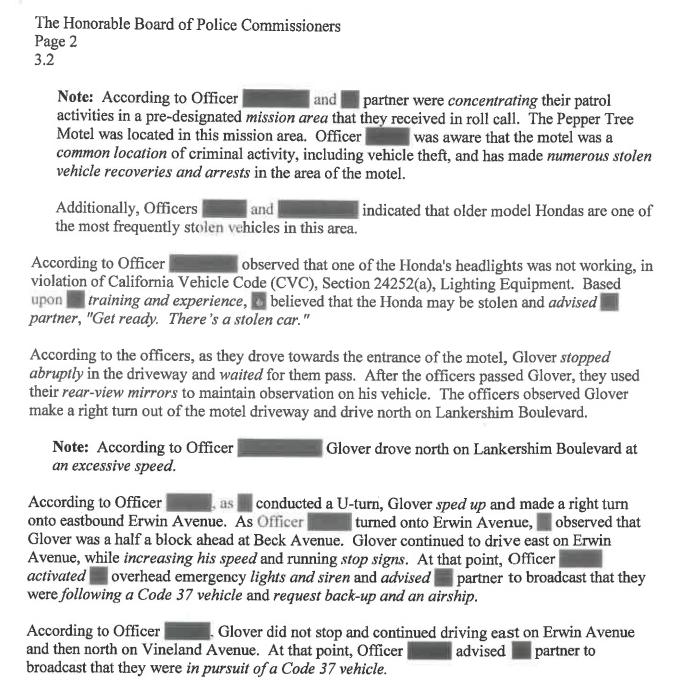
# INTRADEPARTMENTAL CORRESPONDENCE

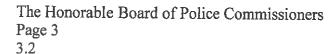
November 20, 3.2	, 2018
TO:	The Honorable Board of Police Commissioners
FROM:	Chief of Police
SUBJECT:	OFFICER INVOLVED SHOOTING FID NO. 007-18
Honorable Me	mbers:
Investigation I convened on the	is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Division (FID) No. 007-18. A Use of Force Review Board (UOFRB) was his matter on November 7, 2018. In this case, the recommended findings were not the a minority opinion rendered regarding the Tactics finding for
recommendation	y weighed each opinion and considered the case in its entirety, and adopted the ons of the UOFRB regarding Officer Serial No. Serial No. I hereby submit my findings in accordance with ssion policy.
SUMMARY	
Hollywood Pat	, 2018, at approximately 0203 hours, Officers and and North trol Division, were in full uniform, driving a marked black and white police fficers were conducting crime suppression in the area of Victory Boulevard and oulevard.
time of the	investigation revealed that Officer was a probationary officer at the incident, with less than four months in the field. Officer was assigned Field Training Officer and this was their first time working together. It is discussed contact and cover and the identification of stolen vehicles (Debriefing 1).
white Honda A Boulevard. Th	ne officers, as they were driving south on Lankershim Boulevard, they observed a coord exiting the driveway of the Pepper Tree Motel, located at 5909 Lankershim e officers observed that the Honda was being driven by a male, later identified as there were no other occupants in the vehicle.

