



## **Incident Summary**

Sergeant A was in charge of a specialized unit, assigned to handle the shots fired calls generated on New Year's Eve. Sergeant A was stopped at a stop sign at an intersection. After stopping, Sergeant A negotiated a right hand turn. Prior to making his turn, Sergeant A turned his head to the right and saw the Subject at the mouth of an east/west alley.

As he proceeded, Sergeant A observed the Subject raise his right hand and point it toward him. Sergeant A then heard a gunshot and observed a muzzle flash coming from the Subject's location. Sergeant A formed the opinion that the Subject was shooting at him.

**Note:** Witness A stated that he and the Subject were at the same location on the night of the incident. According to Witness A, at midnight, the Subject removed a black semiautomatic handgun from his waistband. Witness A told the Subject not to shoot the gun in their location, but to go out to the street and fire the gun into the ground. The Subject walked to the street and Witness A heard a gunshot.

Sergeant A drove to the alley where the Subject was standing and stopped his vehicle facing north, directly in front of the mouth of the alley. Sergeant A believed he had placed the vehicle transmission in park when he exited the vehicle. He observed the Subject look toward him and begin to walk rapidly westbound down the alley, away from him, while holding a blue-steel semiautomatic handgun in his right hand.

Sergeant A exited his vehicle and unholstered his pistol in preparation of confronting the Subject. He moved to a position of cover behind a post, pointed his pistol at the Subject, and ordered him several times to drop his gun. The Subject did not comply with Sergeant A's orders and continued to walk westbound down the alley, away from Sergeant A. Sergeant A then ordered the Subject to get down on his knees.

The Subject reached a gate. It appeared to Sergeant A as if the Subject was going to kneel down, but instead he looked over his right shoulder, in Sergeant A's direction, raised his right hand and pointed the gun in the direction of Sergeant A. Sergeant A, fearing that the Subject was about to shoot him, aimed his pistol at the Subject and fired three rounds.

Sergeant A then broadcast that shots had been fired, and observed his police vehicle slowly rolling away northbound. Sergeant A ran to his vehicle with his pistol in his hand. Sergeant A de-cocked his weapon, jumped into his moving vehicle, stepped on the brake, and placed the vehicle in park, while continuing to hold his weapon.

Sergeant A stated he returned to his position of cover behind the metal gate post, and began giving orders for everyone to the rear of the residence to lay prone on the ground. He observed the Subject still at the location; however, he no longer had the gun in his hand. Sergeant A ordered the Subject into a prone position and the Subject

complied. Sergeant A then waited for additional units and upon their arrival, the Subject was taken into custody.

The weapon was eventually located and recovered. The Subject admitted to investigators that he fired the handgun but denied firing it at Sergeant A.

There were no injuries during the incident.

### **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/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

#### **A. Tactics**

The BOPC found Sergeant A's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Sergeant A's drawing and exhibition of a firearm to be in policy.

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

The BOPC found Sergeant A's use of lethal force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

- In their analysis of this incident, the BOPC identified the following tactical considerations:

##### **1. Ambush Tactics**

In this instance, Sergeant A perceived that he was the victim of an ambush and made the conscious decision to employ ambush tactics to survive the assault. The ability to survive an ambush scenario is incumbent upon the utilization of specifically designed tactics to identify and engage the threat and seek cover.

The BOPC determined the actions of Sergeant A did not substantially deviate from approved Department tactical training. However, Sergeant A could benefit from a discussion on ambush tactics in the event he is confronted with similar circumstances in the future.

## 2. Tactical Communications – Help Call

In this instance, Sergeant A perceived that he was a victim of an ambush. Ambush tactics require that immediate action be taken as occurred in this case to engage in deliberate and rapid movement toward the threat and seek cover while maintaining a visual on the Subject's location. To initiate a help call broadcast before a position of cover is achieved would cause a time delay that would extend the exposure to the deadly threat and significantly reduce the likelihood of survival.

## 3. Control of Vehicle / Public Safety

In this instance, Sergeant A had to make a split-second judgment as to the level of threat the vehicle posed to public safety. Although the decision to prevent his vehicle from entering a busy street required Sergeant A to leave his position of cover, the BOPC determined that this action was reasonable considering the potential consequences associated with the vehicle entering the major thoroughfare.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

After a thorough review of the incident, the BOPC determined that the above identified areas for improvement neither individually nor collectively substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Sergeant A's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- In this instance, Sergeant A observed the Subject point a handgun in his direction and heard gunfire and observed the muzzle flash. Sergeant A perceived that he was a victim of an ambush and drove toward the threat and when at the mouth of the alley he observed the Subject walking away with a handgun in his hand.

The BOPC determined that an officer with similar training and experience while in a similar circumstance would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Sergeant A's drawing and exhibition of a firearm to be in policy.

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

- In this instance, Sergeant A observed the Subject turn, look over his right shoulder, raise his right hand and point a handgun at him. In defense of his life, Sergeant A fired three rounds at the Subject.

The BOPC determined that an officer with similar training and experience faced with similar circumstances would believe that the suspect posed an imminent threat of serious bodily injury or death.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.