

While they were en route, CD broadcast additional clothing information and that one of the individuals (Subject 1) was armed with two shotguns, while the other was armed

with a handgun. In response, Officer B requested an air unit. Approximately 20 seconds later, CD broadcast a location where the Subjects were riding towards and that eight gunshots were fired. Unknown if there was a victim.

Officers Officer A and Officer B arrived in the area approximately two minutes after broadcasting their response. As they reached the area, CD broadcast a second radio call of a "415 Group with a Gun" at an intersection. The Subject was described as a male Black wearing all black clothing with a ski mask and holding a large rifle.

According to the officers, they observed shattered glass on the ground and believed it may be related to the shooting; however, they continued south to locate a possible victim or Subject. The officers contacted Witness A, who was standing at the west curb and asked him in Spanish which direction the individual on bikes fled. Witness A pointed southeast.

The officers turned east, before turning south onto another street. Officer B broadcast they were Code Six prior to Officer A turning west. Officer A then turned north into a T-alley and as he/she did so, he/she advised Officer B, "This area is like a hotspot. Let me check it real quick." Officer A then turned west into the east/west portion of the T-alley.

Unless otherwise noted, all quotes and observations were derived from BWV and DICV.

A later review of security video from a residence determined that approximately one minute prior to the officers arriving at the T-alley, a male in black clothing, consistent with Subject 1's attire, placed two objects against the interior pony wall of a residence. Those objects were consistent in size and shape with a rifle and a shotgun. The video security system was motion activated and did not ultimately provide a perspective of the OIS. The property consisted of two rows of bungalows that ran north/south. A cement walkway separated the two rows of bungalows. At the south entrance to the property, two four-foot-tall brick pony walls extended from the east and west sides of the bungalows, with an opening at the walkway.

According to the officers, as they traveled west in the alley, they looked south and observed a bicycle in the middle of the parking lot to the rear of a residence. Believing the bicycle was possibly related to the shooting call, the officers exited their vehicle and walked south into the parking lot to investigate.

According to Officer B, he/she and Officer A tactically triangulated on the parking lot. Officer B approached between a storage shed and the driver's side of a black sports utility vehicle (SUV) that was parked facing south on the northeast portion of the lot. There was approximately three feet of clearance between the vehicle and the storage shed.

Simultaneously, Officer A approached along the passenger side of the SUV. As this occurred, Subject 1 can be seen walking north toward the parking lot on the walkway that ran between the two rows of bungalows. According to Officer B, he/she observed

Subject 1 holding an “AR” type assault rifle in one hand and a shotgun in the other. Subject 1 was gripping the weapons as if he was holding “two cans” at chest level, with the muzzles pointed downward. Upon seeing Subject 1 armed with these weapons, Officer B unholstered his/her pistol. Officer B could not recall which hand Subject 1 held the rifle in and which hand he held the shotgun in during the incident. Officer B noted that Subject 1’s assault rifle had a potential 30-round magazine capacity and was capable of firing rounds that could penetrate their ballistic vests.

Upon reaching the front passenger door of the SUV, Officer A observed Subject 1 approximately 35 feet away walking toward them. Subject 1 was wearing a ski mask and holding a shotgun with both hands. Officer A ordered Subject 1 to, “Let me see your hands, bro” as he/she redeployed to the rear of the SUV and unholstered his/her pistol. Officer A indicated a white vehicle parked farther south in the parking lot obscured his/her view of Subject 1’s lower body.

Officer A stated Subject 1 was standing right on the other side of the white vehicle, between the vehicle and the northern end of the bungalow right before getting to the pathway. Officer A stated that Subject 1 was holding the shotgun with two hands and believed his right arm was on the higher portion or the end portion of the shotgun. Officer A stated Subject 1’s left hand was holding the front portion of the shotgun, and the shotgun wasn’t like immediately vertically down, but was kind of canted pointing to the ground.

