

## INTRADEPARTMENTAL CORRESPONDENCE

May 16, 2018

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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 057-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 057-17. A Use of Force Review Board (UOFRB) was convened on this matter on April 30, 2018. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### **SUMMARY**

On July 22, 2017, at approximately 1900 hours, Officer [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Metropolitan Division, were in full uniform driving an unmarked dual-purpose police vehicle. The officers were conducting crime suppression in Southwest Division and were driving west on 29<sup>th</sup> Street towards Chesapeake Avenue.

**Note:** According to Officer [REDACTED] on the day of the incident, [REDACTED] and [REDACTED] partner discussed *traffic stops, contact and cover*, and *making sure* that during a *foot pursuit*, they did not *separate* and that *one of them broadcast*. According to Officer [REDACTED] did not *remember* discussing tactics with his partner (Debriefing Point No. 1).

According to the officers, they were travelling *mid-block* on 29<sup>th</sup> Street when they *observed two males*. One of the males, later identified as J. Stewart and a second unidentified male, were *standing* in front of a residence located at [REDACTED] West 29<sup>th</sup> Street. Stewart was wearing a *white shirt* and the unidentified male was wearing a *red shirt*.

According to Officer [REDACTED], Stewart was *standing on the north sidewalk* and the unidentified male was *just a few feet north* of Stewart, *leaning on the back of a car* parked in the driveway of the residence. As they came within *50 feet* of the residence, Stewart *looked right* at him with a *startled look on his face*. Stewart then *immediately grabbed his right front pants pocket with his right hand*, turned and *quickly walked northbound, up the driveway of the residence*.

[REDACTED]

Based upon [REDACTED] observations, [REDACTED] believed Stewart had a pistol in his pocket and was trying to get away from them. [REDACTED] then pointed at Stewart and advised [REDACTED] partner, "That guy right there is holding."

**Note:** According to Officer [REDACTED] and [REDACTED] partner *did not* have any communication regarding the suspects' actions (Debriefing Point No. 1).

According to Officer [REDACTED], they were approximately 20 feet east of the residence, when [REDACTED] looked up and observed Stewart and an unidentified male *standing on the driver's side* of a silver vehicle that was parked in the driveway. [REDACTED] then heard [REDACTED] partner yell out, "Hey," to get their attention (Additional Tactical Debrief Topics – Situational Awareness).

According to Officer [REDACTED], [REDACTED] believed that they were going to conduct a consensual encounter. However, that quickly changed when Stewart yelled out, "Fuck," like he had been caught and then spun around, grabbed at his waistband with his right hand and ran northbound up the driveway. Based upon Stewart's mannerisms, [REDACTED] believed Stewart might have a weapon concealed in his waistband.

According to Officer [REDACTED] stopped their police vehicle directly in front of the driveway and [REDACTED] and [REDACTED] partner exited. [REDACTED] observed Stewart running up the driveway, while the unidentified male stayed put on the sidewalk. [REDACTED] ordered Stewart to stop, but [REDACTED] ignored [REDACTED] commands and continued running north to the top of the driveway and then ran west out of [REDACTED] view (Debriefing Point No. 2 and Additional Tactical Debrief Topics – Securing of Police Vehicle).

According to Officer [REDACTED] then ran westbound on the north sidewalk of 29<sup>th</sup> Street towards Chesapeake Avenue, while [REDACTED] partner held [REDACTED] position at the mouth of the driveway. It was [REDACTED] intention to establish containment on northeast corner of 29<sup>th</sup> Street and Chesapeake, while [REDACTED] partner maintained a visual of the driveway. [REDACTED] then broadcast that they were in foot pursuit of a man with a gun at 29<sup>th</sup> Street and Chesapeake and provided Stewart's description (Debriefing Point No. 3 and Additional Tactical Debrief Topics – Situational Awareness).

According to Officer [REDACTED] exited the vehicle and began to run up the driveway to see where Stewart was going and did not look back to see if [REDACTED] partner was behind [REDACTED]. [REDACTED] then heard [REDACTED] partner broadcast 29<sup>th</sup> Street over the radio and believed [REDACTED] was putting them Code 6 at the location.

According to Officer [REDACTED], [REDACTED] ran up the driveway, [REDACTED] observed that the unidentified male had his hands up in a surrender position and had an expression on his face as though he had no idea what was going on with Stewart. Based upon [REDACTED] observations, [REDACTED] believed that the unidentified male was not an immediate threat, [REDACTED] continued to run past him after Stewart (Debriefing Point No. 4).

[REDACTED]

According to Officer [REDACTED], when Stewart reached the end of the driveway, [REDACTED] ran west into the back yard through a narrow three foot opening between the house and the detached garage. Stewart then grabbed a city trash can and pulled it in front of the opening between the houses to block [REDACTED] pathway.

According to Officer [REDACTED], as [REDACTED] moved the trash can, [REDACTED] observed Stewart hop over the back fence of the residence. [REDACTED] then continued into the back yard to get a better perspective on Stewart's direction of travel and observed Stewart's head moving westbound along the fence line, out of [REDACTED] view and immediately broadcast that Stewart was going westbound (Debriefing Point No. 5).

**Note:** According to Officer [REDACTED], based on Stewart's action, [REDACTED] believed [REDACTED] might be carrying a weapon and drew [REDACTED] service pistol. However, [REDACTED] was unable to recall if [REDACTED] drew [REDACTED] service pistol before [REDACTED] moved the trash can or after [REDACTED] entered the back yard (Drawing/Exhibiting).

Officer [REDACTED] broadcast was not captured on the Metropolitan Division or Southwest Area base frequency.

According to Officer [REDACTED], after losing sight of Stewart, [REDACTED] holstered [REDACTED] service pistol and ran back down the driveway to 29<sup>th</sup> Street to get back to [REDACTED] partner. When [REDACTED] reached the sidewalk, [REDACTED] observed [REDACTED] partner, approximately 40 to 50 feet west of [REDACTED], running westbound on the north sidewalk of 29<sup>th</sup> Street towards Chesapeake Avenue. [REDACTED] then followed [REDACTED] partner, while maintaining the same distance.

**Note:** According to Officer [REDACTED], the unidentified male was still standing in the same position on the driveway (Debriefing Point No. 4).

According to Officer [REDACTED], upon reaching the northeast corner of 29<sup>th</sup> and Chesapeake, [REDACTED] attention was drawn in a northeasterly direction when [REDACTED] heard the sound of trash cans and/or a fence being shifted or rattled. Believing that Stewart was armed and was about to come out onto Chesapeake Avenue, [REDACTED] continued running north and assumed a position of cover behind a white van parked along the east curb of Chesapeake, north of 29<sup>th</sup> Street (Debriefing Point No. 5).

According to Officer [REDACTED], as [REDACTED] continued running north alongside the van, [REDACTED] observed Stewart climbing over a wrought iron gate in the driveway [REDACTED]. [REDACTED] then observed Stewart's right arm coming over the top of the gate and that [REDACTED] was holding a handgun in [REDACTED] right hand. [REDACTED] gave Stewart numerous commands to drop the gun. Stewart looked right at him, ignored [REDACTED] commands and came up and over the gate.

According to Officer [REDACTED], as Stewart came over the gate [REDACTED] landed on the driveway with his upper body turned toward [REDACTED] direction. [REDACTED] then observed that Stewart was holding the handgun in his right hand, in a close contact position, with his elbow tucked into his ribcage and his forearm parallel to the ground.

According to Officer [REDACTED] drew [REDACTED] service pistol and *continued running* north alongside a red vehicle that was parked in front of the white van. As [REDACTED] continued to monitor Stewart and give him *commands to drop the gun*, [REDACTED] momentum carried [REDACTED] past the front of the red vehicle (Drawing/Exhibiting and Debriefing Point No. 6).

According to Officer [REDACTED], Stewart took a couple of steps northbound, towards the porch, and then *turned towards* [REDACTED] with the handgun still in the close contact position. Believing Stewart was going to shoot at [REDACTED], [REDACTED] fired one round from [REDACTED] service pistol at Stewart to stop the threat (Lethal Use of Force and Additional Tactical Debrief Topics – Single Handed Shooting).

After firing [REDACTED] first round, Stewart *crouched down* and took a couple of steps going north on the porch. [REDACTED] assessed and observed that Stewart *still had the handgun in his right hand*. Stewart then *turned his upper body toward him again*. Believing that Stewart was going to shoot [REDACTED] fired a second round from [REDACTED] service pistol at Stewart to stop the threat (Lethal Use of Force and Additional Tactical Debrief Topics – Single Handed Shooting).

According to Officer [REDACTED], after firing [REDACTED] second round, [REDACTED] observed *an object come flying up into the air from Stewart's location and land on the sidewalk area just north of* [REDACTED]. Stewart then *proned himself out on the porch*. [REDACTED] was not able to determine if the object on the sidewalk was Stewart's handgun, so [REDACTED] *continued to give Stewart commands to drop the gun*, and [REDACTED] then heard Stewart respond, "I did. I did. I threw it. I threw it."

**Note:** According to Stewart, [REDACTED] tossed [REDACTED] handgun just before [REDACTED] began the process of getting down on the porch.

According to Officer [REDACTED], as [REDACTED] reached the northeast corner of Chesapeake Avenue and 29<sup>th</sup> Street, [REDACTED] *heard two gunshots*. [REDACTED] did not know where the shots came from, but they sounded very close. [REDACTED] then *broadcast shots fired officer needs help*.

[REDACTED] looked northbound and observed [REDACTED] partner one house up, standing on the sidewalk, facing eastbound towards a house, with [REDACTED] service pistol drawn. [REDACTED] ran northbound on the sidewalk for approximately 20 feet and observed Stewart beginning to lay down or self-prone on the porch of [REDACTED].

According to Officer [REDACTED], as [REDACTED] approached the driveway of the residence, [REDACTED] observed a black handgun lying on the sidewalk a little bit north [REDACTED] partner. Believing Stewart may have more weapons, [REDACTED] drew [REDACTED] service pistol and then *approached* Stewart, who was now laying on his back on the porch (Drawing/Exhibiting and Debriefing Point No. 7).

According to Officer [REDACTED], [REDACTED] directed Stewart to roll over onto his stomach. Stewart complied and then [REDACTED] holstered [REDACTED] service pistol and handcuffed Stewart without further incident (Debriefing Point No. 1 and Additional Tactical Debrief Topics – Supplemental Information Broadcast).

Sergeant [REDACTED], Serial No [REDACTED], Metropolitan Division, responded and assumed the role of Incident Commander (IC). Sergeant [REDACTED] ensured the involved officers were separated and obtained a Public Safety Statement (PSS) from Officer [REDACTED].

### FINDINGS

**Tactics**– Administrative Disapproval, Officers [REDACTED] and [REDACTED].

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

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

### ANALYSIS

#### **Detention**

While on patrol, the involved officers observed two males standing on the sidewalk in front of a residence. As the officers continued driving, one of the officers observed one of the males look in [REDACTED] direction, then grab his right front pant pocket and begin to quickly walk up the driveway of the residence. Believing the suspect was armed, possibly concealing a handgun, the officers exited their police vehicle and ordered the suspect to stop. The suspect ignored the commands and then fled from the officers. The officers' actions were appropriate and within Department policies and procedures.

#### **Tactics**

*Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

*Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

[REDACTED]

Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the suspect immediately fled from the officers while holding onto his front right pant pocket, causing the officers to believe he might possibly be armed. The suspect then produced a handgun while climbing over a residential gate. When one of the officers ordered the suspect to drop the gun, the suspect ignored the commands and turned toward the officer with the gun in his right hand.

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

During a review of the incident, the following Debriefing Points were noted:

**Debriefing Point No. 1 Tactical Communication/Tactical Planning**

(Substantial Deviation – Officers [REDACTED] and [REDACTED])

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

*Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

Officers [REDACTED] and [REDACTED] did not effectively communicate their observations or actions with one another on multiple occasions throughout the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the officers' lack of planning and inability to effectively communicate with one another throughout this incident, placed the officers at a distinct tactical disadvantage.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers [REDACTED] and [REDACTED] actions were a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 2 Tactical Vehicle Deployment**  
(Substantial Deviation – Officer [REDACTED])

*When stopping one or more suspect(s) using the police vehicle; position the patrol vehicle to maximize officer safety for both officers (Los Angeles Police Department Regular Basic Course, Tactics Lesson Plan, Pedestrian Stops, Page 7-8, February 2003).*

Officer [REDACTED] stopped their police vehicle parallel to a suspect that he believed was possibly armed with handgun.

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, Officer [REDACTED] stopped their vehicle in close proximity to a suspect whom he believed to be armed with a handgun, placing himself and his partner at a significant tactical disadvantage.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] vehicle deployment was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 3 Code-Six**

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

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

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

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

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

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

In this case, as the officers' vehicle came to a stop, they immediately exited and focused their attention on the fleeing suspect, whom they believed was possibly concealing a handgun. After a couple of seconds, Officer [REDACTED] broadcast they were in *foot pursuit of a 415 man with a gun*, along with their location and the suspect's description.

Based on the totality of the circumstances, I have determined that in this situation, Officers [REDACTED] and [REDACTED]'s actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

#### **Debriefing Point No. 4 Passing an Unsearched Suspect**

*No arrest is so important that the patrol officers involved should expose themselves to needless danger. (California Commission on Peace Officer Standards and Training, Learning Domain 22)*

Officer [REDACTED] ran past an individual, who was a potential threat, to pursue a possibly armed suspect.

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 then work collectively to ensure a successful resolution.

In this case, as Officer [REDACTED] ran up the driveway, [REDACTED] observed that the unidentified male had his hands *up in a surrender position*. Based upon [REDACTED] observations, [REDACTED] believed the unidentified male was not an *immediate threat* and made the decision to focus his attention on Stewart, who was possibly armed.

Although the officer's decision to not address the individual potentially placed him in a tactical disadvantage, [REDACTED] maintained [REDACTED] situational awareness and believed Stewart posed a greater risk to [REDACTED] and the community.

Based on the totality of the circumstances, I have determined that Officer [REDACTED] actions were a substantial deviation, with justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.



**Debriefing Point No. 5 Separation/Pursuing Possibly Armed Suspects**  
(Substantial Deviation - Officers [REDACTED] and [REDACTED])

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

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

***Pursuing Armed Suspects:** When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officers [REDACTED] and [REDACTED] separated from each other as they engaged in a foot pursuit of a possibly armed suspect.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

In this case, the officers pursued after a suspect who they believed was possibly armed with a handgun. In this specific circumstance, it would have been tactically prudent for the officers to have recognized the need to transition into containment mode upon exiting the vehicle and begin establishing perimeter containment.

In addition, Officers [REDACTED] and [REDACTED] decision to separate from each other with a possibly armed suspect in the immediate vicinity was unreasonable and placed both officers at a tactical disadvantage. As a result of the separation, the officers were not in a position to effectively communicate or render immediate aid to one another if required.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officers [REDACTED] and [REDACTED] decision to separate from each other in order to pursue a

possibly armed suspect was a substantial deviation, without justification, from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

**Debriefing Point No. 6 Utilization of Cover (Substantial Deviation – Officer [REDACTED])**

*Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, January 2014).*

*Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XXXV, Issue 9 May 2003).*

Officer [REDACTED] left a position of cover when [REDACTED] encountered an armed suspect climbing over a gate.

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

In this case, Officer [REDACTED] utilized two parked vehicles on Chesapeake Avenue for cover as [REDACTED] monitored Stewart's actions and gave [REDACTED] commands to drop the gun. As Stewart climbed over the gate and then landed on the driveway with a handgun in his hand, Officer [REDACTED] indicated that [REDACTED] attempted to stop behind the vehicle, but [REDACTED] momentum carried [REDACTED] forward past the front of the vehicle.

Consequently, when Stewart turned and pointed the handgun in [REDACTED] direction, Officer [REDACTED] was forced to engage the suspect without the benefit of cover.

Based on the totality of the circumstances, the UOFRB determined, and I concur, Officer [REDACTED] actions were a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 7 Contact and Cover (Substantial Deviation – Officer [REDACTED])**

*The cover officer's primary role is to protect the contact officer. This officer provides protection from a position of surveillance and control. This officer must continue to monitor*

*the suspect's actions as well as any potential threats in the area (Standardized Roll Call Training, Deployment Period 3/2005).*

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Officer [REDACTED] initiated contact with a suspect whom he believed could still be armed with a handgun without the benefit of a cover officer.

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, although the suspect was compliant, Officer [REDACTED] took an unnecessary risk by contacting the suspect without waiting for additional resources to assist, placing himself at a tactical disadvantage.

Based on the totality of the circumstances, I have determined that Officer [REDACTED] decision to initiate contact with a possibly armed suspect without the benefit of a cover officer was a substantial deviation, without justification, from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Situational Awareness** – The investigation revealed Officer [REDACTED] incorrectly broadcast the location of the foot pursuit as 28<sup>th</sup> Street instead of 29<sup>th</sup> Street. In addition, Officer [REDACTED] was looking down at the MDC that was on his lap as they drove west on 29<sup>th</sup> Street. The officers are reminded of the importance of maintaining constant awareness and broadcasting the correct location to ensure responding units arrive in a timely manner. I will direct that this be a topic of discussion during the Tactical Debrief.

**Securing of Police Vehicle** – The investigation revealed that the officers left their police vehicle unsecured when they exited to pursue Stewart. I will direct that this be a topic of discussion during the Tactical Debrief.

**Supplemental Information Broadcast** – The investigation revealed that Officers [REDACTED] and [REDACTED] did not broadcast information regarding a possible second suspect after the OIS. The officers are reminded that the omission of this information can create a circumstance wherein responding personnel are not fully aware of the evolving tactical situation. I will direct that this be a topic of discussion during the Tactical Debrief.

### **Command and Control**

Sergeant [REDACTED] assumed the role of IC, ensured the involved officers were separated and obtained a PSS from Officer [REDACTED].

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

### **Tactical Debrief**

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

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

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

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

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

### **General Training Update (GTU)**

On August 4, 2017, Officers [REDACTED] and [REDACTED] attended a GTU. All the mandatory topics were covered, including Firearm Safety.

### **Drawing/Exhibiting**

*Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

According to Officer [REDACTED] observed Stewart grab his waistband with his right hand and run up the driveway. Believing the Stewart was armed and the situation might escalate to the use of deadly force, [REDACTED] drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

*I watched...suspect grab a trash can and run and - - and pull the trash can blocking the entrance point into a back yard...I get to that point...move the trash can. I don't remember exactly if I drew out at that point...because I had the impression that he might have had a weapon on him. And that situation might escalate to use of deadly force...As I moved that, I could see the suspect hop the fence in the back...At that point I holstered up...*

According to Officer [REDACTED], as [REDACTED] approached the driveway of the residence, [REDACTED] observed a black handgun lying on the sidewalk. Believing Stewart may have more weapons, [REDACTED] drew [REDACTED] service pistol as [REDACTED] approached Stewart.

Officer [REDACTED] recalled,

*I observed the gun on the sidewalk to my partner's left. It looked like an automatic black handgun. I approached the suspect. He's lying on his back on the porch...I un-holstered because I'm not sure if he has more weapons.*

According to Officer [REDACTED] observed Stewart holding the handgun in his right hand, in a close contact position, with his elbow tucked into his ribcage and his forearm parallel to the ground and drew [REDACTED] service pistol.

*So, he [Stewart] comes up and over the fence, lands. And now he has his - - his arm in - - in, like a close contact...position. But the pistol is still in his right hand...At this point is when I unholster.*

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

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

### **Lethal Use of Force**

*Law enforcement officers are authorized to use deadly force to:*

[REDACTED]

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

Officer [REDACTED] – .40 caliber, two rounds in a northeasterly direction.

First Round - From an approximate distance of 47 feet.

According to Officer [REDACTED], Stewart took a couple of steps towards the porch and then turned towards [REDACTED] with the handgun still in the close contact position. Believing Stewart was going to shoot at [REDACTED] [REDACTED] fired one round from [REDACTED] service pistol at Stewart to stop the threat.

Officer [REDACTED] recalled,

*...he made it over the fence. Still had the gun in his hand. And I'm still telling him to drop the gun. And now he's going up on the porch and now he has the gun, like, how I described in close contact...and he's turning toward me I believe that when he's turning towards me, now he wants to shoot me. He had a lot of opportunities where he could have dropped that gun...I'm sure that he heard my commands because...I was yelling at the top of my lungs, 'Drop the gun. Drop the gun.' And he still didn't drop it...So I shot at him first [REDACTED]*

Second Round - From an approximate distance of 48 feet.

According to Officer [REDACTED], after firing [REDACTED] first round, Stewart crouched down and then took a couple of steps going north on the porch. [REDACTED] then assessed and observed that Stewart still had the handgun in his right hand. Stewart then turned his upper body toward [REDACTED] again. Believing that Stewart was going to shoot [REDACTED] fired a second round from [REDACTED] service pistol at Stewart to stop the threat.

Officer [REDACTED] recalled,

*...after the first round he - - he crouched down. I - - I wasn't sure if I had hit him...then he took a couple steps going north on the porch, got low, and then I could only see, like, the upper portion of him from about the chest level up because there was rose bushes...So about upper chest...and the pistol was still in his hand and he was facing right towards me still.*

[REDACTED]

*And I thought that he was trying to conceal himself so that he could get a good shot on me.  
And that's when I took the...second shot.*

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED], would reasonably believe Stewart's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer [REDACTED] Use of Lethal Force to be objectively reasonable and In Policy, No Further Action.

### Audio/Video Recordings

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

**Outside Video** – Surveillance cameras that were located on the exterior of [REDACTED] captured some of the officers' actions after the OIS, but did not capture the OIS.

Respectfully,



CHARLIE BECK  
Chief of Police

Date: \_\_\_\_\_

5-16-18

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