

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

OFFICER-INVOLVED SHOOTING – 030-24

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No()</u>
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Foothill	6/11/24		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	15 years, 11 months
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Reason for Police Contact

Foothill Area Gang Enforcement Detail (GED) uniformed officers attempted to conduct a traffic stop on a vehicle for a stop sign violation. The vehicle quickly pulled to the curb, and the front passenger exited while armed with a handgun. The officers engaged in a foot pursuit, during which an Officer-Involved Shooting (OIS) occurred.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Male, 20 years of age.			
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Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (LAPD or Department) or the deliberations by the Board of Police Commissioners (BOPC or Commission). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the BOPC of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on May 6, 2025.

Incident Summary

On Tuesday, June 11, 2024, at approximately 2043 hours, Foothill Area GED Police Officers A, B, and C were patrolling a Public Housing Complex. All three officers were in the same police vehicle. The officers parked their vehicle and conducted a brief foot beat.

A review of security video determined that while the officers returned to their vehicle, a dark blue Honda Accord drove south and turned west into a parking lot. The Honda then backed into the furthest east parking stall on the north side of the lot. The officers entered their police vehicle and drove north. As they did so, a black BMW drove west into the parking lot and backed into a parking stall on the north side of the lot, two spaces west of the Honda. As the BMW parked, the driver of the Honda, later identified as the Subject, exited. The Subject was wearing a black sweatshirt and blue jeans and carrying a black fanny pack.

After driving east, the officers turned south and observed the Subject. They stopped their vehicle just north of the parking lot, as the Subject walked to the front passenger side of the BMW with the fanny pack and entered the front passenger seat.

According to Officer B, he/she observed the Subject approaching the black BMW while holding a black fanny pack in his hand. The Subject looked in the officers' direction and immediately entered the front passenger seat of the vehicle. When interviewed, Officer B stated that in his/her experience, it is common for gang members to carry firearms in fanny packs.

This observation led him/her to believe that the occupants in the BMW might be armed.

Note: Although Officer B stated that it is "common for gang members to carry firearms in fanny packs" and that this observation led him/her to believe "these guys were probably armed," he/she did not specify whether he/she believed the specific occupants of the BMW were gang-affiliated.

The BMW then pulled out of the parking stall, turned north, and passed the officers' vehicle.

According to Officer C, he/she conducted a U-turn and followed the BMW in an attempt to obtain the license plate so they could conduct a want/warrant check. The BMW accelerated north and failed to stop for a stop sign. It turned west and then south.

The officers caught up to the BMW as it turned south. The driver of the BMW then quickly pulled to the east curb and Officer C stopped the police vehicle approximately five feet behind it. Officer B activated the passenger side spotlight, illuminating the passenger side of the BMW while simultaneously obtaining the vehicle's microphone. The Subject then opened the front passenger door, exited, and ran south. According to Officer B, he/she attempted to broadcast their location; however, the frequency was

occupied. According to Officer C, he/she intended to activate the lights and siren to conduct a traffic stop; however, the Subject exited the vehicle before he/she could do so.

According to Officer B, as the Subject exited the vehicle, he/she observed that the Subject was armed with a handgun in his right hand. Officer B immediately dropped the vehicle's microphone, exited the police vehicle, and shouted "Gun, gun, gun, gun!" to his/her partners as he/she began to follow the Subject. As Officer B passed the BMW, he/she observed the driver and believed there may have been additional occupants but continued following the Subject.

Officer A exited the rear left passenger door simultaneously to Officer B announcing "Gun," and he/she ran south along the driver's side of the BMW. According to Officer A, he/she focused on the Subject and did not clear the BMW as he/she passed it. Approximately one second after Officer A exited, Officer C placed the police vehicle in park, removed the ignition key, and joined the foot pursuit.

According to Officer C, as he/she passed the BMW, he/she unholstered his/her pistol and cleared the vehicle.

After determining that the sole occupant (driver) was not armed, Officer C holstered his/her pistol and continued the foot pursuit.

Note: All three officers were assigned to the Foothill Area GED and had worked together for two months. As a matter of routine, the officers would discuss tactics, including foot pursuits from vehicles as a three-person unit.

Officer A indicated he/she heard his/her partner announce that the Subject was armed but did not initially observe him with a handgun.