On Officer B’s BWV, Subject 1 can be seen stopping in the walkway near the north end of the bungalows and facing the officers. According to Officer B, he/she observed Subject 1 bring his hands together in a “hugging motion” and believed Subject 1 now had the ability to quickly shoot them. Officer B stated at some point instead of grabbing one weapon with each hand, Subject 1 brought them together and that’s when he/she gave Subject 1 a warning that if he did not drop the weapons, he would be shot. Officer B noted that it would only take a split second to raise the weapons, one of which he/she described as a high powered rifle and to shoot him/her and his/her partner. Officer B is heard ordering Subject 1 to “Hey, Hey, Put that down! Put that down! Put that down rifle down now! I will shoot you. Put, Put it down or I’ll shoot you.”

Meanwhile, from behind the SUV, Officer A began broadcasting that they were Code Six on a possible Subject, provided the location and requested a backup. Officer A also broadcast that Subject 1 was holding what appeared to be a shotgun. A supervisory unit immediately broadcast that “It’s a help call,” which resulted in CD upgrading the request.

While Officer B gave commands, Subject 1 replied, “What? This is my shit. I ain’t pointing it at you.” As that occurred, Witness B opened the front metal security door to her residence, while Subject 1 stood approximately two feet north of her door.

As Subject 1 turned away from the officers and walked south on the walkway, Witness B closed her door. Officer B observed Witness B and believed she was in danger due to Subject 1 being armed with two weapons.

As Subject 1 continued south in the walkway, the officers redeployed south from the SUV to the trunk area of the white vehicle that was parked facing south. When describing his/her reason for redeploying, Officer A stated that Subject 1 fit the description of the shooting that just occurred and was failing to comply with our orders. Officer A wanted to set up containment on Subject 1 if he continued to fail to comply with their commands. Officer A stated he/she moved forward so he/she could have a visual of him.

According to Officer B, he/she observed Subject 1 acquire a “better grip” on the weapons as he [Subject 1] continued walking south on the west side of the walkway. Subject 1 now held one weapon in each hand with his arms at his sides and the muzzles of the weapons at a “low-ready” position in front of him.

Officer B noted that there were other occupants in the bungalows and he/she continued issuing commands in an attempt to de-escalate the situation, telling Subject 1 to drop the weapons. Officer B stated that Subject 1 continued walking southbound through the complex and Officer B could hear people talking in the complex so he/she knew there was people on both sides of the apartment complex which he/she believed contained four to six units.

From the trunk area of the white vehicle, Officer B told Subject 1, “Hey, put that down or I’m going to shoot you.” Immediately following that command, Officer A ordered Subject 1 to “Drop it!” Subject 1 responded that he would not drop the gun; the weapons were his.

While Subject 1 continued south on the walkway, Officer B redeployed from the white vehicle to a motorcycle parked at the northeast corner of the bungalows on the west side of the walkway. As Officer B did so, Officer A communicated to him/her “get cover, get cover” while he/she (Officer A) moved from the trunk of the white vehicle to the north wall of the bungalows on the east side of the walkway. From their positions of cover, Officer B ordered Subject 1 to “Stop!” immediately followed by a similar command from Officer A, who stated, “Stop right there, bro.” Officer B then fired four rounds at Subject 1 in 2.798 seconds.

Regarding available cover, Officer B, noted that there were multiple parked vehicles west of him/her, but they were “too tucked in” to utilize as cover while still being able to maintain a view of Subject 1’s movements. As such, Officer B redeployed behind what he/she described as a large motorcycle that he/she believed provided protection for his/her lower extremities.

**The officers’ BWV only captured limited views of Subject 1 from their first contact with him until he walked south on the walkway. The investigation determined**

**Subject 1 was walking south on the walkway between the bungalows at the time of the OIS; however, his specific location could not be determined. Subject 1's actions at the time of the OIS were not captured on video. For clarity, each officer's observations and actions have been independently described below.**

### **Officer B's account of the OIS**

Based on Officer B's BWV, the OIS occurred at 1605:50 hours, approximately 38 seconds after the officers exited their vehicle.

