

ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED SHOOTING AND K9 CONTACT – 005-15

Division Date Duty-On (X) Off () Uniform-Yes (X) No ()

Central 01/17/15

Officer(s) Involved in Use of Force Length of Service

Sergeant A	19 years, 10 months
Sergeant B	20 years, 3 months
Officer A	15 years, 2 months
Officer B	7 years
Officer C	6 years, 9 months
Officer D	15 years
Officer E	18 years, 9 months
Officer F	12 years, 4 months

Reason for Police Contact

Officers received information about a man with a gun in the area and shots being fired. The officers located the subject, who pointed a handgun at them, at which point an Officer-Involved shooting (OIS) occurred.

Suspect Deceased (X) Wounded () Non-Hit ()

Subject: Male, 24 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on October 20, 2015.

Incident Summary

Officers A and B were flagged down by Witness A, who advised Officer B, that there was a man with a gun in the area and shots had been fired. Officer A informed Communications Division (CD), at which point a broadcast was disseminated.

Officers C and D heard the broadcast and responded to the area.

Officers A and B arrived at the location and observed a suspect in the intersection. The Subject was not wearing a shirt and appeared to be having a conversation with a male, later identified as Witness B. The Subject looked in the direction of the officers and ran into the middle of the intersection. While pacing back and forth, the Subject stretched his arms out to his sides and looked in the direction of Officers A and B. Witness B entered his vehicle and drove past the officers.

Officer B parked the officers' vehicle on the street. Officers A and B exited their vehicle and unholstered their service pistols. The officers took cover behind a parked vehicle. Officer A kept visual contact with the Subject from the driver's side rear corner of the vehicle, while Officer B stood behind him.

Officer A ordered the Subject to get on his knees. The Subject got on his knees and extended his arms out sideways away from his body. Officer A observed a metallic object in the Subject's left hand and relayed this to Officer B.

Officers C and D responded to the location. Officers C and D observed the Subject kneeling in the middle of the intersection. The officers also observed Officers A and B's police vehicle.

Officers C and D exited their police vehicle, unholstered their duty pistols and stood behind the open driver's door. Officers C and D observed the Subject holding a handgun in his left hand while kneeling and facing north. Officer D retrieved his Patrol Rifle from the trunk of their vehicle and rejoined Officer C behind the driver's open door. Officer C took a kneeling position behind the open driver's door and pointed his pistol at the Subject through the open window. Officer D took a position next to Officer C and pointed his rifle at the Subject.

Meanwhile, Officer A ordered the Subject to put the weapon down and to get on the ground. Officers heard the Subject yell, but were unable to determine what he was saying.

Note: According to Witness C, the Subject was pounding his chest and stated, "I want an open casket, I want an open casket, shoot me in the chest."

According to Witness D, the Subject stated, "What are you afraid of? What are you afraid of?"

Officers observed the Subject holding an object in his left hand and indicated that he was kneeling with his arms out to the side.

Officer A ordered the Subject to the ground, however he refused to comply. The Subject then started to point his left arm towards the officers. Officer A saw a metallic object in his hand and realized he was pointing the firearm at him.

Officer A fired multiple shots at the Subject, causing him to fall forward in a prone position. Officer C observed the Subject point his gun in the direction of Officers A and B and believed he was going to shoot at them. Officer C fired one round from his service pistol at the Subject.

The Subject laid face down on the street with his arms extended from his body, bent at the elbows. His hands rested near his head with his left hand in close proximity to the gun.

According to Officer D, he could hear the Subject being given commands to drop the weapon, but he was not complying. Officer D observed the Subject pointing a gun at Officers A and B.

Officer C broadcast that he believed the Subject was still moving and could see the handgun next to him.

Los Angeles City Fire Department (LAFD) arrived at the scene and waited to be cleared to enter the crime scene.

Sergeant A responded to the scene, and due to the proximity of the gun to the Subject, he determined Canine (K-9) resources should be utilized to approach the Subject in the event the Subject was feigning injury.

A K-9 Police Team including Sergeant B and Officers E and F were informed of the incident and responded to the scene with an armored vehicle.

Sergeants A and B formulated and agreed on a plan to approach the Subject. The armored vehicle was driven to within close range of the Subject. Officer E

took a position at the rear of the armored vehicle with a K-9 dog. Officer F was armed with a Department-issued beanbag shotgun and took a position at the rear driver's side of the armored vehicle.

Officer F issued the Subject verbal commands and warned that a beanbag shotgun would be used if he did not comply. When the Subject did not respond, Officer F shot one beanbag round at the Subject, striking him in the buttock area, with no response.

Officer F issued the Subject verbal commands, in both Spanish and English, to comply and warned that a K-9 dog would be used if he did not comply.

When the Subject did not comply, Officer E utilized the K-9 dog, with a long leash. The K-9 dog approached the Subject and with his mouth took hold of the Subject's pants and pulled him away from the gun. There was no physical or verbal reaction from the Subject. Officers E and F approached the Subject, and Officer F handcuffed him.

Firefighter/Paramedics were directed to the scene, where after an examination of the Subject, paramedics found no signs of life and determined his death.

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/Holstering of a weapon 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 Sergeants A and B, along with Officers A, B, C, D, E and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, B, C, and D's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer E's less-lethal force to be in policy.

