

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

OFFICER-INVOLVED SHOOTING – 049-19

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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Van Nuys	10/16/2019		
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Officer(s) Involved in Use of Force	Length of Service
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Detective A	14 years, 6 months
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Reason for Police Contact

Plain-clothed officers conducted surveillance for a wanted murder suspect. The subject exited his apartment complex. Uniformed officers, who assisted with the surveillance, attempted to arrest the subject. The subject ran from officers and a foot pursuit ensued. The subject pointed a handgun at the officers resulting in an Officer-Involved Shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 21 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 September 1, 2020.

Incident Summary

Plain clothes personnel assigned to the operation that resulted in this OIS included Detectives A, B, C, and D and Officer A. All plain clothes personnel assigned to this tactical operation were driving alone in unmarked police vehicles. They were not equipped with Body Worn Video (BWV) and their vehicles were not equipped with Digital-In Car Video Systems (DICVS).

Plain clothes personnel were equipped with their Department issued ballistic vests; however, during the surveillance, they were not wearing their vests. This exemption from wearing their vests was indicated in the Operational Plan which was approved by their Commanding Officer.

According to Detective B, the involved unit is a surveillance/apprehension unit and its purpose is to assist detectives in locating and apprehending violent wanted suspects.

Detective B indicated that once homicide detectives completed a briefing regarding the wanted homicide suspect (the Subject) at Van Nuys Station, he/she directed Officer A to complete an Operational Plan. The plan was to set up surveillance around the Subject's apartment building and monitor the area for any sighting of him. In the event the Subject exited the apartment building, he was to be allowed to walk away from the building prior to calling in assigned uniform resources to conduct a high-risk pedestrian stop, and for the plain clothes personnel to assist patrol if needed. Detective B stated this plan was to avoid a barricaded suspect or hostage situation in the event the Subject ran back to the apartment building. Detective B added that in the event the Subject was identified as being inside the apartment, but he did not exit, homicide detectives were in the process of writing an arrest warrant for the Subject and a search warrant for his residence. The plan was to notify Metropolitan Division, Special Weapons and Tactics (SWAT) to serve the search warrant. Additionally, the surveillance team was directed to utilize a dedicated radio channel for communications.

Detective B directed the plain clothes personnel to deploy and set up the surveillance around the Subject's apartment. Officer A remained at Van Nuys Police Station to complete the Operational Plan. Once he/she completed the plan, Officer A emailed it to Detective B for his/her review. According to Detective B, he/she forwarded the Operational Plan up the chain of command for approval. The unit Commanding Officer, Captain A, said that he/she received the Operational Plan, via email, from one of his/her Lieutenants. Captain A stated he/she reviewed and approved the operational plan within 30 minutes of receiving it. Captain A explained that this is the review process he/she employs to approve all operational plans for all the units under his/her command.

According to Detective B, before he/she left Van Nuys Station to join the surveillance, he/she met with the Van Nuys Patrol Division Watch Commander who provided him/her the telephone numbers for Officers B and C. Detective B stated he/she made telephonic notification to these officers, advised them that plain clothes personnel were

en route to set up the surveillance and briefed them of the plan to allow the Subject to walk away from the apartment building and to move in when requested to conduct a high-risk pedestrian stop. Officers B and C remained with the surveillance operation as uniform resources until they were relieved.

According to Detective A, he/she arrived at the location and set up as point in the surveillance, meaning he/she had a direct line of sight to the front of the apartment building, and parked his/her vehicle facing west, along the north curb, just east of the location. Detective A indicated he/she had an unobstructed view of the main entrance gate to the apartment building. Detective C positioned him/herself facing north, along the east curb to cover any movement north. Detective D positioned him/herself facing south, along the west curb to cover any movement south. Detective B positioned him/herself facing west, along the north curb. Uniformed resources were positioned facing east, along the south curb west of the location.

Detective A indicated that once the surveillance was set up, Air Support Division (ASD) was notified and advised of the operation. Air Support Division was advised to have the Air Unit assigned to Valley Bureau monitor the radio channel being used for the operation. According to Detective B, he/she notified Communications Division (CD), placed the unit Code Six and requested a Code Five around the location.

The Van Nuys Patrol Division, Watch two, Assistant Watch Commander Sergeant A met with the Watch three, Watch Commander, who briefed him/her of the surveillance operation, and requested for a Watch two unit to relieve the uniformed officers from the surveillance. Sergeant A added he/she discussed the incident during the Watch Two roll call, so everyone was aware the unit was surveilling a murder suspect.

Officers D and E were assigned to relieve Officers B and C. Officers D and E were equipped with BWV and their vehicle was equipped with DICVS. The officers' BWVs were activated and captured portions of the incident.

According to Detective B, he/she received a phone call from Officer D. Detective B briefed Officers D and E of the operational plan over the phone. Officer D stated he/she used the speaker mode in his/her cellular telephone for Officer E to hear the briefing. Officer D added Detective B texted him/her a photograph of the Subject. According to Officer D, he/she and Officer E recognized the Subject from the photograph because they had prior contacts with him. Officer D indicated he/she and Officer E understood the plan was to allow the Subject to walk away from the apartment building before he/she and Officer E would approach and conduct a high-risk pedestrian stop. The plan was to prevent the Subject from running back to his apartment building and barricade himself.

Officer D and Officer E had worked together for approximately six weeks. Officer D was assigned as Officer E's Field Training Officer (FTO), and they discussed tactics daily. Officer D was the passenger, and he/she was assigned as the contact officer. Officer E was the driver, and he/she was assigned as the cover officer. Officer D stated they

discussed the possibility the Subject might run, discussed foot pursuit tactics, and identified the surrounding streets in case the need arose to set up a perimeter. The officers also discussed the high-risk prone technique and Officer D emphasized to Officer E to use the police vehicle as cover. Officer D explained to Officer E the importance of uniform presence and the fact that they would initiate contact with the Subject.

According to Detective C, he/she relieved Detective A as point on the surveillance. Detective C parked his/her vehicle and positioned him/herself to have a clear and unobstructed view of the Subject's apartment window and the building entrance. Detective A moved and positioned him/herself south of the apartment complex.

Per Detective C, he/she observed the blinds located inside the Subject's apartment window move. Detective C broadcast and alerted everyone in the surveillance of his/her observations. Approximately 20 minutes later, Detective C observed the blinds and the window open. Detective C positively identified the Subject inside his apartment and alerted the surveillance team of his/her observations. Detective C stated he/she used binoculars and observed the Subject approach the window three additional times. Detective C observed that the Subject was shirtless with a red scarf around his neck, confirmed the subject's tattoos, and verified the Subject's description.

Detective C indicated that few minutes later, he/she observed the Subject exit via the front door of the apartment building. He observed the Subject was shirtless, wearing a red scarf around his neck, a small yellow backpack strapped to his back, gray sweatpants, white socks, and black Nike sandals. The Subject stood on the doorsteps leading up to the building's main entrance and used his cell phone. Detective C alerted the surveillance team and broadcast his/her observations.

According Detective C, he/she observed the Subject walk north along the west sidewalk. Detective C broadcast his/her observations that the Subject was walking north. According to Detective B, he/she switched his/her radio to Van Nuys Base frequency and when the Subject reached Detective D's location, he/she broadcast his/her observations and requested a back-up, airship and a supervisor to the location, also providing the Subject's description.