#### **Round No. 1**

According to Officer B, Subject 1 had a position of advantage as he continued south on the walkway because he knew where both officers were located. In an effort to utilize "better cover," Officer B redeployed to the motorcycle. From this position, Officer B observed Subject 1 approximately 25-30 feet south of him/her, turn counterclockwise with his body bladed and look over his left shoulder in their direction. Subject 1 held the rifle in one hand and the shotgun in the other, with his arms nearly straight in a "low ready position." As Subject 1 turned, the barrels of the weapons were "slanted" in the officers' direction. Officer B believed it would have only taken a split second to raise the weapons and feared Subject 1 was turning to shoot at them.

Officer B stated, "That's when I - - yeah, when he starts coming to my direction is when I believe he's going to shoot." In fear of his/her life and that of his/her partner, Officer B fired the first shot.

When asked if Subject 1 turned his lower body in addition to looking over his left shoulder at them, Officer B stated he/she could not tell because the rifle was black, the barrel of his shotgun was black and Subject 1 was wearing black clothing. Officer B stated he/she was not sure if the weapons barrels were pointed directly at him/her or it was just his clothing, but noted that Subject 1 did make the motions as if he intended to come face to face with him/her and attempt to possibly acquire his rifle or shotgun.

#### **Round No. 2**

According to Officer B, he/she assessed after firing his/her first round and ensured his/her background was clear of pedestrians, responding officers, and vehicle traffic. Officer B observed Subject 1 continuing to turn toward them while holding the rifle and shotgun in a "low-ready" position and while looking in their direction. Officer B described low-ready as, "So what I mean by low ready...is it's near our -- pointed in our vicinity and it's ready to shoot." Believing they were in danger of being shot by Subject 1, Officer B targeted Subject 1's left upper chest and fired a second round.

When describing his/her second shot in relation to his/her first, Officer B stated once Subject 1 started blading his body towards him/her and he/she could see those weapons coming in his/her direction, that's when he/she fired. Officer B stated Subject

1 was still making the same motions and maneuvers and was not complying with commands.

### **Round No. 3**

According to Officer B, he/she and Officer A maintained their positions of cover as Subject 1 briefly turned away and took one or two steps in a southeast direction. Subject 1 again turned counterclockwise with the rifle and shotgun, bladed his body in the same manner as before, and looked in their direction. In response, Officer B fired a third round.

When describing Subject 1's actions before firing his/her third round, Officer B stated that Subject 1 remained in a position where he/she believed he was still a threat and was still armed with the rifle and shotgun. Officer B stated that Subject 1 was still looking at him/her and his/her partner and was attempting to develop a plan to shoot him/her.

### **Round No. 4**

According to Officer B, after he/she fired his/her third round, Subject 1 turned to his (Subject 1's) right and moved two to three feet west, near the south entrance to the bungalows. Subject 1 was now facing west and still armed with the rifle and shotgun. Officer B described Subject 1 extending his arms out in front of him before turning north toward them. Plants and decorative pillars in the walkway, and debris at the entrances to the units prevented Officer B from seeing Subject 1's movement or hands after Subject 1 extended his arms. Officer B indicated he/she could hear sirens at that point and assessed to ensure there were no officers or pedestrians in his/her line of fire. Believing Subject 1 remained armed and was still a threat, Officer B fired a fourth round. Officer B then lost sight of Subject 1.

Officer B was uncertain if Subject 1 was positioned on the north or south side of the pony wall when he/she fired the fourth round but noted the "brick wall" (pony wall) made it difficult to see.

Leading up to the OIS, Officer B gave Subject 1 multiple commands to drop his weapons, or he/she would shoot him. According to Officer B, his/her decision to use deadly force was based on Subject 1's actions and movements and not due to Subject 1 continuing to hold the weapons. Additionally, Officer B assessed between each of his/her rounds and did not see or hear Subject 1 drop the rifle or shotgun prior to or during the OIS.

