

INTRADEPARTMENTAL CORRESPONDENCE

November 20, 2018  
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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 007-18

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 007-18. A Use of Force Review Board (UOFRB) was convened on this matter on November 7, 2018. In this case, the recommended findings were not unanimous, with a minority opinion rendered regarding the Tactics finding for [REDACTED] Serial No [REDACTED]

I have carefully weighed each opinion and considered the case in its entirety, and adopted the recommendations of the UOFRB regarding Officer [REDACTED] Serial No. [REDACTED] and the minority opinion regarding Officer [REDACTED]. I hereby submit my findings in accordance with Police Commission policy.

**SUMMARY**

On January 26, 2018, at approximately 0203 hours, Officers [REDACTED] and [REDACTED] North Hollywood Patrol Division, were in full uniform, driving a marked black and white police vehicle. The officers were conducting crime suppression in the area of Victory Boulevard and Lankershim Boulevard.

**Note:** The investigation revealed that Officer [REDACTED] was a probationary officer at the time of the incident, with less than four months in the field. Officer [REDACTED] was [REDACTED] assigned Field Training Officer and this was their first time working together. The officers discussed contact and cover and the identification of stolen vehicles (**Debriefing Point No. 1**).

According to the officers, as they were driving south on Lankershim Boulevard, they observed a white Honda Accord exiting the driveway of the Pepper Tree Motel, located at 5909 Lankershim Boulevard. The officers observed that the Honda was being driven by a male, later identified as M. Glover, and there were no other occupants in the vehicle.

[REDACTED]

**Note:** According to Officer [REDACTED] and [REDACTED] partner were *concentrating* their patrol activities in a pre-designated *mission area* that they received in roll call. The Pepper Tree Motel was located in this mission area. Officer [REDACTED] was aware that the motel was a *common location* of criminal activity, including vehicle theft, and has made *numerous stolen vehicle recoveries and arrests* in the area of the motel.

Additionally, Officers [REDACTED] and [REDACTED] indicated that older model Hondas are one of the most frequently stolen vehicles in this area.

According to Officer [REDACTED] observed that one of the Honda's headlights was not working, in violation of California Vehicle Code (CVC), Section 24252(a), Lighting Equipment. Based upon [REDACTED] *training and experience*, [REDACTED] believed that the Honda may be stolen and *advised* [REDACTED] partner, "Get ready. There's a stolen car."

According to the officers, as they drove towards the entrance of the motel, Glover *stopped abruptly* in the driveway and *waited* for them pass. After the officers passed Glover, they used their *rear-view mirrors* to maintain observation on his vehicle. The officers observed Glover make a right turn out of the motel driveway and drive north on Lankershim Boulevard.

**Note:** According to Officer [REDACTED] Glover drove north on Lankershim Boulevard at *an excessive speed*.

According to Officer [REDACTED], as [REDACTED] conducted a U-turn, Glover *sped up* and made a right turn onto eastbound Erwin Avenue. As Officer [REDACTED] turned onto Erwin Avenue, [REDACTED] observed that Glover was a half a block ahead at Beck Avenue. Glover continued to drive east on Erwin Avenue, while *increasing his speed* and running *stop signs*. At that point, Officer [REDACTED] *activated* [REDACTED] overhead emergency lights and siren and *advised* [REDACTED] partner to broadcast that they were *following a Code 37 vehicle and request back-up and an airship*.

According to Officer [REDACTED], Glover did not stop and continued driving east on Erwin Avenue and then north on Vineland Avenue. At that point, Officer [REDACTED] advised [REDACTED] partner to broadcast that they were *in pursuit of a Code 37 vehicle*.

Officers [REDACTED], Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] along with Sergeant [REDACTED], Serial No. [REDACTED], North Hollywood Patrol Division, responded and became the secondary unit and Incident Commander (IC), respectively, in the pursuit.