According to Detective D, the surveillance point was turned over to him/her when the Subject walked north toward him/her. When the Subject walked past Detective D's vehicle, he/she directed the Air Unit to come overhead. Simultaneously, Detective D heard Detective B's broadcast requesting a back-up. Detective D looked through his/her rear-view mirrors and observed Officers D and E's patrol vehicle traveling south on toward him/her with the red and blue overhead lights on. Detective D observed the Subject stop, with a surprised look on his face.

When the Subject stopped walking, Detective D observed him reach into his right front pants pocket with his right hand. The Subject began to turn to his right, removed a

handgun from the right pants pocket, and ran south on the west sidewalk. Detective D broadcast his/her observations, stating, "He's got a gun, he's got a gun, he's got a gun".

According to Officer D, upon hearing the broadcast that the Subject was approaching, he/she directed Officer E to drive up to the corner. Officer D indicated that based on the Subject's violent history, he/she wanted to make contact with him before he reached the shopping center mini-mall at the intersection, but they had a brief delay because a truck pulled in front of the Subject and blocked them from making contact with him at that moment. Officer D exited the vehicle and observed the Subject reach into his left front pants pocket, remove a gun, simultaneously turn away, and run south back toward his apartment. Officer D added he/she observed the Subject transition the gun from his left hand to right hand, as he ran south.

According to Officer D's BWV, Officer D pointed south and said, "My side, my side, in front of the truck, in front of the truck." Officer D exited the police vehicle with his/her handheld radio in his/her left hand, walked south on the west sidewalk and alerted Officer E that the Subject was going to run. Officer D ran south in foot pursuit of the Subject as a silver truck drove out of the driveway in front of him/her. Simultaneously, the broadcast by Detective D that the Subject had a gun was heard on BWV. Officer D unholstered his/her pistol with his/her left hand as he/she ran in pursuit of the Subject. Per Officer D, the reason he/she unholstered his/her pistol was because he/she observed the Subject looking from side to side attempting to locate him/her, and he/she believed the Subject was going to point the gun and fire at him/her.

Officer D added he/she was in apprehension mode during his/her foot pursuit because the Subject had already shown he was violent and killed a person. Officer D stated his/her goal was to stop the Subject as quickly as he/she could.

According to Officer E, Officer D attempted to make contact with the Subject, but he ran south. Officer E stated he/she and his/her partner went in foot pursuit of the Subject. Officer E observed the Subject holding a black handgun in his right hand as he ran away. Officer E ran on the street and used parked vehicles and trees as cover. Officer E also ensured he/she stayed in close proximity with Officer D during the foot pursuit.

According to Detective A, upon hearing Detective C's broadcast that the Subject exited the apartment building, and while seated in his/her vehicle, he/she donned his/her Department-issued tactical vest. Detective A reached for his/her Department-issued shotgun, located next to him/her on the front passenger seat. Detective A slung the shotgun around his/her neck, placed the shotgun between his/her legs with the barrel facing toward the floorboard, and charged the shotgun. Detective A drove to the location, pulled over to the east side curb, facing north, and waited for further information.

As Detective A waited at the curb, he/she observed Officers D and E's police vehicle traveling south toward him/her with the overhead lights on and heard Detective D's broadcast that the Subject was running south and had a gun. Detective A drove north

in the number one lane. As he/she traveled north and was approximately 20 to 30 yards from the front entrance to the Subject's apartment building, Detective A observed the Subject running south at full speed, on the west sidewalk, while holding a small black pistol in his right hand. Detective A estimated the Subject was approximately 30 to 40 feet north of his apartment building's front entrance.

Detective A drove across the southbound lanes, stopped and parked his/her vehicle at a 45-degree angle, facing toward the front entrance of the Subject's apartment building. Per Detective A, he/she exited his/her vehicle, stood next to the driver side door, and used his/her vehicle's engine block for cover, as he/she assumed a low-ready position with his/her shotgun. Detective A observed a male, later identified as Witness A, standing in the grass area, just south of the apartment building's main entrance. Detective A stated he/she was concerned Witness A might be related to the Subject or believed that the Subject could take him hostage, walk into his apartment, and barricade himself with Witness A.

According to Detective A, he/she identified him/herself as the police, the Subject looked at him/her and while holding the gun in his right hand, the Subject began to raise the gun in his/her direction. Detective A believed the Subject was going to shoot him/her. In fear for his/her life and to protect him/herself from imminent death or great bodily injury, Detective A disengaged the safety of his/her shotgun, aimed for the Subject's center body mass, and fired one shot at him.

According to Detective A, after he/she fired the shot, he/she assessed and observed the Subject stumble forward and fall onto the sidewalk; with his head pointing southwest and his feet pointing toward the curb. Detective A observed the Subject was still holding the gun in his right hand. According to Detective A, from his/her peripheral view, he/she observed the pursuing officers approaching the Subject from the north. The Subject was still moving, holding the gun in his right hand. Detective A stated he/she stepped around to the front his/her vehicle and took two or three steps toward the Subject to close the distance and to better assess the Subject's actions. Furthermore, Detective A felt by moving up from his/her original position, he/she would be able to deliver more effective shots, if needed.

According to Detective A, the Subject was attempting to sit up, while pointing the gun in a northerly direction toward the pursuing officers. In fear the Subject was going to shoot his/her partners and the uniform officers, and to defend them from imminent threat of great bodily injury or death, Detective A aimed at the Subject's lower, mid-right, back and fired a second shot from his/her shotgun. Detective A assessed, and believed his/her second shot missed, because it did not have an effect on the Subject, since he continued to point his gun in a northerly direction toward the pursuing officers.

Detective A, believed the Subject continued to pose a threat to the approaching officers, because his/her second shot did not stop the Subject's actions. Detective A aimed at the Subject's back, center mass, and fired a third shot from his/her shotgun. Detective A assessed and observed the Subject collapse onto his left side, and he/she was no

longer able to see the Subject's gun. Detective A then redeployed to the passenger side of his/her vehicle, using the engine block as cover.

As Officers D and E engaged in a foot pursuit after the Subject, Detective D drove south and parked just north of the front entrance of the Subject's apartment complex, and redeployed behind the driver side door of a car which was parked in front of the location.

Per Officer D's BWV, a gunshot was heard. One second later, Officer D dropped his/her handheld radio and he/she transitioned to a two-hand grip on his/her pistol. Officer D turned around, ran north to retrieve his/her handheld radio. As he/she reached down for the handheld radio, a second gunshot was heard, then a third gunshot was heard, followed by a fourth gunshot one second later. Officer D redeployed from the sidewalk onto the street and positioned him/herself to the rear trunk of the same light car where Detective D had redeployed. Witness A came into view, as he is walking backwards toward the apartments.

The investigation determined the fourth gunshot heard on Officer D's BWV was fired by the Subject. Detectives located a discharged .380 cartridge casing, fired from the Subject's handgun, and an impact on the sidewalk, next to the Subject.

According to Officer E, he/she moved up next to Officer D, behind the light car. Once Detective D moved, Officer E redeployed to the driver side of the light blue car. Officer E was told by a unit member he/she was going to be part of the arrest team, and he/she was instructed by Officer D to put on gloves.