After firing his/her final round, Officer B redeployed north behind the white vehicle and broadcast a call of "shots fired." Officer B immediately returned to his/her position behind the motorcycle with his/her pistol pointed south. Officer B observed officers arrive at the front of the residence and lowered his/her pistol. Officer B then faced Officer A and said, "You good bro?" Officer B then told Officer A that Subject 1 was

turning towards him/her and still had the shotgun. Officer A replied, "Roger" and stated he/she was trying to broadcast.

When interviewed by FID investigators, Officer B stated that when he/she made the statement to Officer A regarding Subject 1's actions, the situation was still tactical, and he/she wanted to check on Officer A's well-being. Officer B further stated he/she wanted to be sure Officer A understood they were just in a "deadly situation" and wanted it to be clear to Officer A why he/she fired. Officer B indicated that although he/she only mentioned the shotgun to Officer A, he/she observed Subject 1 to have both, a rifle and shotgun during the incident. According to Officer B, when demonstrating Subject 1's actions, he/she was not referring to a specific time during the OIS or Subject 1's exact motion, but rather a generalization of Subject 1's movements with the weapons during the incident.

### **Officer A's account of the OIS**

According to Officer A, while positioned behind the north wall of the bungalows on the east side of the walkway, he/she observed Subject 1 continuing south in the walkway. Officer A held his/her pistol with a two-handed grip, and as he/she heard the sirens of the responding units, he/she grabbed his/her handheld radio with his/her left hand with the intent to provide a better location and prevent a potential ambush. As Officer A did so, he/she observed Subject 1 on the west side of the walkway, still armed with the shotgun. Subject 1 bladed his body to the right, turned his head, and looked at Officer B. Officer A believed Subject 1 was turning to shoot Officer B and heard his/her partner fire approximately three times.

Officer A told FID investigators that based on his/her observation of Subject 1 turning with the shotgun, he/she would have also fired; however, he/she did not feel comfortable firing one-handed.

According to Officer A, after Officer B fired the rounds, Subject 1 dropped to one knee and was no longer looking in Officer B's direction. Officer A heard Officer B broadcast, "Shots Fired Officer Needs Help" and observed Subject 1 crawl south while still holding the shotgun. Subject 1 then moved west behind a wall (pony wall).

When describing the OIS, Officer A stated he/she heard sirens of police vehicles and knew they were close. Officer A observed Subject 1 continue walking south in the middle path, so he/she grabbed his/her Department rover to attempt to communicate with the officers to provide them with information. As Officer A grabbed his/her radio, he/she observed Subject 1 turn his head right and looked at Officer B while blading his body right and holding the shotgun with both arms. According to Officer A, as soon as Subject 1 turned right, he/she heard his/her partner shoot approximately three times.

Officer A stated that once he/she saw his/her partner shoot, he/she put his/her radio back in his/her holster and then grabbed his/her firearm. Officer A stated that as he/she was coming up on target, Subject 1 dropped to one knee and was no longer looking at



his/her partner. Officer A stated they then gave commands for Subject 1 to drop the weapon and heard Officer B broadcasting the shots fired call. Subject 1 refused to stop and continued crawling south while still holding the shotgun. Subject 1 then went west to the end of the bungalows where he concealed himself behind the wall.

A later review of BWV determined Officer B did not continue to order Subject 1 to “drop the weapon” as believed by Officer A.

**The following LAPD personnel were among the officers who responded to the help call. Officers C, D, E and F, along with Sergeants A, B, C and D.**

#### **Post OIS and Arrest Tactics:**

Officers C and D responded from the ADW shooting scene to the area of the help call. According to Officer C, while traveling east, he/she observed Subject 1 standing between the chain link pedestrian gate and the front of the bungalows. Officer C heard Subject 1 say, “Oh shit!” and observed him fall to the ground. Officer C immediately stopped their vehicle and exited with Officer D. Sergeant A arrived approximately five seconds later, followed by Officers E and F.

