

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

OFFICER-INVOLVED SHOOTING – 047-24

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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North Hollywood	9/16/24		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	7 years, 11 months
Officer B	7 years, 11 months
Officer E	7 years, 10 months
Officer F	5 years, 1 month
Officer G	18 years, 4 months
Officer I	6 years, 1 month
Officer J	6 years, 8 months
Officer K	1 years, 11 months
Officer M	2 years, 3 months

Reason for Police Contact

On September 16, 2024, at 0450 hours, North Hollywood Division uniformed patrol officers responded to a radio call of an “Ambulance Shooting.” Witnesses indicated the Subject shot into an occupied vehicle in a parking lot. The Subject’s gunfire struck the occupant of the vehicle in the head, causing his/her death. As the officers entered the intersection near the location, they encountered the Subject armed with a handgun. The Subject fired his handgun at the officers, resulting in an Officer-Involved Shooting (OIS). The Subject fled on foot and additional units arrived in the area to establish a perimeter. Additional officers encountered the Subject within the perimeter, who was still armed with a firearm, which resulted in three additional OISs. The Subject was ultimately struck by gunfire and taken into custody. Additional officers rendered aid to the Subject until the arrival of Los Angeles Fire Department (LAFD) personnel. The Subject was pronounced deceased at scene.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 37 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC

considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on 9/9/25.

Incident Summary

On Monday, September 16, 2024, at approximately 0444 hours, Witness A called 911 to report someone had been shot. Witness A advised Communications Division (CD) that he/she observed the Subject approach a parked and occupied vehicle. The Subject shot the occupant of the vehicle, and Witness A fled the parking lot in fear.

At approximately 0451 hours, CD generated a radio call of an "Ambulance Shooting," and broadcast the Subject description.

Officers A and B requested the radio call. The officers' vehicle was a marked black and white Ford Explorer equipped with a Digital In-Car Video System (DICVS).

While the officers were enroute to the radio call, the Subject walked to a bank located on the side of the street. Approximately seven minutes after the shooting, the Subject paced in front of the bank as officers arrived at 0452 hours.

As the primary unit arrived on scene, Officer B requested a repeat of the Subject description and a police helicopter (Air Unit).

The primary unit drove past the Subject, and Officers A and B discussed contact and cover roles.

Officer A proceeded to negotiate a three-point turn out of a driveway to double back to the street. Simultaneously, Officer A said the Subject looked weird and pointed in the direction of the bank where the Subject was standing. Given these circumstances, Officer A believed the person standing near the bank was the shooting subject.

Officer A stopped at a light and illuminated the Subject with the vehicle's spotlight. Officer A did this so that he/she could get a look at what the Subject was wearing and assess the situation. Officer A observed the Subject pointing toward the parking lot where the shooting happened.

As CD repeated the subject description, the tri-light turned green, and Officer B told Officer A that he/she was going to request a backup because he/she believed the Subject to be the shooting subject.

Officer A activated the vehicle's forward facing red lights, drove midway through the intersection, and angled the front of the vehicle toward the Subject. As their vehicle moved closer, Officer A observed the Subject throwing gang signs and putting his hands in his pocket. Officer B told Officer A to watch the Subject's right hand. Once Officer A put the vehicle in park, both officers exited the vehicle.

The Subject immediately removed a gun from his right pant pocket, assumed a shooting stance, pointed his gun at the officers and fired.

As Officer B exited the vehicle, he/she remained behind the passenger door and unholstered his/her firearm. Officer B did this because he/she observed the Subject producing a gun and assuming a shooting stance, while pointing both hands in front of him.

At 0452:57 hours, Officer B fired his/her first four rounds at the Subject because the Subject faced him/her in a shooting stance. According to Officer B, the Subject had both hands out in front of him and pointed his gun at the officers. The Subject fired one round at officers during Officer B's first sequence of fire.

Officer B advised that by his/her fifth round, his/her sight picture had changed and remained the same for the rest of his/her sequence of fire, rounds five to eight. Officer B stated that he/she continued to fire as the Subject ran away because the Subject was a violent fleeing felon. Officer B advised that his/her sight picture for his/her final rounds was the center of the Subject's back.

Officer B fired a total of eight rounds at the Subject, from an increasing distance of 76 feet to 114 feet.

Officer A exited the vehicle and redeployed from the driver's side of the vehicle to behind the rear portion of the vehicle. Officer A broadcast, "Officer needs help!" Officer A unholstered his/her firearm because he/she heard a gunshot coming from the Subject.

At 0453 hours, from the rear of his/her vehicle Officer A fired his/her first two rounds because he/she observed the Subject armed with the gun, and he/she heard gunshots. Officer A moved forward to the open driver's side door and continued to fire.

The Subject then ran east.

Officer A fired a total of six rounds at the Subject, from an increasing distance of 79 feet to 118 feet. The OIS lasted a total of approximately 7.5 seconds.

As the Subject continued to flee east, Officers A and B stopped firing.

Officers A and B last observed the Subject run into a pedestrian walkway. As they re-entered their vehicle, Officer A and B both holstered their firearms. Officer A broadcast, "Shots fired, Officer needs help," for a second and third time.

Once inside their vehicle, Officer B broadcast a "help" call. As the officers drove past the pedestrian walkway on the side of the street, Officer A advised his/her partner that he/she saw the Subject, and both officers exited their vehicle.

At 0453:43 hours, Officer A immediately retrieved his/her patrol rifle from the rear of their vehicle. Officer A made the rifle ready for live fire. He/she deployed back to the driver's side of the vehicle, using his/her door as cover.

As Officer A deployed the rifle, Officer B remained on the passenger side of the vehicle and broadcast a request for a perimeter. At the direction of his/her partner, Officer B deployed to the driver's side of the vehicle. As he/she did this, he/she unholstered his/her firearm.

As both officers remained at the driver side door, Officer A broadcast another perimeter placement.

Officers A and B remained at their vehicle while they waited for additional resources, for a perimeter to be established, and traffic to be shut down. Officer A broadcast a last known direction and an updated subject description.

Once additional resources arrived at scene, a perimeter was established.

At 0502 hours, Officer A requested a Rescue Ambulance (RA) for the murder victim in the parking lot and requested for a team to deploy into the parking lot and attempt a rescue.

At approximately 0505 hours, under the supervision of Sergeant A, a team of officers including Officers A and B deployed down the pedestrian walkway where the Subject was last observed. This walkway leads to the parking lot where the original radio call occurred.

The officers did this to locate and rescue the victim from the original shooting radio call because an RA would not enter the perimeter with an active shooter.

Officers located the victim inside his/her vehicle suffering from a gunshot wound to the head. Officer A opened the driver side door, and immediately deduced the victim was deceased.

At 0509:12 hours, Sergeant A broadcast an RA request for a victim, not conscious, not breathing, with a gunshot wound to the head.

Officer A made the decision to have the rescue team redeploy to a position of cover in the pedestrian walkway. Officers A and B remained at this position for the remainder of the incident.

Simultaneously, as officers deployed down the pedestrian walkway to rescue the victim, Officers C and D arrived and assisted on the perimeter at this position.