KTTV Fox 11 Los Angeles news was in the area and captured portions of the OIS on video. The video captured Detective A's second and third gunshots as well as the gunshot fired by the Subject. KTTV Fox 11 Los Angeles edited the video footage before it was released to its viewers. The Subject's body was blurred at the time of the OIS. The video depicts Detective A standing in front of his/her vehicle, pointing his/her shotgun at the Subject, who was lying on the sidewalk. The Subject's head pointed in a southwest direction; his feet pointed toward the curb, and his back was toward Detective A. Witness A was standing in a planter, with his hands raised to shoulder level, south of the main entrance of the location.

Detective A fired his/her second shot at the Subject, and approximately two seconds later, Detective A fired his/her third shot at the Subject. Approximately two seconds later, the sound of the gunshot fired by the Subject was heard. A small cloud of dust and debris can be seen next to the Subject's head after the Subject fired his gun.

Detective A then redeployed to the front passenger side door of his/her vehicle. Simultaneously, Detective C stepped in front of his/her vehicle, which was parked in the number one southbound lane.

The investigation determined Detective A fired his/her first shot at the Subject from a distance of approximately 27 feet, and his/her second and third shots were fired from a distance of approximately 15 feet.

Witness A, was seen in Officer D's BWV and in the KTTV Fox 11 Los Angeles News video, standing in a planter, just south of the OIS scene, against the apartment complex. According to Witness A, the morning of the OIS, he was walking south, on the west sidewalk. Witness A passed the Subject, who was walking north, on the same sidewalk. A couple of minutes later, Witness A, who was now just south of the Subject's apartment complex's main entrance, heard the voice of a police officer that may have said "freeze", followed by shots being fired. Witness A turned his head to his left and observed Detective A outside a van shooting from what he perceived to be a rifle. Witness A stated he thought about recording the incident, but he dropped his cellular telephone, and he chose not to pick it up because he was afraid of getting shot. Witness A jumped out of the way, raised his arms, and moved against the apartment complex, behind some bushes. Witness A observed the Subject on the ground holding a black object in his right hand. Witness A was not sure if the black object the Subject had in his hand was a gun. Witness A stated he followed orders given by the police, and he was subsequently removed from the immediate area.

According to Officer D, he/she started giving commands to the Subject. Officer D noticed Witness A standing in the grass area, directly behind the Subject. Officer D alerted everyone by yelling "watch our crossfire"; however, what he/she meant to say was "watch our background." Officer D added Witness A was directed to walk away from the area. Officer D and Detective D redeployed to a small wall, on the north side, of the front entrance of the Subject's apartment building, to get a better view of the Subject's gun.

Additional police personnel responded the help call and scene shortly after the OIS, including Officers F, G, and H. All the officers were equipped with BWV and their vehicles were equipped with DICVS; furthermore, the officers' BWVs were activated and captured portions of the incident post OIS.

Sergeant B arrived at the scene a few seconds after the OIS. According to Sergeant B, he/she walked into the crime scene and observed officers standing behind a parked vehicle along the west curb. Sergeant B located Detective B and asked him/her what he/she needed. Detective B asked him/her to take over as the Incident Commander (IC). Sergeant B declared him/herself as the IC and took over command and control duties.

Sergeant B formulated a plan to handcuff the Subject and ensured the arrest team had lethal and less-lethal use of force options. Sergeant B also verified everyone in the arrest team knew their duties. The arrest team consisted of the following personnel: Detective A as lethal cover with his/her shotgun, Detective C lethal cover for Detective A, with his/her service pistol, Officer D and Officer E were assigned to handcuff the Subject, Officer F, was the designated less lethal, equipped with a 40 millimeter less

lethal launcher, and Officers G, H, and A as additional support if needed, and Sergeant B as the supervisor overseeing the arrest.

Detective A approached the Subject's feet first. Detective A covered the Subject's upper body, while Officer D straddled the Subject's legs. Officer D grabbed the Subject's right hand and passed it to Officer E, who applied a handcuff. Officers D and E worked together and removed the small yellow backpack strapped to the Subject's back. Officer D moved to his/her left and straddled the Subject's head, and using his/her right hand, Officer D grabbed the Subject's left hand, swung it counterclockwise, around the Subject's head, and guided it to the small of his back. Officer D then passed the Subject's left hand to Officer E, who straddled the Subject's legs and completed handcuffing him. During the handcuffing, Officer H grabbed the Subject's handgun and moved it a few inches, before being instructed by Sergeant B to leave the handgun in place. Officer H placed the Subject's handgun back on the sidewalk, where it remained until it was later recovered by Forensic Science Division (FSD), Firearms Analysis Unit (FAU) personnel. Officer H assisted handcuffing the Subject by grabbing and holding his ankles while Officer E handcuffed him.

According to Detective A, once the Subject was handcuffed, he/she directed his/her attention to the window of the Subject's apartment, because it needed it to be cleared, and ensured it did not pose a threat to them. Detective A stated that using his/her shotgun, he/she covered the window of the Subject's apartment, from the rear of his/her vehicle. Detective A added, it was during this time, he/she conducted a tactical reload of his/her shotgun by loading three new rounds into the magazine tube of his/her shotgun. Detective A stated he/she covered the window until Detective D took him/her away from that duty and took him/her to Detective B, who started monitoring Detective A.

According to Witness B he walked out of the apartment building and observed the Subject walking out, in front of him. Witness B stated the Subject went north on the street and he walked south. Shortly after, Witness B walked back to his apartment, and as he entered his apartment, Witness B heard a helicopter overhead and heard gunshots. Witness B walked to his bedroom, looked out the window, and observed the Subject lying on the sidewalk with a gun in his left hand. Witness B added he heard police officers order the Subject to drop the gun. Witness B observed the Subject moving slowly, his left arm was under his body; however, the Subject was still holding the gun in his left hand. Witness B stated the police officers approached the Subject, got the gun away from him, and handcuffed him.

According to Witness C, on the day of the OIS, a loud noise which she thought it was a traffic accident woke her up. She quickly looked out her bedroom window and observed Detective A, standing next to a gray minivan, pointing what she believed to be a rifle at the Subject. Witness C realized the noise she had heard was a gunshot and not a vehicle accident. Witness C stated the Subject was facing in her direction, and she noticed he was wounded. The Subject had his right hand across his chest, holding his left shoulder. Witness C heard someone saying the Subject had a gun, multiple times,

and she observed Detective A shot the Subject in his back, four or five times, and the Subject fell on the ground. Witness C stated she observed the police officers approach the Subject, check to see if he was alive, and turned him over. Witness C observed the Subject had a gun against his chest.

Sergeant A remained as IC for a few minutes, until he/she was relieved by Captain B, who had arrived at the scene. Captain B verified Detective A was the only one involved in the OIS, separated him/her and Detective B, and assigned supervisors to monitor them.

Sergeant C also arrived at scene. Captain B directed Sergeant C to take a Public Safety Statement (PSS) from Detective A. According to Sergeant C, he/she took Detective A away from everyone else, sat him/her inside an available police vehicle, and took a PSS from him/her. Sergeant C then transported Detective A to Van Nuys Station, where he/she monitored him/her until relieved by Sergeant D.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer D	Yes	Yes	Yes	Yes	N/A
Officer E	Yes	Yes	Yes	Yes	N/A

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 Detectives A, C, and D’s, Sergeant B’s, and Officers D, and E’s tactics to warrant a Tactical Debrief. The BOPC found Captain A’s, Detective B’s, and Officer A’s tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

The BOPC found Detectives A, C, and D’s, and Officers D, and E’s drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Detective A’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), 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/his or her/his 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.

