



## **Incident Summary**

On the date of this incident, Communications Division (CD) broadcast a Code-Three, Assault with a Deadly Weapon (ADW) Subject call in a residential area. Officers A and B requested that the radio call be assigned to their unit and notified CD they were responding from the local police station. Officer A requested CD to broadcast the comments of the radio call because their Mobile Digital Computer was down. CD broadcast the Subject was a male with a heavy build, who was wearing a white shirt with green stripes, and armed with a gun.

**Note:** Officers A and B did not respond with emergency lights and sirens (Code Three) since the location was in close proximity to the station and they did not want to alert the Subject of their response. A query of the Digital In-Car Video System (DICVS) for their vehicle found no video for this incident.

Officer A broadcast they had arrived at the location (Code Six) as Officer B drove south toward the Subject's last reported location and observed the Subject in the middle of the street. The Subject had a heavy build; he was wearing a green and white striped shirt and was walking alone. As the Subject walked east across the street, he looked south toward the approaching police car and clutched the right front portion of his waistband. As Officers A and B decided to conduct a high risk pedestrian stop, the Subject ran east between two parked cars along the east curb. Officer B stopped the police car and as Officer A exited, he yelled for the Subject to stop. The Subject failed to comply and pushed open and ran through a wrought iron gate that secured a nearby residence. The Subject's shirt was untucked, and he was holding his waistband with his right hand. Officer A could see a dark object in his waistband due to its contrast with his white and green shirt. Officer A was not certain what the dark object was.

The Subject ran east in the driveway along the south side of the residence. Officer B believed the Subject was an ADW suspect and when he exited the police car, he unholstered his pistol with his right hand to a low-ready position and held his radio in his left hand. Officer B broadcast that he and Officer A needed a back-up and that the Subject was running eastbound through the houses

Officers A and B ran to the wrought iron gate, opened it, and followed the Subject east in the driveway. Officer B realized they were heading into a rear yard and stopped momentarily to obtain the address.

**Note:** According to Officer B, he was within 20 feet of Officer A.

Officer A ordered the Subject to stop, but he failed to comply. From information in the radio call that the Subject was possibly armed with a gun, and since he continuously clutched his waistband, Officer A believed the Subject was possibly armed, but was not certain. Officer A slowed to quick steps and unholstered his pistol to a right, two-handed, low-ready position. Officer A slowed to a walk and then stopped. Officer A was approximately 20 feet behind the Subject when the Subject bent his knees, leaned

forward slightly, and began to twist his upper torso to the right. Officer A observed a black pistol in his right hand and ordered the Subject to drop the gun. Instead, with his right arm tucked against his body, the Subject pointed the pistol at Officer A.

Officer A raised his pistol, and from a right, two-handed shooting stance, aimed at the Subject's right upper torso which was bladed toward him. Officer A believed that the Subject fired multiple times at him and Officer A fired once at the Subject. The Subject now turned away from Officer A and ran left (north) on a sidewalk behind the main house.

Officer A did not follow and was backing up when he heard one or two additional gunshots and believed the Subject had expected him to follow around the corner and was firing at his potential position. As Officer B slowed and attempted to read the address to broadcast their location, he heard four gunshots in the driveway and believed the Subject fired at them. Officer B broadcast that the Subject was firing rounds at him and his partner.

Officer A was approximately 20 feet from Officer B and reached his side within seconds. Officer A informed him that the Subject shot at them and they should redeploy because there was no cover in the driveway. Officers A and B quickly backed up to obtain cover behind vehicles parked on the street. Officer B covered north and Officer A covered south in order to set up a perimeter. Officer A broadcast there were shots fired and began directing units into perimeter positions.

Officer A observed the second floor curtains move in a residence where the Subject was last seen running. To warn responding units, he broadcast that the Subject might have high ground. Officer B heard noises and observed the Subject climbing over a fence. Officer B identified himself as a police officer and ordered the Subject to stop and raise his hands. The Subject did not comply and continued to run. The Subject climbed over a second fence, into a rear yard and out of Officer B's sight. Officer B notified Officer A of the Subject's location as he directed the responding units. A perimeter was established.

**Note:** According to Officer B, when the Subject jumped the fences, he attempted to broadcast his observations via the police radio, but Officer A was also broadcasting.

Sergeant A arrived at the scene and immediately became the Incident Commander (IC). Officer A holstered his pistol and moved to Sergeant A's position. When Officer B was relieved from his position by responding officers, he holstered his pistol and met with Sergeant A. Sergeant A separated the officers and obtained a Public Safety Statement (PSS) from Officers A and B.

The area was subsequently contained and Metropolitan Division K-9 and Special Weapons and Tactics (SWAT) resources were requested and responded to the

Command Post (CP). The Los Angeles Fire Department (LAFD) also responded and staged at the CP. Deputy Chief A also arrived at the scene.

The first search team was led by Metropolitan Division uniformed K-9 SWAT handler Police Officer C, and was assigned to search one side of the street. The search team included numerous Metropolitan Division SWAT Police Officers.

**Note:** Deputy Chief A waived the K-9 announcement for this incident because he determined the announcement could take away the advantage of the dogs' search by alerting the Subject of the search team's movements.

Perimeter officers observed the Subject walking in a residential driveway with his hands concealed underneath a blanket that was wrapped around his body. Officers ordered the Subject to raise his hands, but instead, he shook his head no. After a few seconds, the Subject turned, walked west in the driveway and out of view. This information was broadcast to the other units on the perimeter.

Approximately one minute after the Subject was last observed, Officer C's Metropolitan Division K-9 search team observed him in the front yard of a home. The Subject was given orders to surrender, but he gestured with his hand for the officers to wait, stating that he wanted to smoke a cigarette. The Subject rolled a cigarette and began to smoke as he paced back and forth, looking in all directions for an apparent escape route.

Officer C and his team continued to parallel the Subject's movements until he jumped his last fence into the front yard of residence. The search team used parked vehicles as cover while paralleling the Subject. According to Officer C, he discussed the direct deployment of his K-9 dog with the SWAT Team Leader. As he prepared the direct deployment of his K-9 dog, other officers continued to order the Subject to give up or they would send the dog. The Subject continued to ignore commands.

The Subject was warned several times that the dog would be released, but failed to surrender. Officer C targeted his K-9 dog on the Subject and commanded his K-9 dog to apprehend and then release the Subject. The Subject was facing west, but due to cars parked in the driveway, Officer C could not observe the Subject's lower torso as his K-9 dog ran toward him. According to Officer C, when his K-9 dog was approximately half way to him, the Subject reached into either his waistband or right pants pocket and retrieved a black, semiautomatic pistol. From approximately six to seven feet west, the K-9 dog jumped toward the Subject. In one continuous motion, the Subject raised the pistol in his right hand, placed it against his right temple, and intentionally shot himself.

**Note:** According to Witness A, the police dog jumped towards the Subject and he fell. When the Subject fell between a car and a fence, that's when the gun went off. Witness A did not know if he intentionally shot himself or if it was accidental. However, Witness A was sure that the Subject shot

himself because the police didn't shoot at all. According to Witness A, she observed the Subject with the gun in his hand and the police kept yelling at the Subject to put his hands up, but he would not comply.

Simultaneously, as the K-9 dog struck the left side of the Subject's upper torso, he immediately fell onto his back. The arrest team moved in and took the Subject into custody without incident. LAFD personnel pronounced the Subject deceased.

### **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). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

#### **A. Tactics**

The BOPC found Officer A and B's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Officer A and B's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Officer A's lethal use of force to be in policy.

#### **D. Deployment of K-9**

The BOPC found the K-9 deployment to be consistent with established criteria.

#### **E. Contact of K-9**

The BOPC found the K-9 contact to be consistent with established criteria.

#### **F. Post K-9 Contact Procedures**

The BOPC found the post K-9 Contact Procedures to be consistent with established criteria.

## **Basis for Findings**

### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:

#### **1. Code 3 Response**

Officers A and B were assigned to respond Code Three to a radio call for an ADW Subject, but did not respond Code Three. According to the officers, at that time of day there was minimal traffic on the streets and because they were not that far from the location, they decided not to respond Code Three because they wanted to maintain the element of surprise and did not want to alert the Subject to their response. As a result of not responding Code Three, the Digital in Car Video System (DICVS) was not activated.

The officers' tactical decision not to respond Code Three was reasonable and consistent with Department tactical training. The BOPC determined that the officers' action in this circumstance did provide the officers with a tactical advantage and was not a substantial deviation, without justification from approved Department policy.

The officers were reminded of their responsibility to activate their DICVS when responding to a Code Three radio call and that the DICVS can be activated manually.

#### **2. Back-up Request**

Officers A and B announced their location after observing a male matching the description of an ADW Subject, but did not initiate a back-up request.

Although officers are given discretion regarding the appropriate time to request additional resources during an incident, in this instance, the officers were responding to a radio call of an ADW Subject, armed with a gun. Although the officers subsequently requested back-up, the BOPC concluded that it would have been tactically advantageous for the officers to request a back-up immediately upon observing the Subject in an effort to ensure that the appropriate resources were responding in the event they were needed.

The BOPC determined that Officer A and B's actions did not substantially deviate from approved Department tactical training.

### 3. Running with a drawn service pistol

Officer A pursued the Subject while holding his service pistol in his right hand and radio in his left hand. In its analysis of this event, the BOPC took into consideration that Officer A was in pursuit of a possible armed Subject, and therefore had a reasonable belief that the situation may escalate to the use of deadly force. Officer A will be reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol.

The BOPC determined that Officer A and B's actions did not substantially deviate from approved Department tactical training.

### 4. Pursuing Possible Armed Subjects

Officers A and B went in foot pursuit of an ADW suspect possibly armed with a handgun.

Generally, officers are discouraged from pursuing armed subjects 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 subject. In this circumstance, the officers observed the Subject and intended to conduct a high risk stop. As the officers exited and deployed behind their respective doors, Officer B ordered the Subject to stop. The Subject ignored the officers' commands and fled on foot. Officers A and B immediately went in foot pursuit.

Containment of an armed subject 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 a successful resolution.

The BOPC considered that this was a rapidly unfolding situation and the officers' belief that they were close enough to apprehend the Subject. As the incident unfolded, and the risk became greater to the officers, the officers' recognized the need to transition to containment mode.

Officer A recalled that he considered immediate containment, but believed that the Subject was close enough and slow enough that he could have been apprehended; therefore Officer A opted to chase after the Subject instead of immediately setting up a perimeter.

The BOPC determined that Officers A and B's actions did not substantially deviate from approved Department tactical training. The officers will be reminded of the importance of maintaining cover and assessing containment options, while pursuing potentially armed subjects. These topics were to be discussed during 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 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.

Each tactical incident merits a comprehensive debriefing. In this case, the BOPC determined the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the individual actions that took place during this incident, with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Officer A and B's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- While pursuing the Subject, Officer A observed him continually clutching the right side of his waistband. Due to the nature of the radio call and believing the Subject could be armed, Officer A drew his service pistol. Officer B observed the Subject run and believed he could be armed due to the nature of the radio call. Believing that the situation could escalate to the point where deadly force may be justified, Officer B drew his service pistol.

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

Therefore, the BOPC found Officer A and B's drawing and exhibiting of a firearm to be in policy.

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

- Officer A observed the Subject reach for his waistband and retrieve a handgun. Officer A ordered the Subject to drop the gun. The Subject ignored the command, turned and pointed the handgun at Officer A. According to Officer A, he fired one round and then saw the Subject turn left around a corner. Officer A then backed out of the driveway to obtain cover and establish a perimeter.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions of removing a gun from his waistband, and pointing the gun in the direction of Officer A presented an imminent threat of death or serious bodily injury and the use of lethal force was objectively reasonable and in policy.

#### **D. Deployment of K-9**

- A Metropolitan Division K-9 Unit supervisor responded and confirmed the situation met the criteria for a K-9 deployment. Officer C, a Metropolitan Division K-9 handler, responded and was briefed by the supervisor regarding the incident. Deputy Chief A knew the Subject was armed and had fired his weapon at the officers. Consequently, Deputy Chief A waived the requirement for a K-9 announcement, believing that a K-9 announcement could alert the Subject to the search team's movement and place the officers at a tactical disadvantage. The BOPC determined that Deputy Chief A's decision to forego the announcement, in this circumstance, was consistent with Department tactical training.

In conclusion, the BOPC determined that the deployment of the K-9 resources was consistent with established criteria.

#### **E. Contact of K-9**

- The Subject stood in the driveway of a residence refusing to give up and ignoring the officer's commands. After giving the Subject numerous warnings that the dog would be released if he did not comply with the officer's commands, Officer C directed his K-9 dog to apprehend the Subject.

After Officer C unleashed his K-9 dog, the Subject reached into his right waistband area and retrieved a black, semiautomatic pistol. The Subject raised the pistol in his right hand, placed it against his right temple and intentionally shot himself. Simultaneously, the K-9 dog struck the left side of the Subject's upper torso and conducted a bite hold. Officer C allowed his K-9 dog to remain on the bite hold for a few seconds until the arrest team could move forward into a position to take the Subject into custody. Officer C then recalled and attached the leash to his K-9 dog.

The BOPC determined the K-9 Contact was consistent with established criteria.

#### **F. Post K-9 Contact Procedures**

- As officers approached the Subject, they observed visible injuries to his head and immediately requested a Rescue Ambulance (RA). An RA arrived to provide medical aid for the Subject, who failed to respond to treatment and was pronounced dead at scene.

The BOPC determined that the post K-9 contact procedures were consistent with established criteria.