

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

OFFICER-INVOLVED SHOOTING – 015-19

Division **Date** **Duty-On (X) Off ()** **Uniform-Yes (X) No ()**

Newton 4/20/19

Officer(s) Involved in Use of Force **Length of Service**

Officer B 3 years, 7 months

Reason for Police Contact

Officers were in foot pursuit of a driver who ran from a traffic stop when the Subject ambushed and shot one of the officers, resulting in an officer-involved shooting.

Subject(s) **Deceased ()** **Wounded (X)** **Non-Hit ()**

Subject: Male, 39 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; 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 March 3, 2020.

Incident Summary

On the date of this incident Officers A and B had worked together on five prior occasions. According to Officer A, each day prior to their start of watch, they discussed tactics, including the topic of foot pursuits. They specifically discussed the importance

of broadcasting their location, not separating, and knowing when to disengage a foot pursuit. Officer A told Officer B that due to his/her familiarity with the area, he/she (Officer A) would most likely be the one to broadcast during a foot pursuit. In regards to pursuing an armed suspect, Officer A stated that he/she discussed the concept of apprehension versus containment with Officer B and indicated that their goal would be to establish a perimeter and request additional resources, rather than try to catch up to a suspect and take them into custody.

The officers had just completed an unrelated traffic stop and were conducting crime suppression in the area of a Housing Development, hereafter referred to as the Development. Officer A stated he/she had received information that members of a local criminal street gang had recently driven through the Development, presumably looking for rival gang members. Officer A believed that if a member of that gang was in a rival gang's territory, they were probably armed with a firearm. Officers A and B were patrolling this area to prevent that type of gang activity from occurring.

As the officers patrolled, Officer A observed a vehicle being driven at a slow speed. Based on his/her experience, Officer A believed the occupant(s) of the vehicle may have been gang members looking for rivals. The vehicle then accelerated. The officers estimated the driver's speed to be between 45 to 50 miles per hour on the residential street, in violation of the California Vehicle Code. The officers alerted each other to their observations and began following the vehicle. They also observed the vehicle fail to stop for a posted stop sign. Officer A stated they intended to stop the vehicle for the observed violations; however, they first wanted to run a license plate check via their Mobile Digital Computer. Their intention was to determine the registered owner's information and whether the vehicle was stolen or involved in a crime. Officer A was in the process of conducting this check when the driver stopped. In response to the driver's actions, Officer B activated his/her vehicle's forward-facing red light and stopped behind the vehicle.

The officers observed the driver open the driver's door and exit the vehicle. According to Officer A, when the driver turned to face them, he/she (Officer A) observed a bulge in the driver's right front waistband area. Officer A also believed he/she observed the black edge of a handgun grip tucked into the driver's pants, underneath his shirt. According to Officer B, when the driver exited and turned, he/she observed the driver's right hand in the center of his waistband, as if he was concealing a handgun.

As the officers exited their vehicle, the driver turned away from them and ran past the front of his vehicle and south into the Development. The officers immediately went in foot pursuit, running past the vehicle. Officer A stated that it is his/her practice to clear a vehicle of all persons before running past it. In this instance, he/she glanced into the vehicle as he/she ran by it, but he/she was unable to positively determine if there was anyone else inside. Officer B indicated he/she visually cleared the vehicle as he/she ran past it and determined there were no additional occupants.

Officer A held his/her flashlight in his/her right hand and his/her police radio in his/her left hand. After passing the vehicle, Officer A broadcast that the officers were in foot pursuit of a man with a gun and provided the driver's description and direction of travel.

The officers stated that they were in containment mode during the foot pursuit. Officer A indicated they pursued the driver to maintain sight of him and broadcast their location and direction of travel with the intent to establish a perimeter. Officer A indicated that, at points during the foot pursuit, he/she slowed his/her pace and took a wide path around corners as he/she visually cleared the surrounding areas. Officer B said that his/her focus was to maintain sight of Officer A and to maintain an awareness of their surroundings.

A review of the Development's security video determined that, during the foot pursuit, the distance between the officers varied at times from approximately five to ten yards. Similarly, the distance between the driver and Officer A varied from approximately 20 to 30 yards.

A review of the Development's security video determined that, as the driver and the officers engaged in the foot pursuit, a male Subject ran toward their path of travel, then stopped briefly. As Officer A passed a building, alongside which the Subject had stopped, the Subject ran behind Officer A while holding a handgun down at his right side. Officer B was trailing Officer A at this point by approximately four seconds. The Subject then looked south, in Officer B's direction, before abruptly turning and running toward Officer B and opening fire on Officer B with his (the Subject's) handgun as he did so.

