

INTRADEPARTMENTAL CORRESPONDENCE

March 8, 2018
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 032-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 032-17. A Use of Force Review Board (UOFRB) was convened on this matter on February 21, 2018. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On May 13, 2017, at approximately 1902 hours, Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Metropolitan Division, were in full uniform, driving an unmarked dual-purpose police vehicle. The officers were conducting crime suppression in the area of 62nd Street and Denker Avenue.

According to the officers, they were driving *north* on Denker Avenue towards 62nd Street, when they observed a *male*, later identified as C. Harden, running in a southwesterly direction *across the parking lot* of Harvard Park, *towards 62nd Street*.

Note: According to the officers, Harvard Park is a *known hangout* for two *criminal street gangs* who *constantly feud* and are responsible for *numerous violent crimes in the area*, including *robberies, shootings, and homicides*.

According to the officers, based upon their observations and *prior experience*, they *had reason to believe that some sort of crime had occurred* in the park and that Harden *was possibly involved, either as a victim or a suspect*. Consequently, they confirmed their observations with each other and then made the decision to *contact Harden to find out what was going on*.

According to Officer [REDACTED], as they *approached* the intersection of Denker Avenue and 62nd Street, Harden *ran south across 62nd Street*, and then *west* on the south *sidewalk*. [REDACTED] observed

[REDACTED]

that Harden *was looking at them the entire time*. Harden *made direct eye contact with* [REDACTED] *and saw that* [REDACTED] *was in full uniform*. At that point, [REDACTED] *believed Harden was now running away from them*.

According to Officer [REDACTED], as Harden *continued running westbound on the sidewalk* [REDACTED] *made a left turn onto 62nd Street and followed Harden from a distance of approximately 12 to 15 yards*. [REDACTED] *identified* [REDACTED] *as the police and then gave Harden numerous commands, through* [REDACTED] *open driver's side window, to stop*. Harden *ignored* [REDACTED] *commands and then ran behind a very large box truck that was parked on the south curb of 62nd Street*.

Note: According to Harden, [REDACTED] *heard one of the officers say something like freeze, stop. Don't run*.

According to Officer [REDACTED], the catering truck *obscured* [REDACTED] *view and* [REDACTED] *lost sight of Harden*. [REDACTED] *stopped their vehicle short of the catering truck to see if Harden was going to continue running westbound on the sidewalk or if* [REDACTED] *was going to enter a yard*. When Harden *did not emerge from the end of the catering truck*, [REDACTED] *partner opened the passenger side door and exited the vehicle*.

According to Officer [REDACTED] *looked in* [REDACTED] *rear-view mirror and observed that Harden had doubled back and was now running eastbound on the south sidewalk of 62nd Street towards Denker*. Harden *was holding his pocket, and based on* [REDACTED] *training and experience*, [REDACTED] *believed that Harden was in possession of narcotics or was carrying a concealed firearm*. [REDACTED] *partner then ran around the back of their vehicle and chased Harden east on the south sidewalk of 62nd Street*.

According to Officer [REDACTED], after [REDACTED] *lost sight of Harden behind the catering truck* [REDACTED] *told* [REDACTED] *partner to stop the vehicle and let* [REDACTED] *out*. As [REDACTED] *exited the vehicle*, [REDACTED] *partner advised* [REDACTED] *to watch Harden's hands*. [REDACTED] *then walked slowly eastbound around the rear of their vehicle, and then south towards the catering truck*. [REDACTED] *believed* [REDACTED] *partner also exited the vehicle and went westbound around the other side of the catering truck*.

Note: According to Officer [REDACTED] *did not exit the vehicle or have any communication with Officer* [REDACTED] *when Harden fled from them (Debriefing Point No. 1)*.

According to Officer [REDACTED] *intended to broadcast that they were Code-Six*. However, [REDACTED] *observed that Harden had turned around and started to run eastbound towards Denker, while holding his right front pant pocket with his right hand*. *Believing that Harden was armed*, [REDACTED] *instead drew* [REDACTED] *service pistol and gave Harden numerous commands to stop and take his hands away from his pocket (Debriefing Point No. 2 and Drawing/Exhibiting)*.

Note: Video footage obtained from a surveillance camera located at [REDACTED] 62nd Street captured Harden running east on the south sidewalk of 62nd Street, while holding his right front pocket area.