The vehicle pursuit terminated when Glover drove north on Atoll Avenue, into a cul-de-sac, north of Leadwell Street, and fled from his vehicle.

**Note:** The investigation revealed that the [REDACTED] block of Atoll Avenue, north of Leadwell Street, is an industrial area that terminates at a cul-de-sac. Located on the west side of the cul-de-sac is an approximately 39 feet wide and 180 feet long driveway that divides the multi-unit single story businesses located along the north side of the driveway

██████████ Atoll Avenue) from the businesses located along the south side of the driveway (██████████ Atoll Avenue). At the west end of the driveway is a cinder block wall and wrought iron fencing that separates the above properties from the adjacent property located at ██████████ Fulton Avenue.

According to Officer ██████████, as ██████████ drove north on Atoll Avenue, ██████████ observed the tail lights and then the brake lights of Glover's vehicle illuminate. Glover opened the driver side door, exited, and *began running westbound towards a driveway* located north of the businesses at ██████████ Atoll Avenue.

According to Officer ██████████ as they drove north on Atoll Avenue, ██████████ formed the opinion that Glover had collided into some debris at the end of the cul-de-sac. As they *pulled up* to Glover's vehicle, Officer ██████████ *looked inside and did not observe anybody in the vehicle.* Officer ██████████ then *looked to his left* and observed Glover exit *an alley* and run *south, past* their police vehicle.

**Note:** A review of Officer ██████████ Body Worn Video (BWV) revealed that approximately six seconds before Officer ██████████ stopped their police vehicle, Officer ██████████ stated, "*There he goes! There he goes.*" Officer ██████████ simultaneously stated, "*Right there. He ditched.*"

According to Officer ██████████, as Glover fled from his vehicle, ██████████ intended to *use* the police vehicle *as cover* and follow Glover *into the driveway* in the police vehicle. However, Glover *came out of the driveway and began running southbound*, on the west *sidewalk*, in Officer ██████████ direction. Officer ██████████ stopped the police vehicle in the cul-de-sac and *was going to put it in reverse* to follow Glover, when Officer ██████████ exited the vehicle and went in foot pursuit. Consequently, Officer ██████████ placed the police vehicle *in park*, exited, and joined ██████████ partner in foot pursuit (Debriefing Point No. 1).

**Note:** Officer ██████████ BWV captured Officer ██████████ stopping the police vehicle adjacent to Glover's vehicle (Debriefing Point No. 2).

According to Officer ██████████, as Glover ran past their police vehicle, he *didn't see anything in Glover's hands.* Officer ██████████ then *exited* the police vehicle and *started to follow* Glover as Glover turned *right* and ran *westbound down an alley.* At that time, Officer ██████████ *believed* that Officer ██████████ was *still putting* the police vehicle in *park* (Debriefing Point No. 3).

**Note:** The investigation revealed that Glover ran west down the driveway that divides the north side businesses at ██████████ Atoll Avenue from the south side businesses at ██████████ Atoll Avenue.

According to Sergeant ██████████ ██████████ was *driving north* on Atoll Avenue when ██████████ observed Officers ██████████ and ██████████ *exit their vehicle and go into foot pursuit, westbound, into what appeared to be an alleyway.* As the officers ran *out of sight*, Sergeant ██████████ conducted a

*broadcast that the officers were in foot pursuit heading westbound on Atoll and to start setting up a perimeter.*

**Note:** A review of North Hollywood Area base frequency revealed that Sergeant [REDACTED] broadcasted, *"We're going to be Code Six Atoll, north of Leadwell."* Approximately 20 seconds later, [REDACTED] broadcasted, *"Officers are in foot pursuit. Let's start getting a perimeter. Suspect is heading westbound Atoll. One block west of Atoll."*

According to Officer [REDACTED] as [REDACTED] began to enter the driveway, Glover looked in [REDACTED] direction and Officer [REDACTED] observed that Glover was holding a *dark colored handgun* in his *right hand*. Glover was *bladed towards* [REDACTED] and the handgun was *pointed in* Officer [REDACTED] *direction*. Believing that [REDACTED] *life was in danger*, Officer [REDACTED] drew [REDACTED] service pistol and *immediately deployed to a position of cover* behind the northeast corner of the *building* on the south side of the driveway. [REDACTED] then gave Glover commands to *drop* the gun and *waited for* [REDACTED] partner to join [REDACTED] (**Drawing/Exhibiting**).