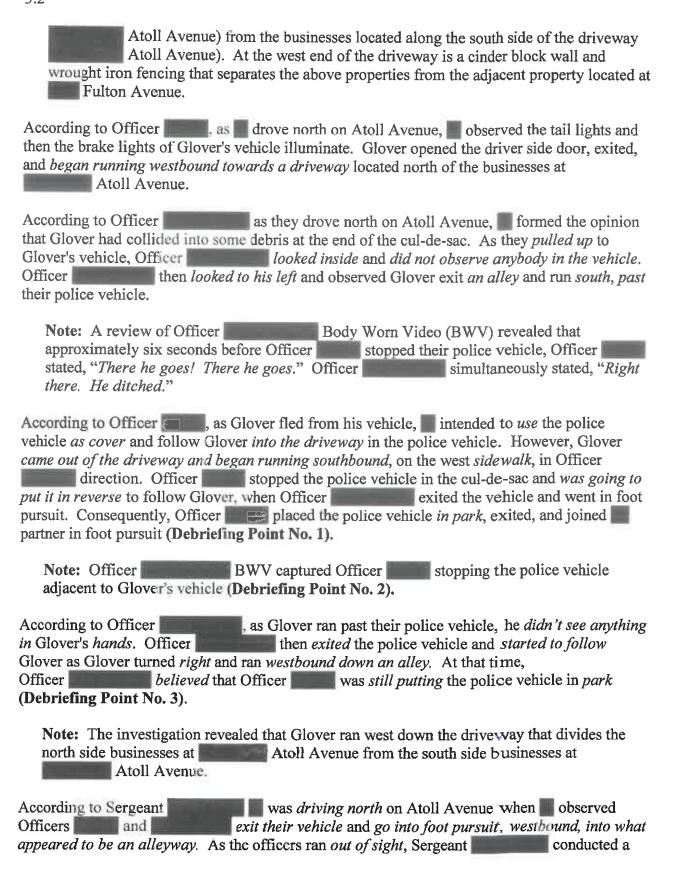


Officers , Serial No. and Serial No. along with Sergeant Serial No. Serial No. North Hollywood Patrol Division, responded and became the secondary unit and Incident Commander (IC), respectively, in the pursuit.

The vehicle pursuit terminated when Glover drove north on Atoll Avenue, into a cul-de-sac, north of Leadwell Street, and fled from his vehicle.

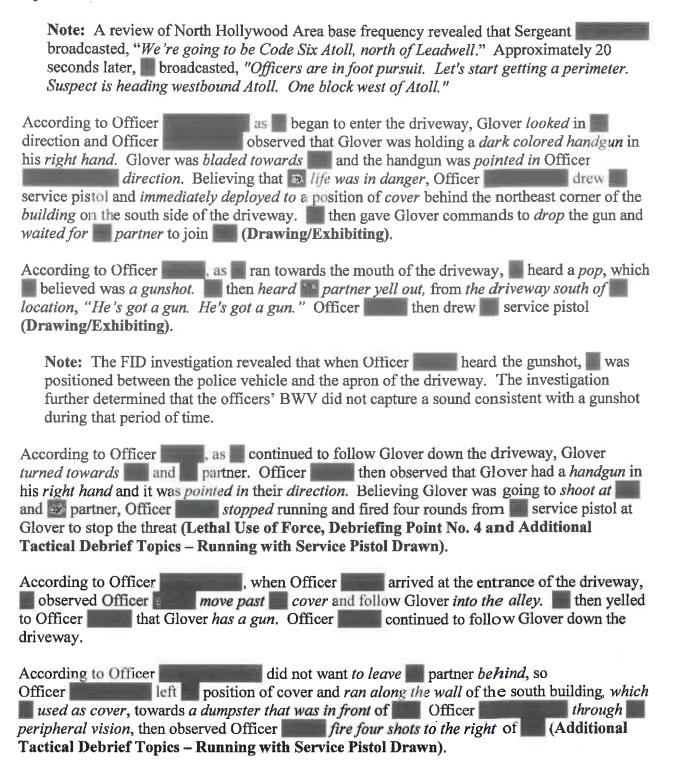
Note: The investigation revealed that the block of Atoll Avenue, north of Leadwell Street, is an industrial area that terminates at a cul-de-sac. Located on the west side of the cul-de-sac is an approximately 39 feet wide and 180 feet long driveway that divides the multi-unit single story businesses located along the north side of the driveway