According to Officer [REDACTED] advised [REDACTED] partner of [REDACTED] observations and told [REDACTED] *get the car and go southbound Denker to Gage to start containment*. [REDACTED] then *followed* Harden from a distance of approximately 30 to 40 yards, east on 62nd Street, *in containment mode* (Additional Tactical Debrief Topics – Running with a Service Pistol Drawn).

According to Officer [REDACTED], as [REDACTED] ran south on Denker Avenue, [REDACTED] lost sight of Harden for *one or two seconds*. As [REDACTED] approached the *southwest corner* of Denker and 62nd Street, [REDACTED] *intentionally took the corner wide to get a better idea* of Harden's location. As [REDACTED] came around the corner, [REDACTED] observed Harden *running south* on the west sidewalk, approximately 20 to 30 yards in front of [REDACTED]

According to Officer [REDACTED] *put the car in reverse, conducted a J-turn* and drove south on Denker Avenue, *parallel to* [REDACTED] partner, to stay within close proximity of [REDACTED]

According to Officer [REDACTED] *continued* to give Harden commands *to stop and show his hands*. Harden did not *comply* and repeatedly *looked over his right and left shoulder*. Believing that Harden was trying to acquire [REDACTED] location, [REDACTED] ran near the *grass and dirt area, just east of the sidewalk, knowing that [REDACTED] had trees and parked vehicles for cover in case Harden turned around and engaged him*.

According to Officer [REDACTED], as Harden was running towards an *east/west alley, north of Gage Avenue*, [REDACTED] observed Harden *pull out a small pink pistol* with his right hand from his right front pant pocket. Harden was *looking over his right shoulder* and began to *turn his upper torso in [REDACTED] direction*. Harden then *extended his right arm away from his body in [REDACTED] direction*. Believing that Harden was going to shoot [REDACTED] fired one round from [REDACTED] service pistol at Harden to stop the threat (Lethal Use of Force).

After firing [REDACTED] first round, Harden *continued to run southbound* on the sidewalk. [REDACTED] *assessed* and observed that Harden was *still looking over his right shoulder* and his *arm was still coming up to still engage him*. In fear for [REDACTED] life, [REDACTED] *slowed down to a jog* and fired a second round from [REDACTED] service pistol at Harden to stop the threat (Lethal Use of Force).

After firing [REDACTED] second round, Harden *continued running at full speed* and *maintained his same posture*. [REDACTED] *assessed* and observed that Harden was *still looking in [REDACTED] direction with his arm extended out to his side*. In fear for [REDACTED] life, [REDACTED] *slowed down further* and fired a third round from [REDACTED] service pistol at Harden to stop the threat (Lethal Use of Force).

According to Officer [REDACTED], after firing [REDACTED] third round, Harden *continued running past the alley and threw the pistol over a fence west of [REDACTED] location*. After discarding the pistol, Harden *continued running southbound towards Gage Avenue*. [REDACTED] advised [REDACTED] partner that Harden *threw the pistol* and then *broadcast an officer needs help call* (Additional Tactical Debrief Topics – Situational Awareness).

Note: The investigation revealed that in addition to the Help Call, Officer [REDACTED] also broadcast their location, suspect description, direction of travel and requested a perimeter.

According to Officer [REDACTED] observed Harden *slow down, turn and then point a firearm in [REDACTED] partner's direction.* [REDACTED] then *heard gunshots* and observed [REDACTED] *partner firing* at Harden. Harden then *threw the firearm over a wall and continued running southbound on the west sidewalk of Denker towards Gage.*

Note: According to Harden, "*I threw the gun before [REDACTED] [Officer [REDACTED]] started shooting at me. When I threw the gun, boom, boom, boom, boom, boom, boom.*" Harden's handgun was recovered in the rear yard of [REDACTED] West Gage Avenue.

Officers [REDACTED] Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Metropolitan Division, and Officers [REDACTED] Serial No. [REDACTED], and [REDACTED] Serial No. [REDACTED] 77th Patrol Division, responded to the Help Call.

According to Officers [REDACTED] and [REDACTED], they were on *the northwest corner of Denker and Gage.* They communicated that they needed *set up a perimeter to contain* Harden and agreed that Officer [REDACTED] would remain on the corner to monitor *Gage*, while Officer [REDACTED] would monitor the entrance of the *east/west alley.*

According to Officer [REDACTED], while monitoring Gage Avenue, [REDACTED] heard the *sound of a little girl screaming coming from the residence where [REDACTED] last observed Harden run* through and feared that Harden may *take a hostage or harm other civilians at that residence or next door.* Consequently, [REDACTED] *made the decision to run down the same path as Harden to get a visual of what was going on in the backyard* of the residence (Debriefing Point No 3).

