

INTRADEPARTMENTAL CORRESPONDENCE

November 8, 2018
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 003-18

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 003-18. A Use of Force Review Board (UOFRB) was convened on this matter on October 22, 2018. I have reviewed the recommendations from the UOFRB for this incident and did not adopt the recommendations in their entirety. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On January 11, 2018, at approximately 1122 hours, Officers [REDACTED], Serial No. [REDACTED], and [REDACTED], Serial No. [REDACTED] Southwest Patrol Division, were in full police uniform, driving a marked black and white police vehicle. The officers responded to a request for backup units for an Assault with a Deadly Weapon (ADW) suspect running south on Walton Avenue from West 40th Place.

Note: The backup request was related to an ADW with a knife radio call located at 641 West 41st Drive. Additionally, multiple Southwest Patrol units were in the area of the radio call attempting to locate the suspect, later identified as D. White, who had fled on foot.

The investigation revealed that a Detective, assigned to Gang and Narcotics Division working a plainclothes assignment, had observed White. The Detective requested for backup units to the location in order for uniformed personnel to conduct a detention on White.

According to Officer [REDACTED], officers had responded to the area of the radio call and were searching for White when the backup request was broadcasted. Officer [REDACTED] drove north on Walton Avenue and as they approached West 40th Place, he observed White, north of them, *running* west across Walton Avenue.

Note: West 40th Place is an east/west street that comes to a T-intersection at Walton Avenue and then continues east/west approximately 110 feet north and south of each other.

[REDACTED]

According to Officer [REDACTED], White continued *running* south on Walton Avenue towards the northwest corner of West 40th Place. Officer [REDACTED] stopped [REDACTED] vehicle, facing the northwest corner, and exited the vehicle. White was *approximately 40 to 50 feet away* and continued *closing the distance* to them. Based on the comments of the *ADW cutting* radio call, Officer [REDACTED] drew [REDACTED] service pistol (**Drawing/Exhibiting**).

Note: The investigation revealed that after exiting [REDACTED] vehicle, Officer [REDACTED] closed [REDACTED] driver's door, which was equipped with a ballistic panel (**Debriefing Point No. 1**).

According to Officer [REDACTED] observed White *run across* Walton Avenue and then *walk* south on the west sidewalk, *towards* their direction. Believing that White was *possibly armed with at least a knife*, Officer [REDACTED] exited the vehicle, assumed a position of cover behind [REDACTED] passenger side ballistic door panel, and drew [REDACTED] service pistol. [REDACTED] then gave White commands to, "*Come down to the ground,*" but White did not comply (**Drawing/Exhibiting**).

According to Officer [REDACTED], [REDACTED] broadcasted they were code-six and requested a *backup*. Officer [REDACTED] advised Communications Division (CD) of White's actions and that White *wasn't complying with orders*. Officer [REDACTED] completed these broadcasts since he *wanted more resources* at scene.

Note: The investigation revealed that Officer [REDACTED] broadcasted on Southwest Division simplex frequency (**Additional Tactical Debrief Topics – Broadcasting on Simplex**).

According to Officer [REDACTED], [REDACTED] gave White commands to, "*Stop and get on the ground.*" White *finally stopped* approximately *12 feet* in front of their police vehicle. White was *uncooperative* and stated, "*I'm trying to decide whether or not today I'm going to die.*" White then *immediately put* his right hand into his *right front pant pocket*. Believing White was arming himself, Officer [REDACTED] attempted to *de-escalate* the situation, telling White, "*You don't want to do that,*" and to, "*Get his hands out of his pocket and get down on the ground.*" White then *started walking backwards* away from the officers (**Additional Tactical Debrief Topics – Non-Conflicting Simultaneous Commands and Tactical Communication**).

According to Officer [REDACTED], White stated something *to the effect of*, "*I'm thinking about dying today. I think I want to die today.*" Officer [REDACTED] then told White, "*You don't want to die.*" Believing White was possibly armed with a knife and also to prevent the situation from escalating to *deadly force*, Officer [REDACTED] requested [REDACTED] partner *get a beanbag* shotgun.