At approximately 0510 hours, Officers C and D began to clear a trailer in a parking lot, adjacent to their position, where they discovered the Subject. Once the Subject was discovered by Officers C and D, they began to give him commands to exit the trailer and show his hands. The Subject exited the trailer and ran.

As the Subject ran down the driveway, he encountered Officers E and F, who were on the perimeter and positioned on either side of their police vehicle. As the Subject ran down the driveway toward Officers E and F, he produced a handgun and fired one round at them just before he entered the parking structure. This resulted in the second OIS.

Officer E illuminated the Subject with their vehicle spotlight and directed the Subject to stop and show his hands. Simultaneously, Officer E observed the Subject produce a handgun and fire two rounds.

At 0512:54 hours, Officer E fired his/her first volley of what he/she believed to be three rounds from an approximate distance of 156 feet.

The Subject entered the parking structure and Officer E observed him move behind a pillar. At that point Officer E observed the Subject turn away from him/her so he/she stopped shooting. Officer E saw the Subject run northwest through the parking structure.

At 0513:00 hours, Officer E fired his/her second volley of gunfire of what he/she believed was four to seven rounds at the Subject, from an approximate distance of 156 feet.

At 0513:04 hours, Officer E fired his/her third volley of gunfire of what he/she believed to be two to three rounds at the Subject, from an approximate distance of 156 feet.

At 0513:07 hours, Officer E fired his/her fourth and final volley of gunfire at the Subject. Officer E fired what he/she believed to be three rounds from an approximate distance of 156 feet.

Officer E fired a total of 15 rounds.

Officer E broadcast a "help" call and described the Subject's last known direction over the police radio. While at the rear of his/her vehicle, Officer E deployed his/her shotgun. Officer E remained at this location for the remainder of the incident.

At approximately 0500 hours, as soon as Officer F arrived at his/her position on the perimeter, and while still seated in his/her vehicle, he/she unholstered his/her firearm.

At 0512:50 hours, while standing on the perimeter, Officer F saw the Subject running towards him/her with a pistol. Officer F tried to issue commands and the Subject fired at them.

Officer F believed the Subject fired at them because when the Subject pointed his gun at him/her, Officer F heard gun shots and saw the Subject make swinging motions with his arm.

Officer F fired two rounds at the Subject, from an approximate distance of 154 feet.

Officer F remained at this position on the perimeter for the duration of the incident.

The Subject ran through the parking structure until he arrived at the northeast corner of the parking structure. The Subject approached an unoccupied, locked, white security vehicle. The Subject pulled on the door handles of the vehicle and used his handgun to shoot out the driver side window.

Officer G observed the Subject fire his handgun as he stood near the security vehicle, and the third OIS occurred.

Officer G maintained a visual of the Subject as he continued to walk quickly through the parking structure. At 0513:44 hours, Officer G fired two rounds at the Subject, from an approximate distance of 163 feet.

Officer G assessed and stopped firing because the Subject was no longer engaged in gunfire with officers. Additionally, he/she could see officers running through the open parking lot east of the parking structure and did not want to create a crossfire situation.

After shooting out the window of the security vehicle, the Subject opened the door and sat in the vehicle. The Subject remained in the driver's seat for a few seconds, then exited with his gun still in hand.

The Subject ran through the parking lot to go up the second story ramp. As the Subject ran up the second story ramp, Officers I and J arrived and positioned themselves along one side of the parking structure. Additionally, Officers K and L arrived.

Officer K positioned him/herself along the east wall of the parking structure just south of Officers I and J. Officer L was positioned behind Officer K. Additionally, Officers M and N were already positioned on the perimeter.

As the Subject ran up the ramp, he turned and pointed his gun at the officers positioned along the east wall of the parking structure. This resulted in the fourth OIS.

After hearing a help call broadcast for the first OIS, Officer I responded to the location. While enroute, Officer I heard Officer D's help call broadcast for the second OIS. This caused him/her to drive to the parking lot on the west side of the street.

At 0513:27 hours, Officer I parked his/her vehicle at the southeast corner of the parking structure. According to Officer I, upon exiting his/her vehicle, he/she heard gunshots fired (from the third OIS). This caused him/her to enter his/her vehicle and redeploy through the open parking lot.

Officer I observed the Subject near the white security vehicle. Officer I could see the Subject was armed with a silver pistol as he ran toward the second story ramp.

At 0513:55 hours, Officer I stopped his/her vehicle in the open parking lot adjacent to the parking structure. Officer I exited his/her vehicle, unholstered his/her firearm, and deployed to the east wall of the parking structure.

Officer I gave the Subject commands to show his hands. According to Officer I, the Subject did not obey these commands and turned toward the officers along the east wall of the parking structure, raised his arm up with his gun in hand, and pointed it at him/her. Officer I stated he/she interpreted the Subject's actions as a threat to him/her as well as his/her partner.

At 0514:01 hours, Officer I fired ten rounds at the Subject from a distance of 78 feet.

Officer J arrived at the scene of the first OIS with his/her partner, Officer I. Officer J believed that he/she heard the Subject fire two to three gunshots while he/she stood by the security vehicle.

Officer J advised his/her partner of his/her observations. Officer J's partner drove north in the open parking lot toward the Subject's location. As his/her partner drove north, Officer J observed the Subject enter the front driver's seat of the white security vehicle.

Officer J continued to communicate with his/her partner and verbalized the Subject's location.

Officer I stopped the vehicle in the open parking lot, and Officer J observed the Subject exit the security vehicle.

At 0513:55, Officer J exited his/her vehicle and unholstered his/her firearm. Officer J took a position along the wall just a few feet away from Officer I.

Officer J gave the Subject commands to show his hands. The Subject did not comply with these commands and continued to run up the ramp. As the Subject ran, Officer J observed a firearm in his right hand.

Officer J observed the Subject turn toward him/her. Officer J stated the Subject slowly raised his right hand with the gun pointed in his/her direction. According to Officer J, he/she fired two rounds as the Subject raised his gun up.

Additionally, Officer J believed if the Subject was not stopped, he could have continued his attack from a higher position of advantage in the parking structure, endangering more officers. Officer J fired a third round at the Subject. Officer J assessed and stopped firing once he/she believed the Subject was no longer a threat because he was on the ground and no longer had possession of his gun.

Officer J fired all three rounds from a distance of 75 feet.

After hearing the help call broadcast for the first OIS, Officer K and his/her partner, Officer L, responded to the location. Once at scene, the officers were directed to assist with containment.

At approximately 0512 hours, Officer K heard Officer D's "help" call broadcast.

As Office K drove, he/she heard shots being fired. Officer K entered the open parking lot on the west side. As he/she did this, Officer K heard an additional broadcast that the Subject was running north in the parking structure.

Having heard shots being fired and the additional information from the radio broadcasts, Officer K advised his/her partner to deploy the shotgun. Officer K drove through the open parking lot along the east wall of the parking structure and observed the Subject near the white security vehicle.

At 0513:55 hours, Officer K parked his/her vehicle along the east side of the parking structure.

Officer K exited his/her vehicle and unholstered his/her firearm. Officer K positioned him/herself along the east wall of the parking structure, several feet south of Officer J. Simultaneously, Officer K observed the Subject run toward the second story ramp.