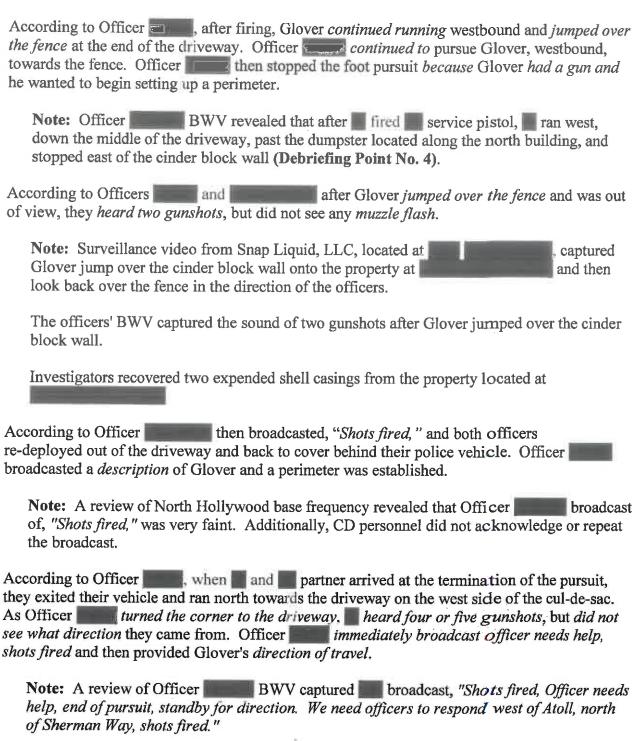
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broadcast that the officers were in foot pursuit heading westbound on Atoll and to start setting up a perimeter.





**Note:** The investigation revealed that there were two metal trash dumpsters in the driveway at the time of the incident. One dumpster, located along the north side of the driveway, was approximately 65 feet west of the entrance of the driveway. The second dumpster, located along the south side of the driveway, was approximately 80 feet west of the entrance of the driveway.



The Honorable Board of Police Commissioners Page 6 3.2 A review of North Hollywood Area base frequency revealed that Officer broadcast was not captured. Meanwhile, Sergeant arrived at the cul-de-sac and assumed the role of IC. began to coordinate with an Air Unit and responding units to establish a perimeter. Once Sergeant became aware that an OIS had occurred, ensured the involved officers were separated and obtained a Public Safety Statement (PSS) from Officer (Command and Control). Once the perimeter was established, officers on the west side of the perimeter observed Glover walking south on the east sidewalk in front of subsequently took Glover into custody without incident. A field show-up was conducted and Officer positively identified Glover. Note: A 380 caliber, semi-automatic handgun was recovered from a planter bed, in front of The handgun was located approximately five feet from the area where Glover was initially observed walking. The investigation revealed that the two expended casings that were recovered from the

The investigation revealed the Honda driven by Glover was an unreported stolen vehicle out of North Hollywood Area.

were discharged from the aforementioned handgun.

#### **FINDINGS**

property at

Tactics – Tactical Debrief, Sergeant and Officer Administrative Disapproval, Officer

Drawing/Exhibiting – In Policy, No Further Action, Officer and Lethal Use of Force – In Policy, No Further Action, Officer

## ANALYSIS

#### Detention

While on patrol, the officers observed a vehicle, with one working headlight, in violation of CVC Section 24252(a), exit a motel parking lot known to be frequented by suspects driving stolen vehicles. As they began to follow the vehicle from a distance, the suspect committed several additional vehicle code violations and attempted evade the officers. Believing the vehicle was stolen, the officers initiated a vehicle pursuit. At the termination of the pursuit, the suspect fled and pointed a handgun in the officers' direction, resulting in an OIS. The officers'

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actions were appropriate and within Department policies and procedures.

### **Tactics**

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."

Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

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.

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

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

In this case, the officers were faced with a rapidly unfolding tactical situation when the suspect fled from the vehicle at the termination of the pursuit. The suspect then exhibited a handgun and pointed it at one of the officers. The officer attempted to verbalize with the suspect to drop the gun in an effort to de-escalate the situation, get the suspect to surrender, and to resolve the situation peacefully without the use of force. The suspect did not comply and pointed the handgun at another officer.

Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

During a review of the incident, the following Debriefing Points were noted:

## Debriefing Point No. 1 Tactical Communication/Planning

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training Learning, Domain 22).

"Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack" (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officers and and did not effectively communicate and formulate a tactical plan at the termination of the vehicle pursuit.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, I took into consideration that this was a rapidly unfolding situation and understand that officers are often forced to make split second decisions under extremely stressful situations. However, considering that was a probationary officer with less than four months of field time and this was the first time the officers were working together, I would have preferred that the officers had a lengthier discussion on tactics, including post-pursuit tactics and foot pursuits. The officers are reminded of the importance of tactical planning and communication before, during, and after any incident.

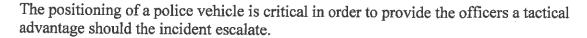
Based on the totality of the circumstances, I have determined, that while identified as an area for improvement, the officers' actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

## Debriefing Point No. 2 Tactical Vehicle Deployment

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officer stopped their police vehicle adjacent to Glover's vehicle at the termination of the pursuit.





In this case, Officers and and pursued the Honda for over five minutes.

During this time, Officer and partner both observed that the Honda did not have any tint on the windows and that Glover was the only occupant of the vehicle.

At the termination of the vehicle pursuit, Officer was faced with a rapidly unfolding tactical situation and was focused on the actions of the fleeing suspect. Although Officer had a reasonable belief that there were no other occupants in the vehicle, I would have preferred that had stopped vehicle behind Glover's vehicle. Positioning vehicle further back would have given and partner additional time and distance to assess the rapidly unfolding tactical situation.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that the positioning of the vehicle was a substantial deviation, with justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

## Debriefing Point No. 3 Running Past an Unsearched Vehicle

Suspects Fleeing from a Vehicle: If a foot pursuit begins with a suspect fleeing from a vehicle, officer need to consider the possibility of additional suspects remaining in the vehicle. Therefore, officers should clear or cover the suspect vehicle before running past it unless other circumstances necessitate running past an uncleared vehicle (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).

Officers and and ran past an unsearched vehicle at the termination of a vehicle pursuit.

Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety by their ability to recognize an unsafe situation and then work collectively to ensure a successful resolution.

In this case, Officers and pursued the Honda for over five minutes.

During this time, Officer and partner both observed that the Honda did not have any tint on the windows and that Glover was the only occupant of the vehicle.

Additionally, according to Officer when they pulled up and stopped adjacent to the Honda, looked inside the Honda and did not observe anyone in the vehicle.

The UOFRB noted that at the termination of the vehicle pursuit, the officers were faced with a rapidly unfolding tactical situation and were focused on the actions of the fleeing suspect.

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The officers made the decision to go in foot pursuit, without tactically clearing the suspect's vehicle, based upon their reasonable belief that the vehicle was not occupied.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officers and actions were a substantial deviation, with justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

# Debriefing Point No. 4 Pursuing Armed Suspects/Utilization of Cover (Substantial Deviation – Officer (Substantial Deviation – Office

Pursuing Armed Suspects: When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).

Apprehension versus Containment: There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources.

During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.

Officers may make the decision to discontinue a foot pursuit when the tactical situation deteriorates, either officer becomes injured, or effective communication ability is lost (lost or broken radio or dead spot) or at either officers' discretion. If either of the pursuing officers feels it necessary to end the pursuit, he/she must alert the partner officer quickly to avoid separation.

If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.

When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following:

- General location of an incident command post (the end of pursuit location). This location can be moved later.
- Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).
- Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.
- Request a supervisor and the necessary resources to safely handle the incident.

Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, January 2014).

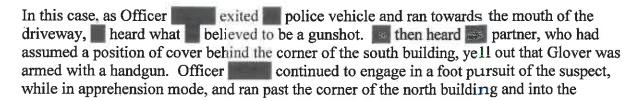
Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XXXV, Issue 9, May 2003).