The officers followed the Subject southwest, with Officer A taking the lead. As Officer B ran, his/her BWV camera fell to the ground. Simultaneously, he/she broadcast, "George [unit number redacted], we are going to be in foot pursuit of a 415 man with a gun. Southbound through the projects! We're going southbound toward [street name redacted]!" Officer C, who was following approximately 50 feet behind, holstered his/her pistol and recovered Officer B's BWV camera. Officer C held it in his/her right hand while maintaining his/her police radio in his/her left hand as he/she continued to follow his/her partners.

The Subject ran south and passed a large van, with Officer A following approximately 34 feet behind. According to Officer A, he/she then observed that the Subject remained armed with the handgun, and unholstered his/her pistol.

As the Subject continued south, according to Officer A, he pointed his handgun back in Officer A's direction. Fearing he/she could be shot, Officer A raised his/her pistol at the Subject, with his/her index finger along the frame as he/she continued to follow the Subject.

Note: On Officer A's BWV, the Subject can be seen with his right arm extended back and oriented in Officer A's direction while armed with the handgun.

As the Subject continued running, Officer A lowered his/her pistol and continued following him.

The Subject ran through a walkway entrance and across a grass area between a single-story multi-unit residential building and a green cinderblock wall. As the officers continued in foot pursuit, Officer A followed approximately 30 feet behind the Subject. Officer B was approximately 30 feet behind Officer A, and Officer C followed approximately 95 feet behind Officer B.

The Subject ran southeast after passing the southeast corner of the single-story building, with Officer A following behind him.

As the Subject ran east toward the south side of a building, Officer A yelled, "Stop or I'll shoot you!"

There was a slight grass incline leading to the south side of the building, where the Subject began to lose his balance and swing his arms. He then stumbled onto a concrete pad and, in doing so, rotated counterclockwise in the air, with the front of his torso turning toward Officer A. While still holding the handgun in his right hand, the Subject extended his right arm down to the ground and braced his fall. In a continuous motion, the Subject landed on his right hip with his right forearm parallel to the ground and his handgun oriented in a westerly direction. As he continued to roll onto his buttocks, the Subject's right arm rotated with the rest of his body. He then rolled onto his left knee with his right foot planted on the ground. The Subject immediately stood up while still gripping the handgun, and he began moving northeast.

Officer A was approximately 33 feet behind when the Subject stumbled onto the concrete pad. As the Subject rolled on the ground and pointed his handgun in Officer A's direction, Officer A raised his/her pistol in a one-handed grip and slowed down. Officer A was now approximately 14 feet away as the Subject regained his footing, holding his handgun in front of him at a downward angle with his right hand. With the Subject's left side facing him/her, Officer A fired his/her first round.

According to Officer A, after the Subject regained his footing, he turned to his (the Subject's) left and pointed the handgun at him/her.

Note: The investigation revealed that from the time Officer A believed that the Subject was turning to his left (counterclockwise) and pointing the weapon in his/her direction, to the time Officer A discharged his/her first round, approximately 0.333 (1/3rd) of a second elapsed.

After Officer A fired his/her first round, the Subject brought the handgun from knee level in front of him and extended it back behind him. Officer A then fired his/her second round.

As the Subject further extended his right arm behind him, he released the grip of his handgun.

His right arm remained behind him, with his back and left side facing Officer A. The handgun was inches from the Subject's hand as Officer A fired his/her third round.

The Subject remained standing, and he/she brought his/her right arm back toward his/her torso as the handgun drifted in the air behind him/her at waist level, and Officer A fired his/her last round. Officer A fired four rounds in 1.04 seconds from a decreasing distance of 14 to 11 feet, utilizing a one-handed grip.

According to Officer A, he/she assessed throughout the OIS and observed the Subject continuing to point the handgun at him/her with his arm extended behind. After firing his/her fourth round, Officer A observed the Subject fall to the ground. It was only when he/she observed both of the Subject's hands that he/she determined the Subject was no longer armed.

Foothill Patrol Division Sergeants A and B arrived at scene. Sergeant A broadcast that he/she was the Incident Commander and directed officers to move the crowd away from the OIS scene.

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	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A
Officer C	No	Yes	Yes	N/A	N/A

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 C's tactics to warrant a finding of a Tactical Debrief, and Officers A and B's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A's use of lethal 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 RA for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, 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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

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/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – According to Officers A, B and C, they had each worked with one another previously and are currently assigned to the same unit. They each stated they discussed tactics with one another at the beginning of their work shifts together as well as during unit roll calls.

