

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

OFFICER-INVOLVED SHOOTING – 035-19

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

77th Street 7/26/219

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

Officer A 10 years, 7 months

Reason for Police Contact

Officers went in foot pursuit of a male they believed to be armed with a handgun. During the foot pursuit, the male turned toward the officers while holding the handgun resulting in an Officer-Involved Shooting (OIS).

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 June 23, 2020.

Incident Summary

Uniformed Police Officers A and B were on patrol and were both equipped with Body Worn Video (BWV), driving a marked black and white, hybrid police vehicle.

Over a three-year period assigned to 77th Street Patrol, Officers A and B had been assigned as partners on numerous occasions. At the time of this incident, Officers A and B had been assigned as partners for three weeks and had discussions regarding contact and cover, foot pursuit tactics, and the containment of armed suspects. During the officers' discussions regarding foot pursuits of armed suspects, they agreed they would follow a suspect to set up containment.

Officers A and B were patrolling in the when they observed a large group of people gathered in a park. The officers believed a group this large was unusual and decided to get out of their police vehicle. According to Officer A, their intention was to walk through the park and conduct consensual encounters, to see if anyone in the group drew their attention.

Officers A and B have encountered similar situations several times in the past. It has been their practice to walk toward a particular group to see if anyone appeared to be trying to evade contact, get away, or was holding a weapon. Officers would communicate their observations to each other, and then coordinate the response of additional units to contain the individual.

Upon entering the park, the officers observed people drinking alcohol and smelled the odor of marijuana. According to Officer A's BWV, approximately 40 seconds after they exited their vehicle, Officer A used his/her hand-held police radio and notified Communications Division (CD) that his/her unit had arrived at the location (Code Six). Officer A also requested two additional units to respond for a group that was causing a disturbance.

According to Officer A's BWV, prior to making the broadcast he/she and Officer B had already walked through the crowded park to the opposite side from which they had entered, where they contacted two people they had seen walking away from the group.

As the officers walked through the park, Officer A observed two males exiting the park, in what Officer A believed to be an attempt to evade contact.

According to Officer A, as he/she and his/her partner exited the park, he/she illuminated the two males with his/her flashlight. One of the males (the Subject) looked in the officers' direction and appeared to be startled by their presence. The Subject slipped and fell as he attempted to flee while holding a heavy object in his pants pocket.

The Subject held onto the object in his pants pocket, regained his footing, and ran into a multi-family apartment complex adjacent to the park. According to Officer A, he/she was in a "containment mode" as he/she ran behind the Subject and tried to maintain

sight of him. Officer A wanted to ensure the Subject did not run into one of the apartments or flee through the rear of the complex.

According to Officer B's BWV, Officer B used his/her hand-held police radio and broadcast a request for a back-up for a "415 man with a gun" at the location.

Officer A stated he/she believed the Subject was armed and the situation could lead to the use of deadly force when he/she unholstered his/her Department-approved semi-automatic handgun. Officer A described holding his/her handgun at an approximate 45-degree angle with his/her index finger along the frame, in a "modified low-ready" and held his/her flashlight in his/her left hand, as he/she ran behind the Subject.

According to Officer A, as the officers ran after the Subject through the apartment complex, he/she momentarily lost sight of the Subject. Officer A continued to run in the direction he/she last saw the Subject and as he/she came upon a courtyard area, to the rear of the location, he/she re-acquired sight of him. Officer A found him/herself to be five to seven feet away from the Subject when he/she observed the Subject turning toward him/her, in a clockwise direction. As the Subject turned, Officer A observed a black handgun in the Subject's left hand.

Officer A feared the Subject was turning to shoot him/her. According to Officer A's BWV, he/she fired four times at the Subject while continuously illuminating him with the flashlight in his/her left hand.

According to Officer A, the incident unfolded rapidly, and he/she was unable to use the sights on his/her handgun to acquire a sight picture. Officer A stated he/she was "point shooting," which he/she explained as attempting to point his/her firearm in the direction of the suspect and get a close proximity hit. Officer A stated that he/she was aiming for the Subject's torso area.