Officer B stated that when he/she observed the Subject running behind Officer A with a handgun in his right hand, it appeared he was tracking Officer A in order to shoot Officer A in the back. As the Subject turned his attention toward Officer B, Officer B believed he/she was going to be shot and unholstered his/her pistol. Officer B heard gunfire and observed muzzle flash emanating from the Subject's handgun. Officer B used a two-handed grip and exchanged gunfire with the Subject from a decreasing distance of ten to two feet.

Officer B said he/she ceased firing when he/she believed the Subject was no longer a threat. He/she observed the Subject lying face down on the pavement with his (the Subject's) pistol approximately six to twelve inches away from his right arm. Although Officer B remained on his/her feet, he/she felt pain in his/her left leg and realized he/she had been shot. Officer B immediately attempted to broadcast that shots had been fired but, upon activating his/her radio, received a busy tone indicating the frequency was not available. Officer B limped a short distance and met with Officer A, who upon hearing the gunshots had ceased pursuing the driver and had broadcast "*shots fired.*"

Officer B sustained multiple gunshot wounds as a result of being fired upon by the Subject.

Officer A unholstered his/her pistol upon hearing gunfire, because he/she believed his/her and Officer B's life or the life of a community member could be in danger. As the officers met, Officer B advised Officer A he/she had been shot in the leg. Officer B's vision started to blur, and he/she felt as though he/she was going to lose consciousness. Officer B holstered his/her pistol at that point, because he/she was concerned he/she might lose possession of it if he/she fell with it in his/her hand. Officer A continued past Officer B toward the Subject, who was lying motionless on the ground. Officer A then broadcast that they had an officer shot and a man down and requested two Rescue Ambulances (RAs). While initiating this broadcast, Officer A held his/her radio in his/her left hand and maintained his/her pistol in a low-ready position with his/her right hand. Moments after the shooting occurred, a crowd of people began to assemble and advance toward the officers while screaming at them. Officer A briefly raised his/her pistol in the direction of the group and ordered them to "*back up.*"

Officer A described the Subject as lying motionless in a face-down position on the ground. The Subject's right arm was bent at a 90-degree angle and his left arm was extended slightly above his head. Officer A observed the Subject's handgun on the sidewalk, approximately three feet from the Subject's right hand. Officer A was concerned that if the Subject extended his right arm, the handgun would then be within a foot of his reach.

Officer A told Officer B to handcuff the Subject to de-escalate the situation and prevent the Subject from potentially moving. Officer A indicated that when he/she gave this instruction, he/she was not fully aware of the seriousness of Officer B's condition. Officer B heard Officer A's direction to handcuff the Subject but was unable to do so because he/she had been shot and felt himself/herself quickly losing blood.

Officer A advised CD that the driver had taken his sweater off and continued north through the Development. After again being advised by Officer B that he/she had been shot, Officer A initiated another broadcast requesting a unit respond with a tourniquet.

Officer A stated that when the crowd moved toward the officers in an aggressive manner, he/she was concerned they would attempt to overwhelm the officers with their numbers. With the intent to de-escalate the situation, Officer A utilized the light mounted to his/her pistol to illuminate the crowd, while continuing to order them to "*back up.*"

Officers C and D responded due to the initial foot pursuit broadcast. They ran toward Officers A and B as the crowd continued to build. Officer B staggered a few steps toward a block wall with the intention of bracing himself/herself. Before reaching the wall however, he/she stopped because he/she briefly lost his/her vision.

As Officer D reached Officer B, Officer B wobbled and collapsed backward onto the pavement without breaking his/her fall. Officer D immediately knelt next to Officer B and yelled for his/her partner to apply a tourniquet.

Officer C approached Officer B within seconds and observed a large pool of blood by Officer B's left leg. Officer C utilized a Hobble Restraint Device (HRD) as an improvised tourniquet and applied it around Officer B's left leg to prevent Officer B from "bleeding out." Officer B communicated with Officer C as that occurred and directed Officer C to position the device higher on his/her leg. Officer C readjusted and tightened the HRD.