Officer K fired seven rounds at the Subject from a distance of 73 feet. Officer K stated the Subject was falling to the ground as he/she fired his/her last round.

After hearing the "help" call broadcast for the first OIS, Officer M and his/her partner, Officer N, responded to the area. Officer M was the passenger and while enroute to the call, he/she unlocked the shotgun rack and deployed the shotgun while still seated in the vehicle. Officer M chambered a round into the shotgun.

At approximately 0456 hours, Officers M and N arrived at the location, exited their vehicle, and held a position of containment on the perimeter.

At 0512:16 hours, while on the perimeter and prior to the second OIS, the officers were advised by the Air Unit of a possible subject on a bicycle approaching them on the sidewalk. The officers handcuffed the man and began to conduct their investigation at the rear of their vehicle.

While the officers conducted their investigation of the detained subject, they heard gunfire from the second OIS and Officer D's "help" call broadcast. At 0513 hours, officers stopped their investigation of the detained subject, and Officer M directed the subject to remain on the ground at the rear of the vehicle.

Officer M observed the Subject moving northeast on the east side of the parking structure and deployed to the open driver side door of the officers' vehicle. Officer M broadcast that the Subject was coming out and running. Officer M stood at the frame of the driver's side door with the long end of the shotgun propped on the frame of the driver's side door.

Officer M observed a metallic object, which he/she believed to be a firearm, in the Subject's right hand. He/she observed the Subject covering officers with his handgun.

Simultaneously, Officer M heard an exchange of what he/she believed to be approximately 25 gunshots. Given the nature of the call and the prior instances the Subject fired at officers, Officer M believed the Subject was engaged in an exchange of gunfire with officers. Officer M observed the Subject turn around and start to walk in the parking structure toward his position on the perimeter.

Officer M deployed from the front passenger door of the vehicle to the front passenger side engine block to obtain a better, unobstructed visual of the Subject. Officer M observed the Subject moving with the gun in his right hand. The Subject moved the gun from left to right. This made Officer M believe that the Subject might discharge his handgun at him/her and potentially kill him/her. Officer M fired one shotgun round at the Subject, from a distance of 153 feet. Officer M observed the Subject fall to the ground.

After he/she fired one round, Officer M and his/her partner deployed from their vehicle to the north entrance of the parking structure. Officer M still had the shotgun in hand and racked another round into the chamber. Officer M and his/her partner remained at their position until additional resources arrived to take the Subject into custody.

After the final OIS, additional resources from various divisions arrived at scene. The officers gathered on the first level of the parking structure just north of the Subject's location behind a concrete pillar.

At 0516:33 hours, Officer O delegated assignments to various officers to form a contact team under the supervision of Sergeant B. Officer P was assigned the shield. Officers K and Q were assigned as the arrest team. Officer N was assigned the TASER as intermediate force and communications to give the Subject commands. Officer R was assigned the 40mm Less-Lethal Launcher (LLL). Officers M and S were assigned as designated cover officers (DCO) with shotguns, and Officer T was assigned as a DCO with his/her firearm. Sergeant B was responsible for communications broadcasts.

The officers took the Subject into custody and Officer K immediately began to assess the Subject's injuries and render aid.

At 0519:05 hours, Sergeant B requested a second RA to respond for the Subject. At 0526 hours, the RA staffed by Los Angeles Fire Department (LAFD), Firefighter Paramedics (FF/PM) arrived on scene and assessed the Subject. At 0529 hours, the Firefighter Paramedic pronounced the Subject deceased.

Multiple supervisors obtained Public Safety Statements (PSS) from the involved officers. Each officer was separated and monitored by their respective supervisors after providing a PSS.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer I	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes
Officer K	Yes	Yes	Yes	Yes	Yes
Officer G	No	Yes	No	Yes	No
Officer M	No	Yes	No	Yes	No
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	Yes	No

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A, B, C, D, E, F, G, I, J, K, M, and Sergeant A's tactics to warrant a tactical debrief.

B. Drawing and Exhibiting

The BOPC found Officers A, B, C, D, E, F, G, I, J, K, M, and Sergeant A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers A, B, E, F, G, I, J, K, and M's lethal use of force to be in policy.

Basis for Findings

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

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability.

Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers. (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

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

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

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

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

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

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms.

Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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

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

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

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

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

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

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

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

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

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

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

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

Definitions

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

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

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of

future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

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

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

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

Planning – Officers A and B had worked together approximately 40 times, had daily tactics discussions, and had practiced handling mock OIS scenarios. While enroute to the help call, Officers C and D designated their contact and cover and intermediate force roles, read the comments of the call and the Subject’s description. As Officers E and F responded to the help call, they discussed their route of travel, the dimensions of the perimeter and the best direction of approach to the perimeter. Officer G and his/her partner had worked together for approximately four years, and they have tactics discussions every day. They discussed the best direction of approach to the perimeter and the best perimeter location to occupy.

While enroute to the help call, Officers I and J discussed the best perimeter location to occupy. Prior to the second OIS, they planned to escort the RA to the shooting victim. Officer K and his/her partner had worked together for approximately three weeks and had discussions on tactics and how to handle different calls. They discussed their route of travel, the best direction of approach to the perimeter, and they monitored the police radio for better situational awareness of the incident.

Officer M and his/her partner had worked together approximately nine months and had tactics discussions every day. They discussed the best route to the perimeter, which perimeter location to occupy, and the Subject’s clothing description. Based on the nature of the call and the way the incident was evolving, Officer M unlocked the shotgun rack and chambered a round into the shotgun. Sergeant A approved the plan to form a rescue team and immediately deployed the team to the victim’s location.

Assessment – Officers A, B, E, F, G, I, J, and K’s assessment of the Subject’s actions brought them to the conclusion that he posed an imminent threat of death or serious bodily injury if not immediately addressed.

Sergeant A assessed the situation and prioritized preservation of life in his/her exercise of command and control by forming a rescue team to rescue the shooting victim. Sergeant A further assessed the shooting victim and determined him/her to be deceased. Upon determining the victim to be deceased, he/she directed the redeployment of his/her team to perimeter positions.

Officers C and D observed a trailer located behind their position on the perimeter, which was open at the top with wood slats around it. The officers' assessment led them to the conclusion the trailer could be a location where the Subject could hide and should be cleared of potential danger. Officers C and D looked through the space between the wood slats and observed the Subject hiding inside the trailer, concealing himself underneath a cardboard box leading to their redeployment.

Officer M assessed the Subject's actions of holding a firearm in his right hand in the direction of officers while simultaneously hearing an exchange of gunfire and then observing the Subject advance on his/her position as an imminent deadly threat to him/herself and his/her partners.

Time – Officers A and B believed the Subject was the shooting suspect they were looking for and were about to broadcast a backup request when the Subject produced a handgun from his pocket and pointed it in their direction. The Subject's actions forced the officers to react and eliminated their ability to employ de-escalation techniques. The Subject's bold, deliberate and unpredictable actions compressed the incident timeline, eliminated any possibility of other force options and forced officers to immediately react to his continuous, imminent threat of serious bodily injury or death to themselves and other officers.