According to Officer [REDACTED], believing that White was going to *attack* [REDACTED] redeployed to the rear of [REDACTED] vehicle to create more *distance*. [REDACTED] then observed White *reaching in his pocket* and believed that White was *going to arm himself with a gun*. Officer [REDACTED] then gave commands for White to, "*Take his hands out of his pockets,*" (**Additional Tactical Debrief Topics – Tactical Communication**).

Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Southwest Patrol Division, along with Officers [REDACTED], Serial No. [REDACTED], [REDACTED], Serial No. [REDACTED] Southwest Area Detectives, Registration Enforcement and Compliance Team (REACT), responded to the scene (**Debriefing Point No. 2**).

Note: Officers [REDACTED] and [REDACTED] were not substantially involved in the incident and therefore, did not receive findings.

According to Officer [REDACTED], upon arrival, Officer [REDACTED] positioned their police vehicle *in front of the suspect* and west of Officer [REDACTED] vehicle. Officer [REDACTED] observed White with his hand in his right pant pocket, *holding a bulge that was possibly a handgun*. Officer [REDACTED] exited the vehicle, assumed a position of cover behind [REDACTED] passenger side ballistic door panel, and drew [REDACTED] service pistol (**Drawing/Exhibiting**).

According to Officer [REDACTED], upon arrival, [REDACTED] observed White with a *blank stare* and his right hand in his pocket. Officer [REDACTED] exited, drew [REDACTED] service pistol and assumed a position of cover behind [REDACTED] driver's side ballistic door panel. Officer [REDACTED] then *glanced* at the other officers and observed there was no *less-lethal* force option deployed. Officer [REDACTED] holstered [REDACTED] service pistol and went inside the police vehicle to retrieve the beanbag shotgun from the rack.

According to Officer [REDACTED], [REDACTED] positioned the police vehicle *in the middle of the intersection*, east of Officer [REDACTED] vehicle. Officer [REDACTED] *immediately* drew [REDACTED] service pistol as [REDACTED] exited the vehicle due to the *backup call of an ADW*. While exiting, [REDACTED] *felt* the vehicle *rolling forward*. With [REDACTED] service pistol still in [REDACTED] hand, Officer [REDACTED] re-entered [REDACTED] vehicle and placed it in park (**Drawing/Exhibiting and Additional Tactical Debrief Topics – Maintaining Control of Service Pistol While Placing Vehicle in Park**).

According to Officer [REDACTED], after placing the vehicle in park, [REDACTED] exited and assumed a position of cover behind [REDACTED] driver's side ballistic door panel. [REDACTED] heard officers giving commands to White to *get down on the ground* and observed White with his right hand inside his pocket *holding a bulge which appeared to be some kind of weapon*.

According to Officer [REDACTED], upon arrival, [REDACTED] exited the vehicle, drew [REDACTED] service pistol and assumed a position of cover behind [REDACTED] passenger's side ballistic door panel. [REDACTED] observed White *fidgiting, looking left and right* with both hands in his pockets.

According to Officer [REDACTED], after the additional units arrived, White *quickly* removed his hand from his pocket while holding a *metallic object*, *took a shooting stance*, and pointed the object in [REDACTED] direction. Believing the object was a *small caliber handgun* and in fear for [REDACTED] life, Officer [REDACTED] fired two rounds from [REDACTED] service pistol at White. White then *fell face forward* with his *left hand tucked underneath* him (**Lethal Use of Force**).

According to Officer [REDACTED] observed White *pull out a possible handgun* from his right front pocket, *take a shooting stance*, and point in his direction. Believing White was pointing a handgun at [REDACTED] and to *protect* [REDACTED] from *death or injury*, Officer [REDACTED] fired *approximately*

six rounds from [redacted] service pistol at White while taking a *step or two* toward the rear of [redacted] vehicle to make [redacted] a smaller target (**Lethal Use of Force, Debriefing Point No. 3 and Additional Tactical Debrief Topics – Shooting Foreground**).

According to Officer [redacted] observed White take his right hand out of his pocket and thrust his hand forward, with what appeared to be a gun pointed towards the officers. Believing White was going to shoot at officers and [redacted] Officer [redacted] fired approximately two to three rounds from his service pistol at White. White then turned and went down to the ground (**Lethal Use of Force**).