As Officer A fired at the Subject, he/she continuously assessed whether his/her rounds were effective. Officer A explained that he/she was looking to see if the Subject continued turning toward him/her or if he dropped the firearm. During the OIS, Officer A was aware that his/her background was a tall stucco wall.

Officer A knew his/her rounds were effective and he/she stopped firing when the Subject dropped the handgun and he fell to the ground.

According to Officer A's BWV, as the Subject was falling, an object that appears to be a handgun is seen lying on the ground next to the Subject.

The Subject initially fell into a supine position and immediately put both of his hands up in an outward direction. The Subject can be heard stating, "I don't have nothing man." Officer A instructed Officer B to "Put it out," before he/she told the Subject, "Do not reach."

Simultaneous to Officer A giving the Subject commands, after initially going Code Six, Officer B broadcast to CD a "Shots fired, officer needs help" call at their location.

According to Officer A's BWV, he/she ordered the Subject to roll over onto his stomach and advised Officer B, "The gun is behind him."

According to Officer B's BWV, as he/she approached the Subject for handcuffing, a black handgun was visible on the ground, within 1 to 2 feet from the Subject's upper torso.

According to Officer A's BWV, Officer B handcuffed the Subject as Officer A used his/her hand-held radio to notify CD that the Subject was in custody. Thirty-five seconds after the OIS, as Officer A was completing a notification to CD, a male later identified as Witness A, appeared to have climbed over a chain-link fence that stood between the park where the large group was gathered, and where the OIS occurred. Officer A's BWV depicts Witness A approaching, as Officer A broadcast a request for immediate back-up for a "415 group" at their location.

Officer B stated to FID investigators that during the incident he/she remained holstered until he/she observed Witness A approach. Officer B unholstered his/her semi-automatic handgun and held it at a low-ready position. Officer B repeatedly told Witness A to get back and to not come any closer.

According to Officer B's BWV, Witness A was detained by the responding officers.

Witness A stated he was looking through an opening in a fence, when he observed the Subject turn toward the officers with his hands up. The officers then shot the Subject three times. Witness A stated he never observed the actual shooting, but he heard the gunfire. Witness A stated he did not observe the Subject in possession of a handgun. Witness A also stated he filmed the incident using his cellular telephone. However, when Witness A was detained, his cellular telephone was confiscated. When officers returned the cellular telephone to Witness A, he discovered the video had been deleted. Witness A later advised an FID investigator that he may not have recorded any video related to the OIS. An officer from the Technical Investigation Division examined Witness A's cellular telephone and determined that video from the OIS was never recorded on Witness A's phone.

A complaint relating to this issue was generated and forwarded to Professional Standards Bureau for investigation.

According to Officer B's BWV, approximately one minute and 14 seconds after the OIS, Officer B requested a Rescue Ambulance (RA).

The Los Angeles Fire Department (LAFD) received the alarm to respond to the location.

Additional officers responded to the scene to assist. Officers cordoned off the crime scene and formed a skirmish line to disperse a large crowd that was yelling obscenities at the officers.

Officer C has a background in tactical medical treatment and provided the Subject with first aid. Officer C stated that while accessing the Subject's injuries, he/she observed a gunshot wound to the Subject's right side and a through and through gunshot wound to his right hand. Officer C applied a chest seal and attempted to make the Subject comfortable until the RA arrived at scene.

According to Sergeant A's BWV, upon arrival, he/she separated Officers A and B and obtained a Public Safety Statement from Officer A.

LAFD personnel arrived at scene. Firefighter/Paramedics provided emergency medical treatment to the Subject for a gunshot wound to the right flank and the right hand. The Subject was transported to the hospital. An officer accompanied the Subject in the RA with his/her BWV activated. According to the officer's BWV, the Subject did not make any statements regarding the OIS while en route to the hospital.

The LAFD RA arrived at the hospital with the Subject, and the Subject was admitted to the hospital for his injuries.

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 and B's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Use of Lethal Force

The BOPC found Officers A's use of 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), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

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 suspect’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.

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/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

- **Tactical De-Escalation**

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.