According to Officer [REDACTED] ran to the *rear yard* of the residence, *opened a gate leading to the east/west alley*, and entered the alley. [REDACTED] *looked to the east* and observed [REDACTED] *partner* on Denker Avenue *standing at the mouth of the alley behind a steel security gate* that restricts access to the alley.

According to Officer [REDACTED] was standing on Denker Avenue at the mouth of the alley and observed Harden *hop over into east west alley and run in a westbound direction.* Approximately *ten seconds* later, [REDACTED] observed [REDACTED] *partner hop over the fence into the alley*, as Harden was going *southbound over another fence and into the yard of another residence.*

[REDACTED] observed that [REDACTED] *partner* was approximately *60 feet* west from [REDACTED] [REDACTED] *wanted to get to [REDACTED] partner*, but was unable to do so because of the *tall metal wrought iron fence* that blocked the entrance to the alley. So, [REDACTED] decided to go *around and ran south on Denker Avenue* towards Gage Avenue.

[REDACTED] then *heard another scream coming from the neighboring residence, just west of [REDACTED] location.* [REDACTED] *ran toward the scream*, and observed a *wooden pedestrian gate that opens up to the alley.* [REDACTED] *looked through the wooden slats of the gate* and observed Harden *running around the garage of the residence.* At that point, [REDACTED] noticed [REDACTED] *partner was standing next to [REDACTED]*

According to Officer [REDACTED] then *heard another little girl scream*. Believing that someone may be in danger, [REDACTED] *made the decision to knock down the gate*. [REDACTED] and [REDACTED] partner then *entered the yard and encountered a family, who were pointing toward a wall west of their location, and stating, he [Harden] went that way*.

According to Officer [REDACTED] and [REDACTED] partner then *walked back out to Gage Avenue, where they encountered a couple of officers in front of the residence*. [REDACTED] *directed the officers to go to the back yard and cover the alley, and then broadcast another description of Harden*. As soon as [REDACTED] finished [REDACTED] broadcast [REDACTED] *heard another officer broadcast they had Harden bedded down four or five residences west of their location*. [REDACTED] and Officer [REDACTED] then proceeded to their location.

According to Officer [REDACTED], as [REDACTED] approached Gage Avenue, [REDACTED] *heard [REDACTED] partner broadcast that Harden was running towards Gage*. [REDACTED] *held on the northwest corner of Gage and Denker and then immediately observed Harden appear from a residence on Gage Avenue, approximately three houses west of [REDACTED] and run eastbound in [REDACTED] direction*. [REDACTED] also observed that *three to four officers had arrived west of [REDACTED] location*.

According to Officer [REDACTED], [REDACTED] *ran westbound towards Harden* [REDACTED] *observed Harden run northbound down a driveway of a residence*. Harden then *broke through a red wooden fence and continued north towards the alley*. At that point, [REDACTED] *believed [REDACTED] met up with [REDACTED] partner and some other officers, and then they continued to pursue Harden as [REDACTED] hopped over a fence into the alley*.

According to Officer [REDACTED] *hopped over the fence to keep eyes on [REDACTED] and then observed Harden, approximately three or four houses west of [REDACTED] hopping over another fence*. As [REDACTED] *held [REDACTED] position in the alley, [REDACTED] heard someone broadcast that Harden was pinned down on a front doorstep*. [REDACTED] then *came back out to Gage to locate a supervisor*.

According to Officers [REDACTED] and [REDACTED] they observed Officers [REDACTED] and [REDACTED], near the northwest corner of Gage Avenue and Denker, *motioning for them to drive west on Gage Avenue*. They conducted a U-turn, drove *west on Gage Avenue and stopped midblock between Harvard Boulevard and Denker Avenue*.

According to Officer [REDACTED], as Officers [REDACTED] and [REDACTED] were running up to their vehicle, [REDACTED] *observed Harden come out onto Gage Avenue*. [REDACTED] *exited the vehicle and drew [REDACTED] service pistol*. Harden observed *all the officers on the sidewalk and ran back northbound through the property of a residence*. [REDACTED] then holstered [REDACTED] service pistol and joined Officers [REDACTED], [REDACTED] and [REDACTED] in foot pursuit of Harden (Drawing/Exhibiting).