According to Officer [redacted], White removed his hands from his pockets, while holding an object in his right hand. White then immediately punched his arms out, took a *Weaver firing type stance*, and pointed the object in the direction of the other officers. Due to Officer [redacted] angle, [redacted] observed the top silver portion of the object and believed it was a cell phone, however, [redacted] was not confident of this, and therefore, did not communicate [redacted] observations.

According to Officer [redacted] observed White remove a silver object from his pocket and jab it towards the officers. Believing the object was a gun, Officer [redacted] placed [redacted] finger on the trigger of [redacted] service pistol, intending to shoot. Officer [redacted] then took a quick glance looking for a gun barrel. Due to the distance and the angle that [redacted] was positioned, Officer [redacted] observed that the object was flat. [redacted] then believed the object was possibly a cell phone and advised, "Cell phone, cell phone."

Note: A review of Officer [redacted] BWV revealed that [redacted] advised that the object was possibly a cellular telephone as shots were being fired.

The investigation revealed that after the OIS, Officer [redacted] requested for Help and a Rescue Ambulance (RA) on Southwest Division simplex frequency. These broadcasts were heard by multiple officers who advised CD on Southwest base frequency (**Additional Tactical Debrief Topics – Broadcasting on Simplex**).

Captain [redacted] Serial No. [redacted] Commanding Officer, Southwest Patrol Division, responded and assumed the role of Incident Commander (IC). [redacted] directed the formation of an arrest team and included the use of a ballistic shield, ballistic helmets and gloves.

According to Officer [redacted], believing White was still armed, [redacted] holstered [redacted] service pistol and deployed his Patrol Rifle (**Drawing/Exhibiting**).

Additional personnel arrived at the scene. White was taken into custody without further incident (**Additional – Reverence for Human Life**).

After White was taken into custody, Captain [redacted] ensured that the involved personnel were separated, monitored, and Public Safety Statements (PSS) were obtained.

Sergeant [REDACTED] Serial No. [REDACTED] Southwest Patrol Division, responded, separated, monitored and obtained a PSS from Officer [REDACTED].

Detective II [REDACTED], Serial No. [REDACTED] Southwest Area Detectives, responded, separated, monitored and obtained a PSS from Officer [REDACTED].

Sergeant [REDACTED] Serial No. [REDACTED] Southwest Patrol Division, responded, separated, monitored and obtained a PSS from Officer [REDACTED].

Los Angeles Fire Department (LAFD) personnel responded and transported White to California Hospital Medical Center where he was treated for gunshot wounds.

Note: The investigation revealed that White was not armed with a firearm during the incident. However, a black Samsung Galaxy S6 Edge cellular telephone was recovered from the sidewalk where White was taken into custody.

FINDINGS

Tactics – Tactical Debrief. Captain [REDACTED] along with Officer [REDACTED]. Administrative Disapproval, Officers [REDACTED], [REDACTED] and [REDACTED].

Drawing/Exhibiting – In Policy, No Further Action, Officers [REDACTED], [REDACTED], and [REDACTED]. Out of Policy, Administrative Disapproval, Officer [REDACTED].

Lethal Use of Force – In Policy, No Further Action, Officers [REDACTED], [REDACTED], and [REDACTED].

ANALYSIS

Detention

The officers attempted to detain a suspect who matched the description from an ADW cutting radio call. 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."

[REDACTED]

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.

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 officers attempted to calm and reassure the suspect after the suspect stated that he wanted to die. Additionally, the officers attempted to gain compliance through verbal commands. However, the suspect did not comply with those commands, removed his hand from his pocket while holding an object and pointed it at the officers in a shooting stance.

Faced with what they reasonably perceived to be an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 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 (gun, 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] closed [REDACTED] ballistic panel door when [REDACTED] encountered a potentially armed suspect.

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, when Officer [REDACTED] closed [REDACTED] vehicle door [REDACTED] unnecessarily limited [REDACTED] options for cover and exposed [REDACTED] to a suspect who was possibly armed with a knife.

Based on the totality of the circumstances, I have determined, that 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. 2 Body Armor (Substantial Deviation – Officer [REDACTED])

All sworn personnel shall wear Department approved body armor and an authorized police equipment belt when assigned to the field, geographic Area front desk or traffic Division front desk related duties (Los Angeles Police Department Manual, Volume 4, Section 216.52).

Officer [REDACTED] did not don [REDACTED] Department approved body armor as required when conducting field related duties.