As additional units arrived, Officer A used his/her foot to move the Subject's handgun approximately three feet farther from the Subject, into a grass area adjacent to the sidewalk. Officer A did this to limit the Subject's access to the handgun and to prevent anyone in the crowd from attempting to arm themselves with it or remove it from the scene. Officer A then placed his/her right foot on top of the handgun to keep track of its location and conceal it from the crowd. Officer A did not inspect the Subject's handgun but noted the slide appeared to be in the forward position with the magazine seated. At Officer A's direction, Officer E conducted a pat-down search of the Subject for additional weapons; however, none were located.

Over the next several minutes, several dozen officers from various divisions responded to this incident. Many of those officers participated in crowd control efforts, while others tended to the needs of Officer B. Among those officers who rendered aid/support to Officer B were Officers F, G, and H.

According to Officer A, once there were enough officers around Officer B, he/she directed them to carry Officer B to the street in order to provide the responding RA easier access to him/her. Officer C stated he/she heard that instruction and believed it was necessary to do an "officer rescue" in order to prevent Officer B from "bleeding out" and dying at the scene. In a coordinated effort, Officer H grabbed Officer B's legs, while Officer C held Officer B by the upper torso. The officers carried Officer B through the Development toward a nearby street.

Sergeant A arrived at scene and was informed that an officer rescue was being performed. As the officers carried Officer B out, Sergeant A noted that Officer B appeared unresponsive and looked pale and grey. Sergeant A directed the officers to place Officer B inside a police vehicle and then informed CD that they were going to transport Officer B to the hospital.

As the officers finished placing Officer B inside the back seat of a police vehicle, Officer F (a State-licensed paramedic) entered the vehicle to provide Officer B medical aid with his/her personally-owned medical supply bag. Officer G entered the driver seat and began to transport Officer B to a hospital. Sergeant A responded with the officers in a separate vehicle and directed CD to advise the hospital of their response and estimated time of arrival.

While en route to the hospital, Officer F removed Officer B's equipment belt and ballistic vest, assessed his/her injuries and started an intravenous line (IV) in Officer B's left arm. When they arrived at the hospital, the officers were met by medical staff who assumed responsibility for treating Officer B.

Approximately eight minutes after the shooting, paramedics reached the scene and began to treat the Subject. The Subject was immediately placed on a gurney, carried out of the Development and further assessed in the RA. The Subject was then transported in the RA to a hospital, accompanied by Officer I.

Officer I stated that when he/she first observed the Subject in the RA, the Subject was not handcuffed and appeared to be unconscious. During the transport, however, the Subject regained consciousness, became aggressive, and attempted to pull his arms away and sit up. Officer I briefly grabbed the Subject's left wrist with both hands and held his arm down until LAFD personnel gained control of the Subject's arms. Officer I handcuffed the Subject's wrists to the gurney and LAFD applied soft restraints so that they could continue his treatment and transport to the hospital.

Both Officer B and the Subject survived the gunshot wounds they sustained during this 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 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, and I's Tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A and B's drawing and exhibition to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officer I's non-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officer B'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. It is also recognized 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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), which states 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:

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 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.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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 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. (Tactical De-Escalation Techniques, October 2016.)

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 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, Officers A and B were conducting crime suppression and observed a vehicle commit two traffic violations. As they attempted to conduct a license plate query prior to conducting a traffic stop, the driver stopped the vehicle and fled. The officers observed the driver flee while possibly concealing a handgun in his waistband. Officer A broadcast they were in foot pursuit of the driver and were updating their location periodically. As the officers continued to pursue the driver, another individual, the Subject, produced a pistol and fired at Officer B at close range. Officer B reacted to the threat presented by the Subject and returned fire, resulting in an OIS.

Planning – Officers A and B had previously worked together five times prior to this incident and had discussed tactics prior to the day of the incident and also on the day of the incident. Their discussions included the topic of foot pursuits, specifically, the importance of broadcasting their location, not separating, and knowing when to disengage a foot pursuit. Additionally, Officers A and B had discussed the concept

of apprehension versus containment with regards to pursuing an armed suspect. Their goal was to contain an armed suspect, request additional resources, and establish a perimeter instead of attempting to apprehend the suspect on their own. In the short time the officers worked together, Officers A and B covered the different aspects of foot pursuits and had established a general plan to implement were they to be involved in a foot pursuit with an armed suspect. During the foot pursuit of the driver, Officers A and B adhered to their plan, following the driver in a manner which was consistent with containment mode.

