



## **Incident Summary**

On the date of this incident, uniformed Police Officers A (passenger) and B (driver) were driving a marked black and white police vehicle south in the number one lane of traffic, when Officer A observed Subjects 1 and 2 walking on the side of the street. Officer A described Subject 1 as 6 feet tall, approximately 175-180 pounds, wearing a charcoal hooded sweatshirt. Officer A described Subject 2 as 6 feet tall, approximately 170-180 pounds, wearing a dark sweatshirt. According to Officer A, Subject 2 was walking approximately 10-15 feet ahead of Subject 1.

As the officers continued toward an intersection, Officer A heard approximately four gunshots. Officer A looked in the direction of Subjects 1 and 2 and observed approximately two muzzle flashes emanating from Subject 1's location on one side of the street and believed that Subject 1 was shooting at them.

Officer B also heard multiple gunshots coming from an area adjacent to them and asked Officer A if he saw where they were coming from. According to Officer B, Officer A said, "yes right there," and pointed south. Officer B looked south, but did not see who was firing. Officer B stopped their vehicle in the number one lane of traffic, facing south. Officer B unholstered his duty pistol and took cover behind the vehicle's engine block by sinking deeper into the driver's seat. Officer B remained in the vehicle with his door closed. Officer B's muzzle was pointed above the dashboard, toward the sound of the gunfire. Officer B was unable to determine the origin of the gunshots.

Simultaneously, Officer A opened the passenger door, unholstered his duty pistol and took a two-handed shooting grip. Officer A remained partially seated in the passenger seat and was positioned between the vehicle's frame and open door with his left foot on the passenger side floorboard and his right foot outside the vehicle on the street. Officer A observed Subject 1 facing the officers with his arms extended in front of him, pointing a pistol at them. Officer A believed that Subject 1 was going to continue to shoot at them. In response to Subject 1's actions, Officer A fired multiple rounds at Subject 1.

**Note:** When Officer A fired at Subject 1, he no longer heard gunfire or observed muzzle flash emanating from Subject 1's position. Officer A stated that while he fired, Subject 1 continued to point his pistol at him.

After firing, Officer A assessed and observed Subject 1 turn and run across the street. According to Officer A, Subject 2 crossed the street approximately five to seven seconds prior to Subject 1. Officer A did not observe either subject with a firearm when they crossed the street.

**Note:** According to Officer B, after Officer A fired, Officer B observed Subject 2 in the middle of the street and was looking directly at the officers, while walking, carrying a weapon in his right hand down at his side. According to Officer B, he first observed Subject 1 standing on the sidewalk, approximately 100 feet away. Officer B did not observe Subject

1 cross the street. Officer B could not see Subject 1's hands because of vehicles parked along the curb.

Once on the side of the street, Subjects 1 and 2 ran on the curb. Officer A re-positioned himself inside the vehicle, closed the passenger door and holstered his duty pistol. Simultaneously, Officer B gripped the steering wheel with his left hand, while holding his pistol below the dashboard in his right hand. Officers A and B followed the subjects in their police vehicle as the subjects fled. Officer A broadcast that shots had been fired and requested assistance. Officer A did not observe either Subject to be armed as they ran south, as his view was partially obscured due to vehicles parked on the side of the street.

Subjects 1 and 2 turned onto a side street and ran on the sidewalk. Officer B turned the police vehicle on the same street, holstered his pistol, and parked. Officers A and B exited their vehicle. Officer B unholstered and maintained his pistol in a two-handed low-ready position as he jogged in the roadway. Officer B stated he was in containment mode and used vehicles parked along the north curb as cover. Officer A unholstered and maintained his pistol in a two-handed low ready position as he jogged on the sidewalk, approximately six feet behind Officer B. Officer A broadcast his direction of travel and requested that a perimeter be established. Meanwhile, Subjects 1 and 2 turned and ran between the residences and out of Officers A and B's view.

**Note:** According to Officer B, as Subject 2 turned to run, he was still armed with a weapon. According to Officer A, he never observed Subject 2 with a weapon.

Officer A returned to their parked police vehicle and visually covered a perimeter position, while Officer B sought cover behind a parked vehicle on the curb across the street from where the subjects were last seen running. Officer A estimated that he and Officer B were approximately four to five houses apart while they continued to maintain a view of each other. Officer A was subsequently relieved of his perimeter position and joined Officer B at his cover position.

Sergeant A arrived at the scene, assumed the role of Incident Commander, and established a Command Post (CP). Sergeant B contacted Officers A and B and identified Officer A as being involved in an OIS, and Officer B as a witness. Officers A and B holstered their pistols, and Sergeant B escorted them to the CP, where the officers issued Public Safety Statements and were ordered not to discuss the incident.