According to Officer [REDACTED], as [REDACTED] ran towards the mouth of the driveway, [REDACTED] heard a *pop*, which [REDACTED] believed was a *gunshot*. [REDACTED] then heard [REDACTED] partner yell out, from the *driveway south of* [REDACTED] location, *"He's got a gun. He's got a gun."* Officer [REDACTED] then drew [REDACTED] service pistol (**Drawing/Exhibiting**).

**Note:** The FID investigation revealed that when Officer [REDACTED] heard the gunshot, [REDACTED] was positioned between the police vehicle and the apron of the driveway. The investigation further determined that the officers' BWV did not capture a sound consistent with a gunshot during that period of time.

According to Officer [REDACTED], as [REDACTED] continued to follow Glover down the driveway, Glover *turned towards* [REDACTED] and [REDACTED] partner. Officer [REDACTED] then observed that Glover had a *handgun* in his *right hand* and it was *pointed in* their *direction*. Believing Glover was going to *shoot at* [REDACTED] and [REDACTED] partner, Officer [REDACTED] *stopped running* and fired four rounds from [REDACTED] service pistol at Glover to stop the threat (**Lethal Use of Force, Debriefing Point No. 4 and Additional Tactical Debrief Topics – Running with Service Pistol Drawn**).

According to Officer [REDACTED], when Officer [REDACTED] arrived at the entrance of the driveway, [REDACTED] observed Officer [REDACTED] *move past* [REDACTED] cover and follow Glover *into the alley*. [REDACTED] then yelled to Officer [REDACTED] that Glover *has a gun*. Officer [REDACTED] continued to follow Glover down the driveway.

According to Officer [REDACTED] did not want to leave [REDACTED] partner *behind*, so Officer [REDACTED] left [REDACTED] position of cover and *ran along the wall* of the south building, which [REDACTED] used as cover, towards a *dumpster that was in front of* [REDACTED] Officer [REDACTED] through [REDACTED] *peripheral vision*, then observed Officer [REDACTED] *fire four shots to the right of* [REDACTED] (**Additional Tactical Debrief Topics – Running with Service Pistol Drawn**).

**Note:** The investigation revealed that there were two metal trash dumpsters in the driveway at the time of the incident. One dumpster, located along the north side of the driveway, was approximately 65 feet west of the entrance of the driveway. The second dumpster, located along the south side of the driveway, was approximately 80 feet west of the entrance of the driveway.

According to Officer [REDACTED], after firing, Glover *continued running* westbound and *jumped over the fence* at the end of the driveway. Officer [REDACTED] *continued to pursue* Glover, westbound, towards the fence. Officer [REDACTED] then stopped the foot pursuit *because Glover had a gun and he wanted to begin setting up a perimeter.*

**Note:** Officer [REDACTED] BWV revealed that after [REDACTED] fired [REDACTED] service pistol, [REDACTED] ran west, down the middle of the driveway, past the dumpster located along the north building, and stopped east of the cinder block wall (**Debriefing Point No. 4**).

According to Officers [REDACTED] and [REDACTED] after Glover *jumped over the fence* and was out of view, they *heard two gunshots*, but did not see any *muzzle flash*.

**Note:** Surveillance video from Snap Liquid, LLC, located at [REDACTED], captured Glover jump over the cinder block wall onto the property at [REDACTED] and then look back over the fence in the direction of the officers.