Redeployment and/or Containment – Officer A redeployed to the rear of his/her police vehicle for distance and cover when the Subject fired at him/her and his/her partner. Officers A and B redeployed mid-block to initiate a perimeter and contain the Subject. Officers A and B broadcast for the perimeter to be set several blocks in all directions to ensure the Subject did not escape containment. Upon contacting the Subject, Officers C and D redeployed away from the trailer to a position of cover.

After their OIS, Officers E and F redeployed to the rear of their police vehicle and then further south, behind another police vehicle with a team of officers as the Subject continued to run through the perimeter. When Sergeant A heard gunshots and the help call from the second OIS, he/she redeployed some of the rescue team officers to the perimeter of the pedestrian walkway and instructed them to hold there in case the Subject emerged.

Officer G redeployed from his/her driver's side door and transitioned to a barricade shooting position at the rear driver's side of his/her police vehicle. Officers I, J, and K redeployed from their police vehicles to a position of cover behind the parking structure's concrete wall and pillars on the east side. Officer M and his/her partner redeployed from the driver's side door of their police vehicle to the passenger side door

of their police vehicle, and Officer M ultimately redeployed behind his/her vehicle's passenger side engine block for cover.

Other Resources – Upon observing the Subject, Officers A and B requested that CD repeat the subject description to confirm they located the correct subject. Upon hearing CD repeat the Subject's description, Officer B intended to broadcast a backup request for additional resources but the Subject's imminent threat of producing a handgun prevented him/her from making the request. Officer A requested help multiple times but none of his/her broadcasts were transmitted due to simultaneous radio broadcasts. Officer B then successfully broadcast the help call and Officer A subsequently requested resources from outside divisions and the California Highway Patrol to assist in establishing the perimeter.

Upon contacting the Subject, Officers C and D attempted to broadcast information to the Air Unit, but the frequency was tied with other broadcasts. When Officer D heard gunshots from the second OIS, he/she broadcast a help call and the Subject's direction of travel. Upon being involved in an OIS, Officer E broadcast a help call.

Sergeant A and Officer A requested an RA for the murder victim. Sergeant A requested an additional unit to join the rescue team, directed a unit on the rescue team to retrieve a shield and contacted the Air Unit to receive information on the victim's location prior to the team contacting the victim. Sergeant B requested an RA for the Subject. Officer O directed the shield operator to join the arrest team that was formed prior to approaching the Subject.

Lines of Communication – Officers A and B communicated their observations with each other prior to contacting the Subject. After the OIS, the officers broadcast the Subject's last known location, description, direction of travel, and the crime he was wanted for. Officer A broadcast a request for a rescue team for the victim. Sergeant A communicated with the Air Unit and to the rescue team he/she supervised. Officers C and D communicated with each other, issued commands to the Subject, broadcast a help call and updated information on the Subject's location and direction of travel after the second OIS. Officers E, F, I, J, and K verbalized with the Subject to stop and show his hands, but he refused to comply.

Officers E and F communicated with each other, issued commands to the Subject and broadcast a help call after the second OIS. Officer G and his/her partner communicated with each other about how best to set their location and direction on the perimeter and alerted each other to the Subject's location when he was running through the parking structure.

Officer J alerted Officer I to the Subject's location and direction of travel through the parking structure and directed him/her when to stop their vehicle as they deployed from their vehicle to the parking structure. Both officers issued commands to the Subject when they contacted him at the structure.

Officer K and his/her partner communicated with each other as they responded to the second help call and tried to locate the Subject. Officer K directed his/her partner to deploy the shotgun and alerted him/her to possible crossfire concerns. Officer K issued commands to the Subject when he/she contacted him.

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

1. Tactical Communication/Planning

Officer D notified Officer C of the trailer parked adjacent to and behind their position on the perimeter. Officers were clearing the trailer when they observed the Subject laying under a large piece of cardboard. After seeing the Subject, Officers C and D did not immediately communicate their observations with the officers on the perimeter and issued commands to the Subject to exit the trailer. The Subject exited the trailer and ran down a driveway toward Officers E and F, where a second OIS ensued.

The BOPC assessed Officers C and D's tactics as they pertained to searching the trailer and their communication with officers on the perimeter. The Board noted the officers' field of view was limited due to the approximate half inch space between the wood slats and the trailer contained trash and debris, which made it difficult to verify if the Subject was in the trailer. When officers identified the Subject under the cardboard, they did not immediately broadcast their observations on the radio and instead issued him commands. The Board noted the officers redeployed toward cover of the concrete building and noted that Officer D raised his/her radio in an apparent attempt to broadcast, but the radio frequency was occupied. The Board would have preferred that the officers broadcast their observation sooner and requested the Air Unit to inspect the trailer first but concluded Officers C and D's actions were reasonable and did not deviate from Department approved training.

While parked on the perimeter, Officer H was positioned on the passenger side of the police vehicle, closest to the parking structure. Officer H advised Officer G that he/she observed the Subject by stating, "He's right there." Approximately two seconds later, Officer H walked to the rear of the police vehicle to obtain cover behind his/her police vehicle. Simultaneously and unbeknownst to Officer H, Officer G had redeployed to the rear of their police vehicle and was using the rear driver side quarter panel to stabilize his/her shooting platform, when he/she observed the Subject fire his handgun next to the security vehicle. Officer H walked in front of Officer G's service pistol while he/she was acquiring a sight picture. Officer H recognized that he/she walked in front of Officer G and took cover behind the vehicle and adjacent to Officer G. Approximately 13 seconds after Officer H walked in front of him/her, Officer G discharged his/her first round from his/her service pistol.

The BOPC assessed Officer G's tactics and noted he/she was positioned to the rear of the police vehicle prior to Officer H walking in front of his/her service pistol's muzzle. Because Officers G and H were on opposite sides of their police vehicle, they momentarily did not have a clear line of sight of each other and could not have known or seen each other as Officer H walked to the rear of the vehicle. The Board opined the officers could have better communicated their positions and movement to maximize officer safety and coordination. Despite these concerns, the Board concluded Officer G's actions did not deviate from Department training.

Based upon the totality of circumstances, the BOPC found that the tactics employed by Officers C, D, and G were not a substantial deviation from Department-approved tactical training. This was to be a topic of discussion during the Tactical Debrief.

2. Code Six

While responding to the "officer needs help" call, Officer F used the Mobile Data Computer (MDC) to type a message to CD to show them responding to the help call. At approximately 0459:58 hours, Officers E and F arrived at the perimeter. Officer F checked the MDC to see if CD received his/her message and placed the officers enroute, but realized they were neither enroute nor Code Six on the call. At that time, Officer F believed it was unsafe to divert his/her attention from his/her perimeter location, enter his/her police vehicle, and type a message; therefore, the officers did not go Code Six via the MDC. According to the incident recall printout, at approximately 0549 hours, Officers E and F showed Code Six at the call.