Planning – Detective B directed Officer A to complete an Operational Plan at the Van Nuys CPS. While Officer A was completing the Operational Plan, Detective B directed Detectives A, C, and D to deploy and establish surveillance around the Subject's apartment. The Operational Plan for this incident was completed on a non-Department approved document that was labeled "*Gang and Narcotics Division Gang Field Unit (GFU) Operational Plan*" and indicated that the document is *Equivalent to Form 12.22.00 (08/05)*.

According to the investigation, the Operational Plan documented the surveillance around the Subject's apartment building and the monitoring of the area for him. In

the event the Subject exited the apartment building, he was to be allowed to walk away from the building prior to calling in assigned uniform resources to conduct a high-risk pedestrian stop and for unit personnel to assist patrol if requested to do so. Detective B stated this plan was to avoid a barricade or hostage situation in the event the Subject ran back to his apartment building. Detective B added that in the event the Subject was identified as being inside the apartment, but he did not exit, homicide detectives were in the process of writing an arrest warrant for the Subject and a search warrant for his residence. The plan was to then notify Metropolitan Division, Special Weapons and Tactics (SWAT) to serve the search warrant. Additionally, the surveillance team was directed to utilize a designated channel for communications.

According to the investigation, as Officer A was completing the Operational Plan, Detective B directed Detectives A, C, and D to deploy and establish the surveillance around the Subject's apartment. Once the surveillance team was established, Air Support Division (ASD) was notified and advised of the Operational Plan. Air Support Division was advised to have the Air Unit assigned to Operations-Valley Bureau monitor the channel being used for the operation. According to Detective B, he/she notified Communications Division (CD), placed the unit Code Six and requested a Code Five around the location.

The BOPC was critical of the Operational Plan completed by Officer A. The BOPC noted that the Operational Plan lacked detail and was missing pertinent information.

The BOPC noted that the specifics of the Operational Plan lacked critical information such as the location of staged personnel, description of vehicles in the surveillance team, utilization of an arrest team and steps to take for the arrest. Unit personnel were deployed and began their surveillance around the Subject's residence prior to the Operational Plan being completed or approved by the Commanding Officer. Once the Operational Plan was approved, the Operational Plan was not disseminated throughout the personnel on the surveillance team nor to uniformed Officers D and E. Uniformed Officers D and E discussed the Operational Plan with Detective B on the phone but did not receive or view a physical copy of the Operational Plan. Officers D and E did not meet with the surveillance team prior to setting up at their location and were not made aware of the description, clothing, or vehicles of the personnel involved in the surveillance team.

Officers D and E had worked together for approximately six weeks. Officer D was assigned as Officer E's Field Training Officer (FTO), and they discussed tactics daily. Officer D was the passenger, and he/she was assigned as the contact officer. Officer E was the driver, and he/she was assigned as the cover officer. Officer D stated they discussed the possibility the Subject might run, discussed foot pursuit tactics, and identified the surrounding streets in case the need arose to set up a perimeter. Officers D and E also discussed the high-risk prone technique and Officer D emphasized to Officer E to use the police vehicle as cover. Officer D

explained to Officer E the importance of uniform presence and planned that they would initiate contact with the Subject.

Sergeant B arrived at the location shortly after the OIS and formulated a plan to handcuff the Subject. Sergeant B ensured the arrest team had lethal and less-lethal use of force options. Sergeant B also verified everyone in the arrest team knew their duties. The arrest team consisted of the following personnel: Detective A as lethal cover with his/her shotgun, Detective C lethal cover for Detective A, with his/her service pistol, Officer D and Officer E were assigned to handcuff the Subject, Officer F, was the designated less lethal, equipped with a 40 millimeter less lethal launcher, and Officers G, H, and A as additional support if needed, and Sergeant B as the supervisor overseeing the arrest.

Assessment – As the surveillance team was positioned around the Subject's residence, Detective C positioned him/herself to have what he/she described as a clear and unobstructed view of the Subject's apartment window and the building entrance. Detective C observed the blinds of the Subject's apartment window move and alerted everyone on the surveillance team of his observations. Shortly after, Detective C observed the blinds and window open. Detective C used binoculars and was able to positively identify the Subject. Once determining that the Subject was inside of his residence, Detective C broadcasted his/her observations of the Subject and assessed the situation. The surveillance team made the decision to utilize time; waiting for the Subject to exit his residence and walk down the street while they assessed his actions, in order to not force a possible lethal situation by immediately confronting the Subject.

Detective A heard Detective D's broadcast that the Subject was running armed with a gun. As Detective A drove towards the Subject's apartment, he/she observed the Subject running on the west sidewalk, while holding a small black pistol in his right hand. As the Subject approached where Detective A was positioned, Detective A utilized available cover from his/her vehicle and stated "Police" to the Subject. The Subject then began to raise his pistol in Detective A's direction, causing Detective A to be in fear for his/her life.

Detective A assessed after firing his/her first round and observed the Subject was attempting to sit up, while pointing the gun in a northerly direction toward the pursuing officers. Detective A stepped around the front of the engine block and took two or three steps to close the distance to better assess the Subject's actions.

After firing his/her second round, Detective A assessed, and believed his/her second shot missed, because it did not have an effect on the Subject, since he continued to point his gun in a northerly direction toward the pursuing officers. Detective A, believed the Subject continued to pose a threat to the approaching officers, because his/her second shot did not stop the Subject's actions.

After firing his/her third round, Detective A assessed and observed the Subject collapse onto his left side, and was no longer able to see the Subject's pistol. Detective A continued to assess and observed the Subject's actions.

Detective A stated he/she assessed the severity of the situation and discharged one round from his/her shotgun to stop the threat. Detective A continued to assess the threat between each round out of the safety and concern for the additional Department personnel at scene as well as for the reverence for the Subject's life.

While the BOPC noted Detective A's assessment in this situation it also noted with great concern the lack of assessment in completing and communicating a detailed Operation Plan to all Department personnel involved. The BOPC would have preferred Department personnel would have assessed their deficiencies prior to initiating the operation.

Time – Unit personnel were briefed on the Subject, which included his physical description, crimes he was accused, and his residence. Unit personnel were afforded time to create and communicate an approved Operational Plan to each member of the unit as well as the uniformed chase team consisting of Officers D and E; however, they left the station and established a surveillance prior to completing an Operations Plan, discussing the plan, and ensuring the chase team knew who each member of the units was to avoid confusing plain clothes Department personnel from potential threats.

The surveillance team's plan was to utilize time once the Subject was identified and continue surveillance away from his residence in order to gather additional uniformed personnel on scene prior to making contact and attempt to avoid a larger tactical incident. As the Subject exited his residence and Officers D and E attempted to contact and detain him, the Subject turned and produced a handgun, running from Officers D and E. The Subject's actions did not afford the officers any additional time to respond to his deadly actions, which reduced the time the officers had to respond, and limited their tactical options.

The BOPC noted that patrol resources had been monitoring the Subject for multiple hours which allowed the unit additional time to create, disseminate and ensure that a sound Operational Plan was in place and understood by the personnel involved in the tactical incident.

Following the OIS the surveillance team and all responding personnel, utilized time to formulate a plan and make their approach to take the Subject into custody.