The officers' BWV captured the sound of two gunshots after Glover jumped over the cinder block wall.

Investigators recovered two expended shell casings from the property located at [REDACTED]

According to Officer [REDACTED] then broadcasted, "*Shots fired,*" and both officers re-deployed out of the driveway and back to cover behind their police vehicle. Officer [REDACTED] broadcasted a *description* of Glover and a perimeter was established.

**Note:** A review of North Hollywood base frequency revealed that Officer [REDACTED] broadcast of, "*Shots fired,*" was very faint. Additionally, CD personnel did not acknowledge or repeat the broadcast.

According to Officer [REDACTED], when [REDACTED] and [REDACTED] partner arrived at the termination of the pursuit, they exited their vehicle and ran north towards the driveway on the west side of the cul-de-sac. As Officer [REDACTED] *turned the corner to the driveway*, [REDACTED] *heard four or five gunshots*, but did not see what direction they came from. Officer [REDACTED] *immediately broadcast officer needs help, shots fired* and then provided Glover's *direction of travel*.

**Note:** A review of Officer [REDACTED] BWV captured [REDACTED] broadcast, "*Shots fired, Officer needs help, end of pursuit, standby for direction. We need officers to respond west of Atoll, north of Sherman Way, shots fired.*"



A review of North Hollywood Area base frequency revealed that Officer [REDACTED] broadcast was not captured.

Meanwhile, Sergeant [REDACTED] arrived at the cul-de-sac and assumed the role of IC. [REDACTED] then began to coordinate with an Air Unit and responding units to establish a perimeter. Once Sergeant [REDACTED] became aware that an OIS had occurred, [REDACTED] ensured the involved officers were separated and obtained a Public Safety Statement (PSS) from Officer [REDACTED] (**Command and Control**).

Once the perimeter was established, officers on the west side of the perimeter observed Glover walking south on the east sidewalk in front of [REDACTED]. The officers subsequently took Glover into custody without incident. A field show-up was conducted and Officer [REDACTED] positively identified Glover.

**Note:** A .380 caliber, semi-automatic handgun was recovered from a planter bed, in front of [REDACTED]. The handgun was located approximately five feet from the area where Glover was initially observed walking.

The investigation revealed that the two expended casings that were recovered from the property at [REDACTED] were discharged from the aforementioned handgun.

The investigation revealed the Honda driven by Glover was an unreported stolen vehicle out of North Hollywood Area.

## FINDINGS

**Tactics** – Tactical Debrief, Sergeant [REDACTED] and Officer [REDACTED] Administrative Disapproval, Officer [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 officers observed a vehicle, with one working headlight, in violation of CVC Section 24252(a), exit a motel parking lot known to be frequented by suspects driving stolen vehicles. As they began to follow the vehicle from a distance, the suspect committed several additional vehicle code violations and attempted evade the officers. Believing the vehicle was stolen, the officers initiated a vehicle pursuit. At the termination of the pursuit, the suspect fled and pointed a handgun in the officers' direction, resulting in an OIS. The officers'

[REDACTED]

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.

### 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 were faced with a rapidly unfolding tactical situation when the suspect fled from the vehicle at the termination of the pursuit. The suspect then exhibited a handgun and pointed it at one of the officers. The officer attempted to verbalize with the suspect to drop the gun in an effort to de-escalate the situation, get the suspect to surrender, and to resolve the situation peacefully without the use of force. The suspect did not comply and pointed the handgun at another officer.

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/Planning**

*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 22).*

*"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 [REDACTED] and [REDACTED] did not effectively communicate and formulate a tactical plan at the termination of the vehicle pursuit.

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. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, I took into consideration that this was a rapidly unfolding situation and understand that officers are often forced to make split second decisions under extremely stressful situations. However, considering that [REDACTED] was a probationary officer with less than four months of field time and this was the first time the officers were working together, I would have preferred that the officers had a lengthier discussion on tactics, including post-pursuit tactics and foot pursuits. The officers are reminded of the importance of tactical planning and communication before, during, and after any incident.