The BOPC assessed Officers E and F's tactics as they pertained to placing themselves Code Six on the incident. The Board noted that Officers E and F arrived approximately 13 minutes prior to contacting the Subject and immediately set up on the perimeter and focused their attention on the adjacent parking structure. The Board noted Officers E and F's discussion that the elevated position and inherent cover of the concrete structure could provide the Subject with a tactical advantage over them if he were to access it. The Board also noted the Air Unit was overhead and using the radio to communicate their observations, coordinate containment and direct the rescue team for the victim; therefore, Officers E and F were unable to use the frequency to broadcast their Code Six location. The Board considered that at the time, Officers E and F had knowledge that the Subject had already shot at officers and were unsure of his whereabouts. Therefore, the Board determined it was unsafe for Officer F to enter the police vehicle to use the MDC to type a message to CD.

Officer B broadcast the officers were Code Six, then contacted the Subject, and the first OIS ensued. The Subject ran east, and officers drove east and stopped at the pedestrian walkway. During that time, officers did not update their Code Six location.

As it pertained to Officers A and B's tactics, the Board opined that even though officers did not update their Code Six location, they were adjacent to the perimeter of the radio call location. The Board noted that the officers quickly identified the streets when they set up the perimeter for containment and broadcast the Subject's last known location. The Board considered the spirit of the Code Six policy is for responding officers to know an officer's location when assistance is needed and believed that broadcasting the perimeter and the Subject's last known location met that requirement, as evidenced by responding units quickly arriving to fill the perimeter locations.

Based upon the totality of circumstances, the BOPC found that the tactics employed by Officers A, B, E, and F were a substantial deviation with justification from Department-approved tactical training. This was to be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Crossfire** – After the third OIS, the Subject ran through the parking structure to go up the second story ramp. Officers I, J, and K arrived and positioned themselves along the east side of the parking structure behind cover of the structure's concrete wall and pillars. Officer M and his/her partner were positioned on the perimeter, northwest of Officers I, J, and K. At the time Officer M fired the shotgun, he/she was unaware officers were on the east side of the parking structure. Officer M advised his/her background was clear, and he/she could not see officers on the east side of the parking structure from his/her vantage point, as they were behind cover provided by the concrete pillars and ramp. The investigation determined no conclusive evidence of crossfire as BWV indicated that Officers I and J appeared to be north of Officer M's muzzle direction, and Officer K was behind a concrete pillar when Officer M fired in a southerly direction.

The Board opined the Subject's violent and unpredictable behavior created a very dangerous and challenging threat for officers to address and his actions and movement were assaultive in nature, characteristic of a subject who was redeploying for a tactical advantage as opposed to attempting to flee and escape officers. As the incident evolved, officers and the Air Unit broadcast awareness of potential crossfire, and though officers had cover behind concrete walls and pillars, the Board would have preferred Officer M to have had greater awareness of potential crossfire with officers on the opposite side of the parking structure.

- **Basic Firearms Safety Rules** – After firing the shotgun, Officer M followed behind his/her partner, Officer N, as they ran to the north side of the parking structure. Body Worn Video indicated Officer M's shotgun muzzle may have momentarily covered the back of Officer N. The Board opined that due to the camera angle and the perspective provided by the fisheye lens, the possible momentary covering was inconclusive.

- **Weapons Handling** – A review of Officer M's BWV revealed that he/she disengaged the safety of his/her shotgun at 0457:30 hours while on the perimeter and did not fire his/her shotgun until approximately 0514:02 hours. The Board recognized that Officer M knew the Subject had already shot at officers and was believed to have shot a person in the head. The Board recognized the unusual and dangerous threat the Subject posed to officers, and Officer M did not know the Subject's whereabouts and opined if he/she encountered him, the situation could rise to an imminent deadly threat. Nonetheless, the Board would have preferred for Officer M to have kept the safety engaged until he/she intended to shoot.
- **Incident Commander Declaration** – Sergeant A was the first sergeant to arrive and did not declare him/herself the Incident Commander (IC). The Board acknowledged that Sergeant A broadcast his/her arrival via the radio, took an active role in requesting resources and communicating with the Air Unit, and was the only field sergeant assigned to North Hollywood Area during that watch. Although they would have preferred that Sergeant A had declared him/herself IC, the totality of circumstances made it clear Sergeant A had assumed the role of incident commander.

These topics were to be discussed at the Tactical Debrief.

Command and Control

- Sergeant A was the first supervisor to arrive after the first OIS and initially occupied an intersection on the perimeter until he/she was relieved by another unit. He/she contacted the primary unit, ensured they were not injured, gained situational awareness of the incident, and provided supervisory oversight to the rescue team. Sergeant A communicated with the airship prior to locating the murder victim, instructed the rescue team to redeploy to the pedestrian walkway once he/she determined the victim was deceased, and requested an RA for the murder victim. After the second OIS, Sergeant A directed the officers on the rescue team to cover the north and south end of the walkway where they remained until the Subject was taken into custody.

The BOPC evaluated the command and control employed by Sergeant A. The Board noted Sergeant A was a probationary sergeant at the time and recognized the scope, size, fluidity and unusually violent circumstances of the incident. The Board also considered that Sergeant A was the only supervisor in the field that evening. The Board opined that Sergeant A gathered resources, ensured the rescue team had necessary equipment and roles, and communicated with the Air Unit and officers at scene.

Based on the totality of the circumstances, the BOPC determined that the overall actions of Officers A, B, O, and T, Detectives A, B, and C, and Sergeants A, B, C, D, E, F, and G were consistent with Department supervisory training and met expectations of officers and supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC found that the actions of Officers A, B, C, D, E, F, G, I, J, K, M, and Sergeant A did not deviate from Department-approved tactical training.

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

Therefore, the BOPC found Officers A, B, C, D, E, F, G, I, J, K, M, and Sergeant A's tactics to warrant a Tactical Debrief, and the specific identified topics be discussed.

B. Drawing and Exhibiting

- **Officer A**

First Occurrence (Pistol)

Officer A observed the Subject holding the handgun and raise it in a shooting stance. Officer A heard gunshots and believed the Subject was firing at officers. Officer A redeployed to the rear of the police vehicle and unholstered.

First Occurrence (Rifle)

Officer A parked the police vehicle facing the pedestrian walkway where the Subject was last seen. Officer A exited the police vehicle, accessed the cargo area, and exhibited his/her rifle. Because the Subject already shot at the officers and was last seen running northbound, Officer A believed the Subject could appear again and shoot at them. Officer A believed his/her rifle was superior and the most accurate weapon system to have.

- **Officer B**

First Occurrence

Officer B observed the Subject pull a handgun out of his pocket. Believing the Subject was going to kill him/her, Officer B unholstered his/her service pistol as he/she exited the passenger side of the police vehicle.

Second Occurrence

After the first OIS, Officer B entered the police vehicle and holstered his/her service pistol. Officer A moved the police vehicle in front of the pedestrian walkway where

officers last observed the Subject run. As officers set up the perimeter, they lost sight of the Subject, prompting Officer B to unholster a second time because he/she believed the Subject could have a tactical advantage over them and possibly ambush and kill them.

- **Officer C**

First Occurrence

Officer C and his/her partner observed a trailer within the perimeter and made the decision to clear it. Believing the Subject could be in the trailer, Officer C unholstered his/her service pistol. According to Officer C, he/she unholstered his/her service pistol because he/she believed the tactical situation could escalate to the point where deadly force could be justified.