According to Officer [REDACTED] and Officer [REDACTED] pursued Harden *through the property and into the east/west alley*. As they followed Harden *westbound in the alley, Harden hopped a fence and ran southbound through the houses towards Gage again*. [REDACTED] *joined another two officers on the west side of the alley, drew [REDACTED] service pistol a second time and held that portion of the alley* (Drawing/Exhibiting).

According to Officer [REDACTED] [REDACTED] observed Officer [REDACTED] in pursuit of Harden northbound through the houses. [REDACTED] exited the vehicle and followed Officer [REDACTED] through the yard. As they entered the alley, [REDACTED] drew [REDACTED] service pistol and then observed Harden running westbound through the alley. [REDACTED] and Officer [REDACTED] then held their positions and observed Harden hop over a wall going southbound again (Drawing/Exhibiting).

According to Officers [REDACTED] and [REDACTED] as they were responding eastbound on Gage Avenue, they observed two officers in foot pursuit of Harden, westbound on Gage Avenue. Harden then ran northbound through a residence. They stopped their police vehicle west of the residence, exited, and advised CD that they were in foot pursuit of Harden northbound through the houses.

According to Officers [REDACTED] and [REDACTED], Harden ran through the house into the backyard of the property and then jumped over a fence into the alley. They entered the alley and observed Harden approximately three properties west of their location.

According to Officer [REDACTED] moved west and observed Harden on the front porch of a residence located at [REDACTED] West Gage Avenue. [REDACTED] drew [REDACTED] service pistol and gave Harden commands to show his hands. Harden refused to comply and then sat down on the porch. [REDACTED] then broadcast Harden's location to the other units and assumed a position of cover behind a vehicle parked in the roadway (Drawing/Exhibiting).

According to Officer [REDACTED] ran approximately two houses to the west, drew [REDACTED] service pistol and assumed a position of cover behind a vehicle parked in front of the residence. [REDACTED] then observed Harden on the porch of the residence and gave him commands to put his hands up (Drawing/Exhibiting).

Sergeants [REDACTED] Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED], Metropolitan Division, responded and began to assess the situation. Sergeant [REDACTED] assumed the role of Incident Commander (IC), while Sergeant [REDACTED] assumed the role of tactics supervisor.

Sergeants [REDACTED] and [REDACTED] formulated a tactical plan and an arrest team to take Harden into custody. After communicating with Harden for a short period of time, Harden surrendered and was taken into custody without further incident.

Sergeant [REDACTED] ensured the involved officers were separated and obtained a Public Safety Statement (PSS) from Officer [REDACTED]. Sergeant [REDACTED] obtained a PSS from Officer [REDACTED].

Los Angeles Fire Department (LAFD) personnel responded and transported Harden to Centinela Freeman Medical Center, where he was treated for pain to his torso and a dog bite to his right ankle that Harden sustained when he jumped in a backyard of one of the residence.

FINDINGS

Tactics – Administrative Disapproval, Officers [REDACTED] and [REDACTED]. Tactical Debrief, Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

Drawing/Exhibiting – In Policy, No Further Action, Officers [REDACTED], [REDACTED], [REDACTED], Portillo, and Palacios.

Lethal Use of Force – In Policy, No Further Action, Officer [REDACTED].

ANALYSIS

Detention

While on patrol, the involved officers observed the suspect running at a fast pace from a known gang location. They believed some sort of crime had occurred and that the suspect was possibly involved either as a victim or a suspect. When one of the officers attempted to get the suspect to stop by identifying himself and giving him commands, the suspect ignored the commands and fled away from the officers, resulting in a foot pursuit. The officers' 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).

[REDACTED]

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 suspect immediately fled from the officers while holding onto his front right pant pocket, causing the officers to believe that he might possibly be armed. When one of the officers ordered the suspect to stop and show his hands, the suspect ignored the commands and continued running then produced a handgun, turned and pointed the handgun at the officer.

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

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

Debriefing Point No. 1 Tactical Communication and Planning
(Substantial Deviation – Officers [REDACTED] and [REDACTED])

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 No. 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 [REDACTED] and [REDACTED] did not effectively communicate their observations or actions with one another on multiple occasions throughout the incident.

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.

In this case, the officers' lack of planning and communication with one another during the incident, placed the officers at a significant tactical disadvantage.