Based on the totality of the circumstances, I have determined, that while identified as an area for improvement, the officers' 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. 2 Tactical Vehicle Deployment**

*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] stopped their police vehicle adjacent to Glover's vehicle at the termination of the pursuit.



The positioning of a police vehicle is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officers [REDACTED] and [REDACTED] pursued the Honda for over five minutes. During this time, Officer [REDACTED] and [REDACTED] partner both observed that the Honda did not have any tint on the windows and that Glover was the only occupant of the vehicle.

At the termination of the vehicle pursuit, Officer [REDACTED] was faced with a rapidly unfolding tactical situation and was focused on the actions of the fleeing suspect. Although Officer [REDACTED] had a reasonable belief that there were no other occupants in the vehicle, I would have preferred that [REDACTED] had stopped [REDACTED] vehicle behind Glover's vehicle. Positioning [REDACTED] vehicle further back would have given [REDACTED] and [REDACTED] partner additional time and distance to assess the rapidly unfolding tactical situation.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that the positioning of the vehicle was 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. 3 Running Past an Unsearched Vehicle**

*Suspects Fleeing from a Vehicle: If a foot pursuit begins with a suspect fleeing from a vehicle, officer need to consider the possibility of additional suspects remaining in the vehicle. Therefore, officers should clear or cover the suspect vehicle before running past it unless other circumstances necessitate running past an uncleared vehicle (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officers [REDACTED] and [REDACTED] ran past an unsearched vehicle at the termination of a vehicle pursuit.

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, Officers [REDACTED] and [REDACTED] pursued the Honda for over five minutes. During this time, Officer [REDACTED] and [REDACTED] partner both observed that the Honda did not have any tint on the windows and that Glover was the only occupant of the vehicle.

Additionally, according to Officer [REDACTED] when they pulled up and stopped adjacent to the Honda, [REDACTED] looked inside the Honda and did not observe anyone in the vehicle.

The UOFRB noted that at the termination of the vehicle pursuit, the officers were faced with a rapidly unfolding tactical situation and were focused on the actions of the fleeing suspect.

The officers made the decision to go in foot pursuit, without tactically clearing the suspect's vehicle, based upon their reasonable belief that the vehicle was not occupied.

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

**Debriefing Point No. 4 Pursuing Armed Suspects/Utilization of Cover**  
(Substantial Deviation – Officer [REDACTED])

***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).*

***Apprehension versus Containment:** There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources.*

*During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.*

*Officers may make the decision to discontinue a foot pursuit when the tactical situation deteriorates, either officer becomes injured, or effective communication ability is lost (lost or broken radio or dead spot) or at either officers' discretion. If either of the pursuing officers feels it necessary to end the pursuit, he/she must alert the partner officer quickly to avoid separation.*

*If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.*

*When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following:*

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident.*

*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).*

Officers [REDACTED] did not utilize available cover as [REDACTED] engaged in a foot pursuit of an armed suspect.

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.

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.

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, as Officer [REDACTED] exited [REDACTED] police vehicle and ran towards the mouth of the driveway, [REDACTED] heard what [REDACTED] believed to be a gunshot. [REDACTED] then heard [REDACTED] partner, who had assumed a position of cover behind the corner of the south building, yell out that Glover was armed with a handgun. Officer [REDACTED] continued to engage in a foot pursuit of the suspect, while in apprehension mode, and ran past the corner of the north building and into the

driveway. Consequently, when Glover pointed a handgun in [REDACTED] direction, Officer [REDACTED] was forced to engage Glover without the benefit of cover.

Additionally, after the OIS, Officer [REDACTED] ran westbound, down the middle of the driveway, toward Glover's last known location. During this time, Officer [REDACTED] ran past a metal trash dumpster located along the north side of the driveway.