Officer A stated their discussions included the topics of foot pursuit concepts and three-officer units. He/she specifically discussed who would go in foot pursuit and in the case of a vehicle being involved, who would stay with the vehicle and clear it.

According to Officer B, they discussed different scenarios, including if someone runs away from a vehicle. In that scenario, they planned that they would commit to the person running from the vehicle and stick together in order to not lose sight of one another. They also discussed potential circumstances in which they would not pursue the person fleeing from the vehicle and instead stay with the vehicle.

Officer C also stated that they would continuously discuss tactics including foot pursuits, vehicle pursuits, traffic stops and general tactical concepts.

Based upon the statements of each officer, they pre-planned the manner in which they would react to the type of incident they ended up encountering. As part of their planning, they contemplated the dangers, weighed the risks and consequences and decided on a course of action to perform their duties within the scope of Department-approved tactical training.

Because the Subject suddenly fled from the vehicle while armed, the officers did not have the time to refine their plans beyond their broader plan as it related to foot pursuits of suspects fleeing from vehicles.

After the OIS, Officers A, B and C formulated a plan to take the Subject into custody and render medical aid. According to Officer C, each officer assumed a specific role; Officer B protected the evidence, Officer A remained as the Designated Cover Officer (DCO) and Officer C handcuffed the Subject and began to render aid.

Assessment – Officers saw the Subject walking to the passenger side of the BMW while carrying a black fanny pack. According to Officer B, he/she has made arrests of gang members who have used a fanny pack to conceal a firearm. Based on his/her observations and experience, Officer B assessed the Subject was possibly armed. During the foot pursuit, the Subject held onto the handgun as Officer A continued to keep his/her distance. Officer A continually assessed the Subject's actions as he continued to flee, noting the Subject would not stop nor discard his handgun. After the Subject fell onto the concrete pad, Officer A saw the Subject point the handgun in his/her direction, resulting in an OIS. Officer A assessed after each round and stopped firing when he/she saw the Subject falling to the ground.

Time – The driver of the BMW suddenly pulled to the curb before the officers could initiate a stop of the vehicle. The Subject quickly exited the front passenger door of the vehicle and fled on foot carrying the handgun through the housing complex. As they pursued him on foot, the officers used buildings for cover when possible and pursued in containment mode to afford them more time. The Subject's actions limited the time the officers had to attempt additional de-escalation techniques.

Redeployment and/or Containment – The officers followed the Subject through the housing complex in an effort to contain him and minimize risk to the residents. Following the OIS, the officers assessed the Subject was not an active threat and no longer armed. They quickly formed a plan to take the Subject into custody. As such, redeployment was not necessary or prudent at the time.

Other Resources – After the OIS, Officer C broadcast officers need help on Foothill frequency. Before the Subject was taken into custody, Officer C donned gloves while Officer B requested a rescue ambulance (RA) to stand by. While Officer C maintained the Subject in the recovery position, a crowd began to gather. Backup units arrived, including Sergeants A, and B. The responding units and the sergeants worked together to control the crowd and preserve the crime scene until Los Angeles Fire Department (LAFD) personnel arrived.

Lines of Communication – The officers communicated their observations to one another before and after the foot pursuit. During the foot pursuit, Officer A ordered the Subject to stop and warned him of potential consequences, but the Subject ignored his/her commands. Following the OIS, Officer C designated roles for each officer and advised Officer B to not pick up the Subject's handgun.

During the review of the incident, the following Debriefing Topics were noted:

- **Suspects Fleeing from a Vehicle**

As the Subject exited the passenger side of the BMW, Officer B observed a handgun in the Subject's right hand and alerted his/her partners as he/she began to pursue the Subject on foot. As Officer B passed the BMW, he/she observed the driver and believed there may have been additional occupants but continued to follow the

Subject. According to Officer A, he/she was focused on the Subject as he/she exited the rear driver side of the police vehicle. Officer A ran past the driver side of the BMW but did not clear the vehicle while running past it. Officer C was the last officer to exit the police vehicle and as he/she ran by the BMW, he/she drew his/her service pistol and illuminated the interior of the BMW with his/her pistol light. Officer C covered the BMW as he/she moved past it. He/she noted there was only one person inside the BMW and determined the person was not armed. Officer C continued past the vehicle and joined his/her partners in the foot pursuit.