The BOPC noted the surveillance team was faced with no exigency and was afforded time, but did not use that time to create a more detailed tactical plan, assess the roles of the personnel involved, and wait for the plan to be approved by the Commanding Officer. The BOPC would have preferred the surveillance team had utilized the time afforded to them to ensure a detailed Operational Plan was

completed, briefed, and understood by all Department personnel prior to taking part in any part of the incident.

Redeployment and/or Containment – As the marked black and white police vehicle approached the Subject; he turned, retrieved a pistol from his pants pocket and ran the opposite direction away from the officers. Officers D and E initiated a foot pursuit in an attempt to apprehend the Subject. Officer E ran on the street and utilized vehicles as cover during the foot pursuit which was of short duration. Officer D ran on the sidewalk on the same path as the Subject; not fully utilizing the cover that was afforded to him/her as he/she pursued the Subject. Officer D was aware that he/she could use walls near the residential driveways as cover. Officers D and E remained in apprehension mode even after they observed the Subject to be armed with a handgun out of fear for the public and the belief he was a continued danger to the public.

After Detective A fired his/her third round and was no longer able to see the Subject's pistol, Detective A redeployed to the passenger side of his/her vehicle, utilizing the engine block as cover.

The BOPC noted that while officers are generally advised to redeploy to containment mode while following a known armed individual, the concern for the public and additional personnel was too great to allow the Subject to evade apprehension. In this case the BOPC noted that Officer D was not actively trying to close distance on the Subject and was aware of the available cover afforded to him. The BOPC would have preferred personnel had utilized additional cover throughout the entirety of the incident.

Other Resources – Upon determining the location of the Subject's residence, homicide detectives requested the assistance from the unit personnel and asked that they conduct surveillance of the Subject's residence and attempt to apprehend him. At the time of the request the unit was operating at two unique locations and unable to assist one another, causing an officer safety concern and a lack of resources.

Unit personnel assigned to the surveillance team utilized one marked black and white police vehicle and two uniformed officers (Officers D and E) to assist with their Operation Plan.

Homicide detectives were in the process of writing an arrest warrant for the Subject and a search warrant for his residence. The plan was if the Subject was identified as being inside the apartment, but did not exit, homicide detectives would notify Metropolitan Division, Special Weapons and Tactics (SWAT) to serve the search warrant.

A dedicated simplex radio frequency was assigned and was used for surveillance and tactical communications for the incident. Air Support Division was notified and

advised of the operation. Air Support Division was advised to have the Air Unit assigned to Valley Bureau monitor the frequency.

The BOPC noted that the surveillance team and the Operational Plan would have benefited by notifying Metropolitan Division of the plan prior to unit setting up surveillance at the Subject's residence. Doing so would have afforded the surveillance team with additional options and resources in attempting to take the Subject into custody.

Lines of Communication – Sergeant A discussed the incident during the Van Nuys Patrol Division, Watch Two roll call, so personnel were aware the unit was surveilling a murder suspect and to be mindful of their location and the possibility of their need for additional personnel.

Detective B briefed Officers D and E of the operational plan over the cellular phone wherein Officer D used the speaker mode in his/her cellular telephone for Officer E to hear the briefing. Detective B also texted Officer D a photograph of the Subject to be used for identification.

The BOPC noted that after completion, the Operation Plan was not reviewed by or disseminated to those involved in the tactical operation. The BOPC noted that this review process would have allowed those involved in the tactical operation to identify potential safety concerns and better understand their roles.

When the Subject walked out of this residence, Detective B switched his radio to Van Nuys Base frequency and broadcasted a back-up request as they were following a 187 suspect.

Detective A identified him/herself to the Subject by stating "Police" in an attempt to stop the Subject's actions. The Subject looked at him/her and while holding the gun in his right hand, the Subject began to raise the gun in his/her direction, causing Detective A to believe the Subject was going to shoot him/her. During the course of the incident and due to the rapidly evolving situation when the Subject ran and produced a pistol, personnel were unable to provide commands due to the Subject's violent actions.

According to Detective A, he/she drove his/her vehicle and parked near the Subject's apartment building after he/she heard the broadcast that the Subject was running southbound. Detective A was wearing his/her tactical vest which had the word "Police" affixed to both the front and back. As the Subject approached Detective A, Detective A stated "Police." The Subject raised his right arm holding a pistol towards Detective A. Faced with an imminent threat of serious bodily injury or death, Detective A utilized lethal force to stop the deadly threat.

The BOPC noted that there was minimal communication between personnel during the incident which started with a deficiently created Operational Plan. The BOPC

addressed, and the BOPC concurred, that in person communication with all personnel in the operation may have alleviated any discrepancies and ensured a clear understanding of the Operational Plan to all involved.

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

1. Operational Plan

Detective B approved an Operational Plan completed by Officer A that had numerous deficiencies. The Operational Plan did not outline clear tactical strategies for surveillance, containment, and apprehension which lead to a lack of coordination between the involved unit personnel and patrol officers.

Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound Operational Plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Detective B reviewed the Operational Plan formulated by Officer A which intended to utilize unit personnel in plain clothes to maintain surveillance on the Subject and have a single uniformed patrol unit conduct a pedestrian stop of the Subject who was known to be armed and was an identified robbery and murder suspect.

In its review of this case, the BOPC was critical of Detective B's decisions to approve an Operational Plan that was wholly inadequate, did not designate roles to personnel, did not utilize available resources to establish a perimeter or arrest team, and did not consider additional contingent tactical strategies to minimize risk to the community and allow the involved personnel to have an optimal tactical advantage. The BOPC noted that the Operational Plan was not completed on the appropriate form, that field units deployed and operated prior to the Operational Plan being completed, and that the Operational Plan was not disseminated to all involved field units.

The BOPC considered that the Operational Plan failed to utilize additional available patrol resources to maintain a perimeter, a lack of communication and coordination led to confusion, including when and where the Subject was preferred to be stopped, as well as which personnel would be part of the arrest team. Additionally, the BOPC noted that the Subject was identified as a robbery and murder suspect who was likely armed, however, only one uniformed patrol unit was utilized as a "chase unit" without additional "chase units" or personnel nearby in the event the tactical situation deteriorated which could cause confusion and jeopardize officer safety.

Effective operational plans demand utilizing all available personnel, with designated roles, and clearly laying out a plan of action in order to maintain the safety of officers, as well as minimize the risk to the community. The BOPC would have preferred that Officer A had developed and communicated an Operational Plan which established roles and assignments, including perimeter officers and an arrest team, as well as lethal and less lethal designations. This would have enabled the involved personnel to maintain a tactical advantage and ensure they properly functioned as a team. The BOPC additionally would have preferred that the personnel continuously communicated their plans with each other throughout the entirety of the incident to ensure a successful resolution. The BOPC would have preferred that Detective B utilized the time they had to thoroughly review Officer A's Operational Plan, addressed the clear deficiencies, and amended the plan to utilize the required personnel, with designated duties, and consider additional tactical strategies to maximize the tactical advantage of the involved personnel.

In reviewing this incident, the BOPC was critical of Detective B for allowing the surveillance team to deploy around the Subject's residence prior to the Operational Plan being completed by Officer A and approved by Captain A. Given Detective B's tenure in the unit, and responsibility as a Department supervisor, Detective B should have been aware of the officer safety concerns that arise from deploying on a potentially armed homicide suspect without an Operational Plan in place. The BOPC considered that Detective B created an artificial sense of urgency to establish the surveillance of a homicide suspect who had already been under surveillance by patrol resources for multiple hours. The BOPC noted the Operational Plan was completed on a form that reads "equivalent to..." and not the Department approved Operation Plan, LAPD Form 12.22.00.

By using this unapproved form, the BOPC noted a deviation in the "Notifications Checklist;" specifically the lack of notation of SWAT and Air Support notifications. The BOPC noted that specifically SWAT should have been contacted and briefed regarding the surveillance and possible arrest a potentially armed homicide suspect. The BOPC also noted that four additional detectives were identified on the Operational Plan as being assigned personnel even though they were not present, nor involved in this tactical situation. Conversely, the uniformed officers assigned to the surveillance were not included in the Operations Plan.

The BOPC noted that after completion, the Operational Plan was not reviewed by or disseminated to those involved in the tactical operation. The BOPC noted that this review process would have allowed those involved in the Operational Plan to identify potential safety concerns and better understand their roles. The BOPC was critical of Detective B's decision to deploy on the surveillance and then to utilize only a probationary police officer with minimal experience and his/her training officer to act as the primary contact for a homicide suspect who is possibly armed with a firearm. The BOPC noted that Detective B should have considered utilizing additional patrol resources which would have then allowed him/her to maintain his/her responsibility as IC.

Based on the totality of the circumstances, the BOPC found Detective B's operational planning substantially and unjustifiably deviated from approved Department tactical training.

Captain A approved an Operational Plan completed by Officer A that had numerous deficiencies. The Operational Plan did not outline clear tactical strategies for surveillance, containment, and apprehension which lead to a lack of coordination between the involved unit personnel and patrol officers.

In this case, ultimately Captain A reviewed the Operational Plan formulated by Officer A which intended to utilize unit personnel dressed in plain clothes to maintain surveillance on the Subject and have a single patrol unit conduct a pedestrian stop of the Subject who was known to be armed and was an identified robbery and murder suspect.

The BOPC was critical of Captain A's decisions to approve an Operational Plan that was substantially inadequate, did not designate roles to personnel, did not utilize available resources to establish a perimeter or arrest team, and did not consider additional contingent tactical strategies to minimize risk to the community and allow the involved personnel to have an optimal tactical advantage. The BOPC noted that the Operational Plan was not completed on the appropriate form, field units deployed and operated prior to the Operational Plan being completed, and the Operational Plan was not disseminated to all involved field units.

The BOPC considered that the Operational Plan failed to consider the utilization of additional available patrol resources to maintain a perimeter. The Operational Plan also lacked communication and coordination led to confusion, including the time and location the Subject was to be stopped, as well as which personnel would be part of the arrest team. Additionally, the BOPC noted that the Subject was identified as a robbery and murder suspect who was likely armed, however; only one uniformed patrol unit was utilized as a "chase unit" without additional "chase units" or personnel nearby in the event the tactical situation deteriorated.

In reviewing this incident, the BOPC was critical of Captain A's approval of the Operational Plan which did not include a specific Operational Plan and lacked clear objectives. The BOPC noted that the Operational Plan did not identify each officer's specific role or expectations during the surveillance and arrest of the Subject. The Operational Plan was completed on a document not approved by the Department, which contained inaccurate and deficient information essential to officer safety. The BOPC was critical of Captain A for not taking a thorough analysis and more critical review of the Operational Plan. The BOPC would have preferred for Captain A to have ensured that SWAT was contacted to see if their response criteria based on the Subject's recent violent actions were of a concern. The BOPC noted that Captain A did not communicate with his/her subordinate employees and did not advise officers in the field that he/she approved the Operational Plan which could cause confusion and jeopardize officer safety.

The BOPC would have preferred that Captain A thoroughly reviewed Officer As' Operational Plan, addressed the clear deficiencies, and amended the plan to utilize the required personnel, with designated duties, and consider additional tactical strategies to maximize the tactical advantage of the involved personnel.

Based on the totality of the circumstances, the BOPC found that Captain A's operational oversight substantially, and unjustifiably, deviated from approved Department tactical training.

Effective operational plans demand utilizing all available personnel, with designated roles, and clearly laying out a plan of action in order to maintain the safety of officers, as well as minimize the risk to the community. The BOPC would have preferred that Officer A had developed and communicated an Operational Plan which established roles and assignments, including perimeter officers and an arrest team, as well as lethal and less lethal designations. This would have enabled the involved personnel to maintain a tactical advantage and ensure they properly functioned as a team.

The BOPC noted that Officer A had approximately 13 years of experience in the unit; however, he/she failed to develop an Operational Plan which included the appropriate number of personnel required for this operation, did not assign the required roles and duties, and did not consider additional tactical options in the event the tactical situation changed. Officer A's role in the creation of the Operational Plan was significant and led to poor communication and coordination.

Based on the totality of the circumstances, the BOPC found that Officer A's operational planning substantially, and unjustifiably, deviated from approved Department tactical training.

2. Foot Pursuit Concepts

As Officer D initiated the foot pursuit, Officer D stated that he/she was in apprehension mode. According to Officer D, his/her goal was to stop the Subject as quickly as he/she could.

During the foot pursuit, Officer D unholstered his/her service pistol after observing that the Subject ran with his/her firearm in his/her hand.

As an arrest team was being assembled to take the Subject into custody, Officer D moved away from cover onto the sidewalk to where the Subject was laying down.

It was noted that although Officer D did not utilize the available limited cover afforded to him/her while in foot pursuit of the Subject, Officer D's primary concern was to immediately stop the threat posed by the Subject to the community. Officer D was conscious of his/her surroundings and aware that cover was readily available nearby. Although Officer D stated that he/she was in apprehension mode of the

Subject, his/her actions of not closing the distance between him/herself and the Subject while in foot pursuit, demonstrated that he/she did not have the intent to apprehend the Subject, and was merely attempting to keep a visual of the Subject. The BOPC considered that the Subject was not in close proximity to Officer D and was running at a much faster pace. At no time did the Subject turn and confront Officer D with a weapon. The BOPC additionally considered that Officer D's decision to move forward and utilize a small block wall as cover was solely to gain a better vantage of the Subject's hands and handgun in order to accurately assess the tactical situation.

The BOPC would have preferred that Officer D utilize the best available cover afforded to him/her throughout this tactical situation. The use of cover provides officers the necessary protection required to utilize their available time and resources to assess tactical situations and proceed with the best possible tactical option.

Based on the totality of the circumstances, the BOPC found that, while identified as an area for improvement, Officer D's actions were not an unjustified and substantial deviation from approved Department tactical training.

3. Utilization of Cover

Detective A moved away from cover after he/she fired his/her first round.

According to Detective A, he/she observed from his/her peripheral view the pursuing officers approaching the Subject from the north. The Subject was still moving and holding the gun in his right hand. Detective A stepped around to the front of his/her vehicle and took two or three steps towards the Subject, to close the distance and to better assess the Subject's actions. Detective A's decision to move up from his/her original position would allow him/her to deliver more effective shots, if needed. Detective A remained away from cover when he/she fired the second and third round. After firing the third round, Detective A then redeployed to the passenger side of his/her vehicle, using the engine block as cover.

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

The video captured by KTTV Fox 11 Los Angeles News captured a portion of the OIS. The video captured Detective A's second and third gunshots. The video depicts Detective A standing in front of his/her vehicle, pointing his/her shotgun at the Subject, who was lying on the sidewalk. The Subject's head was pointed in a southwest direction, his feet pointed toward the curb, and his back was toward Detective A.