Officers did not utilize available cover as engaged in a foot pursuit of an armed suspect.

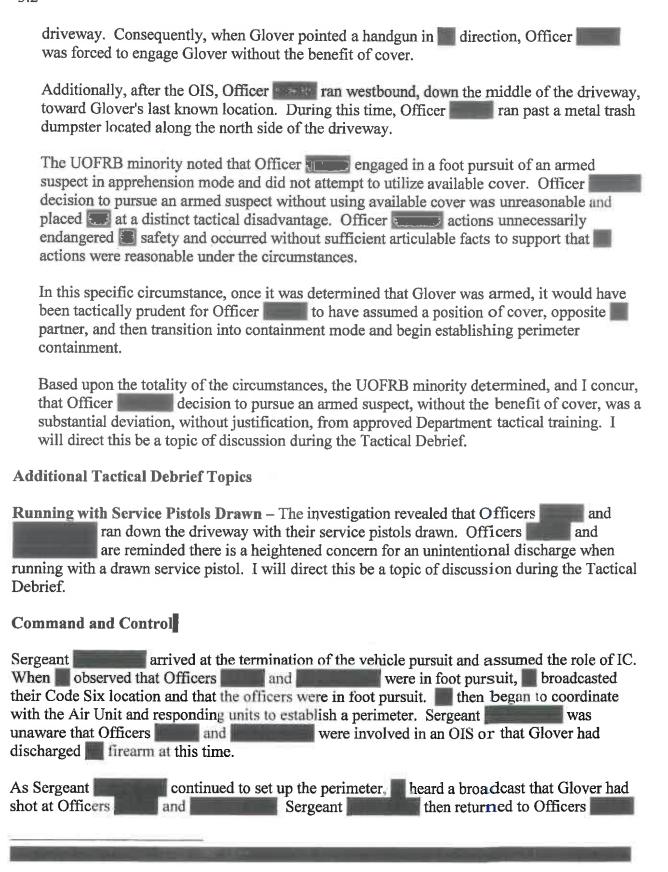
Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

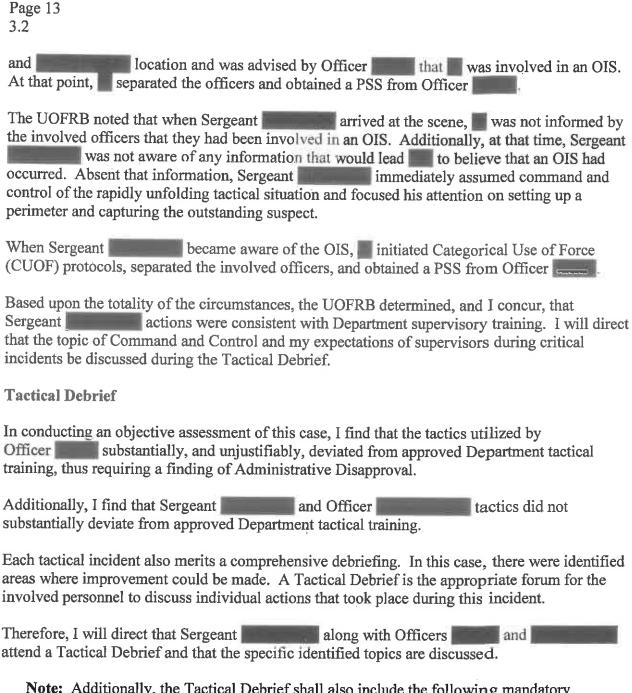
Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options.



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**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;

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- Radio and Tactical Communication (including Code Six);
- Tactical Planning;
- Tactical De-Escalation;
- · Command and Control; and,
- Lethal Force.