The UOFRB minority noted that Officer [REDACTED] engaged in a foot pursuit of an armed suspect in apprehension mode and did not attempt to utilize available cover. Officer [REDACTED] decision to pursue an armed suspect without using available cover was unreasonable and placed [REDACTED] at a distinct tactical disadvantage. Officer [REDACTED] actions unnecessarily endangered [REDACTED] safety and occurred without sufficient articulable facts to support that [REDACTED] actions were reasonable under the circumstances.

In this specific circumstance, once it was determined that Glover was armed, it would have been tactically prudent for Officer [REDACTED] to have assumed a position of cover, opposite [REDACTED] partner, and then transition into containment mode and begin establishing perimeter containment.

Based upon the totality of the circumstances, the UOFRB minority determined, and I concur, that Officer [REDACTED] decision to pursue an armed suspect, without the benefit of cover, was a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Running with Service Pistols Drawn** – The investigation revealed that Officers [REDACTED] and [REDACTED] ran down the driveway with their service pistols drawn. Officers [REDACTED] and [REDACTED] are reminded there is a heightened concern for an unintentional discharge when running with a drawn service pistol. I will direct this be a topic of discussion during the Tactical Debrief.

### **Command and Control**

Sergeant [REDACTED] arrived at the termination of the vehicle pursuit and assumed the role of IC. When [REDACTED] observed that Officers [REDACTED] and [REDACTED] were in foot pursuit, [REDACTED] broadcasted their Code Six location and that the officers were in foot pursuit. [REDACTED] then began to coordinate with the Air Unit and responding units to establish a perimeter. Sergeant [REDACTED] was unaware that Officers [REDACTED] and [REDACTED] were involved in an OIS or that Glover had discharged [REDACTED] firearm at this time.

As Sergeant [REDACTED] continued to set up the perimeter, [REDACTED] heard a broadcast that Glover had shot at Officers [REDACTED] and [REDACTED]. Sergeant [REDACTED] then returned to Officers [REDACTED]

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[REDACTED]

and [REDACTED] location and was advised by Officer [REDACTED] that [REDACTED] was involved in an OIS. At that point, [REDACTED] separated the officers and obtained a PSS from Officer [REDACTED].

The UOFRB noted that when Sergeant [REDACTED] arrived at the scene, [REDACTED] was not informed by the involved officers that they had been involved in an OIS. Additionally, at that time, Sergeant [REDACTED] was not aware of any information that would lead [REDACTED] to believe that an OIS had occurred. Absent that information, Sergeant [REDACTED] immediately assumed command and control of the rapidly unfolding tactical situation and focused his attention on setting up a perimeter and capturing the outstanding suspect.

When Sergeant [REDACTED] became aware of the OIS, [REDACTED] initiated Categorical Use of Force (CUOF) protocols, separated the involved officers, and obtained a PSS from Officer [REDACTED].

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Sergeant [REDACTED] actions were consistent with Department supervisory training. I will direct that the topic of Command and Control and my expectations of supervisors during critical incidents be discussed during the Tactical Debrief.

### **Tactical Debrief**

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

Additionally, I find that Sergeant [REDACTED] and Officer [REDACTED] tactics did not substantially 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 Sergeant [REDACTED] along with 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 February 8, 2018, Officers [REDACTED] and [REDACTED] attended a GTU. All the mandatory topics were covered, including Foot Pursuits.