The UOFRB assessed the officers' decision to pursue the Subject without first clearing the BMW. As it pertains to Officers A and B, the Board's opinion was not unanimous. The UOFRB Majority noted at the time, the driver of the vehicle had only failed to stop for a posted stop sign. The Subject, however, was observed armed with a handgun as he/she abruptly fled on foot. The Majority noted the officers were forced to make a split-second decision on how to react. The Majority recognized the policy states officers *should* clear or cover a vehicle before running past it; however, the policy also states circumstances may necessitate running past an uncleared vehicle and allows for additional tactical considerations.

In this case, the officers chose to pass an uncleared vehicle with the driver, who was not wanted for a crime and still inside to pursue a visibly armed suspect who was fleeing into a densely populated and complex housing development. The Majority opined that if the officers had chosen to delay their pursuit to clear the vehicle, the opportunity for the Subject to ambush the officers or escape into the housing development would have potentially increased. Given the factors the officers had to consider, and the immediacy with which they had to make a tactical decision, the Majority opined their decision was reasonable and not a substantial deviation from Department-approved tactical training. The Majority further opined that while the policy was meant to act as a guide to aid in officer's decision-making, it cannot cover every tactical scenario and there are some situations where some risks are necessary to fulfill police duties and maximize safety to the community.

The UOFRB Minority disagreed with the Majority's opinion and opined Officers A and B exposed themselves to unnecessary risks in bypassing an uncleared vehicle. The Minority argued the urgency to apprehend a fleeing armed suspect does not outweigh the responsibility to ensure officers' safety through proper tactics. Furthermore, the Minority argued deviating from trained tactics compromises officer safety and increases risk to law enforcement and the public. The Minority noted Officer C was able to cover the BMW as he/she passed it, which the Minority opined showed it was feasible for the other officers and should not have been disregarded.

As it pertained to Officer C, the Board noted Officer C used his/her service pistol and attached light to illuminate and cover the BMW as he/she moved past it; therefore, the Board unanimously opined Officer C did not substantially deviate from Department policy regarding suspects fleeing from a vehicle.

Based upon the totality of the circumstances, the BOPC determined the tactics employed by Officer C were not a substantial deviation from Department-approved tactical training. Also, the BOPC determined that the tactics employed by Officers A and B as it pertains to suspects fleeing from a vehicle, substantially and unjustifiably deviated from Department-approved tactical training.

- **Foot Pursuit Concepts**

Officers A, B and C each stated they pursued the Subject on foot while in containment mode. During the foot pursuit, Officer A remained an average distance of approximately 37 feet behind the Subject as he/she attempted to maintain sight of him. Officer A did not overtake the Subject at any point during the foot pursuit and stated he/she would not at any point have made physical contact with an armed suspect. Officer B followed approximately 30 feet behind Officer A and Officer C was approximately 95 feet behind Officer B.

Approximately five seconds after the OIS, Officer B joined Officer A. Officer C joined them approximately four seconds later. According to Officer C, during the foot pursuit he/she momentarily lost sight of Officer A but maintained a line of sight on Officer B; therefore, he/she did not believe he/she was separated from his/her partners and was able to provide aid if needed.

Near the termination of the foot pursuit, Officer A rounded the corner of a building and headed southeast when Officer B momentarily lost sight of Officer A and the Subject. According to Officer B, during the brief few seconds he/she lost sight of Officer A, he/she knew which direction Officer A was running and estimated himself to be approximately five to ten feet away from him/her and believed he/she could render aid if needed.

The UOFRB assessed Officers A, B and C's tactics as it pertained to foot pursuit concepts and specifically, the topic of separation during the foot pursuit. The UOFRB unanimously agreed the evidence of the case supported the fact the officers pursued the Subject in containment mode.

As it pertained to the tactics findings of Officers A and B related to separation, the Board's decision was not unanimous. The UOFRB Majority referred to Department policy for separation during a foot pursuit and acknowledged they did become stretched out during the foot pursuit. However, the Majority noted each officer had consistent sight of another officer during the foot pursuit, they followed the same path of pursuit and ended the pursuit in the same location within a few seconds of one another. The Majority noted there was never a time when Officer C was confused or stopped running because he/she was unaware of the route of travel. The Majority opined that within the setting of a foot pursuit, being a few seconds apart from one another is reasonably close. In this instance, the Majority opined the distance was not so great that aid could not be rendered, and there were no barriers that would delay the officers. The Majority further opined the spirit of the separation

policy is to ensure aid can be rendered should the suspect being pursued confront the pursuing officers. In this case, the greatest distance between officers was between Officers B and C. Officer C was the last officer in the foot pursuit and furthest from the Subject. Given the totality of the circumstances, the Majority opined there was no significant separation between the officers.