Based upon the totality of the circumstances, I have determined that Officers [REDACTED] and [REDACTED] lack of communication and planning during this incident was a substantial deviation, without justification, from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

Debriefing Point No. 2 Code Six (Substantial Deviation – Officers [REDACTED] and [REDACTED])

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a back-up, assistance, or help location.*

Note: The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).

Officers [REDACTED] and [REDACTED] did not advise Communications Division (CD) of their Code Six location prior to conducting a pedestrian stop on Harden.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this case, the officers had sufficient time to broadcast their Code Six location, as well as any other relevant information prior to initiating their investigation.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers [REDACTED] and [REDACTED] decision not to advise CD of their Code Six location was a substantial deviation, without justification, from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

Debriefing Point No. 3 Separation (Substantial Deviation - Officer [REDACTED])

Separation (Split Up): *Separation occurs whenever the distance between the two officers is so great that one cannot render aid to the other when confronted by the suspect or barriers exist that would unreasonably delay the partner officer from being able to render aid.*

Note: *While in containment mode, partner officers may separate a reasonable distance for the limited purpose of setting up a perimeter, as long as they have line of sight with each other. When separated, officers should not normally transition back into apprehension mode and attempt to take the suspect into custody alone.*

Officer [REDACTED] separated from his partner and pursued the suspect on two separate occasions without communicating [REDACTED] intentions to [REDACTED] partner.

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.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] decision to separate from his partner was a substantial deviation, without justification, from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

Additional Tactical Debrief Topics

Running with Service Pistol Drawn – The investigation revealed Officer [REDACTED] pursued Harden with his service pistol drawn. Officer [REDACTED] is reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol. I will direct this be a topic of discussion during the Tactical Debrief.

Situational Awareness – The investigation revealed that Officer [REDACTED] initially advised CD their location was *Gage and Denver* and then provided the correct location during a subsequent broadcast. Officer [REDACTED] is reminded of the importance of broadcasting the correct location to ensure responding units arrive in a timely manner. In an effort to enhance future performance, I will direct this be a topic of discussion during the Tactical Debrief.

Command and Control

Sergeant [REDACTED] responded and assumed the role of IC. He ensured that the involved officers were separated and obtained a PSS from Officer [REDACTED]. Sergeant [REDACTED] assumed the role of tactical supervisor and obtained a PSS from Officer [REDACTED].

The actions of these supervisors were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, I find that the tactics utilized by Officers [REDACTED] and [REDACTED] substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, I find that the tactics utilized by Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] did not 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 and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] attend a Tactical Debrief and that the specific identified topics are discussed.

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

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

General Training Update (GTU)

On May 23, 2017, Officers [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered, including Force Option Simulator.

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 1, Section 556.80).

According to Officer [REDACTED], he observed that Harden had turned around and started to run east towards Denker, while holding his right front pant pocket with his right hand. Believing that Harden was armed, he drew his service pistol.

Officer [REDACTED] recalled,

He was grasping his right front pant pocket and I believed at the time that he was armed. I saw the suspect running in an eastbound direction or towards my direction, he was holding his right front pocket. At that time, I believe that he was armed. I actually un-holstered, believing that the suspect was armed and I had reason to believe that the situation can escalate to the use of deadly force. █

[REDACTED]

According to Officer [REDACTED] due to the nature of the broadcast, [REDACTED] drew [REDACTED] service pistol and assumed a position of cover behind a vehicle parked in front of the residence.

Officer [REDACTED] recalled,

At that point, I'm using - - I un-holster my weapon. That was the area where I last saw the suspect. You know, the broadcast came out as a suspect of the shooting so I don't know if the suspect is still armed at that point so my safety and my partner's safety I un-holstered my weapon. I have like a low-ready position. I'm taking cover behind a vehicle that's parked in front of the residence.

According to Officer [REDACTED] observed Harden on the front porch of a residence and drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

Officers made it to that location. We observed the suspect in front of the house at which point we drew our firearms - - well, I drew my firearm. I drew my firearm based on the tactical situation. Officer needs help, shots fired call. It sounds like a situation that would be - - that has potential to escalate to the point where deadly force will be justified.

According to Officer [REDACTED] observed Harden come out onto Gage Avenue. [REDACTED] exited the vehicle and drew [REDACTED] service pistol. Harden then ran back northbound through the property of a residence. [REDACTED] holstered [REDACTED] service pistol and pursued Harden through the residence and into the east/west alley. [REDACTED] joined another two officers on the west side of the alley, drew [REDACTED] service pistol a second time, and held that portion of the alley.