Second Occurrence

After the Subject exited the trailer and ran, Officers C and D returned to their police vehicle and Officer C holstered his/her service pistol and drove into the open parking lot east of the parking structure. Officer C exited the police vehicle and unholstered a second time. According to Officer C, he/she unholstered because he/she heard gunshots and believed the Subject was a murder suspect. Although he/she did not see the Subject fire the shots, Officer C believed he/she may have to use his/her service pistol.

- **Officer D**

First Occurrence

Officer D approached the trailer and unholstered his/her service pistol because he/she believed the Subject could be in the trailer. Officer D believed the Subject had murdered a person prior to police contact, and he/she knew the Subject fired at officers.

Second Occurrence

While standing next to the trailer, Officer C advised Officer D that he/she believed he/she observed a flannel shirt which matched the Subject's under a piece of cardboard. Officer D looked into the trailer again and observed the Subject. Officer D unholstered his/her service pistol a second time to protect him/herself and his/her partner from a murder suspect.

Third Occurrence

Officer D exited his/her police vehicle once it was parked in the parking lot east of the parking structure and unholstered his/her service pistol for the third time.

According to Officer D, he/she heard the gunshots and believed the Subject was still armed.

- **Officer E**

First Occurrence (Pistol)

Officer E was positioned on the perimeter when the Subject ran toward him/her. According to Officer E, he/she observed the Subject produce a stainless-steel handgun and raise the handgun in officers' direction. In fear of being shot, Officer E unholstered his/her service pistol.

First Occurrence (Shotgun)

After Officer E fired his/her service pistol, he/she redeployed to the rear of his/her police vehicle and exhibited his/her shotgun. According to Officer E, he/she observed the Subject run through the parking structure and believed the Subject was going to run up to the top of the parking structure to gain high ground on officers.

- **Officer F**

First Occurrence

Officer F arrived at his/her position on the perimeter and unholstered while still seated in the police vehicle. According to Officer F, there was a building that created a blind spot and a multi-story parking structure where the Subject could be located or hiding. Officer F believed the situation could escalate to the point where deadly force could be justified. According to Officer F, he/she holstered his/her service pistol to use both hands to adjust his/her uniform.

Second Occurrence

After Officer F adjusted his/her uniform, he/she unholstered a second time. According to Officer F, the Subject was still a threat and believed the Subject could shoot at officers. Officer F also stated that he/she believed lethal force would be necessary since the Subject shot at officers.

- **Officer G**

Officer G had prior knowledge there was a victim shot in the head and believed the Subject was the suspect involved in that shooting. Officer G heard gunshots south of the parking structure and observed the Subject walking toward the north part of the parking structure. Officer G unholstered his/her service pistol because he/she believed the situation would likely escalate to one involving the use of deadly force.

- **Officer I**

Officer I was driving north through an open parking lot, east of the parking structure, and observed the Subject running, up the parking structure ramp while holding a silver handgun. Officer I exited his/her police vehicle and unholstered his/her service pistol because he/she believed the situation could escalate to the point where deadly force would be justified.

- **Officer J**

First Occurrence

Officer J's partner parked the officers' police vehicle at the southeast corner of the parking structure. Officer J exited the police vehicle with the intention of retrieving his/her ballistic helmet from the trunk of the police vehicle. Officer J observed the Subject at the northeast corner of the parking structure, and he/she unholstered his/her service pistol. According to Officer J, he/she unholstered because he/she believed the tactical situation could escalate to the point where deadly force would be justified.

Second Occurrence

Officer J heard gunshots, and he/she and his/her partner entered their police vehicle and drove through the open parking lot, east of the parking structure. Officer J alerted his/her partner that the Subject was exiting the white security vehicle. As his/her partner stopped the police vehicle, Officer J exited the passenger side and unholstered his/her service pistol. According to Officer J, he/she believed the situation could escalate to the point where deadly force would be justified.

- **Officer K**

Officer K heard the broadcast from the previous OIS locations and heard gunshots occurring. According to Officer K, he/she knew the Subject was armed and had fired at officers, and he/she believed the situation could escalate to a point where the use of deadly force would be necessary.

- **Officer M (Shotgun)**

While responding to the "officer needs help" backup request, Officer M deployed the shotgun. According to Officer M, he/she decided to deploy the shotgun because it is an offensive weapon, and he/she knew the Subject had fired at officers.

- **Sergeant A**

After Officer D broadcast the help call for the second OIS, Sergeant A was behind cover in the pedestrian walkway with the rescue team, and he/she unholstered

his/her service pistol because he/she believed the situation could escalate to the point where deadly force would be justified.

The BOPC assessed Officers A, B, C, D, E, F, G, I, J, K, M, and Sergeant A's drawing and exhibiting of their respective service pistols, shotgun, or rifle. In the Board's assessment, the officers opined that the circumstances surrounding the incident clearly created a reasonable belief that the situation may escalate to the point where deadly force may be justified.

Based on the totality of the circumstances, the BOPC determined that an officer or sergeant with similar training and experience as Officers A, B, C, D, E, F, G, I, J, K, M, and Sergeant A, would reasonably believe the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A, B, C, D, E, F, G, I, J, K, M, and Sergeant A's drawing and exhibiting to be In Policy.

C. Lethal Use of Force

- **Officer A** – pistol, six rounds fired from an approximate increasing distance of 79 to 118 feet in a southeasterly direction

Background

According to Officer A, his/her background was a closed bank and a 24-hour urgent care, with cinder block walls and no pedestrians or vehicles.

Officer A observed the Subject remove a shiny pistol from his pocket, prompting him/her to exit the police vehicle and deploy to the rear of the vehicle to create distance and better cover. Officer A attempted to broadcast "officer needs help," unholstered his/her pistol and fired two rounds before moving to the driver's side door and firing four more rounds.

Rounds One and Two – Officer A heard gunshots and observed the Subject in a bladed stance holding the handgun raised. Believing the Subject fired at officers, Officer A fired his first two rounds.

Rounds Three through Six – Officer A moved forward to the open driver's side door, used a two-handed grip, and fired four more rounds at the Subject as he ran east. According to Officer A, he/she continued to fire, fearing the Subject was still armed with the handgun and would shoot other victims.

- **Officer B** – pistol, eight rounds fired from an approximate increasing distance of 76 to 114 feet in a southeasterly direction

Background

According to Officer B, the background for his/her first four rounds was a closed bank with no pedestrians or vehicles, while rounds five through eight had a similar background, consisting of a wall with no pedestrians or vehicles.

Officer B exited the vehicle and remained behind the passenger side door as he/she observed the Subject remove a handgun from his pants pocket. The Subject squatted down a little bit and pointed the handgun at officers by using both hands out in front of him. Although the Subject did not fire at officers at that point, Officer B believed he did, and he/she fired at the Subject to stop his deadly actions.

Rounds One through Four – After the Subject removed his right hand from his pants pocket and faced officers in a shooting stance, Officer B fired his/her first four rounds at the Subject's center body mass.