The UOFRB Minority disagreed with the Majority's opinion. The Minority opined that while Officers A and B were close enough to each other to provide support and render aid, Officers A and B created an unacceptable gap between themselves and Officer C. The Minority opined the separation placed Officer C at a disadvantage, because he/she was too far to receive immediate aid if he/she was confronted by a threat while pursuing an armed suspect in a high-crime, gang-affiliated area, where suspects may have environmental advantage, accomplices, or additional weapons.

The UOFRB Minority further referred to the Department policy Foot Pursuit Concepts Tactics Directive, as it pertained to separation. The Minority opined if in fact officers were in containment mode, then Officers A, B and C deviated from their training, as maintaining a line of sight is required while in containment mode. The Minority opined the officers' failure to maintain a line of sight compromised their ability to provide immediate aid. The Minority opined the tactical deviations were not only unnecessary, but also avoidable.

Based upon the totality of the circumstances, BOPC concurred with the UOFRB that Officers A, B and C pursued the Subject in containment mode. Officer A had the ability and apparent opportunity to overtake and immediately apprehend the Subject. He did not. It was apparent to the BOPC that the fluctuation of distances among the officers and between A and the suspect was a result of the officers' attempt to conform to the tactical training related to pursuing armed suspects. Every time an officer loses sight of a suspect during a foot pursuit, the danger to the officers increases significantly. Therefore, the goal is to maintain observation of the suspect using available cover and concealment. In accomplishing this task, one officer will be in front of another and will face obstacles and corners that reasonably will be traversed in the order in which the officers encounter them. In this instance neither the distance between A and B, nor the distance between B and C were so great that they substantially deviated from the tactical training of chasing suspects in containment mode. The tactical concept discouraging separation during apprehension mode (which the officers were not in) clearly contemplates the risk associated with confronting the suspect, who is the target of the foot pursuit. The concern for the threat posed by the target of the foot pursuit is further reinforced in the Department's description of Separation (Split Up) when it warns of the danger of not being able to render aid to one another when confronted by the suspect. Upon the BOPC's examination of the incident, the BOPC found Officers A, B and C were never separated to the point that would unreasonably delay any one of them from the ability to render aid to the other.

Based upon the totality of circumstances, the BOPC determined that the tactics employed by Officer C were not a substantial deviation from Department-approved tactical training. Also, the BOPC determined that the tactics employed by Officers A and B as it pertains to their separation from Officer C, were not a substantial deviation from Department-approved tactical training.

Command and Control

- Sergeant A broadcast his/her Code Six status upon arriving at scene and advised he/she was the Incident Commander. After gaining situational awareness, he/she monitored the aid rendered to the Subject. Sergeant A observed a large crowd forming and directed officers to control the crowd and to prevent them from entering the scene. He/she requested additional resources and coordinated the response of the RA. Sergeant A managed the scene and implemented post-OIS protocols, ensuring separation and monitoring of the involved personnel.

The UOFRB evaluated the command and control employed by Sergeant A. The Board noted Sergeant A ensured adequate resources were requested and containment of the area was achieved so the scene could be preserved. Additionally, the Board noted Sergeant A designated roles to officers at scene as a crowd began to form after the OIS.

Based on the totality of the circumstances, the BOPC determined that the overall actions of Sergeant A were consistent with Department training.

B. Drawing/Exhibiting

Officer A

Officer A heard Officer B alert them of a gun as the Subject fled from the vehicle. Officer A initially believed the Subject discarded the gun as he/she exited the vehicle. As Officer A pursued the Subject, he/she observed the Subject still holding the firearm in his hand and he/she unholstered believing the situation could escalate to point where deadly force would be justified.

Officer B

After hearing the shots fired and at the termination of the foot pursuit, Officer B unholstered his/her service pistol. According to Officer B, he/she believed the Subject was still armed or may have possessed a secondary handgun.