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General Training Update (GTU)
On February 8, 2018, Officers and and attended a GTU. All the mandatory topics were covered, including Foot Pursuits.
Drawing/Exhibiting
Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).
According to Officer as a ran towards the mouth of the driveway, heard a pop, which believed was a gunshot. In then heard partner yell out that Glover has a gun. Officer then drew service pistol.
Officer recalled,
I heard a pop. I unholstered, and then I heard my partner yell out He's got a gun.
I then felt basically that the incident's going to turn either deadly or great serious injury could happen.
According to Officer as a began to enter the driveway, Glover looked in direction and Officer observed that Glover was holding a dark colored handgun in his right hand. Believing that life was in danger, Officer drew service pistol.
Officer recalled,
I started following the suspect, which then started heading westbound down an alley. I was pursuing him down an alley, I observed in his right hand a dark in color handgun, but I knew it was a handgun. I then drew my firearm because of the tactical situation, him having a firearm himself.
Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers and and while faced with similar circumstances, would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified.



Therefore, I find Officers and and Drawing/Exhibiting to be In Policy, No Further Action.

**Note:** In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

## Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No. 1, Section 556.10).

According to Officer and and partner. Officer then observed that Glover had a handgun in right hand and it was pointed in their direction. Believing Glover was going to shoot at him and partner, Officer stopped running and fired four rounds from service pistol at Glover to stop the threat.

Officer recalled,

Once I was running and I unholstered, I then saw him turning. Try to say which motion, but turning towards a motion to shoot at us. Having hearing the pop, hearing my partner saying, "He's got a gun," I then feared for my partner's safety and mine, I then tried to stop the deadly --deadly threat.

...I observed him [Glover] giving a twisting motion. I then believe he was going to shoot at us again. I then basically returned fire.

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As soon as...the weapon was pointed toward our direction, I then feared for our safety since, well, injury or death can occur...I then had to stop the deadly behavior...I believe I stopped and I fired my rounds.

and I fired my rounds. Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer \_\_\_\_\_\_. would reasonably believe Glover's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable. Therefore, I find Officer Use of Lethal Force to be In Policy, No Further Action. Additional/Equipment Categorical Use of Force Protocols – The investigation revealed that Officer of the OIS in a timely manner. Additionally, after the OIS and prior to a supervisor becoming aware of the CUOF, Officer initiated a conversation with probationary partner and discussed portions of the OIS. Captain , Serial No. Commanding Officer, North Hollywood Area, advised that the above issues will be addressed through a Notice to Correct. The commanding officers of Operations-Valley Bureau (OVB) and the Office of Operations (OO) concurred with this action. As such, I deem no further action necessary. Note: The investigation also revealed that Officer periodically removed seatbelt while conducting patrol activities. Captain advised that the above issue will be addressed through a Notice to Correct. The commanding officers of OVB and OO concurred with this action. As such, I deem no further action necessary. Audio/Video Recordings Digital In-Car Video System (DICVS)/Body Worn Video (BWV) - North Hollywood Division vehicles were equipped with DICVS at the time of the incident. However, the cameras were in the installation phase and not operational at the time of the incident. North Hollywood and West Valley Patrol Division and personnel were equipped with BWV at the time of the incident. Officers and BWV captured the vehicle pursuit, foot pursuit, OIS, and post-OIS activities. Officers and BWV captured the vehicle pursuit and audio of the OIS. Sergeant BWV captured the vehicle pursuit and post OIS activities. Officers Serial No. and Serial No. NHWD along with Serial No. Officers and , Serial No. West Valley Patrol

Division responded to the incident. Their BWV's captured Glover being taken into custody.

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Outside Video – Surveillance video from Snap Liquid LLC, located at captured the termination of the vehicle pursuit, the foot pursuit down the driveway, and the OIS. Surveillance video from Universal Seafood Corporation, located at captured a portion of the vehicle pursuit as Glover and the officers drove north on Atoll Avenue.

Stranger and Stran

Respectfully,

MICHEL R. MOORE

Chief of Police

Date: