

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

**OFFICER-INVOLVED SHOOTING – 056-19**

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

Newton                      12/1/2019

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

Officer A	3 years, 7 months
Officer B	3 years, 7 months
Officer C	3 years
Officer D	3 years, 8 months
Officer G	7 years, 3 months
Officer H	3 years, 11 months

**Reason for Police Contact**

Officers responded to a radio call of a male pointing a handgun at a passersby. Officers located a possible suspect and attempted to detain that suspect, who fled. The officers chased the Subject on foot until he reversed his direction and ran toward them while holding a handgun, resulting in an Officer-Involved Shooting (OIS).

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

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 October 27, 2020.

## **Incident Summary**

An unidentified person called 911 to report that a male wearing light blue jeans and a backpack was pointing a revolver at passersby. He was described as being on foot. A radio call was subsequently generated by Communications Division (CD).

Police Officers A and B were meeting with Officers C, D, E, and F when they acknowledged the radio call. According to Officers A and B, the additional officers who were present heard the radio call and advised Officers A and B that they would also respond. While en route to the call, Officer B contacted CD via the police radio and asked if the person calling could still see the suspect.

CD broadcast that there was “no further” information regarding their request.

As the officers drove east, they observed a male (the Subject) matching the description of the suspect from their radio call, walking west. Officer B immediately noticed that the Subject was grabbing his waistband area and utilized his/her (Officer B's) handheld flashlight to illuminate the Subject. As the Subject continued to walk past the officers, Officer B noticed that the Subject increased his pace and looked back in the officers' direction. Officer A made a similar observation and added that the Subject appeared to have a large bulky item, possibly a firearm, in his left front pocket.

Officers A and B had been assigned as partners for approximately a year and a half.

Officer A informed Officer B that he/she believed the Subject was the suspect identified in the radio call and conducted a U-turn. Officer B stated that he/she was able to maintain sight of the Subject while they made the turn. He/she noticed that the Subject looked back in the officers' direction while continuing to walk quickly and manipulate something in his waistband area. A security camera recorded the above encounter and depicted the Subject walking to the southeast corner of the street. The Subject then turned south and out of view of this camera. As Officers A and B drove west to where they had last observed the Subject, they observed him standing on the southeast corner of the street, in front of a market.

Officers G and H were monitoring the police radio when they heard Officers A and B receive a radio call of a “415 man” and responded to the area to assist. As they drove north, they observed Officers A and B in front of them turning east. Upon reaching the same intersection, Officer H observed the primary unit negotiate a U-turn and proceed west. Officer H then observed Officer A signal him/her by pointing to the southeast corner, as if to indicate the Subject's location or to look in that direction. After turning east, Officer G immediately conducted a U-turn and followed behind the primary unit.

According to Officers G and H, they had limited information when they responded to the radio call. They heard CD broadcast the radio call as a “415 man” but were unaware that the Subject was reported to be armed.

As Officer A drove south, he/she observed the Subject standing south of the intersection on the east sidewalk near a metal electrical box and verbalized to his/her partner, "That's him." Officer A conducted another U-turn and positioned the police vehicle in a northeast direction facing the Subject, who was standing approximately 36 feet away. Both officers immediately exited their vehicle with the intent of making contact with the Subject. Officer A indicated he/she was aware of the arrival of Officers G and H, who also conducted a U-turn and stopped their vehicle to the left of him/her (Officer A).

Officers G and H did not notify CD that they were responding to this incident, nor did they go Code Six by updating their status and location upon their arrival.

According to Officer A, he/she believed the Subject was attempting to hide a firearm as he stood on the corner. Officer A described the Subject as having his left hand over his left pants pocket and his right hand in his waistband area. Officer A observed the outline of an object through the Subject's clothing and believed he was armed with a revolver in his front left pocket.

The Subject later admitted to possessing a black .38 caliber revolver at the time of the incident and indicated he carried it on his left side, inside his pants.

Based on a review of security video, the Subject appeared to be holding a cell phone in his right hand.

Believing that the Subject was armed, Officer A stated he/she exited his/her vehicle, positioned him/herself behind his/her open driver door and unholstered his/her pistol to a low-ready position. Officer A was uncertain if he/she held his/her pistol with a one or two-handed grip. However, based on a review of his/her BWV, it was determined that immediately upon exiting his/her vehicle, he/she unholstered his/her pistol with his/her right hand and pointed it in the Subject's direction, while simultaneously activating his/her driver's side spotlight with his/her left hand.

Officer B advised that prior to exiting his/her vehicle, he/she observed the Subject attempt to conceal an item but was not sure what it was. He/she assumed, based on the comments of their radio call, that the item was probably a handgun.

While holding his/her pistol in his/her right hand, Officer B used his/her right pinky finger to manipulate the interior passenger door latch. As their vehicle came to a stop, Officer B exited and positioned him/herself behind his/her door for cover. Officer B was uncertain if he/she held his/her pistol with a one or two-handed grip, but indicated that he/she pointed his/her pistol at the Subject, because he/she believed the Subject was armed and posed an imminent threat of serious bodily injury or death.

Both officers stated they gave verbal commands to the Subject, which they believed he heard. Due to there being other bystanders nearby, Officer B ordered the Subject to face toward a wall that was to the right of the Subject. Upon exiting his/her vehicle,

Officer A yelled, "Come over here!" The Subject disregarded those commands and immediately ran north on the sidewalk and then east. Officers A and B initiated a foot pursuit and followed the Subject on the sidewalk.

According to the Subject, the officers told him to "stop" and not to move. He stated he did not follow those commands because, according to him, he was "on drugs."

Officer A stated he/she had a split second to decide whether to get back into his/her vehicle or chase the Subject on foot. He/she chose to go in foot pursuit and follow the Subject in containment mode, due to his/her awareness that other officers were already at scene. Officer A also explained that, because he/she believed the Subject was armed, he/she was not trying to apprehend him. His/her intent was to monitor the Subject's direction of travel and broadcast that information to establish a perimeter. Officer A indicated he/she did not verbalize with Officer B, that he/she was going in foot pursuit; however, Officer A said he/she looked back at Officer B and made eye contact to ensure that he/she was also in foot pursuit. According to Officer B, he/she looked at Officer A, and due to their past work experience, he/she believed they were going to chase the Subject on foot. Officer B indicated they pursued the Subject in containment mode with the intent of keeping him in sight and setting up a perimeter.

Officer A's BWV shows that the foot pursuit lasted for approximately 30 seconds before the OIS occurred. Although Officer A stated that his/her intent was to monitor the Subject's direction of travel and broadcast the information he/she observed in order to establish a perimeter, he/she did not make any radio broadcasts until after the OIS had occurred.

Body Worn Video (BWV) depicts both officers running with their pistols in their right hands.

During the foot pursuit, Officer A ran in front of Officer B and maintained a distance of approximately 102 feet behind the Subject. Officer B was approximately 56 feet behind Officer A, who indicated he/she could hear his/her partner behind him/her and believed he/she was close enough to render aid to him/her if needed. Officers A and B followed the path of the Subject. Officer A stated that he/she did not give any additional commands to the Subject, because he/she wanted to give the Subject space while maintaining containment mode.

As previously mentioned, Officers G and H stopped their vehicle to the left of the primary unit. According to Officer H, he/she observed Officer A immediately exit his/her vehicle and state something to the effect of "Hey, stop right there." Officers G and H then observed the Subject run north, with Officers A and B following behind in foot pursuit.

Officers G and H indicated that they did not know why the officers were chasing the Subject and chose to follow him/her in their vehicle rather than join the foot pursuit. Although not specifically discussed during this incident, Officer H stated that he/she and

Officer G have had previous discussions regarding tactics and decided they would not engage in a foot pursuit unless they knew exactly why they were chasing someone. Officers G and H drove past Officers A and B and followed behind the Subject in their vehicle.

Meanwhile, Officers C and D were driving and observed Officers A and B in a foot pursuit. Officer C observed that the person they were chasing matched the description of the suspect mentioned in the radio call. They also saw an additional unit ahead of them and followed that unit south. Officer C believed the other police vehicle was attempting to intercept the Subject and cut him off.

Officers C and D did not notify CD that they were responding to the call with Officers A and B, nor did they notify CD of their Code Six location.

Officers A and B each stated that their plan, although not discussed with one another, was to maintain sight of the Subject and contain him in a perimeter. Despite their intent, both officers acknowledged that they did not initiate a broadcast during the foot pursuit to communicate their location or to request additional resources. According to Officer B, he/she believed that he/she did not have time to utilize his/her radio, because his/her main focus was to follow the Subject. Both officers indicated they were aware additional units were with them. Officer A added that he/she did not request a backup unit, because he/she believed those additional units were sufficient to contain the Subject.

As Officers G and H monitored the Subject while driving south, they observed that he was holding a shiny object in his hand. According to Officer H, prior to attempting to contain the Subject, the officers discussed their observations and concluded the item was potentially a cell phone. Neither officer indicated they were aware that the Subject was armed.

Officers G and H said that as the Subject continued to run south, the officers decided to try and contain him. The officers drove past the Subject approximately 79 feet and turned their vehicle to the right, angled toward the west curb. This action caused the Subject to stop and run back north on the west sidewalk. Officers G and H indicated they both exited their vehicle at that point and heard approximately two gunshots. Neither officer indicated they knew who had fired at that point. Officer H added that just prior to hearing gun-fire he/she heard Officer A say, "stop" or "don't move."

Meanwhile, as Officers C and D drove south, they observed Officers G and H driving ahead of them and the Subject running on the west sidewalk with a gun in his right hand. Officer C estimated that he/she was approximately one car length behind the Subject when he/she made this observation and described the firearm as having a wooden grip with a long silver barrel. Officer D recognized the item as a revolver. The Subject's firearm was later determined to be a .38 caliber Smith & Wesson six-shot revolver.

Officers C and D observed Officer G turn his/her vehicle west in what they believed was an effort to block the Subject's path. The officers believed this action caused the Subject to turn around and run back in their direction. According to Officer D, the Subject was now holding the revolver in his left hand. As his/her partner brought their vehicle to a stop, Officer D observed the Subject continue to run north (on the sidewalk) and eventually parallel with his/her side of their vehicle. Officer D feared the situation could escalate to the point where deadly force would be necessary and unholstered his/her pistol with his/her right hand. Through his/her open passenger side window, Officer D then ordered the Subject to, "stop running". The Subject disregarded Officer D's command and continued north.

Security video depicted Officer C stop his/her vehicle in the northbound lane of traffic, approximately 40 feet from where the Subject stopped and changed direction. Officer C then drove in reverse approximately 10 feet, before he/she and Officer D exited and ran north.

Officers C and D both indicated that they heard a gunshot while still seated in their vehicle, but they did not know who had fired. Officer C stated that he/she unholstered his/her pistol while near the rear of his/her vehicle and held it in a two-handed grip. Officer C added that he/she saw Officers A and B with their weapons unholstered, observed the Subject on the ground and then heard one of the officers state, "Drop the gun."

Officers A and B indicated that as they were turning south, they briefly lost sight of the Subject. Moments later, they observed the Subject south of them on the west sidewalk. They believed the arrival of the additional units caused the Subject to suddenly stop running south and reverse his direction. According to Officer A, the Subject was approximately five to six car lengths ahead of the officers when he turned and ran back in their direction. Officer B described the distance as "mid-block."

The investigation determined that the Subject was approximately 155 feet ahead of Officer A when he (the Subject) reversed direction.

Body Worn Video depicted Officer A raise his/her firearm with his/her right hand in a southerly direction as he/she slowed to a walk and stopped. Officer A then joined his/her hands together to form a two-handed shooting grip as the Subject continued to run north in his/her direction on the west sidewalk. Moments later, Officer B could be seen running up behind Officer A while pointing his/her firearm with his/her right hand in the Subject's direction. Officer B slowed his/her pace and ultimately stopped a few feet to the left of Officer A.

As the Subject continued to run, Officer A stated, "He has a gun!" followed immediately after by a command from Officer B to, "Get on the fucking floor now!" Officer A then gave a similar command and shouted, "Get on the floor!" The Subject continued on the west sidewalk carrying the gun in his left hand. Approximately one second later, Officer A fired one round in a southwest direction. The Subject continued forward one to two

steps and stumbled to the ground, landing on his stomach with his head facing north. Approximately 1.66 seconds after Officer A's gunshot, Officer B also fired, discharging one round in a southwest direction toward the Subject. Immediately following the OIS, Officer B momentarily released his/her two-handed grip on his/her firearm and activated his/her BWV. Neither round struck the Subject.

As depicted on Officer A's BWV, Officer B momentarily utilized his/her flashlight to illuminate the west sidewalk and the Subject. This lighting also momentarily illuminated an unknown person sitting against the east wall of the adjacent business. Officer A acknowledged seeing this individual but did not assess her to be in their immediate background at the time they fired.

As Officer B fired his/her single round, the Subject's northbound movement had taken him/her past the unidentified person; she did not appear to be in Officer B's direct line of fire at the time Officer B fired his/her weapon.

According to Officer A, when he/she first observed the Subject turn and run back in his/her direction, the Subject was holding what looked like a revolver with a shiny metallic barrel in his left hand. In an effort to de-escalate the situation, Officer A stopped running to give him/herself more time and to create distance between him/herself and the Subject.

Officers A and B both advised that once they turned the corner they did not believe they had any cover to use. According to Officer A, he/she looked for vehicles or other hard barriers in the area to move to, but he/she did not notice any. Officer A also stated he/she believed it would have been unsafe to re-deploy, because it would have necessitated turning his/her back to the Subject. As depicted on Officer A's BWV, there was a telephone pole approximately 11 feet southwest from his/her position at the time he/she stopped running.

It appeared to Officer A that the Subject was manipulating the gun in some fashion, while holding it with both hands on his left side. Officer A stated that he/she only had a fraction of a second to determine if the object in the Subject's hand(s) was in fact a firearm. As the Subject continued to run north, he became illuminated by an overhead streetlight. Officer A said it was at that point he/she was able to determine that the object held by the Subject was a firearm.

Officer A said he/she verbalized to his/her partner that the Subject had a gun, and then ordered the Subject to "Stop." Despite this command, the Subject continued toward him/her and began raising his gun from "mid-waist" level, upward to an approximate 45-degree angle. Officer A believed the Subject was in the process of pointing the gun at him/her and was rapidly closing the distance between them. Officer A estimated that at the pace the Subject was running, he would have reached his/her (Officer A's) position within approximately two seconds.

Believing that the Subject was about to shoot and/or seriously injure him/her or his/her partner, Officer A stated he/she utilized a two-handed stance and fired one round in a southwesterly direction toward the Subject, from a distance of approximately three car lengths. The investigation determined the distance to be approximately 54 feet.

Officer A believed Officer B fired one round at the same time he/she did and observed the Subject fall to the sidewalk. Officer A conducted an assessment at that point and chose not to fire a second round, because he/she believed the Subject had been struck by gunfire and was no longer a threat.

According to Officer B, as the Subject approached, he/she observed the Subject holding a "white metal revolver" in his right hand. Officer B ordered the Subject to "Get on the [expletive] floor!" Officer B recalled hearing his/her partner give a similar command of "Get on the floor!" Officer B noted that the Subject's arms originally swung back and forth as he ran. However, as the Subject approached, Officer B observed the Subject raise his right arm straight out in front of him to about mid-chest level and point his gun at him/her the officers. Officer B indicated he/she then heard a gunshot and saw muzzle flash and believed the Subject had shot at them from a distance of approximately 20 to 25 feet. Fearing for his/her life, Officer B responded by firing one round in a southerly direction at the Subject, while using a two-handed shooting stance.

Officer B observed the Subject collapse to the ground and indicated that his/her revolver was no longer visible.

The investigation determined that Officer B fired at the Subject from a distance of approximately 44 feet. The gunshot Officer B heard and attributed to the Subject was fired by Officer A. The Subject did not discharge a firearm during this incident.

The Subject acknowledged that he heard the officers' initial commands to stop, but he ran because he believed his gun was exposed and was observed by the officers. The Subject stated that it was the arrival of a police vehicle, as he was running which caused him to stop and change the direction. The Subject admitted that after he turned and ran in the direction of the officers, he removed his gun from his pants and held it in his hand as he prepared to throw it. The Subject believed the officers fired beanbag rounds in the air to scare him. Once the officers fired, the Subject dropped the gun and fell to the ground.

Officer A broadcast on the police radio, a "shots fired, officer needs help" call. Communications Division in turn simulcasted the help call on Central Bureau Frequencies. Seconds later, Officers C, D, G, and H approached Officers A and B from the east side. Officer G unholstered his/her pistol at that point, indicating that he/she did not know who had fired and believed the situation could escalate to the point where deadly force would be justified. Officer A directed the officers to update his/her location and to set up an arrest team. Officer H initiated a broadcast to CD and advised their location. Officer H stated that he/she then unholstered his/her pistol, because he/she feared the situation could lead to one involving the use of deadly force.

As the Subject laid on his stomach with his head in a northerly direction, Officer A ordered him not to reach for anything and to place his hands on his head. Once the Subject complied, Officer A told him not to move. As Officer A and the other officers at scene began to walk toward the Subject, Officer A stated that he/she would “cover” and directed Officer C to handcuff the Subject. Officer C acknowledged Officer A and holstered his/her pistol.

As Officer C approached the Subject, he/she stated, “Don’t touch shit. Don’t fucking move.” Officer C then grabbed the Subject’s right wrist from behind his head and moved it behind his back. After securing a handcuff to the Subject’s right wrist, Officer C asked the Subject for his left hand. When the Subject complied, Officer C secured both of his wrists behind his back and completed the handcuffing.

As the Subject was being taken into custody, Officer A asked the Subject if he had been struck by gunfire, to which he replied, “No.” Officer C conducted a pat-down search of the Subject and confirmed that he was no longer armed and that he did not appear to have been injured. The other officers at scene holstered their pistols at that point and began the necessary tasks to contain the scene and protect the evidence.

As the officers were making their approach to take the Subject into custody, Officer B’s BWV inadvertently became dislodged and fell to the ground. Approximately one minute and 20 seconds later, Officer G picked up the camera and affixed it back onto the front of Officer B’s uniform shirt.

Officers I and J arrived at scene. Officer I broadcast that the Subject was in custody and requested a Rescue Ambulance (RA), because he/she mistakenly believed the Subject had been shot. Officer C then placed the Subject into the back seat of Officers I and J’s police vehicle.

Officer A stated that he/she observed the Subject’s revolver on the ground near a black metal gate, inches from the Subject’s left foot. Officer B stated that he/she did not see the firearm until the Subject was in custody and was moved away from the location. Officer B then observed the firearm by the same black metal gate. Officer B stood by the firearm until he/she was relieved by Officer I.

Sergeant A arrived at scene and met with Officers A and B, who identified themselves as having been involved in the OIS. Sergeant A separated Officers A and B and admonished them to not talk about the incident and directed other officers to set up crime scene tape to secure the area. Sergeant A monitored Officers A and B until Sergeant B arrived.

Sergeant B assumed the role as Incident Commander but did not broadcast that information. Sergeant B monitored both officers until Sergeant C arrived. Sergeant B obtained a Public Safety Statement (PSS) from Officer B, and Sergeant C obtained a

PSS from Officer A. Sergeants B and C ensured that both officers remained separated and monitored.

According to Sergeants B and C, Officers A and B indicated that they each fired one round in a southerly direction. The physical inspection of their firearms, along with the evidence collected at scene, was consistent with both officers having fired one round during this incident.

While in the back seat of the police car, the Subject was able manipulate his arms and move his handcuffs from his back to his front. Once Sergeant B was made aware of the Subject's actions, he/she directed Officer E to remove the Subject from the vehicle and re-handcuff his arms behind his back. Sergeant B then directed Officers C and D to transport the Subject to the station.

Force Investigation Division Detectives reviewed the documents and circumstances surrounding the separation, monitoring and admonition to the officers not to discuss the incident prior to being interviewed by FID investigators.

**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 A	Yes	Yes	Yes	No	No
Officer B	No	Yes	No	No	No
Officer G	No	No	No	No	No
Officer H	No	Yes	No	No	No
Officer C	No	No	No	No	No
Officer D	No	No	No	No	No

**Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

**A. Tactics**

The BOPC found Officers A, B, C, D, G, and H's tactics to warrant Administrative Disapproval.

## **B. Drawing and Exhibiting**

The BOPC found Officers A, B, C, D, G, and H's drawing and exhibiting of a firearm to be In Policy.

## **C. Lethal Use of Force**

The BOPC found Officers A and B's use of lethal 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 subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

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

## **A. Tactics**

### *Tactical De-Escalation Techniques*

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

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

Tactical de-escalation does not require that an officer compromise his/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.

**Planning** – According to both Officers A and B, they had been assigned as partners for approximately a year and a half and had numerous conversations regarding a variety of tactical scenarios that included the topics of contact and cover and their responsibilities during investigations. At the start of their shift, Officers A and B did not acquire a shotgun from the kit room which could place them at a tactical disadvantage when confronting an armed suspect.

While en route to the radio call and as part of their planning process, Officer B read the comments of the radio call and contacted CD via the radio to obtain additional information regarding the Subject. However, Officers A and B did not communicate a tactical plan for encountering the armed suspect.

A review of the incident recall for this incident by FID investigators revealed there was no corresponding Code Six MDC transmission or radio broadcast from Officers A or B. Officer B did not activate his/her BWV until after the OIS had occurred and neither Officer B nor Officer A activated their DICVS upon observing the Subject or prior to stopping him.

According to Officer A, prior to making contact with the Subject, he/she angled the police vehicle facing the sidewalk, so that his/her partner, Officer B, would be able to utilize the passenger door as cover.

Officers A and B each stated that their plan, although not discussed with one another, was to maintain sight of the Subject and contain him in a perimeter. Officer A added that he/she believed the Subject was armed and was not attempting to apprehend the Subject; however, neither officer set-up a perimeter, communicated their plans with the other officers who were in the area, and did not broadcast that they were in foot pursuit.

The BOPC discussed the deficient and inadequate plan as a result of Officers A and B's lack of communication. This lack of planning prior to contacting the Subject was evident and placed all the officers at a significant tactical disadvantage. Officers A and B gave conflicting commands, did not place themselves Code Six, and did not communicate a plan among themselves or communicate relevant information to responding officers, which included the Subject being armed with a handgun. In addition, Officers A and B did not broadcast they were following the Subject or in foot pursuit and made no attempt to establish a perimeter to contain the Subject. The BOPC would have preferred that Officers A and B had developed a specific plan prior to engaging the suspect. Although they had previously worked together and were familiar with each other, Officers A and B would have benefitted from discussing a specific plan, relaying that plan to the other officers in the area, and requesting the assistance of an Air Unit.

Officer G stated that he/she and Officer H had worked together two times and talked about tactics the first time they worked together. At the time of this incident, Officers G and H discussed that Officer G would be the contact officer and Officer H would

be the cover officer. However, Officers G and H did not notify CD that they were responding to this incident, nor did they go Code Six upon their arrival. In addition, although they were having difficulties retrieving the incident on their MDC, Officers G and H did not request the incident information from CD and had no knowledge that the Subject was armed. Officer G drove his/her police vehicle past the Subject, who was running from Officers A and B, and tried to contain the Subject by blocking his/her path using their police vehicle.

The BOPC noted that Officer H could have broadcast a request for information from CD when he/she experienced difficulty retrieving that information from the MDC. In addition, Officers G and H observed Officers A and B running after the Subject; however, they did not attempt to communicate with the officers their reason for pursuing the Subject. The BOPC further noted that Officers G and H had positioned and stopped their police vehicle directly in the Subject's path, who was armed, as he ran in the officers' direction. The BOPC would have preferred that Officers G and H obtain sufficient information and situational awareness to ensure their safety and to assist them in developing a tactical plan to contain an armed suspect.

Officers C and D had worked together three times, discussed contact and cover roles, and lethal and less-lethal options; however, they did not discuss tactics specific to this incident. Officers C and D did not notify CD that they were responding to the call with Officers A and B, did not discuss a plan with those officers, nor did they notify CD of their Code Six location. Officer C observed that Officers A and B were chasing the Subject, who matched the description of the suspect mentioned in the radio call but did not communicate a plan with those officers.

The BOPC discussed that Officers D and C had observed Officers A and B running after the Subject; however, they did not develop a plan to set-up a perimeter and contain the Subject, knowing the Subject was armed. The BOPC would have preferred that Officers C and D work as a team with Officers A and B to communicate and develop a plan for containment of an armed suspect by setting up perimeter, as well as requesting sufficient resources to minimize the risks to officers.

**Assessment** – According to Officer B, he/she immediately noticed the Subject grabbing his waistband area and increasing his pace as he looked back in Officers A and Bs' direction. Officer A made a similar observation and added that the Subject appeared to have a large bulky item in his left front pocket, which may have been a handgun. Officer A assessed that the Subject may have been the suspect described in the radio call and advised Officer B of this assessment. In his/her assessment of the tactical situation, Officer A stated that he/she did not request a back-up, because he/she believed the two additional units in the area were sufficient to contain the Subject.

According to Officers A and B, based on the Subject's actions, they assessed that the Subject was possibly armed and were attempting to contain him and monitor his

direction of travel. As the Subject ran towards Officers A and B, Officer B utilized his/her flashlight to illuminate the Subject and observed an uninvolved individual seated on the sidewalk but did not assess her to be in Officer B's immediate background.

Officers A and B fired one round each from their service pistols and assessed after firing. In their assessment, both Officers A and B stated they observed the Subject fall to the ground and believed their rounds had struck the Subject.

The BOPC discussed the officers' need to continually assess the background within the context of a tactical incident while weighing the life-threatening risks to the victims, officers, bystanders, and suspects. Officers A and B were reminded to be cognizant of their background during tactical encounters which may result in the use of deadly force and have the potential to harm community members in the area. The BOPC would have preferred that Officers A and B had communicated with the uninvolved individual regarding the hazard presented by remaining in the area of the Subject.

According to Officers G and H, they observed and assessed Officers A and B attempting to conduct a pedestrian stop on the Subject. Officer G parked their police vehicle next to Officers A and B's police vehicle, unaware the Subject was armed or the reason for the pedestrian stop. In addition, Officers G and H assessed and made the decision to drive past the Subject and the pursuing officers in attempt to block the Subject with their police vehicle.

Officers C and D observed Officers G and H's police vehicle with their amber lights on, driving eastbound and Officers A and B running after the Subject southbound. Officer C observed the Subject with a handgun in his right hand. Officer C then observed the Subject stop, turn around, and began to run northbound on the west sidewalk. Officer D observed the Subject running northbound while holding a handgun in his left hand.

**Time** – Officers A and B parked their police vehicle at a distance from the Subject and utilized the police vehicle's ballistic doors to afford them time as they gave the Subject verbal commands. According to Officer A, the Subject was approximately five to six car lengths ahead of them when the Subject turned and ran back in Officers A and B's direction. In an effort to de-escalate the situation, Officer A stated that he/she stopped running to give him/herself more time to react and create distance between him/herself and the Subject. According to Officer B, when the Subject fled from the officers, he/she and Officer A attempted to maintain a safe distance from the Subject but still maintain a visual on the Subject's location. Officer B slowed his/her pace and stopped to the left of Officer A in an effort to take the time to assess the Subject's actions. Both officers directed the Subject to get onto the ground to maintain distance. After discharging their first rounds, Officers A and B took the time to conduct assessments and chose not to fire additional rounds

because they believed the Subject had been struck by gunfire and was no longer a threat.

In considering the actions of Officers A and B, the BOPC noted that each of these officers stated their intent was to maintain sight of the Subject and contain him in a perimeter; however, Officers A and B did not take the time to develop a plan or communicate their observations to additional units in the area, request additional resources for containment purposes, or communicate that they were in foot pursuit and attempt to establish a perimeter in this incident. Additionally, Officers A and B did not activate their DICVS, and Officer B did not activate his/her BWV until after the OIS, despite having the time to do so. The BOPC would have preferred that Officers A and B had taken the time to establish a perimeter and obtain sufficient resources for containment rather than confront an armed suspect which resulted in an OIS.

Officers C, D, G, and H had time to activate their BWVs and DICVS but did not do so. In addition, these same officers did not utilize the time to place themselves Code Six or advise CD that they were responding to this call. Upon observing Officers A and B in foot pursuit, none of these officers took the time to broadcast the foot pursuit information, to request a back-up, to establish a plan and a perimeter, or to communicate among each other.

Although they observed the Subject running with a handgun in his hand, neither Officers C nor D took the time to communicate that observation to each other or with the other units.

Officer G drove his/her police vehicle past the Subject and tried to contain the Subject by blocking the Subject's path utilizing their police vehicle, which limited their options and the time the officers had to react to the Subject's actions.

The BOPC considered Officers C, D, G, and H's failure to adhere to Department policy and approved tactical training in their haste to confront an armed suspect and take action without obtaining sufficient information or resources. These officers would have benefitted from the use of an Air Unit, additional officers, and a supervisor. The BOPC would have preferred that Officers C, D, G, and H apply Department policy and approved tactical training to slow the pace of this incident and de-escalate the situation rather than place themselves at risk.

**Redeployment and/or Containment** – Both Officers A and B indicated they had pursued the Subject in containment mode with the intention of keeping him in their sights and establishing a perimeter. According to Officer A, his/her intent was to monitor the Subject's direction of travel and broadcast that information to establish a perimeter. Officer A added that he/she did not request a back-up, because he/she had sufficient units to contain the Subject.

Officers A and B both stated that once they turned the corner they did not believe they had any cover to utilize. According to Officer A, he/she looked for vehicles or other hard barriers in the area to move to, but he/she did not observe any cover. Officer A further stated that he/she believed it would have been unsafe to re-deploy, because it would have necessitated turning his/her back to the Subject; however, the investigation revealed there was a telephone pole approximately 11 feet from his/her position.

According to Officers G and H, as the Subject ran south, they made the decision to contain the Subject by driving past him/her and the pursuing officers in an attempt to block the Subject's path with their police vehicle. Because of the lack of communication among officers, Officers G and H believed the shiny object in the Subject's hand was possibly a cell phone. They were not aware that the Subject was armed with a handgun and placed their police vehicle directly in the Subject's line of travel.

Officers C and D observed Officers G and H's police vehicle block the Subject's path and believed this action caused the Subject to turn and run north in their direction. According to Officer D, the Subject was holding a handgun in his left hand. Officer C brought their police vehicle to a stop and the Subject continued running north, passing Officer C and D. Officers C and D heard a gunshot and re-deployed by exiting their police vehicle.

The BOPC discussed the opportunity Officers A and B had to utilize Officers G and H, along with Officers C and D, to secure a perimeter and contain the Subject. Instead, Officers A and B chose to disregard those resources and not request a back-up. Their primary objective should have been containment of the Subject while coordinating responding resources. The BOPC would have preferred Officers A and B had utilized their available resources in coordinating a response while maintaining a visual on the Subject from a tactically safe position and reducing the risk of potential harm to themselves and to the other officers who were in the area.

**Other Resources** – Both Officers A and B acknowledged that they did not initiate a back-up or a foot pursuit broadcast to communicate their location and obtain additional resources such as an Air Unit, a supervisor, and additional officers for a perimeter. According to Officer B, he/she believed he/she did not have time to utilize his/her radio, because his/her main focus was pursuing the Subject. Both officers also indicated they were aware additional units were with them and believed those units were sufficient to contain the Subject. Officers C, D, G, and H did not request a back-up or additional resources as well.

As a result of the OIS and "help call," additional Department personnel responded, along with Los Angeles Fire Department (LAFD) personnel; however, the Subject refused to be medically examined.

The BOPC noted that consistent with the deficient lack of planning and communication, available resources were not requested by any of the officers involved in this incident prior to the OIS.

**Lines of Communication** – Both Officers A and B stated they had been assigned as partners for a year and a half and had several conversations regarding tactical scenarios, the topic of contact and cover roles, and their responsibilities while conducting an investigation.

While en route to the radio call, Officer B read the comments of the radio call to Officer A and contacted CD to ascertain additional information regarding the Subject; however, Officers A and B did not communicate a tactical plan if they were to encounter the Subject and did not place themselves Code Six over the radio or through the MDC.

Although not discussed with one another, Officers A and B each stated that their plan was to maintain sight of the Subject and contain him in a perimeter. When Officer A observed the Subject with his hand in his pocket and the other in his waistband, Officer A communicated this observation to Officer B. In addition, Officers A and B stated they gave verbal commands to the Subject in an attempt to detain him and continued to communicate with the Subject throughout this incident until he was apprehended and handcuffed. Upon exiting their police vehicle, Officers A and B gave conflicting, simultaneous commands to the Subject where Officer A directed the Subject toward the officers, and Officer B ordered the Subject to face the wall. Officer A immediately broadcast a “help call” after the OIS had occurred.

The BOPC noted that Officers A and B’s lack of communication prior to contacting the Subject was apparent and placed them and responding officers at a significant tactical disadvantage. Officers A and B gave conflicting commands to the Subject, did not place themselves Code Six, did not communicate a plan among them or communicate important information to responding officers, which included the Subject being armed with a handgun. In addition, Officers A and B did not broadcast they were in foot pursuit and made no attempt to verbally establish a perimeter to contain the Subject who was armed. The BOPC would have preferred that Officers A and B had a discussion prior to making contact with the Subject. Although they had previously worked together, Officers A and B would have benefitted from discussing a specific plan, communicating that plan to the other officers in the area, and requesting the assistance of an Air Unit and a supervisor.

Officer G stated that he/she and Officer H talked about tactics the first time they worked together and at the time of this incident, Officers G and H discussed that Officer G would be the contact officer and Officer H would be the cover officer. However, Officers G and H did not notify CD that they were responding to this incident, nor did they go Code Six upon their arrival and update their location as it

changed. In addition, Officers G and H did not request the incident information from CD and were not aware that the Subject was armed.

The BOPC noted that Officers G and H could have broadcast a request for information on the call from CD. In addition, Officers G and H observed Officers A and B running after the Subject but did not communicate with the pursuing officers or broadcast a back-up for Officers A and B. The BOPC would have preferred that Officers G and H obtain and share information among themselves and with the pursuing officers to ensure their safety and minimize their risks.

Officers C and D had worked together previously and discussed lethal, less-lethal, contact and cover roles; however, they did not discuss tactics specific to this incident. Officers C and D did not notify CD that they were responding to the call with Officers A and B; did not discuss a plan with those officers, nor did they notify CD of their Code Six location and updated locations. Officer C observed that Officers A and B were chasing the Subject, who matched the description of the suspect mentioned in the radio call but did not communicate a plan with those officers.

The BOPC discussed that Officers C and D had observed Officers A and B running after the Subject; however, they did not take it upon themselves to establish a perimeter and contain the Subject, knowing the Subject was armed. The BOPC would have preferred that Officers C and D work as a team with Officers A and B to communicate a plan for containing the Subject and requesting sufficient resources to minimize the risks to the officers and community members.

The BOPC noted that overall; there was minimal communication among the officers that responded to the original radio call, which started with a deficiency in planning. Officers A and B, Officers G and H, and Officers C and D did not communicate their response or coordinate with each other. The BOPC concluded that communication among all personnel at the scene and with responding units is critical when coordinating containment of an armed suspect. Furthermore, the lack of communication placed those at scene and responding units at a tactical disadvantage as they tried to develop situational awareness without the benefit of crucial information from Officers A and B.

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

#### **1. Code Six**

Officers A and B did not advise CD of their Code Six status when they arrived on scene and failed to update their Code Six location when making contact with the Subject and throughout the foot pursuit, leaving CD unaware of their location.

Officers G and H and Officers C and D did not advise CD that they were responding to the radio call or advise of their Code Six status when they arrived on scene and throughout the remainder of the incident.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. The comments of the radio call depicted the suspect to be armed and displaying his/her handgun in a dangerous manner. The identity and actions of a person stopped are often unknown, and as in this case, actions can be unpredictable.

Officers A and B first observed the Subject walking on the sidewalk, approximately seven blocks from where the radio call was generated. Officers A and B did not utilize the time, upon initially observing the Subject and while they were conducting a U-turn, to advise CD that they were Code Six. Officers A and B also did not advise CD of their updated location prior to contacting the Subject.

The BOPC noted that Officers A and B had sufficient time to broadcast their Code Six location as well as other relevant information; including the updated location of the Subject and that the Subject was possibly armed with a handgun. Upon initial observation of the Subject, Officers A and B were not faced with an immediate threat but rather with a Subject who was attempting to flee.

Officers G and H responded to the radio call, and upon their arrival, Officers G and H observed Officers A and B driving eastbound. Officers G and H followed behind Officers A and B in their police vehicle as they drove and made the U-turn. Officers G and H did not take the time to broadcast they were Code Six when they joined Officers A and B. The BOPC noted that Officers G and H had sufficient time to broadcast their Code Six location, and to request CD to broadcast the comments of the call.

Officers C and D responded to the radio call and observed Officers A and B in a foot pursuit while Officers G and H followed the Subject in their police vehicle. Officers C and D knew that they were responding to an armed suspect radio call but had limited information of the radio call comments due to them unable to fully access the details of the radio call on the MDC. Officers C and D failed to notify CD of their Code Six status and also failed to request for CD to broadcast the comments of the radio call.

The BOPC noted that Officers C and D also had sufficient time to broadcast their Code Six location and request CD to broadcast the comments of the call.

The BOPC discussed the importance of the officers notifying CD of their Code Six location, whether via the MDC or broadcasting it over the radio. The BOPC also discussed that officers could have requested that CD broadcast the comments over the radio. Officers A, B, C, D, G, and H were afforded sufficient

time to broadcast their Code Six location upon arrival to the call location and prior to locating the Subject but did not go Code Six.

Based on the totality of the circumstances, the BOPC determined that Officers A, B, C, and D, despite having the time and opportunity to do so, failed to notify CD of their Code Six location and did not update their location as they followed the Subject, resulting in a substantial deviation, without justification, from approved Department tactical training.

## **2. Back-Up Request**

In this case, Officers A and B located and identified a possibly armed and potentially violent suspect in response to a radio call of an armed individual. The BOPC noted Officers A and B did not request a back-up after they observed the Subject grabbing his waistband and believed the Subject may have had a handgun in his pocket. Officers A and B also failed to request a back-up when the Subject fled from them and they initiated a foot pursuit. Officers C, D, G, and H attempted to detain the Subject and did not request a back-up.

Although officers are given discretion regarding the appropriate time to request additional resources based on the tactical situation, a request for a back-up would have been tactically advantageous based on the information contained in the initial radio call, Officers A and B's initial observations of the Subject, and the Subject reaching in his waistband area.

Based on the totality of the circumstances, the BOPC determined that the officers' delay in failing to request a back-up was a substantial deviation, without justification from approved Department tactical training.

## **3. Foot Pursuit – Apprehension vs. Containment Mode / Pursuing Armed Suspect**

In this case, Officers A and B had responded to the area as a result of a radio call indicating that a male (the Subject) was pointing a handgun at vehicles as they passed by. Upon arrival, Officers A and B located the Subject and believed the Subject was in possession of a handgun because he held his waistband in a manner consistent with concealing a handgun. Upon contact, the Subject fled from Officers A and B, who engaged in a foot pursuit and never broadcast or attempted to set up a perimeter to contain an armed suspect and maintain the tactical advantage. Additionally, Officer A knew that Officers G and H had joined them prior to making contact with the Subject; however, there was no communication between Officers A, G and H. Officers A and B could have utilized Officers G and H to assist by using their police vehicle to secure the perimeter. Officer A stated that he/she feared the Subject may turn and shoot at them; however, when the Subject fled, Officers A and B both initiated a foot

pursuit of an armed suspect with their service pistols drawn, while Officers G and H followed in their police vehicle.

The BOPC noted that Officers A and B engaged in a foot pursuit with an armed suspect who had already exhibited deadly actions by pointing his/her pistol at passing vehicles. Officer A and B's actions placed them at a tactical disadvantage should the Subject have fired upon the officers. Officers A and B should have utilized the assistance of other officers to contain the Subject and not engage in a foot pursuit. Officers A and B were required to broadcast that they were in foot pursuit of a possibly armed suspect and quickly request the necessary resources to set up a perimeter. It would have been preferred that Officers A and B maintain observation of the Subject while they coordinated the response of responding units with the objective of containing the Subject within the perimeter. The actions of Officers A and B were not consistent with the Department training and tactics taught with regard to setting up a perimeter to contain an armed suspect. In addition, pursuing a fleeing suspect with a service pistol drawn limits the officers' ability to coordinate a response from additional units. The actions of Officers A and B appeared to be one of apprehension, not of containment.

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

#### **4. Foot Pursuit Broadcast**

In this case Officers A and B responded to a man pointing a handgun at vehicles as they passed by. Upon arrival to the area of the call location, Officers A and B observed the Subject, who matched the description of the person pointing the handgun at vehicles. Officers A and B attempted to make contact with the Subject and a foot pursuit ensued. According to Officer A, he/she was the primary officer in the foot pursuit and did not broadcast his/her actions. Officer A anticipated that Officer B would broadcast, however, Officer B did not broadcast.

The BOPC noted that Officers A and B did not broadcast their foot pursuit and pursued the Subject with their service pistols drawn, limiting their ability to utilize their handheld police radios to broadcast. Additionally, had Officers A and B communicated a tactical plan, they would have had a greater opportunity to gain the tactical advantage and ability to mitigate the actions of the Subject.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's failure to advise CD when they went into foot pursuit, was a substantial deviation, without justification, from approved Department tactical training.

## **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 was reminded of maintaining integrity at the scene of a Categorical Use of Force and the importance of preserving all evidence for investigators.

## **6. Tactical Vehicle Deployment**

Officers G and H utilized their police vehicle in an attempt to block the path of the Subject as he fled on foot from pursuing officers. The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officers G and H placed themselves at a significant tactical disadvantage by positioning their police vehicle in close proximity, without cover, to the possibly armed suspect, as well as causing a crossfire situation with Officers A and B as they pursued the Subject on foot. Officer G stated as they pulled up to the intersection that the Subject was coming around the corner and they wanted to "cut him off" so they could contain the Subject.

The BOPC considered the circumstances surrounding Officer G's vehicle deployment and positioning while confronting a suspect matching the description and thought to be armed, as well as being actively pursued by officers on foot. Officer G's decision to cut off the path of this suspect significantly increased the risk to both him/her and his/her partner and was not consistent with Department tactical training.

Officer H observed the Subject running as they were driving their police vehicle trying to catch up to him. Officer H's plan was to cut the Subject off to contain him. Officer H decided to contain the Subject by passing him in an effort to make the Subject stop and change his direction of travel. The angled position of the police vehicle relative to the Subject's location reduced the officers' ability to react to the Subject's actions and reduced their ability to utilize the police vehicle as cover as the Subject ran towards them while being pursued by other officers. The BOPC was critical of the officers' decision and opined that the officers placed themselves at a significant tactical disadvantage, as they positioned their police vehicle in the pathway of an armed suspect. The actions of Officers G and H posed an unnecessary risk to the officers.

The BOPC would have preferred that the officers had displayed greater control of their police vehicle, tactically communicated, and utilized all available resources to establish a perimeter to contain the Subject. This would have provided a tactical advantage for the officers and have afforded the officers additional time and distance to assess the rapidly unfolding tactical situation.

Based on the totality of the circumstances, the BOPC determined that Officers G and H's tactical positioning of their police vehicle was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
  1. **Handling of a Service Pistol Inside of Moving Vehicle** – As Officer B was seated in the passenger seat of the police vehicle, he/she unholstered his/her service pistol as the officers approached the area of the radio call. Upon arrival, Officer B exited the police vehicle as he/she utilized his/her right hand to hold his/her service pistol while also using the same hand to pull the door release latch to open the door. Officer B was reminded of the importance of firearm safety and officer safety in order to mitigate instances that could lead to an unintentional discharge.
  2. **Updating Status** – Officers C, D, G, and H did not notify CD of their status while en route to the radio call via the MDC or by broadcasting it over the radio. Officers C, D, G, and H were reminded of the importance of updating their status so that CD would be aware of their location should the incident necessitate the response of additional personnel.
  3. **Tactical Communication** – Officers A and B did not communicate a tactical plan for encountering the armed suspect. Officers A and B did not communicate their intended actions to each other when the Subject fled on foot, nor did they communicate that they were in foot pursuit. Officers A and B did not verbally advise Officers C, D, G, and H of their plan or their needed assistance when they arrived. Additionally, neither Officers A, B, C, D, G, nor H communicated or verified with each other whether they were Code Six.

Officers A, B, C, D, G, and H were reminded that when tactically feasible it is preferred to advise responding personnel of all pertinent information during a tactical situation as operational success is based on the ability of officers to effectively communicate during critical incidents. When faced with a tactical incident, overall safety is improved by an officer's ability to recognize an unsafe situation and work collectively to ensure a successful resolution.
  4. **Simultaneous Conflicting Commands** – Officers A and B gave verbal commands to the Subject, which they believed the Subject heard. Officer B ordered the Subject to face towards a wall that was to the right of him. Upon exiting his/her vehicle, Officer A yelled, "Come over here." Officers A and B were reminded to designate one communications officer to verbalize with individuals to avoid confusion and non-compliance.
  5. **Running with a Service Pistol Drawn** – Officers A and B engaged in a foot pursuit with their service pistols drawn. Although this was a dynamic and rapidly

unfolding incident involving a suspect who appeared to be possibly armed, Officers A and B were reminded that there is a heightened concern for an unintentional discharge when running with a service pistol drawn.

- 6. Securing a Police Vehicle** – Officers A and B ran after the Subject and left their police vehicle unsecured with the driver and passenger doors open. Officers A and B were reminded that the security of police vehicles is an important component of officer safety as there are tools and weapons in police vehicles that could be accessed by unauthorized persons.

Officers G and H left their police vehicle unsecured with the driver and passenger doors open prior to redeploying to the location of the OIS. Officers G and H were reminded that the security of police vehicles is an important component of officer safety as there are tools and weapons in police vehicles that could be accessed by unauthorized persons.

- 7. Adherence to the Vehicle Code while Responding to a Radio Call** – Officers C and D responded to the radio call in their police vehicle without their emergency equipment activated and drove their vehicle through a red tri-light intersection. Officers C and D were reminded that while operating a police vehicle without their emergency equipment activated requires them to obey all traffic laws.

- 8. Initiating Contact While Seated in Police Vehicle** – Officer D initiated contact with the Subject while still seated in the passenger seat of their police vehicle. Officer D was reminded of the importance of proper tactics when conducting pedestrian stops to maintain a tactical advantage. Officers should exit their vehicles for the purposes of officer safety.

- 9. Utilization of Cover** – Officers A and B both advised that once they turned the corner, they did not believe they had any cover to utilize. The investigation established that there was a telephone pole approximately 11 feet southwest from Officer A's position at the time Officer A stopped running. Officers A and B were reminded that the use of cover often results in officers being able to utilize various options, as well as providing officers with more time to make decisions in the event the Subject presented an imminent threat of death or serious bodily injury.

- 10. Basic Firearms Safety Rules** – Officer B appeared to momentarily cover Officer A with his/her service pistol as he/she approached Officer A. Officer B was reminded of the basic firearm safety rules and their importance not only for the safety of themselves and those around them but also as a measure to prevent injury to others.

- 11. Background/Situational Awareness** – As the Subject ran towards Officers A and B, Officer B momentarily utilized his/her flashlight to illuminate the west

sidewalk and the Subject. This lighting also illuminated an unknown person sitting against the east wall of the business. Officer A acknowledged seeing this individual but did not assess her to be in his/her immediate background at the time he/she fired. Officer B was not aware this individual was there at the time of the OIS. Officers A did not communicate to Office B of his/her observations and did not communicate with the unknown person to leave the area and move to a safer location.

This incident occurred in an area with heavy pedestrian traffic in the City of Los Angeles and the actions conducted by the Subject presented a significant concern for the safety of the community, as well as the officers. Consistent with Department policy and training, Officers A and B were reminded to be cognizant of their background during tactical encounters which may result in the use of deadly force and inadvertently harm community members in the area. The background of a tactical incident must be continually assessed in balance with life threatening risks to the victims, officers, suspects, and bystanders. Every effort should be made to assess the environment and protect community members in the background when utilizing lethal force. Continuous communication among the officers and with nearby community members will assist in ensuring their safety and remove potential risks. It also allows the officers to focus on handling the subject without further distractions or hazards. Officers A and B were reminded that the background, within the context of a tactical incident, must be continually assessed while considering the risks to victims, officers, and community members.

**12. Location/Situational Awareness** – Officers A and B deployed from their vehicle and went into foot pursuit. After Officers A and B were involved in an OIS, neither officer knew their location to broadcast when they broadcast the “help call.” The investigation revealed that Officers A and B were approximately seven blocks away from the radio call location. Officers A and B were reminded that they must know their location to accurately communicate and receive their needed resources.

**13. Integrity of the Crime Scene** – After the OIS, Officer H returned to his/her police vehicle and drove the police vehicle closer to the crime scene, approximately 83 feet from its original location, and secured it in the roadway. Officer H was reminded that vehicles and equipment are to be left undisturbed until FID investigators can properly document and preserve the scene.

**14. Protocols Subsequent to a Categorical Use of Force – Transportation** – Officers C and D had been identified as percipient witnesses to the OIS but did not notify Sergeant B of their involvement as witnesses. Not knowing that Officers C and D had witnessed the OIS, Sergeant B directed Officers C and D to move their vehicle from its original location to conduct a transport of the Subject to the station. Officers were reminded of the importance of protocols subsequent

to a Categorical Use of Force, specifically identifying themselves as percipient witnesses to supervisors at the scene.

These topics were to be addressed 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 officers to discuss individual actions that took place during this incident.

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

Although, it was determined that Sergeants A and B were not substantially involved in this incident and did not receive formal findings, the UOFRB recommended, and the BOPC concurred, that they would benefit from attending the Tactical Debrief.

The BOPC found Officers A, B, C, D, G, and H's tactics to warrant Administrative Disapproval.

## **B. Drawing and Exhibiting**

- According to Officer B, he/she unholstered his/her service pistol while riding in the passenger seat of their police vehicle as they were approaching the area of the call. Officer B unholstered his/her service pistol based off the comments of the call that the Subject had a handgun and they were approaching the area where the Subject was located. When Officer B exited the police vehicle after observing the Subject, Officer B pointed his/her service pistol at the Subject's mid-section in order to protect him/herself and Officer A from what they believed to be a lethal threat.
- According to Officer A, he/she stopped the police vehicle and exited as he/she observed the Subject standing near the market. In fear that the Subject was hiding a handgun in his waistband and could quickly retrieve it to fire at him/her Officer A unholstered his/her service pistol, held it with his/her right hand and pointed it at a low-ready position towards the Subject.
- According to Officer C, he/she observed the Subject run past his/her police vehicle holding what he/she believed to be a handgun that had a wooden handle and a long

silver barrel. Shortly after, Officer C heard a “pop” sound that Officer C believed to be a gunshot. Officer C exited his/her police vehicle and walked towards the rear of the police vehicle. He/she observed other officers with their service pistols drawn and observed the Subject on the ground. Officer C heard an officer yelling at the Subject to “Drop the gun,” and then Officer C drew his/her service pistol.

- According to Officer D, he/she unholstered her service pistol while sitting inside the police vehicle once he/she observed the Subject running northbound towards his/her direction and could still see the Subject holding a handgun in his left hand.
- According to Officer H, he/she unholstered his/her service pistol after the OIS as he/she was part of the arrest team that took the Subject into custody. Officer H believed that the Subject was still a threat.
- According to Officer G, he/she heard gunshots but was not sure if it was the Subject or the officers who shot. Officer G ran over to where Officers A and B were standing and observed their service pistols drawn. Believing the tactical situation may escalate, Officer G unholstered his/her service pistol and drew out to a low-ready position in the Subject’s general area.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Officers A, B, C, D, G, and H’s drawing and exhibiting of a firearm.

The BOPC noted that Officers A and B were responding to a radio call of an armed suspect who was pointing a handgun at passing vehicles. Officers C, D, G, and H responded and assisted Officers A and B. Officer B unholstered his/her service pistol as the officers approached the area of the radio call due to the comments of the call that the suspect was armed and pointing his/her handgun in a dangerous manner. Officer A drew his/her service pistol as he/she believed that the Subject was armed. Officer G unholstered his/her service pistol after he/she heard a gunshot and ran over to Officers A and B where he/she observed Officers A and B with their service pistols out. Officer H unholstered his/her service pistol after the OIS as they approached the Subject to take him/her into custody because he/she believed the Subject was still a threat. Officer C observed the Subject run past their police vehicle and believed the Subject was holding a handgun. Officer C heard what he/she believed to be a gunshot. Officer C then exited his/her police vehicle, observed other officers with their service pistols drawn and unholstered his/her service pistol. Officer D unholstered his/her service pistol while seated inside the police vehicle once he/she observed the Subject running northbound towards their direction, holding a handgun in his left hand.

The BOPC found, based on the totality of the circumstances, that an officer with similar training and experience as Officers A, B, C, D, G, and H, 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 Officers A, B, C, D, G, and H's drawing and exhibiting of a firearm to be in policy.

### **C. Lethal Use of Force**

- **Officer A** – (pistol, one round)

According to A, as he/she and Officer B ran southbound, they repositioned into the street and observed the Subject make a sudden stop, turn, and then began to run northbound on the sidewalk toward them. As the Subject ran, Officer A observed a handgun in the Subject's left hand. Officer A described the handgun as a revolver with a shiny, metallic-like barrel. Officer A told Officer B, "he has a gun." According to Officer A, due to the Subject quickly changing directions towards him/her, Officer A was unable to redeploy to cover and did not want to turn his/her back towards the Subject. Officer A could not recall any available cover in the immediate area. Officer A observed the Subject quickly closing the distance on him/her. Officer A gave the Subject commands to stop. The Subject did not respond to this order. In fear for his/her life, Officer A fired one round at the Subject's center body mass.

In this case, the BOPC conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer A's use of lethal force. The BOPC noted that the incident was a stressful situation wherein the officers were attempting to detain an assault with a deadly weapon suspect (the Subject) who was armed with a handgun. The BOPC noted that this was a dynamic and rapidly unfolding incident where the Subject initially ran away from officers. The Subject, however, stopped, turned, and began to run towards the officers, which limited their option to redeploy and de-escalate. As the Subject continued to run towards Officer A, he/she was able to identify that the Subject was holding a handgun. Officer A gave verbal commands for the Subject to stop and the Subject did not comply. Despite verbal commands from Officer A, the Subject continued running towards Officer A and Officer B. Officer A was in fear for his/her life, as well as the life of Officer B, who stood next to him/her. After firing his/her initial round, Officer A assessed that the Subject had fallen to the ground and was no longer a threat. The BOPC opined that Officer A was presented with an imminent and deadly threat after being engaged in a foot pursuit. As the Subject ran towards the officers holding a handgun, the Subject presented an immediate and substantial threat to Officers A and B.

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

- **Officer B** – (pistol, one round)

According to Officer B, the Subject suddenly stopped running southbound, turned and ran northbound on the sidewalk towards their direction. As the Subject ran, Officer B observed a white metal revolver in the Subject's right hand. Officer B gave the Subject commands to "Get on the [expletive] floor," which the Subject did not respond to. As the Subject closed the distance, Officer B observed the Subject raise up his right arm and pointed the handgun in his/her direction. Officer B then heard a single shot, which Officer B believed was a shot from the Subject at him/her. In fear for his/her life, Officer B fired one round at the Subject.

In this case, the BOPC conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer B's use of lethal force. The BOPC noted that the incident was a stressful situation wherein the officers were attempting to detain an assault with a deadly weapon suspect (the Subject) who was armed with a handgun. The BOPC noted that this was a dynamic and rapidly unfolding incident where the Subject initially ran away from officers, however, the Subject stopped, turned, and began to run towards officers, which limited their option to redeploy and de-escalate. As the Subject continued to run towards Officer B, he/she was able to identify that the Subject was holding a handgun. Officer B gave verbal commands for the Subject to stop. The Subject continued running towards Officer B and showed no signs of stopping. The Subject raised his handgun towards Officer B and Officer B's statements indicated he/she thought the Subject had discharged a round towards the officers. In response to Officer B's belief that the Subject presented a deadly threat, Officer B discharged one round from his/her service pistol, assessed that the Subject had fallen to the ground, and determined that the Subject was no longer a threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B would reasonably believe 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 Officer B's lethal use of force to be In Policy.

**Background** – The BOPC discussed, at length, the issue of background and ensuring the safety of innocent bystanders when engaging in a use of force situation. When assessing background, officers are required to weigh the life-threatening risks to victims, officers, bystanders, and suspects. In this case, there was an innocent community member very close to the Subject when the OIS occurred, and a discharged round was located in a wall that was approximately 3 feet from the location at which the community member was standing at the time of the OIS. The BOPC expressed grave concern about whether the Department's training is satisfactory in this area, and expressly requested a review of procedures and training relating to "background". Officers A and B were reminded to be cognizant of their background during tactical encounters which may result in the use of deadly force and the potential to harm community members.

## Additional

- **Digital In-Car Video System (DICVS)** – Officers A, B, C, D, G, and H's police vehicles were equipped with DICVS; however, their DICVS for this incident were not activated. This issue was brought to the attention of the division commanding officer who advised these deviations were addressed with the concerned officers.
- **Body Worn Video (BWV) Activations** – The investigation revealed that Officers B, C, D, E, F, G, H, I, J and Sergeant A had deviations from policy in their use of BWV.

Officers B, C, D, E, G, H and J had reduced buffers and/or a late activation. These issues were brought to the attention of the division commanding officer who advised that these deviations were addressed with the concerned officers.

Officer F did not activate his/her BWV device. This issue was brought to the attention of the division commanding officer who advised that this deviation was addressed with the officer.

Sergeant A did not activate his/her BWV device. This issue was brought to the attention of the division commanding officer who advised that this deviation was addressed with the sergeant.

The Office of Operations conducted a random inspection of BWVs associated to Officers B, C, D, E, F, G, H, I, J and Sergeant A for a 30-day period for compliance with BWV policy specific to complete recordings of investigative or enforcement contacts with the public. The results of the inspection indicated that all personnel were in compliance.

The BOPC, again, expressed dissatisfaction with the low level of compliance in the activation and use of BWV as shown continuously in the Categorical Use of Force cases presented to the BOPC, and the continuous failure to comply with existing policies. The BOPC is aware that the Department has engaged in a Compstat review of BWV procedures, regular audits of BWV compliance, and progressive discipline in this area. Nevertheless, the compliance levels remain highly unsatisfactory.