Officer [REDACTED] recalled,

When the suspect had popped out onto the street side, I remember unholstering at that point. Well based on the nature of the request that was made for the help call, I had reason to believe that the tactical situation we were involved in could lead to the use of deadly force. As soon as the suspect ended up running northbound through the property, I holstered my weapon. I then un-holstered once I hopped into the fence. Yes. Into the property where he had been seen.

According to Officer [REDACTED] exited [REDACTED] vehicle and followed Officer [REDACTED] in foot pursuit of Harden. As they entered the alley, [REDACTED] drew [REDACTED] service pistol due to the tactical situation and fact that shots had been fired.

[REDACTED]

Officer [REDACTED] recalled,

When I got into the alley at the same time as Officer [REDACTED] I drew my weapon. Due to the tactical situation because of the fact that the suspect - - it had been a shots fired and the suspect possibly ad a firearm on him. And deadly force might be used so I took a two-handed grip on the weapon, finger on the side of the frame.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED] [REDACTED] and [REDACTED], while faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

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 1, Section 556.10).*

Officer [REDACTED] – .45 caliber, three rounds, in a southerly direction.

First Round – From an approximate distance of 50 feet.

According to Officer [REDACTED] observed Harden pull out a small pink pistol with his right hand from his right front pant pocket. Harden was looking over his right shoulder and began to turn his upper torso in [REDACTED] direction. Harden then extended his right arm away from his body in [REDACTED] direction. Believing that Harden was going to shoot [REDACTED] fired one round from [REDACTED] service pistol at Harden to stop the threat.

Officer [REDACTED] recalled,

At that point, I observed him to pull out a small pistol. I want to scay it had black grips, but

[REDACTED]

it was pink. He was still looking over his right shoulder and his arm went down and extended more towards my direction. But once I saw him turning with his arm away from his body, at that time I had reason to believe that the suspect was going to engage me and to protect myself from serious bodily injury or death, I fired off a first round.

Second Round – From an approximate distance of 65 feet.

According to Officer [REDACTED], after firing [REDACTED] first round, Harden continued to run southbound on the sidewalk. [REDACTED] assessed and observed that Harden was still looking over his right shoulder and his arm was still coming up to engage [REDACTED]. In fear for [REDACTED] life, [REDACTED] slowed down and fired a second round from [REDACTED] service pistol at Harden to stop the threat.

Officer [REDACTED] recalled,

I continued running and the suspect's arm still kept on coming up. Assessing that, knowing that he was still probably going to engage me and in fear of my life, I fired off a second round to protect myself from serious bodily injury or death. He was more committed southbound, but his body was still turned at a - - at a degree where he can still engage me

Third Round – From an approximate distance of 56 feet.

According to Officer [REDACTED], after firing [REDACTED] second round, Harden continued running at full speed and maintained his same posture. [REDACTED] assessed and observed that Harden was still looking in [REDACTED] direction with his arm extended out to his side. In fear for [REDACTED] life, [REDACTED] slowed down further and fired a third round from [REDACTED] service pistol at Harden to stop the threat.

Officer [REDACTED] recalled,

I assessed as far as once that round went off, I didn't see him flinch. I didn't see him go down. He was still maintaining his posture. He was still looking towards me with his arm still out at his side. Continued running, still in the same direction, same path, arm was still extended at 30 or 45 degrees, still looking at me. I fired off the third round

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED] would reasonably believe Harden'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 [REDACTED] Use of Lethal Force to be objectively reasonable and In-Policy, No Further Action.

[REDACTED]

Audio/Video Recordings

Digital In-Car Video System (DICVS) / Body Worn Video (BWV) – Metropolitan Division police vehicles were not equipped with DICVS at the time of this incident. Metropolitan Division and 77th Street Division officers were not equipped with BWV at the time of this incident.

77th Street Division police vehicles were equipped with DICVS. However, all vehicles equipped with DICVS units arrived after the OIS.

Outside Video – Surveillance cameras located on the exterior of 1610 West 62nd Street, captured Harden running from the parking lot of Harvard Park and then west on the south sidewalk of 62nd Street, followed by Officers [REDACTED] and [REDACTED]' police vehicle. They also captured Officer [REDACTED] in foot pursuit of Harden east on 62nd Street, followed by Officer [REDACTED] in their police vehicle.

Respectfully,



CHARLIE BECK
Chief of Police

Date: _____

3-8-18