Sergeant A and the officers approached the area where Subject 1 was positioned behind the chain link fence. Subject 1 was seated on the lawn area with his legs extended in front of him, and his rifle approximately three feet east of him. Subject 1’s shotgun was on the walkway between the pedestrian gate and the pony walls of the bungalows. The officers entered the property with their pistols unholstered. As they did so, Officer C repeatedly ordered Subject 1 to get on his stomach. Subject 1 advised that he could not because he was shot. Officer C used profanity while giving Subject 1 commands. According to Officer C, Subject 1 was irate and yelling. Officer C indicated that he/she used profanity as a form of de-escalation and to convey the seriousness of the situation to him.

Prior to approaching Subject 1, Sergeant A pointed to Subject 1’s rifle and told Officer D to “take it” to prevent Subject 1 from reaching for it. Officer D holstered his/her pistol before picking up the rifle and shotgun and tossing them on the lawn area east of the walkway, where they were out of Subject 1’s reach. Officer D indicated there was no time to don gloves before moving the firearms.

Officers E and F holstered their pistols before approaching Subject 1. They brought his hands behind his back, and Officer F completed handcuffing. Officer C and Sergeant A then holstered their pistols.

Immediately after Subject 1 was handcuffed, Sergeant A requested a rescue ambulance (RA). Officers D and E searched Subject 1 as Officers D and F assessed him for injuries. As they did so, Subject 1 can be heard on Officer F’s BWV saying in essence that the officers shot him, even though he did not point any weapon at them.

Officer F located a gunshot wound to Subject 1's right leg, just above the knee. After handcuffing Subject 1, Officer F immediately began rendering aid. When interviewed, Officer F stated he/she directed Officers D and E to don gloves as he/she was assessing Subject 1 for injuries in the event they had to apply pressure to a wound. Once Officer F located the gunshot wound to Subject 1's right leg, he/she also donned gloves. Officer C obtained a tourniquet from his/her vehicle and with the assistance of Officers D and F, he/she applied it to Subject 1's upper right thigh.

While assessing Subject 1, Officer F located a fired bullet in the crotch area of Subject 1's pants. Officer F placed the fired bullet on top of the pony wall on the west side of the walkway, where it was ultimately collected by the Forensic Science Division (FSD), Firearms Analysis Unit (FAU).

At approximately 1617 hours, LAFD, staffed by Firefighter Emergency Medical Technicians A, B and C, and Firefighter Paramedic (FF/PM) A arrived at scene and began treating Subject 1.

Approximately five minutes later, an RA arrived, staffed by FF/PM's B and C and assumed care of Subject 1, and transported him to a nearby hospital. During the transport, FF/PM B removed Subject 1's socks and shoes and discovered he had also sustained gunshot wounds to both of his feet. Once at the hospital, Doctor A treated Subject 1 for a through and through gunshot wound to his right leg, a fractured right kneecap, and gunshot wounds to both of his feet.

### **Background Analysis**

During the investigation, FID investigators analyzed the scene, physical evidence, and video footage to assess Officer B's background when he/she fired his/her pistol. Officer B's background consisted of pony walls located on each side of the walkway, an unoccupied parked vehicle on the south curb of the street and a single-family residence. The residence was not struck by gunfire. Each pony wall was 4 feet tall and 3 feet, 3 inches wide.

### **BWV and DICVS Policy Compliance**

| <b>NAME</b> | <b>TIMELY BWV ACTIVATION</b> | <b>FULL 2-MINUTE BUFFER</b> | <b>BWV RECORDING OF ENTIRE INCIDENT</b> | <b>TIMELY DICVS ACTIVATION</b> | <b>DICVS RECORDING OF ENTIRE INCIDENT</b> |
|-------------|------------------------------|-----------------------------|---|--------------------------------|---|
| 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 B's tactics warrant a finding of Tactical Debrief.

### **B. Drawing and Exhibiting**

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

### **C. Lethal Use of Force**

The BOPC found Officers B's use of lethal force was 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 Subject 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 Subjected 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 Subjected offense;
- The level of threat or resistance presented by the Subject;
- Whether the Subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or Subjects;
- The risk or apparent attempt by the Subject to escape;
- The conduct of the Subject 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 Subject;
- Officer versus Subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus Subjects;
- 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 Officer AI 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, subjects 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 Subject.

## 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 Officer AI 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 Officer AI 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 Officer AI 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 Subject leading up to the use of force.

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

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

## A. Tactics

### Tactical De-Escalation

#### Tactical De-Escalation Techniques

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

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

**Planning** – According to Officer A, he/she has been assigned to 77<sup>th</sup> Street Area Gang Enforcement Detail (GED) for approximately three years and has worked with multiple partners throughout that time. Officers A and B have worked together



approximately 30 to 40 times and have trained together throughout the three years he/she has been assigned to GED. At their start of watch, they determined Officer A would be the driver and communications and Officer B would be lethal. They discussed the gangs they were familiar with and the areas where the gangs frequent. While searching the area for possible victims and Subjects, Officer A drove to a known gang hangout to check if there were any victims or Subjects.

**Assessment and Time** – Officer B assessed between each round, noting the Subject was still armed with the weapons and could easily lift the weapon up and shoot at officers. During his/her assessment, Officer B noted other officers were responding to the backup request, there was a school in his/her background and there were occupied bungalows in close proximity to the Subject. Officer A told FID investigators that based on his/her observation of Subject turning with the shotgun, he/she would have also fired; however, he/she did not feel comfortable firing one-handed.

**Redeployment and/or Containment** – After Officer B fired his/her fourth round, he/she redeployed to the rear of the white vehicle parked in the parking lot because he/she did not want to be in the line of fire if another OIS occurred with the responding officers.

**Other Resources** – While responding to the radio call, Officer B requested an airship after hearing additional radio broadcasts regarding shots fired and Subject's being armed with high-powered weapons. Officer A requested a backup when they saw the Subject armed with the rifle and shotgun and, in turn, the 77<sup>th</sup> Street Division watch commander upgraded the backup to a help call.

**Lines of Communication** – Officers A and B shared information about the knowledge they had on the gang area and, upon arriving at the radio call area, they spoke to Witness A to obtain information on the whereabouts of possible Subjects. Officers A and B gave verbal commands to Subject 1 to drop the weapons, but he refused.

On September 27, 2023, FID investigators interviewed Subject 1. According to Subject 1, he heard the officers give him multiple commands to drop the guns but refused because he wanted to keep them. Although he denied ever pointing the weapons at the officers, Subject 1 admitted to holding them at the time of the OIS.

Officer A and B also advised people in the bungalows to close their doors and stay inside when they opened their front doors. Officer A broadcast information on the whereabouts of Subject 1 for responding units' awareness should Subject 1 attempt to ambush them.

During the review of the incident, no Debriefing Points were identified; however, the following Additional Tactical Debrief Topic was noted:

## **Additional Tactical Debrief Topic**

- **Protocols Subsequent to a Categorical Use of Force (Talking about the incident after OIS)** – Approximately 35 seconds after Officer B fired his/her last round, he/she turned toward Officer A and stated, “You good bro, you good? He [Subject 1] turned, he was turning towards me. He still had the shotguns, bro.” Officer A replied, “Roger, I was trying to get out communications.”

Approximately 35 seconds later, as Officers A and B walked south in the walkway, Officer B stated, “He was walking away, and then he turned like this bro.” As Officer B made this statement, he/she demonstrated the movement by making a counterclockwise turning motion with his/her hands near his/her waistband with his/her left hand lower than his/her right.

The BOPC assessed Officer B’s post-OIS statements, gestures and questions. The Board noted Officer B gestured to Officer A and spoke about Subject 1’s actions and position. The BOPC opined Officer B appeared to still be in shock after the incident and it was a natural spontaneous statement due to the physiological effects between the brain and the body after a traumatic incident.