The BOPC noted that Detective A left his/her position of cover behind his/her vehicle to close the distance and to better assess the Subject's actions. Detective A also recognized that officers that were in foot pursuit of the Subject would be approaching from the north and by moving to a better position, would lessen the possibility of a crossfire situation. The BOPC also noted that Detective A was in close proximity to available cover from his/her vehicle and moved away from cover in order to improve his/her vantage point of the Subject's handgun and assess the tactical situation. The positioning of the Subject, lying on the ground with his back towards Detective A, allowed for Detective A to better assess his actions, and at the same time observe the approaching officers. Detective A's position allowed him/her to have a better observation to accurately assess the threat posed by the Subject. Detective A's assessment of the Subject's actions led to two additional rounds being fired in order to stop the deadly threat posed by the Subject to the other responding officers. The BOPC noted Detective A immediately redeployed to the passenger side of his/her vehicle and utilized his/her vehicle's engine block as cover after the third round was fired.

Based on the totality of the circumstances, the BOPC found that Detective A's decision to leave cover was a substantial deviation, with justification, from approved Department tactical training.

4. Shotgun Manipulation While Seated Inside a Vehicle

Detective A held his/her loaded shotgun between his/her legs, while seated in his/her vehicle, and proceeded to drive to the area where he/she waited for the Subject to approach. Officer A is reminded the importance of officer safety and to adhere to the best practices in order to mitigate the instances that could lead to an unintentional discharge due to shotgun placement.

5. Preservation of Evidence

As the Subject was being handcuffed during the continued tactical incident, Officer H picked up the Subject's handgun prior to being instructed by Sergeant B to leave the handgun in place. Officer H is reminded of maintaining integrity at the scene of a Categorical Use of Force and the importance of preserving all evidence for investigators.

6. Simultaneous Non-Conflicting Commands

The investigation revealed that Officer D and multiple unidentified officers gave multiple non-conflicting simultaneous commands to both the Subject and Witness A after the OIS. Witness A was given multiple commands by multiple officers to move away from the area. The Subject was given multiple commands by multiple officers to "let go of the gun." Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

Command and Control

According to Detective B, he/she was the supervisor for the incident and the IC after the OIS. Detective B was involved in the initial planning of the operation and directed Officer A to complete an Operational Plan. Prior to the Operational Plan being approved by Captain A, Detective B directed unit personnel to deploy and set up the surveillance around the Subject's apartment. After Officer A completed the Operational Plan, Officer A emailed it to Detective B who then forwarded the Operational Plan up the chain of command. According to Detective B, before he/she left the station to join the surveillance, he/she was provided with the telephone numbers for Officers B and C. Detective B stated he/she made telephonic notification to Officers B and C and advised them unit personnel were en route to set up the surveillance and briefed them of the Operational Plan to allow the Subject to walk away from the apartment building and to move in when requested to conduct a high-risk pedestrian stop. Once the surveillance team was set up at the location, Detective B notified CD, placed the unit Code Six and requested a Code Five around the location. When Officer D and E arrived at the location and relieved Officers B and C, Detective B briefed Officers D and E of the Operational Plan over the phone and sent them a text message photograph of the Subject. Shortly after the OIS, Detective B relinquished the duties of IC to Sergeant B.

In this case, Detective B reviewed and approved the Operational Plan formulated by a subordinate officer, which intended to utilize unit personnel in plain clothes to maintain surveillance on the Subject and have a single patrol unit available to conduct a pedestrian stop of the Subject who was known to be armed and was an identified robbery and murder suspect.

The BOPC was critical of Detective B's decisions to approve an Operational Plan that was inadequate, did not designate roles to personnel, did not utilize available resources to establish a perimeter or arrest team, and did not consider additional contingent tactical strategies to minimize risk to the community and allow the involved personnel to have an optimal tactical advantage.

The actions of Detective B were not consistent with Department supervisory training or the BOPC's expectations of a tenured field supervisor during a pre-planned critical incident.

According to Sergeant A, once he/she assumed Watch Commander duties, he/she called Detective B and discussed his/her expectations regarding the involvement of Van Nuys Patrol Division officers who were assisting him/her with the surveillance operation. Sergeant A discussed vehicle pursuits, containment, and perimeters in the event the Subject fled the location. Sergeant A stated he/she was satisfied with the verbal Operational Plan. Sergeant A directed Officers D and E to relieve Watch Three Officers B and C, who were already in the area of the Subject's apartment. Sergeant A notified, Captain B via email of the Operational Plan. Sergeant A indicated he/she contacted air support, briefed the surveillance operation, and

requested for the Air Unit assigned to OVB to assist with the surveillance operation. After the OIS, Sergeant A arrived at scene of the OIS, was briefed of the incident by Sergeant B, and assumed the responsibility of IC. Sergeant A remained IC, until he/she was relieved by Captain B. According to Sergeant A, he/she and Sergeant B put together a search team to search the apartment building for victims and possible family members of the Subject.

According to Sergeant B, he/she was briefed of the Operation Plan during roll call and also spoke to Officers D and E on the phone once they got to the area of the Subject's apartment. Sergeant B discussed his/her concern with having only two officers that were going to approach a possible murder suspect that was armed with Sergeant A. Sergeant A contacted Detective B who advised Sergeant A that unit personnel would back up the uniformed officers until they had necessary resources and unit personnel would assist and support the uniformed officers. According to Sergeant B he/she arrived at scene a few seconds post OIS. According to Sergeant B, he/she approached the crime scene and observed officers standing behind a parked vehicle along the west curb. Sergeant B located Detective B and asked him/her what he/she needed. Detective B requested Sergeant B assume the position as the IC. Sergeant B declared him/herself as the IC and took over command and control duties.

Sergeant B formulated a plan to handcuff the Subject and ensured the arrest team had lethal and less-lethal use of force options. Sergeant B also verified the officers assigned to the arrest team knew their duties. After the Subject was handcuffed, Sergeant B was made aware of the close proximity to the Subject's residence and that the residence and area had not been cleared of possible additional victims or suspects. Due to the shooting occurring directly in front of an apartment complex and the possibility that community members may have been injured by gunfire Sergeant B directed a cursory search of two apartments. Sergeant B secured the crime scene and identified the command post location at a nearby gas station. Sergeant B activated his/her BWV while responding to the OIS scene and it captured his/her actions as he/she coordinated the arrest team and the Subject's handcuffing.

According to Sergeant C, he/she arrived at the location and assisted with securing the crime scene. Sergeant C was directed by Captain B to take a PSS from Detective A. According to Sergeant C, he/she separated Detective A from the other involved officers, sat him/her inside a police vehicle, and took a PSS from him/her. Sergeant C then transported Detective A to Van Nuys CPS, where he/she monitored him/her until relieved by Sergeant D.

According to Captain B, he/she arrived at location after the and took over as the IC. Captain B verified Detective A was the only Department employee involved in the OIS, separated him/her and Detective B, and assigned supervisors to monitor them. Captain B directed Sergeant C to take a PSS from Detective A.

The BOPC noted Captain B's actions while at scene of the OIS. Captain B observed Detective B attempt to receive a PSS from Detective A and stopped this action as both were involved in the incident. It was noted that Captain B proactively managed the Command Post.

The actions of Sergeants A, B, C and Captain B were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

According to Captain A, he/she reviewed and approved the Operational Plan on the morning of the OIS, after it was emailed to him/her. Captain A was notified of the OIS after receiving a phone call from Detective B. Captain A responded to the incident and monitored the investigation.

In this case, Captain A reviewed and approved the Operational Plan formulated by a member of his/her command which intended to utilize unit personnel in plain clothes to maintain surveillance on the Subject and have a single patrol unit conduct a pedestrian stop of the Subject who was known to be armed and was an identified robbery and murder suspect.

The BOPC was critical of Captain A's approval of the Operational Plan which did not include a specific Operational Plan and lacked clear objectives. The Operational Plan did not identify each officer's specific role or expectations during the surveillance and arrest of the Subject. The Operational Plan was completed on a document not approved by the Department and contained inaccurate names of the officers involved in the surveillance operation and deficient information essential to officer safety. The BOPC was critical of Captain A for not conducting a thorough analysis and more critical review of the Operational Plan involving a violent suspect, creating potential safety concerns for Department personnel and the community.

The actions of Captain A were not consistent with Department supervisory training or the BOPC's expectations of a Commanding Officer during a critical incident.

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 officers to discuss individual actions that took place during this incident.

In conducting an objective assessment of this case, the BOPC found that Detectives A, C, D, Sergeant B, and Officers D, and E's tactics did not substantially deviate from approved Department tactical training.

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

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

B. Drawing and Exhibiting

- According to Detective A, upon hearing Detective C's broadcast that the Subject exited the apartment building and while seated in his/her vehicle, he/she donned his/her Department issued tactical vest. Detective A reached for his/her Department issued 12-gauge, semiautomatic shotgun, which was loaded in the patrol ready configuration, located next to him/her on the front passenger seat of his/her unmarked unit. Detective A slung his/her shotgun around his/her neck, placed the shotgun between his/her legs with the barrel facing toward the floorboard, and chambered a round into the shotgun. Detective A drove to the location and pulled over to the east side curb, facing north, and waited for further information. Detective A exhibited his/her shotgun due to his/her knowledge that the Subject was wanted for murder, had a criminal history of violence, and understood there was a likelihood that this situation could escalate to the use of deadly force.
- According to Detective C, he/she drove his/her vehicle and parked near the area where the OIS occurred. Detective C drew his/her service pistol because he/she knew the danger the Subject presented to the public as well as to Department personnel. The Subject had been observed carrying a handgun as he ran from Department personnel and believed the situation had escalated to the use of deadly force and that the Subject could cause serious injury or death to members of the public and Department personnel.
- According to Detective D, he/she drew his/her service pistol when he/she got to the OIS location and got out of his/her vehicle. He was aware of the danger the Subject presented to the public and of his violent history. Detective D drew his/her service pistol after he/she heard three gunshots and believed that the situation could rise to the use of deadly force.
- According to Officer D, he/she was aware of the Subject's violent past which included homicide and armed robbery. Officer D drew his/her service pistol as he/she was chasing the Subject, whom he/she had observed to be in possession of a handgun, and observed the Subject scanning from side to side and felt as if the

Subject was going to point a handgun and fire back in Officer D's direction. Officer D drew his/her service pistol under his/her belief the tactical situation may escalate to use of deadly force.

- According to Officer E, he/she drew his/her service pistol after he/she heard the two gunshots and knew the Subject was armed. Officer E believed the situation had escalated to the point where deadly force would have been justified.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Detectives A, C, D's and Officers D and E's Drawing/Exhibiting. The BOPC noted that Detectives A, C, and D and Officers D and E were conducting surveillance on a known murder suspect. Detective A exhibited his/her shotgun because he/she observed the Subject in possession of a handgun. Detective C drew his/her service pistol after he/she observed the Subject running from officers while in possession of a handgun. Detective D drew his/her service pistol due to his/her knowledge of the Subject's violent history and after hearing three gunshots. Officer D drew his/her service pistol as he/she was chasing the Subject, whom he/she had observed holding a handgun, and observed the Subject looking around as if he was going to turn and shoot in his/her direction. Officer E drew his/her service pistol after he/she heard two gunshots and knew the Subject was armed with a handgun. During their surveillance, detectives observed the Subject flee the location on foot. The Subject produced a handgun when he observed officers and in response, officers drew their service pistols and exhibited a shotgun (Detective A) to protect themselves and others from the immediate threat of serious bodily injury or death created by the Subject.

As such, based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Detectives A, C, and D and Officers D and E, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Detectives A, C, and D's and Officers D and E's Drawing/Exhibiting to be In-Policy, No Further Action.

C. Lethal Use of Force

- **Detective A, First Round** – One shotgun round, fired in a westerly direction, from an approximate distance of 27 feet.

According to Detective A, he/she identified him/herself as the police, the Subject looked at him/her and while holding the handgun in his right hand and began to raise the gun in Detective A's direction. Detective A believed the Subject was going to shoot him/her. In fear for his/her life and to protect him/herself from imminent death or great bodily injury, Detective A disengaged the safety of his/her shotgun, aimed for the Subject's center body mass, and fired one round at him.

- **Detective A, Second Round** – One shotgun round, fired in a westerly direction, from an approximate distance of 15 feet.

According to Detective A, he/she observed the Subject trying to sit up. Detective A could see the Subject's right arm which is the hand that the Subject had the gun in. Detective A was sure the Subject had that gun and was pointing it in a northerly direction toward the pursuing officers who were running on foot. Detective A was fearful the Subject was going to shoot at approaching officers, in order to defend them from the imminent threat of great bodily injury or death the Subject posed on personnel, Detective A aimed at the Subject's lower, mid-right, back and fired a second shot from his/her semiautomatic shotgun.

- **Detective A, Third Round** – One shotgun round, fired in a westerly direction, from an approximate distance of 15 feet.

According to Detective A, he/she assessed, and believed his/her second shot missed, because it did not have an effect on the Subject, since he continued to point his handgun in a northerly direction toward the pursuing officers. Detective A, believed the Subject continued to pose a threat to the approaching officers because his/her second round did not stop the Subject's actions. Detective A aimed at the Subject's back, center mass, and fired a third round from his/her shotgun. Detective A assessed and observed the Subject collapse onto his left side, and he/she was no longer able to see the Subject's handgun.

In this case, the BOPC conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Detective A's use of lethal force. The BOPC noted that the incident was a stressful situation wherein the officers were attempting to arrest a homicide suspect that was armed with a handgun. The BOPC noted that this was a dynamic and rapidly unfolding incident where the suspect pointed a handgun at Detective A causing him/her to fear for his/her life as well as the lives of additional officers who were present at scene. Detective A was forced to make a split-second decision to protect him/herself and the nearby officers from the deadly threat. According to Detective A, the Subject looked at him/her while holding a handgun in his right hand and began to raise the handgun in Detective A's direction, prompting Detective A to discharge his/her shotgun to protect his/her life. After firing his/her initial round, Detective A assessed that the Subject continued to hold the handgun and point it at the officers who were approaching. In fear of their lives, Detective A fired two additional rounds to stop the deadly threat presented by the Subject

The BOPC also noted that the Subject was armed with a semiautomatic handgun and fleeing from uniformed officers. The investigation revealed that the Subject fired his weapon after being confronted and shot by Detective A. The Subject had ample opportunity to disarm himself and surrender to the officers.

As such, based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective A 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.

Therefore, the BOPC found Detective A's Use of Lethal Force to be In Policy.