Planning – Officers A and B had worked together various times in the past and had addressed general tactics including contact and cover, foot pursuit tactics and the containment of armed suspects. During the officers' discussions regarding foot pursuits of armed suspects, they agreed to follow the suspect and set up containment. During previous situations in which they encountered groups of individuals at various locations, Officer A stated he/she and Officer B would walk toward the group to see if anyone appeared to be trying to avoid or evade contact with them. The officers would focus on those individuals and determine if they were armed or were involved in illegal activity. The officers' plan included communicating their observations to each other and then requesting resources to contain and apprehend those individuals. Officers A and B did not formulate a specific plan for this incident and did not consider utilizing available additional resources in order to conduct a more tactically sound investigation. Based on Officers A and B's knowledge of activity at the location, the BOPC would have preferred they establish surveillance of the group. The BOPC would have preferred that Officers A and B not base their enforcement action on the mere fact that an individual avoids contact or runs from them, as this could result in officers engaging in foot pursuit without reasonable suspicion, or reasonable resources.

Officers A and B observed the Subject lose his balance and grasp a heavy object in the area of his right front pants pocket and have his hands near his waistline. The officers independently formed the opinion that the Subject was armed with a handgun and initiated a foot pursuit of him. Officers A and B pursued the Subject through a multi-unit apartment complex with minimal distance between them and the Subject in order to maintain a visual of the Subject, to prevent him from entering nearby apartments and prevent his escape. This incident would have benefitted with the coordination and pre-planning of Officers A and B with other available additional resources.

Assessment – Officers A and B assessed the situation as they observed a large group of individuals that were gathered at the park after the park was closed to the public. The officers elected to place themselves on foot patrol to gain further information and requested two additional units to respond to the location due to the size of the crowd.

Officer A observed the Subject begin to leave the park and believed he was attempting to evade contact. The officers followed behind the Subject to determine if he was armed with a weapon or if any criminal activity was occurring. Officers A and B observed the Subject lose his balance and grasp a heavy object in the area of his front right pants pocket.

The officers' assessment led them to believe that the Subject was armed with a handgun, and Officer A drew his/her service pistol as he/she proceeded to pursue the Subject on foot.

Officer A observed the Subject turn toward him/her with a black handgun, assessed the deadly threat, and fired four rounds from his/her service pistol at the Subject. Officer A assessed as he/she fired the four rounds and considered if the Subject still presented an imminent threat after each round fired. Officer A continued to assess after the OIS and advised Officer B that the Subject's handgun had fallen on the ground next him. Officer A assessed the tactical situation immediately after the OIS and directed Officer B to handcuff and take the Subject into custody as he was in close proximity to the officers and was lying unsecured next to a handgun. Additionally, Officer B assessed the situation immediately following the OIS and broadcast an officer needs help call as in addition to requesting an RA for the Subject's injuries.

Time – After observing the Subject lose his balance and grasp a heavy object in the area of his right front pants pocket, Officers A and B immediately pursued the Subject and ordered him to get down on the ground and put his hands up. As they continued to pursue him through a multi-unit apartment complex, Officer A observed the Subject, suddenly and without warning, begin to turn in a clockwise direction toward him/her while holding a black handgun in his left hand. Officer A stated he/she fired his/her service pistol to protect him/herself and Officer B from the deadly

threat the Subject presented. The Subject's actions and escalation of the encounter did not afford the officers additional time to respond to his deadly actions and significantly limited their tactical options.

Redeployment and/or Containment – Upon locating the Subject and observing him lose his balance and grasp a heavy object in the area of his right front pants pocket, Officers A and B formed the opinion that the Subject was armed with a handgun. Officers A and B initiated a foot pursuit and pursued the Subject through a multi-unit apartment complex. As the Subject entered the courtyard area of the complex, he abruptly stopped and began to turn in a clockwise direction toward the officers while holding a black handgun in his left hand. Due to the rapid manner in which the Subject turned toward Officers A and B while armed with a handgun, and the minimal distance between the officers and the Subject, the officers had an extremely limited time in which to react to the deadly threat presented by the Subject. The rapid and dynamic nature of the foot pursuit, coupled with the Subject's actions, in which he unexpectedly turned toward Officers A and B while armed with a handgun, did not allow distance or time for Officers A and B to redeploy.