In this case, Officer [REDACTED] was assigned to REACT, a uniformed field assignment. Officers assigned to REACT are expected to wear their body armor.

The UOFRB determined, and I concur, that Officer [REDACTED] decision not to don [REDACTED] body armor 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 Crossfire (Substantial Deviation – Officer [REDACTED])

Does the surrounding area provide a clear background/foreground? Officers must be aware of where the bullet will go and where it may stop. Officers should not fire under conditions that would subject bystanders to death or possible injury, except in Imminent Defense of Life or to prevent serious bodily injury (Standardized Roll Call Training Program, Deployment Period No. 8/2007).

Officer [REDACTED] fired [REDACTED] service pistol with Officer [REDACTED] in [REDACTED] foreground.

Although Officer [REDACTED] was faced with what [REDACTED] perceived was a deadly force situation, [REDACTED] should have assessed the location of Officer [REDACTED] prior to firing his service pistol. By firing [REDACTED] service pistol with Officer [REDACTED] in [REDACTED] foreground, [REDACTED] unnecessarily placed Officer [REDACTED] in danger.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that 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.

Additional Tactical Debrief Topics

Broadcasting on Simplex – The investigation revealed Officer [REDACTED] broadcasted his code-six location, backup request, help call, and RA request on Southwest simplex frequency. Officer [REDACTED] is reminded of the importance of radio communication and ensuring that his radio is always in the proper broadcast position. I will direct this be a topic of discussion during the Tactical Debrief.

Non-Conflicting Simultaneous Commands – The investigation revealed that several officers gave simultaneous commands to the suspect during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance by the suspect. I will direct that this be a topic of discussion during the Tactical Debrief.

Tactical Communication – The investigation revealed that Officer [REDACTED] did not broadcast a direction of approach for responding units. I would have preferred that Officer [REDACTED] communicate to responding units a direction of approach to avoid potential crossfire.

Additionally, multiple officers gave White commands to take his hand out of his pocket. The officers are reminded to be mindful that when suspects remove their hands from their pockets, they could be armed with a weapon. I would have preferred for the officers to direct the suspect to turn around, with his back towards the officers, prior to directing him to remove his hands from his pockets. I will direct that this be a topic of discussion during the tactical debrief.

Maintaining Service Pistol in Right Hand While Placing Vehicle in Park – The investigation revealed that Officer [REDACTED] began to exit the vehicle to engage a possibly armed suspect without placing the vehicle in park. As such, Officer [REDACTED] placed [REDACTED] at a tactical disadvantage due to having [REDACTED] service pistol in one hand and placing the vehicle in park with the other. Officer [REDACTED] is reminded this action created a heightened concern for an unintentional discharge. I will direct that this be a topic of discussion during the Tactical Debrief.

Shooting Foreground – The investigation revealed, as Officer [REDACTED] fired [REDACTED] service pistol, one of his rounds struck the vehicle passenger door that he was utilizing as cover. Officer [REDACTED] is reminded of the importance of assessing his foreground while discharging his weapon. I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

Captain [REDACTED] Serial No. [REDACTED], Commanding Officer, Southwest Patrol Division, responded and assumed the role of Incident Commander (IC [REDACTED] directed the formation of an arrest team which included the use of a ballistic shield, ballistic helmets and gloves. After White was taken into custody, Captain [REDACTED] ensured that the involved personnel were separated, monitored, and Public Safety Statements (PSS) were obtained.

The actions of Captain [REDACTED] 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, the UOFRB determined, and I concur, 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.

Additionally, I find the tactics utilized by Captain [REDACTED] along with Officers [REDACTED] and [REDACTED], did not deviate from approved Department tactical training.

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

Therefore, I will direct that Captain [REDACTED] along with Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED], attend a Tactical Debrief and 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;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.



General Training Update (GTU)

On February 8, 2018, Officers [REDACTED], [REDACTED], and [REDACTED] attended a GTU. All mandatory topics were covered including Force Option Simulator.

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."

"Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. 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. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm" (Los Angeles Police Department Manual, Volume 1, Section 556.80).

According to Officer [REDACTED], White continued running south on Walton Avenue towards the northwest corner of West 40th Place. Officer [REDACTED] stopped [REDACTED] vehicle facing the northwest corner and exited the vehicle. White was approximately 40 to 50 feet away and continued closing the distance toward the officers. Based on the comments of the ADW radio call, Officer [REDACTED] drew [REDACTED] service pistol.