Officer C

First Occurrence

While moving past the suspect's vehicle, Officer C unholstered his/her service pistol, illuminated the inside of the vehicle with his/her pistol light and covered the vehicle until he/she was clear of it. According to Officer C, he/she unholstered his/her service pistol because he/she knew the Subject exited the vehicle with a handgun in his hand and he/she believed the situation could escalate to the point where deadly force could be justified.

Second Occurrence

As he/she went in foot pursuit of the Subject, Officer C holstered his/her service pistol. After hearing gunshots, Officer C unholstered a second time. According to Officer C, he/she did not know if the shots were being fired by officers or the suspect and unholstered because he/she believed the situation could escalate to the point deadly force could be justified.

The UOFRB assessed Officers A, B and C's drawing and exhibiting of their respective service pistols. In their assessment, the Board noted Officer A drew his/her service pistol when he/she saw the Subject still armed with the handgun, Officer B drew his/her service pistol when he/she heard gunshots, and Officer C drew his/her service pistol to cover the suspect vehicle and again when he/she heard gunshots. The Board opined the circumstances surrounding the incident clearly created a reasonable belief amongst the officers the situation may rise to where lethal force may be justified.

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

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

C. Lethal Use of Force

Background

According to Officer A, his/her background was open space with cinderblock walls and no pedestrians. It was determined Officer A's background consisted of a wooden light pole and a two-story multi-unit apartment building constructed of concrete block.

- **Officer A** – Pistol, four rounds fired in approximately 1.04 second from an approximate decreasing distance of 14 to 11 feet in a northwesterly direction, using a one-handed grip.

As the Subject ran east through the housing complex, he/she approached a building where there was a slight grass incline. The Subject lost his balance and swung his arms as he fell onto a concrete pad. When the Subject was falling, his torso rotated toward Officer A while he was still armed with the handgun in his right hand. The Subject landed on his right hip with his right forearm parallel to the ground and the handgun was pointed in Officer A's direction. In a continuous motion, the Subject rolled up to his feet still gripping the handgun and began to move northeast.

Note: the Subject's firearm was collected by the Firearm Analysis Unit. It was found with a magazine containing eight live cartridges fully inserted and the trigger depressed in a rearward position.

First Round – After the Subject stumbled and fell, he regained his footing, turned toward Officer A and according to Officer A, the Subject pointed the handgun in his/her direction.

Second Round – After Officer A fired his/her first round, the Subject moved the handgun from in front of him and extended it back behind him.

Third Round – The Subject's torso continued to face northeast while he continued to extend his handgun behind his back. As Officer A fired his/her third round, the Subject released his grip from the handgun.

Fourth Round – The handgun floated in the air behind the Subject's waist while the Subject brought his right arm back toward his torso and Officer A fired his/her fourth round. According to Officer A, he/she assessed throughout the OIS and observed the Subject continuing to point the handgun at him/her with his arm extended behind. After firing his/her fourth round, Officer A observed the Subject fall to the ground and determined he was no longer armed.

The UOFRB evaluated Officer A's use of lethal force. The Board noted Officer A commanded the Subject to stop. The Subject ignored the commands and continued to flee, refusing to drop or discard his firearm. The Board noted the Subject made the decision not to leave his firearm in the BMW as he fled, did not conceal it, and made no effort to discard the handgun at any point during the foot pursuit; even after he stumbled onto the concrete pad and ended up pointing the handgun in Officer A's direction. The Board also noted Officer A observed the Subject point the gun toward him/her earlier in the foot pursuit and Officer A did not fire his/her service pistol at that time because he/she was not sure what the Subject's intent was. The Board opined this showed Officer A's continuous assessment and his/her attempt to preserve life and avoid the use of lethal force.

At the point he/she decided to fire his/her service pistol, Officer A stated the Subject was pointing his handgun toward him/her and he/she believed the Subject was going to shoot and kill him/her. The Board noted Officer A stopped firing when he/she saw the Subject falling to the ground and assessed he was no longer a threat. The

Board opined Officer A's perception that the Subject posed a deadly threat was objectively reasonable given the Subject's actions before and during the OIS as well as the brief duration of the OIS. The Board opined Officer A's actions were proportional to a firearm being pointed at him/her and necessary to stop the deadly threat posed by the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe the use of deadly force was objectively reasonable, proportional and necessary. Therefore, the BOPC found Officer A's Lethal Use of Force, all four rounds, to be In Policy.