While in foot pursuit of the Subject, Officers A and B's actions and proximity to the Subject indicated they were attempting to apprehend him and were not in containment mode. The BOPC would have preferred that once Officers A and B formed the opinion that the Subject was armed with a firearm, they should have discontinued their foot pursuit, gone into containment mode and established a perimeter in an effort to contain him.

Other Resources – When Officers A and B initially observed the large group of individuals gathered in the park, they requested two additional units due to the size of the group. Officers A and B initiated a foot pursuit of the Subject prior to forming the opinion he was armed with a handgun, Officer B requested additional resources to their location when he/she broadcast a backup request for a man with a gun. Officer B further broadcast an officer needs help call for an OIS and once again requested additional resources to respond for officers confronting a large crowd which had become agitated. Additionally, Officer B requested an RA to respond immediately after the OIS for the Subject's injuries.

Lines of Communication – Officers A and B initially did not establish clear lines of communication with each other. Officers A and B relied upon non-verbal cues and minimal verbal communication after they exited their police vehicle. Officer A directed Officer B's attention to an unidentified individual by briefly pointing and stating, "Hey, tank top right here," just prior to initiating a consensual encounter with the individual as he was attempting to leave the park. Officers A and B maintained limited lines of communication as Officer B was alerted by Officer A's non-verbal cue when he/she began to run after the Subject.

However once their focus shifted to the apprehension of the Subject, Officers A and B utilized open lines of communication. Officers A and B utilized clear direct commands when ordering the Subject to show his hands and get down on the ground as they pursued him. Officer B continued to maintain open lines of communication with CD when he/she requested a back-up for a man with a gun. Immediately following the OIS, Officer A maintained communication with the Subject by directing him to turn over onto his stomach. Officer B once again continued to communicate and update responding units by broadcasting a “shots fired, officer needs help” call, as well as requesting an RA for the Subject’s injuries. Officers A and B continued to speak to the Subject as Officer C provided medical aid, in an attempt to keep the Subject conscious and assess his injuries.

The BOPC noted that due to the rapid and dynamic nature of this incident, the involved officers had limited time to react to the deadly actions of the Subject. Officer A observed the Subject grasp a heavy object in his right front pants pocket while Officer B observed the Subject’s hands near his waistline area. Both officers formed the opinion that the Subject was armed with a handgun. Officers A and B immediately attempted to detain the Subject based on their belief that he was armed with a handgun and posed an immediate danger to the community. Officers A and B attempted to de-escalate the encounter by giving clear commands directing the Subject to show his hands and get on the ground. The commands were given in an attempt to gain compliance and allow additional time to calmly resolve the incident. However, the Subject did not comply and abruptly turned toward Officers A and B, armed with a black handgun in his left hand. The Subject’s deadly actions, in close proximity to the officers, extremely limited the time and options the officers had, and forced them to react to the imminent deadly threat presented toward them. Officers were required to make decisions that balanced the safety of the community and their own welfare while presented with an imminent deadly threat.

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

1. Tactical Planning/Communication

Officers A and B failed to develop and communicate a clear tactical plan for the large group of individuals they encountered during the evening at the location.

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 recognition of an unsafe situation and by working together 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 incident, Officer A stated he/she and Officer B intended to follow a strategy they had used in the past by conducting consensual encounters with members of

the group while assessing to see if any individuals attempted to evade them. The officers would then ascertain if the individuals attempting to avoid contact were armed or involved in any illegal activity. The officers intended to communicate their observations and direct additional resources to assist with containment and apprehension. According to Officer A, he/she observed the Subject attempting to evade contact, however he/she did not communicate his/her observation to Officer B, but instead immediately ran after the Subject in order to ascertain if the Subject was armed with a weapon or involved in any illegal activity. The BOPC was critical of Officers A and B's failure to develop a clear tactical plan, which indicated complacency and a lack of consideration for the unusual size of the group, the specific time of night, and the availability of additional resources.

The BOPC considered that Officer A is an experienced officer with specific knowledge of the park as well as the suspects who were known to congregate in the park. The BOPC noted that after observing an unusually large group of individuals gathered at the park during the evening, Officers A and B had sufficient time to communicate and formulate a focused plan, considering the group was not aggressive nor agitated at the time. This lack of communication and planning, which did not take into account the size of the group of individuals, the time of night, as well as the available resources, put the officers at a distinct tactical disadvantage. Officers A and B did not completely develop or communicate a clear tactical plan between each other or with the inclusion of additional officers.