According to Officer [REDACTED], believing White was still armed, [REDACTED] holstered [REDACTED] service pistol and deployed [REDACTED] patrol rifle.

Officer [REDACTED] recalled,

As the - - as I deployed out of the vehicle, the suspect closes the distance on us. He was approximately when I first observed him, 40 or 50 feet and he kept running southbound on Walton towards 40th Place where the vehicle - - where I had parked the vehicle and deployed out. Based on the - - on the comments of the call, that he was a ADW cutting suspect, and I believed that the situation could escalate to the use of deadly force, I drew my weapon.

I believe at that time another officer had moved up behind me and I advised him that I was going to go retrieve my UPR from the trunk... Cause I believed that the suspect was still armed. He wasn't obeying commands.█

[REDACTED]

According to Officer [REDACTED], upon arrival, Officer [REDACTED] positioned their police vehicle in front of the suspect and west of Officer [REDACTED] vehicle. Officer [REDACTED] observed White with his hand in his right pant pocket, holding a bulge that was possibly a handgun. Officer [REDACTED] exited the vehicle, assumed a position of cover behind his passenger side ballistic door panel, and drew his service pistol.

Officer [REDACTED] recalled,

The suspect was directly in front of me. He was looking towards my way. I draw out my firearm because of the fact that I believe the item to be in his pocket, where he had his hand, to be possibly a handgun. I observed a unusual large bulge in his pocket and that's when I decided to draw my handgun...

According to Officer [REDACTED] observed White run across Walton Avenue and then walk south on the west sidewalk, towards the officers' direction. Believing that White was possibly armed with at least a knife, Officer [REDACTED] exited the vehicle, assumed a position of cover behind his passenger side ballistic door panel, and drew his service pistol. [REDACTED] then gave White commands to, "Come down to the ground." White did not comply.

Officer [REDACTED] recalled,

At that point, his actions with him running across the street and my assess - - my - - my belief was that he was fleeing from officers, that he was possibly armed. And this could lead to deadly force. This could escalate to deadly force. And - - and the fact that he was advancing on us, he wasn't trying to get away, he was advancing toward us made me even more nervous that hey, this guy wants to engage us.

According to Officer [REDACTED] positioned the police vehicle in the middle of the intersection, east of Officer [REDACTED] vehicle. [REDACTED] immediately drew [REDACTED] service pistol as [REDACTED] exited due to the backup call of an ADW. While exiting, [REDACTED] felt the vehicle rolling forward. With [REDACTED] service pistol still in [REDACTED] hand, Officer [REDACTED] re-entered [REDACTED] vehicle and placed it in park.

Officer [REDACTED] recalled,

I also observed that the suspect had his - - he was facing officer - - he was facing the primary unit. He had his left hand out, but he had his right hand inside his pocket, and it appeared that he was holding some kind of weapon. Based on the - - on the radio call that - - and the backup call of an ADW, I immediately took out my service weapon as well for tactical situatio

[REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], and [REDACTED], 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, I find Officers [REDACTED], [REDACTED], and [REDACTED] Drawing/Exhibiting to be In-Policy, No Further Action.

Note: I am critical of Officer [REDACTED]'s deployment of the Patrol Rifle in this specific situation. I would have preferred a weapon system be deployed that was more appropriate for the tactical situation. ■

Additionally, I am critical of Officer [REDACTED] Drawing/Exhibiting prematurely. Prior to his arrival, there was sufficient lethal cover by officers and his primary duty upon arrival was to place the vehicle in park.

Based on the totality of the circumstances, I have determined, that an officer with similar training and experience as Officer [REDACTED], while faced with similar circumstances, would not have drawn their service pistol at that time.

Therefore, I find Officer [REDACTED] Drawing/Exhibiting to be Out of Policy, Administrative Disapproval.

Note: In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Lethal 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 (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

[REDACTED]

Officer [REDACTED] – .45 caliber, four rounds in a northerly direction, from an approximate distance of 30 feet.