Rounds Five through Eight – Officer B continued to fire at the Subject as he ran east. According to Officer B, he/she continued to fire because the Subject had shot at him/her and his/her partner and believed if not immediately apprehended, the Subject would cause death or serious injury to another.

- **Officer E** – pistol, fifteen rounds in four volleys from an approximate distance of 156 feet in a northeasterly direction

Background

According to Officer E, with respect to all 15 rounds, his/her background was clear of pedestrians, officers, and vehicles. He/she described his/her background consisting of concrete pillars, walls, and solid concrete slabs throughout his/her shooting.

Officer E was positioned on the perimeter when he/she observed the Subject running toward the parking structure. Unable to see the Subject's hands, Officer E used the police car spotlight and illuminated the Subject. At that moment, Officer E observed the Subject produce what he/she described as a stainless-steel handgun. According to Officer E, after producing the handgun, the Subject fired multiple rounds at officers as he ran through the parking structure and hid behind concrete pillars. Throughout the incident, Officer E returned fire while he/she believed the Subject fired at him/her and his/her partner, Officer F.

First Volley – Officer E observed the Subject produce a handgun and point it in his/her direction. Officer E remembered seeing a muzzle flash and believed the Subject fired two rounds at him/her and his/her partner. Officer E utilized a one-hand grip as his/her hand-held rover was in his/her left hand and returned fire. Officer E believed he/she fired three rounds from his/her service pistol at the Subject, who continued to run through the parking structure.

Second Volley – Officer E believed that while the Subject ran, he fired another two rounds at officers. Officer E stated he/she observed the muzzle flash again from those two rounds and fired his/her service pistol a second time with a one-hand grip. He/she believed he/she fired four to seven rounds aiming at the Subject's center body mass.

Third Volley – According to Officer E, the Subject fired a third time at officers, resulting in Officer E firing at the Subject a third time with a one-handed grip. Officer E believed he/she fired two to three rounds during that time.

Fourth Volley – Believing the Subject was pointing the handgun at the driver's side door of the police vehicle, Officer E returned fire a fourth time. Officer E believed that he/she fired three rounds during the fourth volley.

Note: Officer E perceived the Subject fired at him/her multiple times throughout the incident. A review of Digital In-Car Video (DICV), BWV, and the physical evidence at scene revealed the Subject fired at Officers E and F once prior to entering the parking structure.

Note: Due to the simultaneous firing of Officer E and his/her partner, and obstructed BWV view, the investigation was unable to determine the exact number of rounds Officer E fired during each volley. While the exact number of rounds in each volley could not be determined, the investigation concluded that Officer E discharged 15 total rounds over four volleys.

- **Officer F** – pistol, two rounds fired from an approximate distance of 154 feet

Background

According to Officer F, his/her background and foreground was the concrete parking structure and concrete pillars.

Officer F observed the Subject running through the parking structure and firing his handgun at Officer E. Officer F believed the Subject fired at the officers because he/she observed the handgun in the Subject's hand as he ran, heard shots fired and observed the Subject's arm make a swinging motion as if there was a recoil from firing the handgun. Officer F fired his/her service pistol twice before he/she experienced a pistol malfunction.

Rounds One and Two – Officer F observed the Subject running toward him/her carrying a handgun while on the perimeter. Officer F ordered the Subject to stop, but the Subject ran north across the alley toward the parking structure. According to Officer F, as the Subject ran north, the Subject raised his right arm across his chest area and pointed the handgun in the officers' direction. Officer F heard gunshots and observed the Subject making a swinging motion as if there was recoil from his

gun. Officer F fired two rounds at the Subject's center body mass. Officer F assessed after he/she fired the first round and didn't believe the round struck the Subject, resulting in Officer F firing his/her second round. After the second round, Officer F assessed and realized his/her service pistol malfunctioned. Officer F cleared the malfunction and attempted to get back on target but realized he/she no longer had a line of sight on the Subject.

- **Officer G** – pistol, two rounds fired from an approximate distance of 163 feet

Background

According to Officer G, his/her background was the concrete parking structure with no officers or pedestrians in the background or foreground.

Officer G was on the perimeter and heard the broadcast that a rescue team located a deceased victim with a gunshot wound to the head. Due to that broadcast, Officer G formed the opinion the Subject ambushed the officers and was possibly involved in killing the person in the vehicle.

Officer G heard shots fired south of his/her location and the "officer needs help" broadcast from the second OIS. According to Officer G, approximately 30 seconds after the broadcast, he/she observed the Subject walking along the east wall within the parking structure and continued to the northern portion of the parking structure where he/she stood next to an unoccupied, parked security vehicle. Officer G observed the Subject take a shooting stance as he faced south in the parking structure. At that time, Officer G heard gunshots and believed the Subject was engaging the officers south of the parking structure. Officer G braced his/her pistol on the back left area of the police vehicle and fired two rounds at the Subject. Officer G stopped firing when he/she observed the Subject was no longer engaging officers; additionally, he/she observed officers running through the open parking lot toward the parking structure and he/she did not want to create a crossfire situation.

Rounds One and Two – Officer G observed the Subject cower down as if he tried to avoid being struck by gunfire, and he/she believed the Subject was firing and engaging the officers south of him/her.

- **Officer I** – pistol, ten rounds fired from an approximate distance of 78 feet

Background

According to Officer I, his/her background was concrete walls and pillars of the parking structure.

While enroute to assist with the RA, Officer I heard Officer D's help call broadcast for the second OIS. Officer I responded and parked his/her vehicle at the southeast corner of the parking structure. He/she exited his/her vehicle with the intention of retrieving his/her ballistic helmet from the rear of the police vehicle. After hearing the third OIS and seeing the Subject running from officers, Officer I entered his/her

police vehicle and drove north through the open parking lot east of the parking structure.

Rounds One through Ten – Officer I gave commands to the Subject to show his hands, but he did not comply and instead, he turned toward the officers located on the east wall of the parking structure, raised his arm while holding the handgun and pointed it at Officer I. According to Officer I, he/she perceived the Subject's actions as a threat that was going to cause serious bodily injury or death to officers.

- **Officer J** – pistol, three rounds fired from an approximate distance of 75 feet

Background

According to Officer J, his/her background was the concrete pillars and concrete walls and free from officers.

Officer J and his/her partner intended to escort the RA to the victim's location. While enroute to the RA, they heard Officer D's help call broadcast and responded to the parking lot east of the parking structure. Officer J's partner parked their vehicle at the southeast corner of the parking structure. Officer J advised his/her partner they should get their ballistic helmets and exited his/her vehicle to retrieve his/her helmet when he/she observed the Subject at the northeast corner of the parking structure.

Officer J immediately advised his/her partner of the Subject's location, entered the passenger side of his/her vehicle, and advised his/her partner of his/her observations by stating, "he's firing." Officer J's partner drove north in the open parking lot toward the Subject's location. As his/her partner drove north, Officer J observed the Subject enter the front driver seat of the white security vehicle. Officer J verbalized the Subject's location by stating, "Right here. Right over here. Keep going. Keep going. He's in this car."