#### 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], as [REDACTED] ran towards the mouth of the driveway, [REDACTED] heard a pop, which [REDACTED] believed was a gunshot. [REDACTED] then heard [REDACTED] partner yell out that Glover has a gun. Officer [REDACTED] then drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

*I heard a pop. I unholstered, and then I heard my partner yell out - - He's got a gun. [REDACTED]*

*I then felt basically that the incident's going to turn either deadly or great serious injury could happen. [REDACTED]*

According to Officer [REDACTED] as [REDACTED] began to enter the driveway, Glover looked in [REDACTED] direction and Officer [REDACTED] observed that Glover was holding a dark colored handgun in his right hand. Believing that [REDACTED] life was in danger, Officer [REDACTED] drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

*I started following the suspect, which then started heading westbound down an alley. I was pursuing him down an alley, I observed in his right hand a dark in color handgun, but I knew it was a handgun. I then drew my firearm because of the tactical situation, him having a firearm himself. [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] 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.

[REDACTED]

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

**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 No.1, Section 556.10).*

Officer [REDACTED] – .45 caliber, four rounds in a westerly direction from an approximate distance of 172 feet.

According to Officer [REDACTED], as [REDACTED] continued to follow Glover down the driveway, Glover turned towards [REDACTED] and [REDACTED] partner. Officer [REDACTED] then observed that Glover had a handgun in [REDACTED] right hand and it was pointed in their direction. Believing Glover was going to shoot at him and [REDACTED] partner, Officer [REDACTED] stopped running and fired four rounds from [REDACTED] service pistol at Glover to stop the threat.

Officer [REDACTED] recalled,

*Once I was running and I unholstered, I then saw him turning. Try to say which motion, but turning towards a motion to shoot at us. Having hearing the pop, hearing my partner saying, "He's got a gun," I then feared for my partner's safety and mine, I then tried to stop the deadly - -deadly threat. [REDACTED]*

*...I observed him [Glover] giving a twisting motion. I then believe he was going to shoot at us again. I then basically returned fire. [REDACTED]*

[REDACTED]

*As soon as...the weapon was pointed toward our direction, I then feared for our safety since, well, injury or death can occur...I then had to stop the deadly behavior...I believe I stopped and I fired my rounds.* ■

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

### **Additional/Equipment**

**Categorical Use of Force Protocols** – The investigation revealed that Officer ■ did not notify Sergeant ■ of the OIS in a timely manner. Additionally, after the OIS and prior to a supervisor becoming aware of the CUOF, Officer ■ initiated a conversation with ■ probationary partner and discussed portions of the OIS. Captain ■, Serial No. ■, Commanding Officer, North Hollywood Area, advised that the above issues will be addressed through a Notice to Correct. The commanding officers of Operations-Valley Bureau (OVB) and the Office of Operations (OO) concurred with this action. As such, I deem no further action necessary.

**Note:** The investigation also revealed that Officer ■ periodically removed ■ seatbelt while conducting patrol activities. Captain ■ advised that the above issue will be addressed through a Notice to Correct. The commanding officers of OVB and OO concurred with this action. As such, I deem no further action necessary.

### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)/Body Worn Video (BWV)** – North Hollywood Division vehicles were equipped with DICVS at the time of the incident. However, the cameras were in the installation phase and not operational at the time of the incident.

North Hollywood and West Valley Patrol Division and personnel were equipped with BWV at the time of the incident. Officers ■ and ■ BWV captured the vehicle pursuit, foot pursuit, OIS, and post-OIS activities. Officers ■ and ■ BWV captured the vehicle pursuit and audio of the OIS. Sergeant ■ BWV captured the vehicle pursuit and post OIS activities.

Officers ■ Serial No. ■ and ■, Serial No. ■, NHWD along with Officers ■ Serial No. ■ and ■, Serial No. ■ West Valley Patrol Division responded to the incident. Their BWV's captured Glover being taken into custody.

■

**Outside Video** – Surveillance video from Snap Liquid LLC, located at [REDACTED] captured the termination of the vehicle pursuit, the foot pursuit down the driveway, and the OIS. Surveillance video from Universal Seafood Corporation, located at [REDACTED], captured a portion of the vehicle pursuit as Glover and the officers drove north on Atoll Avenue.

Respectfully,



MICHEL R. MOORE  
Chief of Police

Date: 11-20-18