The BOPC noted that the officers had an unclear plan, and the encounter would have benefitted from a more focused approach with additional planning utilizing all available resources focused on a specific objective.

The BOPC would have preferred a more objectively based plan which included more thorough planning, such as having additional resources nearby and out of visual contact. Officers A and B utilized a poor strategy they had employed in the past, based on the unusually large group of individuals that had congregated in the park at that particular time of night. The BOPC would have preferred that Officers A and B not run after individuals who simply evade contact with police but instead establish an observation post and conduct surveillance of individuals they suspect are in possession of weapons or involved in other criminal activity. Once a crime has been established, officers should then coordinate with additional resources to contain the suspect and take appropriate enforcement action to ensure the safety of officers and the public. The BOPC would have also preferred that Officer A communicate his/her observations of the Subject to Officer B prior to taking any action as the officers had planned in prior discussions regarding tactics. Additionally, the incident may have also benefitted from the request for an Air Unit to respond to the location. This would have allowed for the coordination of additional resources.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's lack of tactical planning and communication was a substantial deviation, without justification, from approved Department tactical training.

2. Code Six

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of the involved officers' location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

Officers A and B did not advise CD of their location expeditiously, waited until approximately 40 seconds after they exited their vehicle, and had already entered a significant distance into the park.

The BOPC noted Officer A is an experienced officer with extensive knowledge of the park. The BOPC was critical of Officers A and B's action of not broadcasting their Code Six location until approximately 40 seconds after they had parked and exited their police vehicle which the UOFRB majority opined compromised the officers' safety and placed them in a tactically disadvantageous position. The officer's plan was to conduct consensual encounters with individuals inside the park, but their actions contradicted this plan when they approached and questioned individuals and shined their hand-held flashlights at them all prior to going Code Six.

The BOPC noted that Officers A and B had sufficient time to broadcast their Code Six location, as well as any other relevant information, prior to making contact with any of the individuals in the park. The large group in the park did not appear aggressive or hostile and the officers were not confronted immediately with circumstances or serious criminal activity which would have prevented them from broadcasting their Code Six location. Additionally, Officers A and B contacted unidentified individuals after entering the park and prior to broadcasting their Code Six location.

Considering that Officers A and B immediately identified an unusually large group of individuals who had congregated at the park during the evening, the BOPC would have preferred that the officers broadcast they were Code Six immediately upon exiting their police vehicle. Field investigations may escalate unexpectedly and may require the response of additional resources, as it did in this incident. Therefore, it is essential that officers provide their location and the nature of their investigation in order to keep surrounding resources informed should such a situation arise.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's failure to broadcast their Code Six location in an expedient manner when provided sufficient time to do so, was a substantial deviation, without justification, from approved Department tactical training.

3. Apprehension vs. Containment Mode/ Pursuing Armed Suspects

Officers A and B engaged in a foot pursuit of an armed suspect in apprehension mode, rather than pursuing him in containment mode. 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. 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 foot pursuit of an armed suspect.

The BOPC noted that Officers A and B were in close proximity to the Subject as they pursued the Subject through a multi-unit apartment complex and the length of the foot pursuit was very brief. The BOPC opined that after initiating their foot pursuit of the Subject, Officers A and B maintained an unsafe distance while pursuing the Subject through a narrow walkway and placed themselves in a tactically disadvantageous position. It was noted that Officer A was five to seven feet from the Subject when the Subject turned towards him/her armed with a handgun and an OIS occurred.

In this case, the BOPC would have preferred that Officers A and B maintain a position of cover and stay in containment mode while they broadcast the Subject's actions, direction of travel and establish a perimeter as they planned to do when they discussed tactics prior to this encounter.

Based upon the totality of the circumstances, the BOPC determined that Officers A and B's decision to pursue an armed suspect, in apprehension mode, was a substantial deviation, without justification, from approved Department tactical training.

• Additional Tactical Debrief Topics

- **Required Equipment** – The investigation revealed that Officers A and B left their side-handle batons in their police vehicle. Additionally, Officer A also left his/her Hobble Restraint Device (HRD) inside of his/her police vehicle.
- **Foot Pursuit Broadcast** – The investigation revealed that when the situation quickly escalated from a consensual encounter to a detention and foot pursuit, Officer B was faced with a rapidly evolving scenario and was required to process multiple tasks. Officer B did realize his/her role and requested a, "Backup for a 415 man with a gun". However, he/she did not include that he/she and Officer A

were also in foot pursuit of the Subject and nor did he/she provide an updated location. Additionally, Officer B did not broadcast the Subject's description or the Subject's direction of travel.

- **Non-Conflicting Simultaneous Commands** – The investigation revealed that while they were engaged in foot pursuit of the Subject, Officers A and B gave simultaneous commands to the Subject for him to show his hands and get on the ground. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.
- **Running with Service Pistol Drawn** – While pursuing the Subject and subsequently entering the common area of an apartment complex, Officer A drew his/her service pistol. Officer A continued to run after the Subject with his/her service pistol drawn and a short time later was involved in an OIS.
- **Single Handed Shooting** – The investigation revealed that Officer A utilized a one-handed shooting grip on his/her service pistol at the time of the OIS. Although the Los Angeles Police Department teaches a one-handed shooting technique, a two-handed shooting grip would be more tactically advantageous and provide a more stable shooting platform.
- **Situational Awareness** – The investigation revealed that Officer B broadcast the incorrect unit designation when he/she broadcast the help call. He/she provided the correct unit designation during a subsequent broadcast when he/she requested an RA for the Subject.
- **Updating Status** – The investigation revealed that Officers A and B did not update their status from their original location until after the officers had pursued the Subject into the multi-unit apartment complex and the OIS had already occurred.
- **Blood borne Pathogens** – The investigation revealed Officer B did not don protective gloves prior to handcuffing the Subject who was bleeding from multiple gunshot wounds including one on his right hand.

The above topics were to be discussed at the Tactical Debrief.

- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

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.

In conducting an objective assessment of this case, the BOPC determined that Officers A and B's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

B. Drawing and Exhibiting

- According to Officer A, based on the Subject's actions to avoid contact, his attempt to flee, as well as the Subject grabbing onto a heavy object in his pants pocket, Officer A believed the Subject was in possession of a handgun and attempting to gain access to the weapon to arm himself. Officer A drew his/her service pistol with his/her right hand to a modified low-ready position, while holding his/her flashlight in his/her left hand as he/she pursued the Subject through a narrow pathway, based on his/her belief that the tactical situation could lead to one involving the use of deadly force.
- According to Officer B, immediately after he/she handcuffed the Subject, his/her attention was drawn to Witness A. Officer B did not know what Witness A's intentions were when Witness A climbed the fence, considering it was immediately after Officers A and B had chased the Subject from a related gathering, and had been involved in an OIS. Based on his/her training and experience, Officer B believed Witness A may be armed with a firearm and attempting to assist the Subject. Officer B drew his/her service pistol to a low-ready position as he/she gave Witness A commands to stay back based on Witness A's actions of climbing a fence adjacent to the OIS location immediately following the OIS. Additionally, Officer B believed the situation could arise to that point where deadly force would be necessary.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Officers A's drawing and exhibiting of a firearm. The BOPC noted that the Subject was armed with a handgun and was fleeing into a dark, unknown location. The Subject's actions presented a potential deadly threat to the community.

The BOPC conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw/exhibit their service pistols. The BOPC considered that Officer A was an experienced officer and observed there were numerous unidentified suspects that were gathered within the large group of individuals at the park.

The BOPC noted that Officer A had observed the Subject grasp a heavy object in his right front pants pocket and formed the opinion based on his/her training and experience, as well as the Subject's actions, that the Subject was armed with a handgun. Officer A drew his/her service pistol based on his/her belief that the

Subject was armed with a handgun and due to the possibility that the tactical situation could lead to the use of deadly force. According to Officer A, as he/she engaged in foot pursuit of the Subject, he/she observed a narrow walkway which the Subject was about to run through, which was a potentially disadvantageous tactical position. In addition, Officer A did not know the layout of the multi-unit apartment complex and the lighting was poor throughout the location.

With respect to Officer B, the BOPC noted that Officer B had observed the Subject's hands were near his waist and appeared to be concealing an object. Based on his/her training and experience, coupled with the Subject's actions, Officer B formed the opinion that the Subject was armed with a handgun.

The BOPC noted that Officer B did not draw his/her service pistol while in foot pursuit of the Subject and instead took on the role of communications officer as he/she was positioned to the rear. Immediately following the OIS, Officer B proceeded to broadcast, "shots fired, officer needs help." Officer B then handcuffed the Subject and took him into custody. Immediately after he/she completed handcuffing the Subject, Officer B witnessed Witness A climb over the fence of the multi-unit apartment complex. Officer B drew his/her service pistol based on his/her training and experience as well as his/her observations that there was a large group of individuals at the park. Additionally, Officer B did not know the intentions of Witness A, and at the time Officers A and B were isolated and by themselves in a dark area, waiting for additional resources. Officer B drew his/her service pistol based on his/her belief that Witness A may be armed and that the tactical situation may escalate to where deadly force was necessary.

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

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

C. Lethal Use of Force

- **Officer A – (pistol, four rounds fired)**

According to Officer A, he/she briefly lost sight of the Subject as the Subject maneuvered around a corner of the apartment complex and into a rear courtyard area. As Officer A ran past the corner of the building Officer A regained sight of the Subject and observed the Subject turning back toward Officer A. Officer A observed that the Subject had a pistol grip on a black handgun in his left hand. Based on the Subject's movement, Officer A believed that the Subject was turning to shoot at him/her. Officer A fired his/her service pistol four times, utilizing a one-handed grip, in order to defend him/herself from the deadly threat presented by the Subject.

Based on the minimal amount of time Officer A had to react, Officer A stated that he/she was unable to use the sights of his/her service pistol to gain a sight picture and was point shooting. Officer A assessed as he/she fired in order to determine if his/her shots were hitting and effective. Officer A observed the Subject fall to the ground, at which time Officer A stopped firing. Immediately after the Subject fell to the ground, Officer A observed the firearm hit the ground in close proximity to the Subject. Officer A had continued to fire his/her service pistol until he/she no longer believed the Subject was an immediate threat.

The BOPC considered that the Subject turned suddenly and without warning toward Officer A and was armed with a handgun. The BOPC also considered that upon his/her arrival at scene, Officer A exited his/her police vehicle and attempted to gain information on the large group of individuals that had gathered at the park, while additionally looking for persons of interest. As Officer A began walking from the center of the park, he/she observed the Subject attempting to evade contact and quickly exit the park. Officer A followed the Subject to determine if the Subject was armed or possibly engaged in criminal activity. As Officer A reached the sidewalk, he/she illuminated the Subject with his/her flashlight and observed the Subject lose his footing. Officer A observed the Subject grasp a heavy object in his right front pants pocket and formed the opinion, based on his/her training and experience, coupled with the Subject's actions, that the Subject was armed with a handgun.

Officer A initiated a foot pursuit of the Subject through a multi-unit apartment complex and provided clear commands to the Subject to show his hands and get on the ground. The Subject did not comply with the commands, and Officer A drew his/her service pistol prior to pursuing the Subject through a narrow walkway. The Subject, suddenly and without warning, aggressively turned toward Officer A in a clockwise direction, holding a black handgun in the left hand, which led to Officer A firing four rounds from his/her service pistol.

The BOPC considered the rapid speed in which the Subject turned toward Officer A armed with a handgun. The BOPC also considered the minimal amount of time in which Officer A had to make a decision, as well as the imminent deadly threat posed by the Subject to the officers. The BOPC considered the presentation by FID investigators, which included that Officer A was five to seven feet from the Subject when the Subject began to aggressively turn toward Officer A while armed with a handgun.

The BOPC also noted that though Officer A, in response to the imminent deadly threat presented by the Subject's actions, fired four rounds from his/her service pistol in approximately 1.1 seconds, Officer A was continuously assessing the Subject's actions. Officer A ceased fire as he/she continually assessed and observed the Subject fall to the ground, no longer posing a deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe the Subject's

actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

Therefore, the BOPC found Officer A's lethal use of force to be In Policy.