D. Lethal Use of Force

The BOPC found Officers A and C's lethal force to be in policy.

E. Deployment of K-9

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

F. Contact of K-9

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

G. Post K-9 Contact Procedures

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

Basis for Findings

A. Tactics

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

1. Tactical Communication / Tactical Planning

While responding to the incident, Officers A and B discussed tactics. Upon arrival, they communicated their observations of the Subject with each other, including the fact that the Subject was armed with a gun. The officers continued to communicate their movements and observations with each other throughout the incident.

As they approached the area, Officers C and D identified there was potential crossfire situation and communicated the need to position their police vehicle on the one side of the street. The officers continued to tactically communicate with each other throughout the incident.

The Air Unit communicated effectively with responding units to coordinate their positions in order to avoid crossfire and advised Officers A and B when the Subject pointed the gun in their direction.

Sergeants A and B developed a tactical plan to help them determine if it was safe for the officers to approach the Subject. The tactical plan

included the use of an armored vehicle for cover, designated lethal and less-lethal officers, a K-9 handler, and an arrest team. The plan was well communicated to the officers and effectively executed.

Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents.

- The BOPC additionally considered the following:

1. Patrol Rifle Manipulations

The investigation revealed that Officer D was manipulating his patrol rifle at the time the Subject pointed his handgun at the officers. Officer D inadvertently ejected a round from his patrol rifle because he could not recall if he chambered a round when he retrieved his patrol rifle from the trunk of the police vehicle. Officer D is reminded to verify and know the condition of his patrol rifle prior to deploying it in a tactical situation.

2. Code Six

The investigation revealed that Officers A, B, C, and D did not advise CD when they were Code Six at the location because the Air Unit had requested that the responding units hold the radio frequency due to the tactical situation. The investigation reflects that the Air Unit did advise CD that units were going Code Six on the suspect at the scene.

These topics will be discussed at the Tactical Debrief.

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

Each tactical incident merits a comprehensive debriefing. In each incident there are always improvements that could be made individually and collectively, and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the individual actions that took place during the incident.

The BOPC found that Sergeants A and B, along with Officers A, B, C, D, E and F's tactics warranted a Tactical Debrief.

B. Drawing and Exhibiting

- Officers A and B were flagged down by a citizen who reported a suspect shooting a gun into the air. There were also several radio calls generated by CD for a man with a gun at the same location. They responded to the area and observed a male matching the description of the suspect. Both officers drew their service pistols upon exiting their police vehicle.

Officers C and D responded to the radio call of a Subject causing a disturbance with a gun and observed the suspect in the street holding a handgun. Both officers drew their service pistols as they exited their police vehicle. Officer D then transitioned from his service pistol to his patrol rifle.

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

The BOPC found Officers A, B, C, and D's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer F** – (beanbag shotgun, one sock round)

Following the OIS, a plan was developed to utilize the beanbag shotgun to shoot the Subject with a sock round to determine whether or not he was truly incapacitated and safe to approach. Officer F was the officer designated to deploy the Beanbag Shotgun.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience, while faced with similar circumstances, would reasonably believe that the subject created a situation wherein it was unsafe for officers to approach; therefore, the decision by Officer F to deploy the beanbag shotgun was objectively reasonable.

The BOPC found Officer F's less-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer A** - (pistol, three rounds)

Officer A observed the Subject walking in the middle of the intersection. Officer A exited his police vehicle, drew his service pistol, and assumed a position of cover to the rear of a food truck parked along the curb of the street

north of the Subject's location. The Subject was holding a handgun in his left hand and went down to his knees facing toward Officer A. The Subject extended his arms out to his sides and then pointed his handgun in the direction of Officer A.

- **Officer C** - (pistol, one round)

Officer C responded and parked his police vehicle along the curb of the street near the Subject's location. He exited his police vehicle, drew his service pistol, and took a position of cover behind his ballistic door panel. Officer C observed the Subject on his knees holding a handgun in his left hand, pointing it in the direction of Officer A and B.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and C would reasonably believe that the subject's actions of pointing a handgun in the direction of Officers A and B presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

The BOPC found Officers A and C's use of lethal force to be in policy.

E. K-9 Contact Findings

- Sergeant B, a Metropolitan Division K-9 Unit supervisor, responded to the scene and was advised that the Subject had pointed a gun at the officers and an OIS occurred. The Subject fell to the ground and released the gun; however, the gun was in close proximity and still accessible to the Subject, making it unsafe for the officers to approach. A plan was formulated to utilize the K-9 dog to move the Subject away from the handgun.

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

F. Contact of K-9

- The Subject did not respond to being struck by the sock round. Sergeant B then instructed Officer E to deploy his dog on the Subject. Officer E deployed the K-9 dog on the Subject to move him away from the handgun. Once the Subject was a safe distance from the handgun, Officer E recalled the K-9 dog.

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

G. Post Contact procedures

- Officer F observed visible injuries to the Subject's chest and requested the Rescue Ambulance (RA) to respond from the Command Post. Personnel assigned to the Los Angeles Fire Department responded to provide medical aid for the Subject. The Subject failed to respond and was pronounced dead at the scene.

The BOPC determined that the Post Contact Procedures were consistent with established criteria.