According to Officer [REDACTED], after the additional units arrived, White quickly removed his hand from his pocket while holding a metallic object. White took a shooting stance, and pointed the object in Officer [REDACTED] direction. Believing the object was a small caliber handgun and in fear for [REDACTED] life, Officer [REDACTED] fired two rounds from [REDACTED] service pistol at White. White then fell face forward with his right hand tucked underneath him.

Officer [REDACTED] recalled,

At that time, the suspect quickly removed his hand out of his right front pocket and took a shooting, what I believed to be a shooting stance and pointing in his hand, he had a metallic object, which I believed to be a small caliber handgun and pointed in my direction. At that time, I feared for my life. I believed that the suspect was attempting to shoot me, and I fired one round. The suspect was still standing, so I - - I assessed. The suspect was still standing, and I reengaged him with, I believe, another round [REDACTED]

Officer [REDACTED] – 9mm, seven rounds in a northerly direction from an approximate 40 feet.

According to Officer [REDACTED] observed White pull out a possible handgun from his right front pocket, take a shooting stance and point it in Officer [REDACTED] direction. Believing White was pointing a handgun at [REDACTED] and to protect [REDACTED] from death or injury, Officer [REDACTED] fired approximately six rounds from [REDACTED] service pistol at White while taking a step or two toward the rear of [REDACTED] vehicle to make [REDACTED] a smaller target.

Officer [REDACTED] recalled,

I observed an unusual large bulge in his pocket and that's when I decided to draw my handgun and then I observed the suspect pull out a possible handgun from his right front pocket and he then pointed it at us in a shooting stance. At which point I thought - - I believed he was pointing a handgun at me and at that point, I fired approximately six rounds.

He was shooting at me, so I was protecting myself from death or injury. [REDACTED]

Officer [REDACTED] – .40 caliber, eight rounds in a northwesterly direction from an approximate distance of 36 feet.

According to Officer [REDACTED], [REDACTED] observed White take his right hand out of his pocket and thrust his hand forward with what appeared to be a gun pointed towards the officers. Believing White was going to shoot an officer, Officer [REDACTED] fired approximately two to three rounds from [REDACTED] service pistol at White. White then turned and went down to the ground.

[REDACTED]

Officer [REDACTED] recalled,

And at one point, the suspect just looked at -- at one of the officers, and with his right -- with his right hand, basically took -- took his right hand out of his pocket and kind of like a -- like a, I want to say thrust or kind of like a -- to kind of motion it as if -- what -- what appeared to me, had a gun pointed towards the officers.

And at which point, in fear that, you know, officer safety and injury possibly to one of my officers and even myself, I fired my service weapon approximately -- at the time, I thought approximate, I shot about two to -- two to three times. The suspect ended -- ended up following -- falling down a few feet onto the ground from where the location he was at. ■

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], and [REDACTED], would reasonably believe White'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 Officers [REDACTED], [REDACTED], and [REDACTED] Use of Lethal Force to be In Policy, No Further Action.

Additional

Reverence for Human Life – The investigation revealed that Officers [REDACTED], [REDACTED], and [REDACTED], Serial No. [REDACTED], Southwest Patrol Division, provided medical treatment to White after he was handcuffed prior to the arrival of LAFD personnel. Their actions were exemplary and demonstrated that their thoughts were directed to the well-being of another human being, even though he had been involved in an OIS.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/BWV – Southwest Division vehicles were equipped with DICVS at the time of the incident. Officers [REDACTED] and [REDACTED], as well as Officers [REDACTED] and [REDACTED] DICVS was activated at the time of the OIS. However, due to the angle of their police vehicle, their DICVS only captured audio of the OIS. Officers [REDACTED] and [REDACTED] DICVS was not activated at the time of the OIS.

Southwest Division personnel were equipped with BWV at the time of this incident. Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] BWV captured portions of the OIS.

Outside Video – Surveillance video located at [REDACTED] captured the OIS.

[REDACTED]

Chief's Direction

Although, it was determined that Officers [REDACTED] and [REDACTED] were not substantially involved in this incident and did not receive formal findings, the UOFRB determined, and I concur, that they would benefit from attending the Tactical Debrief to discuss lessons learned and enhance future tactical performance during similar incidents. Therefore, I will direct Officers [REDACTED] and [REDACTED] to attend the Tactical Debrief.

Respectfully,



MICHEL R. MOORE
Chief of Police

Date: 11-8-18