## **Command and Control**

- Sergeant A, 77<sup>th</sup> Street Patrol Division, drove east, following behind Officers C and D. Sergeant A observed Officers C and D stop and exit their vehicle and run west past him/her. Sergeant A exited his/her vehicle and saw Subject 1 seated on the ground behind a chain link fence with a rifle approximately three feet away.

Sergeant A unholstered his/her service pistol while joining Officers C and D. Sergeant A was the first supervisor to arrive on scene and entered behind the fence with officers. As Officer C continuously gave commands to Subject 1 to get on his stomach, Sergeant A heard Subject 1 say he was unable to because he was shot. Sergeant A touched Officer C on the arm to advise him/her to stop with the commands. Officers were able to see Subject 1’s hands and noted he was not armed; however, prior to making an approach to take Subject 1 into custody, Sergeant A pointed at Subject 1’s rifle and directed Officer D to take it into custody to prevent Subject 1 from reaching for it.

Immediately after Officer F completed handcuffing, Sergeant A holstered his/her service pistol and requested a rescue ambulance (RA).

Sergeant A walked toward Officers A and B, who had walked to the front of a residence and asked if it was an OIS, to which the officers advised him/her it was. Sergeant A walked out to the street, while Officers A and B returned to the rear of the residence. Sergeant A looked for other sergeants, but when he/she did not locate one, he/she walked to the rear of the residence and directed Officers A and B to turn off their Body Worn Video (BWV), separated them and completed Officer B’s

Public Safety Statement (PSS). Sergeant A transported Officer B to 77<sup>th</sup> Street Community Police Station (CPS).

Sergeant C responded to the scene with Sergeants B and D. After arriving, Sergeant B declared himself/herself the IC as Sergeant C checked the wellbeing of Officers A and B. After determining they were fine, Sergeant C was advised where the OIS occurred and immediately requested additional resources to assist with holding the crime scene. Sergeant C monitored Officer A, obtained his/her PSS and transported him/her to the 77<sup>th</sup> Street CPS.

The BOPC noted that the UOFRB assessed Sergeant A's role during the incident and his/her implementation of command and control. Although the UOFRB did not note any deviations from Department policy, the UOFRB would have preferred he/she holstered his/her service pistol sooner and implemented additional oversight, to include directing Officer D to remain with Subject 1's firearms and assure the firearms were not tossed in a manner in which they could have led to an accidental discharge. The UOFRB had no concerns with respect to Sergeant B, C and D's roles in this incident.

The BOPC found the overall actions of Sergeants A, B, C and D were consistent with Department training and the Chief's expectations of supervisors during a critical incident.

## **Drawing/Exhibiting**

### **Officer A**

While walking south through a parking lot to the rear of a residence, Officer A saw Subject 1 walking north toward him/her. According to Officer A, he/she saw a wooden butt stock of a shotgun in Subject 1's with the barrel pointed to the ground. Officer A unholstered his/her service pistol believing the situation could escalate to where deadly force could be justified.

### **Officer B**

Officers A and B drove through the alley to the rear of a residence and saw a bicycle laying on the ground. Knowing there was a bicycle involved in the ADW that occurred from the original call, they exited their police vehicle, walked south through the parking lot and observed Subject 1 holding a shotgun and a rifle in his hands while walking north toward them. Officer B unholstered his/her service pistol at that time, believing the situation could escalate to where the use of deadly force could be justified.

The BOPC noted that the UOFRB assessed Officers A and B's drawing of their respective service pistols. The UOFRB noted Subject 1 was walking toward the officers while armed with a rifle and a shotgun and refused to comply with officers'

commands to drop the weapons. The officers had prior knowledge approximately eight shots were fired in the ADW shooting just a short distance away from where officers located Subject 1. According to Officer A, Subject 1 matched the description of the Subject from the radio call and saw Subject 1 was still wearing the ski mask. The UOFRB opined the officers' decision to unholster their service pistols was within Department policy.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers A and B would reasonably believe the situation may escalate to where deadly force may be justified.