Assessment – Officers A and B first assessed the incident and observed a vehicle driving at approximately 45 miles per hour, in violation of the Vehicle Code. As the officers attempted to close the distance and conduct a license plate query prior to conducting a traffic stop, they observed the vehicle fail to stop at a posted stop sign. While waiting for their license plate inquiry to return, the driver suddenly stopped his vehicle, at which time the officers activated their forward-facing red light and observed the driver exit with what appeared to be a handgun in his waistband.

Officer A immediately broadcast they were in foot pursuit of a “man with a gun”, as well as their location. During the foot pursuit, the officers continuously assessed the movements and direction of travel of the driver, including broadcasting the information via hand-held radio. The officers maintained their distance from the driver, did not have their weapons out as they followed him, and maintained visual observation of the driver as they pursued him in containment mode.

As the officers continued north behind the driver, the Subject produced a handgun and fired at Officer B, rapidly escalating the encounter. Officer B immediately reacted to the deadly threat and was involved in an OIS. Once the Subject was no longer a threat, Officer B ceased firing his/her service pistol. Officer A responded to the OIS and took over control of the incident. Officer A assessed the incident, determined that the Subject needed to be taken into custody, and observed that a crowd began to form. Responding officers assessed the incident and determined that Officer B was severely injured. Officers C, D, and F provided emergency medical aid to Officer B. Sergeant A directed Officer B to be transported to a medical center.

Time – Officers A and B were faced with a dynamic incident where the driver ran from them. As the officers engaged in foot pursuit, the driver fled between multiple buildings where the lighting was poor. The officers believed the driver was possibly armed with a handgun and kept distance between the driver and themselves, while requesting additional resources for a perimeter. As Officers A and B continued to maintain visual contact and monitor the actions of the driver, the Subject produced a handgun and began to fire at Officer B. The Subject escalated the incident suddenly and without warning. The Subject’s actions did not afford the officers any additional time to respond to his deadly actions, which significantly limited their tactical options.

Redeployment and/or Containment – As the officers were waiting for their license plate query prior to conducting a traffic stop, the driver suddenly stopped his vehicle and ran from the location holding his waistband. Due to officers observing the driver possibly armed with a handgun and the sudden escalation of the driver's actions in fleeing, the officers had a limited opportunity to utilize other options and initiated a foot pursuit after the driver. Officer A utilized his/her hand-held radio to broadcast the foot pursuit and location where responding units could establish containment of the driver. As the officers continued in foot pursuit of the driver, maintaining their distance as well as visual observation of the driver, they were suddenly confronted by the Subject, causing them to immediately react to the unexpected and unforeseen threat. The Subject's actions did not allow for containment to be established or for the officers to continue in foot pursuit of the driver.

Other Resources – Due to the sudden escalation of the incident by the driver as he ran from the officers, the first broadcast from the officers for additional resources was Officer A's broadcast that they were in foot pursuit of a man with a gun. Once the OIS occurred and both Officer B and the Subject were struck by gunfire, Officer A requested two RAs as well as a tourniquet for Officer B. Additionally, Officer A requested additional units for a perimeter to locate the outstanding driver, as well as for a large crowd that had formed in the area of the OIS. The additional officers who responded to the location worked to assist with an officer rescue of Officer B, as well as to form skirmish lines to maintain control of the crime scene.

Lines of Communication – Officers A and B initially opened lines of communication between each other when they communicated their observations of the speeding vehicle, as well as their intention to stop the vehicle for the aforementioned violation. Officer A broadcast they were in foot pursuit of a man with a gun after the driver ran from the vehicle. After the OIS, Officer B advised Officer A that he/she had been involved in a shooting and had been struck in the leg. Officer A broadcast "shots fired" and requested RAs for both Officer B and the Subject. Additionally, Officer A directed the advancing crowd to stay back while directing Officer B to handcuff the Subject, not knowing the severity of Officer B's injuries.

The BOPC noted that Officers A and B attempted to contain the driver and de-escalate the incident; however, the aggressive and lethal actions of the Subject without prior contact or provocation firing his pistol while ambushing the officers provided the officers extremely limited time and rapidly forced them to react to the immediate lethal threat presented to them.

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

Debriefing Point No. 1 Updating Status

- Officers A and B did not update their status or generate a new Code Six location when they completed an unrelated traffic stop and began following the vehicle they had observed commit Vehicle Code violations.