Various additional officers responded to the scene and established a perimeter. Uniformed Police Officers C and D responded and took a perimeter position. Later that evening, Officers C and D observed Subject 2 walking down the street. Officers C and D observed that Subject 2 matched the Subject provided by Officer A and detained him. Officer C contacted the CP and was advised to transport Subject 2 to the CP for a field show-up. Officer A viewed Subject 1 and positively identified him as one of the two subjects, but stated he was not the subject who pointed the gun at him. Independent of

Officer A, Officer B also viewed Subject 2 and positively identified him as being involved in this incident as well.

**Note:** During the perimeter search, officers located a rifle at the curb where Subjects 1 and 2 were observed running away from Officers A and B. Also during the search, a pistol was discovered in the rear yard of a home where the subjects had last been seen running. Officer E notified the CP and photographed the pistol prior to its recovery. Officer F recovered the pistol and walked to the CP, where he gave it to detectives.

**Note:** Subject 1 was not arrested during this incident. A warrant was issued for his arrest and he was taken into custody at a later time.

### **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.

### **Basis for Findings**

#### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Separation/Pursuing Possible Armed Suspects

As Officers A and B began to establish a perimeter, Officer B sought cover behind a parked vehicle across the street from where the subjects were last seen. Meanwhile, Officer A returned to the officers' police vehicle that was parked a short distance away in order to observe one side of the perimeter. According to Officer A, he and his partner were four to five houses apart and able to maintain visual contact with each other.

Containment of armed subjects 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.

In this case, the BOPC felt that the distance between the officers did not jeopardize their ability to effectively communicate or render aid. However, the BOPC would have preferred that Officers A and B would have remained in closer proximity, thus increasing their ability to better communicate, while coordinating the establishment of the perimeter.

Based on the totality of the circumstances, the BOPC found that Officers A and B did not substantially deviate from Department approved tactical training. However, in an effort to enhance future performance, this topic will be discussed at the Tactical Debrief.

- The BOPC additionally considered the following:

1. Required Equipment

The investigation revealed that Officer A was not in possession of his Hobble Restraint Device (HRD) and that both officers deployed from their vehicle without their batons. Officers A and B were reminded to have all required equipment on their person while performing field patrol duties.

2. Driving While Maintaining Control of a Service Pistol

Following the OIS, Officer B maintained control of his service pistol in his right hand while using his left hand to control the steering wheel as he moved their police vehicle around the corner. The BOPC would have preferred that Officer B had holstered his service pistol in order to minimize the possibility of an Unintentional Discharge.

3. Cover and Concealment/Shooting Position

After hearing several gunshots, Officer B drew his service pistol and took cover behind the vehicle's engine block by sinking down in the driver's seat. Consequently, the muzzle of Officer B's service pistol was pointing above the

dashboard at the windshield thus limiting his mobility and placing him in a position to have to shoot through the windshield. Officer B will be reminded that shooting through glass can diminish accuracy and result in an unintended outcome.

#### 4. Running with a Service Pistol

According to Officers A and B, after exiting their vehicle, they jogged after the subjects with their service pistols drawn. In the BOPC's analysis of this event, they took into consideration that the officers were pursuing armed Subjects on foot in an effort to contain their movement and therefore had a reasonable belief the situation may escalate to the use of deadly force. Nonetheless, the officers were reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol.

- 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**

- Officers A and B heard multiple gunshots as they were travelling in their police vehicle. Officer B stopped the police vehicle, and both officers drew their service pistols. Officer A observed Subjects 1 and 2 and observed muzzle flash coming from where Subject 1 was standing. Officer B believed the gunshots were coming from a direction close to where they were positioned. Both officers unholstered their weapons, believing the situation could escalate to deadly force and took cover.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with a similar set of 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 and B's actions of drawing and exhibiting of a firearm to be in policy

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

- Officer A heard approximately four gunshots and observed muzzle flashes coming from Subject 1's location on the side of the street. Officer A recalled that Officer B came to a complete stop in the number one lane of traffic and he opened the vehicle door. Officer A had half of his my body out of the vehicle and drew his weapon, exchanging fire with Subject 1, who was pointing what appeared to be a weapon at him and his partner.

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 Subject 1's actions of pointing and firing several shots from a handgun in the direction of Officers A and B presented an imminent threat of death or serious bodily injury and the use of lethal force would be objectively reasonable to address this threat.

Therefore, the BOPC found Officer A's lethal use of force to be objectively reasonable and in policy.