Therefore, the BOPC found Officers B and A's Drawing/Exhibiting to be In-Policy.

## **Lethal Use of Force**

### **Background**

According to Officer B, he/she assessed and noted his/her background was clear of any vehicle traffic, pedestrians and responding officers. Per the FID investigation, Officer B's background consisted of pony walls, located on each side of the walkway, an unoccupied parked vehicle and a single-family residence.

**Officer B** – Smith & Wesson Model M&P 2.0 9-millimeter, semi-automatic pistol, four rounds fired in 2.79 seconds from an approximate increasing distance of 107 to 117 feet in a southern direction.

Officer B saw Subject 1 carrying a rifle and a shotgun and ordered him to drop the guns. Subject 1 refused to comply and resisted by turning his back and walking south toward the street while acquiring a "better grip" on the weapons. As Subject 1 walked away, he continued his resistance when he turned counterclockwise and looked over his left shoulder as he bladed his body while still holding the rifle and shotgun in his hands. According to Officer B, he/she believed it would only take a split second for Subject 1 to raise the weapons in officers' direction and fire at them.

### **First Occurrence**

According to Officer B, Subject 1 held the two guns nearly straight in front of him at a low-ready position. As Subject 1 turned, the barrels of the guns were slanted in the direction of the officers. Officer B believed since Subject 1 knew the officers' position and was armed with a superior weapon system, it would have only taken a split second for Subject 1 to raise the rifle and shotgun and shoot. Officer B feared Subject 1 was turning to shoot him/her and Officer A and fired his/her first round from an approximate distance of 107 feet.

### **Second Occurrence**

According to Officer B, he/she assessed after firing his/her first round and saw Subject 1 continuing to turn toward officers, while holding the rifle and shotgun in a low-ready position, pointed in the direction of the officers and ready to shoot. As Subject 1 was looking in the officers' direction. Officer B feared Subject 1 was turning to shoot him/her and Officer A; therefore, Officer B targeted Subject 1's left upper chest and fired his/her second round from an approximate distance of 107 feet in a southern direction.

### **Third Occurrence**

According to Officer B, he/she and Officer A maintained their position behind cover as Subject 1 briefly turned away and took one to two steps southeast. Subject 1 turned counterclockwise and bladed his body looking in the officers' direction while maintaining the rifle and shotgun. Believing he/she was still in danger; Officer B fired his/her third round from approximately 107 feet in a southern direction.

### **Fourth Occurrence**

According to Officer B, after firing his/her third round, Subject1 turned right and moved approximately two to three feet west, near the south entrance to the bungalows. Subject 1 was still armed with the rifle and shotgun and facing west. According to Officer B, Subject1 was extending his arms out in front of him before turning north toward the officers. Due to decorative pillars and plants in the walkway, Officer B lost sight of Subject 1's hands. Believing Subject 1 was still armed and remained a threat to them and the other officers responding to the call, Officer B fired his/her fourth round from an approximate distance of 117 feet in a southern direction.

The BOPC noted that the UOFRB evaluated Officer B's use of lethal force. As it pertains to Officer B's four rounds, the UOFRB noted Subject 1 refused to listen to multiple commands to drop the weapons and instead, turned toward officers blading his body while still armed with the rifle and shotgun. The UOFRB considered Subject 1 had a position of advantage on the officers as he had a superior weapon system, used the wall as cover and knew where the officers were standing. The UOFRB found Officer B's belief that Subject 1 was going to shoot at them reasonable given Subject 1's actions and refusal to submit to orders to disarm himself. The UOFRB opined Officer B's rounds were discharged with assessments between them in a relatively controlled manner, indicating discipline and a reverence for human life.

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

Therefore, the BOPC found Officer B's use of Lethal Force to be In Policy.