In this case, Officers A and B had to catch up with the vehicle in order to conduct a license plate query. As they were awaiting the results of that query, the driver suddenly stopped his vehicle and fled. The officers, reacting to the driver's actions, activated their forward-facing red light and observed that the driver may have been armed with what they believed to be a gun in his waistband. Officers A and B went in foot pursuit of the driver. Officer A broadcast they were in foot pursuit of a man with a gun approximately nine seconds after the driver suddenly stopped his vehicle.

In this circumstance, the officers' actions were not a substantial deviation from approved Department tactical training. Officer A's broadcast of a foot pursuit included the officers' location and the nature of their activities. The broadcast was not unreasonably delayed and was appropriate for the rapidly escalating tactical situation.

Additional Tactical Debrief Topics

- **Clearing Vehicles** – The investigation revealed that Officers A and B ran past the vehicle while in foot pursuit of the driver. The officers conducted a visual clearance of the vehicle. Officer B stated he/she observed that the “dome light” was illuminated, and that he/she was able to definitively determine that there were no additional occupants in the vehicle. Officer A stated he/she believed that there were no other occupants in the vehicle, but that he/she was not certain about it. In response to the sudden and rapid nature in which the driver stopped his vehicle and fled, the officers conducted a rapid clearance of the vehicle in order to maintain visual contact of the driver. However, officers are reminded of the importance of systematically and thoroughly clearing a vehicle, as well as the possible dangers of additional suspects concealing themselves within vehicles.
- **Situational Awareness** – The investigation revealed that Officer A's initial foot pursuit broadcast included imprecise location information. During the foot pursuit, Officer A updated the officers' actual location. It is understandable that due to the dynamic and rapid escalation of the incident by the driver stopping his vehicle and running, Officer A broadcast streets which were in the general vicinity to their location, but not their precise location. Officers are reminded that knowing a more precise location and broadcasting that information allows additional resources to be able to respond without delay to any incident that may escalate to where additional units are necessary.
- **Handcuffing Arrestees** – The investigation revealed that, after the OIS, Officer A advised Officer B to handcuff the Subject, who appeared to be unconscious, as

Officer A was dealing with the crowd that had begun to form. However, due to his/her injuries, Officer B was unable to do so and collapsed onto the ground. Additional responding officers either assisted Officer B or formed skirmish lines to move the crowd back away from the crime scene. The Subject was unconscious until he was being transported by RA, at which time he became confrontational and began to physically resist being detained. Officer I placed the Subject into handcuffs. While the officers' actions were reasonable, considering the extraordinary nature of this incident in which Officer B was struck multiple times by gunfire and a crowd began to press forward towards the crime scene, officers are reminded of the importance of officer safety and handcuffing suspects in order to maintain control of their hands and reduce their ability to re-arm themselves or commit a physical assault.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that Officers A, B, and I's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also 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 personnel to discuss individual actions that took place during this incident.

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

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code Six);
- Tactical Planning;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

B. Drawing and Exhibiting

Officer A

Officer A heard the sound of gunshots which indicated to him/her that a gun had been fired which could cause serious bodily injury or death. He/she believed that Officer B's life, his/her life, or a community member's life would be in danger of injury or death. Officer A believed that the situation might escalate to the point where he/she might have to use deadly force. Officer A drew his/her service pistol.

Subsequent to the OIS, a crowd advanced toward Officers A and B. Officer A believed that the situation was possibly going to escalate to the point where deadly force was going to be justified. A loaded handgun was on the ground next to the Subject. Officer A was also concerned that there may be a person in the group who was armed. Officer A drew his/her service pistol and initially used the light on the pistol to illuminate the crowd before he/she held it in a low-ready position, in the direction of the ground, in front of the crowd and toward their lower extremities. Officer A holstered his/her service pistol when he/she deemed it to be safe to do so. When the crowd pushed forward and Officer A felt that the situation may rise to the point where he/she might need to use either a warning shot or lethal force, he/she drew his/her service pistol again. Officer A drew and holstered his/her service pistol approximately two to three times during this period as the crowd continued to close in on the officers while they waited for additional units to arrive.

Officer B

According to Officer B, as he/she was following Officer A through the Development, he/she observed the Subject with a gun in his hand, coming around the corner of a building. Officer B observed that the Subject's attention was initially drawn to Officer A as the Subject tracked Officer A. The Subject then turned and faced Officer B, armed with a gun. The Subject moved his pistol from a low-ready position to on-target, with both of his hands on the gun, and pointed it directly at Officer B. Officer B simultaneously unholstered his/her service pistol as the Subject turned toward Officer B and fired.