Officer I stopped the vehicle in the open parking lot, and Officer J observed the Subject exit the security vehicle and positioned him/herself along the east wall of the parking structure which provided him/her cover. Officer J gave the Subject commands to show his hands, but the Subject failed to comply and ran up the parking structure ramp. Officer J observed the handgun in the Subject's right hand and targeted the Subject's center body mass.

Rounds One through Three – Officer J observed the Subject turn toward him/her, as he simultaneously moved forward in a "sidestep" movement. Officer J stated, the Subject slowly raised his right hand with the gun pointed in his/her direction. According to Officer J, he/she fired his/her first two rounds as the Subject raised his gun. After assessing the first two rounds, Officer J observed the Subject continue to sidestep while holding the handgun and fired his/her third round.

- **Officer K** – pistol, seven rounds fired from an approximate distance of 73 feet

Background

According to Officer K, his/her background was the concrete ramp to the parking structure as well as concrete pillars and a four-foot wall. Officer K also noted his/her foreground was the concrete structure and concrete pillars. He/she further noted there were no pedestrians, officers, or vehicles in his/her foreground.

As he/she drove north, Officer K heard shots being fired and entered the open parking lot on the west side. As he/she did this, Officer K heard an additional broadcast that the Subject was running north in the parking structure. Officer K advised his/her partner to deploy the shotgun, drove north through the open parking lot along the east wall of the parking structure, and observed the Subject near the white security vehicle facing east. Officer K exited his/her police vehicle and positioned him/herself south of Officer J along the east wall of the parking structure.

Rounds One through Seven – Once positioned along the east wall of the parking structure, Officer K stated that he/she observed the Subject raise a silver-chrome handgun and point it at the officers north of his/her position, at which point Officer K fired his/her service pistol at the Subject in order to stop the Subject's actions.

- **Officer M** – shotgun, one round fired in a southerly direction from an approximate distance of 153 feet

Background

According to Officer M, his/her background was the concrete parking structure ramp, and his/her foreground was the concrete structure. When Officer M fired the shotgun, officers were located along the east wall of the parking structure.

According to Officer M, when he/she fired the shotgun, he/she was shooting in a southern direction, and he/she did not observe any officers in his/her background. Although he/she did not see officers in the background, he/she did see the police vehicles' blue and red lights illuminating south of the parking structure.

After hearing the help call broadcast for the first OIS, Officer M and his/her partner, Officer N, responded to the location. Officer M redeployed from the front passenger door of the vehicle to the front passenger side engine block to obtain a better visual of the Subject. Officer M had a clear, unobstructed view of the Subject and observed him moving toward his/her location with the gun in his right hand and could still hear shots being fired. The Subject moved the gun from left to right which made Officer M believe that the Subject might discharge his handgun at him/her and potentially kill him/her.

Round One – Officer M observed the Subject holding a metallic object which he/she believed to be a handgun, observed the Subject pointing the handgun at officers northeast of him/her, and heard approximately 25 rounds being fired, which he/she believed was an exchange of gunfire between the Subject and the officers.

While Officer M was positioned behind the passenger side engine block, he/she fired one round, as he/she aimed at the Subject's center body mass. Officer M believed if the Subject was not apprehended, he would continue to cause death or serious bodily injury to another officer.

The BOPC evaluated each officer's use of lethal force. As it pertained to Officers A, B, E, F, G, I, J, K, and M's use of lethal force, the Board discussed that officers believed the Subject had just shot someone in a parking lot, and he fired his handgun at officers multiple times and locations as he ran through the perimeter. Officers A, B, E, F, G, I, J, K, and M reasonably believed the Subject posed an imminent threat of serious bodily injury or death to officers and community members.

The Board further discussed Officer A and B's decision to discharge their service pistols as the Subject ran. The Board recognized Officers A and B both had prior knowledge of the 24-hour clinic nearby and believed the Subject had shot a victim. Rather than flee the scene or conceal himself, the Subject remained in the area for approximately seven minutes and attacked officers after producing a handgun and firing upon Officers A and B as they were at the intersection. The totality of the circumstances led Officers A and B to believe the Subject posed an imminent deadly threat and would continue to pose that threat if not immediately apprehended. The Board also noted the investigation determined that the Subject fired five rounds during the incident. During the post-incident investigation of the Subject's weapon, it was discovered to be loaded with one round in the chamber and two rounds in the magazine. This led to the conclusion that the Subject reloaded his weapon at some point during the incident. While Officers A and B did not have this knowledge during the incident, it aided the Board in assessing the Subject's motive and Officers A and B's belief that the Subject posed an ongoing imminent threat as objectively reasonable.

The Board also discussed Officer E's number of rounds fired, and his/her observations during the shooting. Although Officer E believed that he/she observed muzzle flash from the Subject, the investigation determined the Subject did not fire at the officers while he was inside the parking structure but only as he ran across the alleyway. The Board considered the lighting conditions inside the parking structure and the way the chrome-colored handgun could reflect the lighting off the handgun as the Subject ran through the parking structure, therefore, the Board opined an objectively reasonable officer in the same circumstances as Officer E could have reasonably perceived a reflection as a muzzle flash.

The BOPC evaluated Officer M's decision to fire the shotgun from a distance of 153 feet. The Board noted the maximum effective range for the shotgun is 17-25 yards (51 to 75 feet) and a potentially lethal range of 300 yards (900 feet). Officer M believed that he/she was 75 to 90 feet when he/she fired at the Subject, leaving him/her within the maximum lethal distance. The Board opined that the shotgun was an appropriate weapon system for the threat that the Subject presented, the Subject presented an imminent threat of serious bodily injury or death when Officer M discharged his/her

round and that it would've been unreasonable and unsafe for Officer M to transition from his/her shotgun to his/her service pistol. The Board also noted that one of the "OO" buck pellets from Officer M's shotgun struck the Subject.

The Board noted when Officers A, B, E, F, G, I, J, K, and M fired their respective weapon systems, the Subject fired shots at officers or pointed the handgun toward them. The Board concluded it was reasonable for Officers A, B, E, F, G, I, J, K, and M to believe the Subject posed an imminent deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, E, F, G, I, J, K, and M, in the same situation, would reasonably believe the use of deadly force was objectively reasonable, proportional, and necessary. Therefore, the BOPC found Officers A, B, E, F, G, I, J, K, and M's lethal use of force to be In Policy, for all rounds.

Medical Treatment/Rendering Aid

- Officers requested an RA to render aid to the victim. After requesting the RA, Sergeant A and Officers A and B observed the victim to be unconscious, not breathing, and suffering from an obvious gunshot wound to the head and reasonably believed him/her to be deceased.

After the OIS, officers requested an RA for the Subject and assessed the Subject's injuries, checked his pulse, and multiple officers performed Cardiopulmonary Resuscitation (CPR) during the eight minutes it took for the RA to respond. The Subject sustained multiple gunshot wounds to his face, arm, and torso. LAFD Firefighter Paramedics arrived at the scene and performed a life status assessment on the Subject. At approximately 0529 hours, LAFD personnel pronounced the Subject to be deceased. Officers met the Department's expectation for rendering aid.

Requirement to Intercede

- Based on their review of this incident, the BOPC determined that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and the officers did not deviate from the requirement to intercede.