In this case, the BOPC noted that Officer A initially drew his/her service pistol upon hearing gunfire. Officer A was fearful for not only the safety of himself/herself and Officer B, but for that of the community as well.

Officer A again drew his/her service pistol when the crowd pushed forward towards him/her and Officer B, making him/her fearful for their safety. He/she ordered the crowd to stay back and utilized his/her tactical light to illuminate the crowd to see if there were any individuals armed with weapons. Officer A was concerned that the crowd may also contain a person who was armed. He/she also noted that there was a loaded pistol in close proximity to the Subject. The BOPC noted that Officer A was initially the only officer at scene who could protect them, as Officer B was severely injured. Officer A drew his/her service pistol approximately two additional times for the same circumstances.

The BOPC noted that Officer B observed the Subject holding a pistol in his hand while following Officer A from behind. As Officer B continued following Officer A, the Subject suddenly turned, raised his pistol at Officer B, and began firing at Officer B from a distance from approximately ten feet. Officer B, in fear for his/her life, immediately drew his/her service pistol to defend himself/herself.

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

C. Non-Lethal Use of Force

Officer I – Firm Grip

Officer I escorted the Subject in the RA. During his transportation, the Subject initially appeared to be unconscious and was not in handcuffs to allow LAFD personnel the ability to provide medical aid; however, the Subject regained consciousness and became verbally and physically uncooperative with LAFD personnel who were attempting to provide medical aid. The Subject became aggressive and attempted to pull his arms away and sit up. In order to prevent the Subject from taking out an IV or a patch on his gunshot wound, Officer I decided to take control of the Subject's hands and place the Subject in handcuffs. Officer I utilized a firm grip with both hands on the Subject's left wrist and handcuffed the Subject's left wrist to the gurney. Officer I then handcuffed the Subject's right wrist above his head to the gurney, without incident. LAFD personnel then utilized soft restraints to secure the Subject's ankles to the foot of the gurney and placed a spit mask over the Subject's head.

In its review of Officer I's use of non-lethal force, the BOPC noted that Officer I used a minimum level of force to overcome the Subject's resistance and to maintain control of the Subject, who was being detained.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer I, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome the Subject's resistance and to maintain his detention.

The BOPC found Officer I's use of non-lethal force to be in policy.

D. Lethal Use of Force

- According to Officer B, he/she estimated that, during the discharging of his/her service pistol, the distance between him/her and the Subject was approximately 10 feet to four feet. The investigation determined that Officer B fired six or seven rounds.

Volley One

According to Officer B, the Subject had both hands on his gun and pointed it directly at Officer B. Officer B saw the muzzle flash of the Subject's pistol as the Subject was firing rounds at him/her. Officer B immediately fired rounds back at the Subject. The Subject continued to fire his rounds as Officer B discharged his/her service

pistol. Officer B felt that he/she needed to take immediate action in defense of his/her life.

Volley Two

As the Subject was in the process of falling to the ground, the Subject continued to fire rounds at Officer B, which resulted in Officer B firing a second volley of rounds. Officer B stopped firing rounds when he/she believed that the Subject was no longer a threat and would not cause more harm to him/her.

The investigation revealed that the total time for Volley One and Volley Two combined was approximately four seconds.

In this case, the Subject moved to a position of advantage as Officers A and B were in foot pursuit of the driver and appeared to wait for Officer A to pass. The Subject appeared to be following behind Officer A with a handgun in his hand when his attention focused on Officer B, who was trailing behind. Officer B observed the Subject armed with a pistol. Officer B assessed the situation as a potentially lethal force situation and had started to draw his/her service pistol as the Subject suddenly, and without warning, turned and fired multiple times at Officer B. Officer B, in response to the sudden lethal threat, fired between six and seven rounds from a two-handed position at a decreasing distance of ten to two feet. Officer B ceased firing after he/she assessed that the Subject had fallen to the ground and no longer posed a deadly threat.

The BOPC noted that although Officer B used lethal force to defend his/her life, he/she also demonstrated composure even after he/she had been struck by gunfire when he/she assessed the situation and re-holstered his/her service pistol so he/she would not lose control of it and potentially endanger community members by having the firearm unsecured and accessible.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

The BOPC found Officer B's use of lethal force to be In Policy.