

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

**OFFICER-INVOLVED SHOOTING – 007-15**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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77th Street	1/21/15		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	12 years, 10 months
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**Reason for Police Contact**

Officer A initiated a traffic stop on Subject 2, who fled at a high rate of speed, subsequently crashing his vehicle and fleeing on foot. As Officer A chased Subject 2 on foot, he turned and pointed a weapon at Officer A, resulting in an officer-involved shooting (OIS).

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
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Subject 1: Male, 24 years of age.  
Subject 2: 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 December 15, 2015.

## **Incident Summary**

On the date of this incident, uniformed Police Officers A (driver) and B (passenger), were patrolling various streets. The officers were deployed in a black and white police vehicle equipped with emergency equipment and with a Digital In-Car Video System (DICVS).

**Note:** According to Officer A, he and Officer B had worked together for a period of approximately three to four months. During that period they discussed tactics, foot pursuits, vehicle pursuits, contact and cover. Officer A was the designated contact officer.

According to Officer A, he was driving towards an intersection, controlled by a tri-light signal. As he approached the intersection, the tri-light signal was green, but traffic was not moving. Officer A drove into the turn lane to investigate and observed a male, (Subject 1), walking in the crosswalk stopping traffic. Subject 1 then turned around and walked in the opposite direction, against the red tri-light.

As the officers now reached the intersection, they observed Subject 1 enter the passenger side of a vehicle that was stopped on the corner of the intersection, being driven by Subject 2. According to both officers, at the intersection there was a group of people standing in front of a business. One unidentified witness yelled to the officers that Subject 1 had a gun and threatened them with it.

The officers decided to conduct a traffic stop and investigate further. Officer A activated the police vehicle overhead emergency lights, which activated the DICVS.

After the officers activated their emergency lights, the vehicle pulled over to the curb and stopped. Officer B broadcast they were conducting a traffic stop on a vehicle with paper plates. According to Officer B, the traffic stop was conducted to investigate the possibility the passenger may be armed and an assault with a deadly weapon may have occurred. Officer B's plan was to conduct a traffic stop on the vehicle and request additional units. Officer A believed his partner would handle the request for additional resources.

**Note:** The officers did not discuss their observations, planning or tactics during the time they were investigating the possible man with a gun. The only conversation between the officers was the clearing of intersections during the vehicle pursuit. The incident was recorded on the DICVS.

Both Officers told investigators that they did not believe that the vehicle was stolen.

Officer A positioned their police vehicle offset behind Subject 2's vehicle. Officer A issued multiple commands for Subject 2 to turn off the vehicle and step out, but he did not comply. Officer B requested an additional unit; however, he did not state that the

Subjects may be armed. The vehicle had a heavy tint on the rear window preventing the police vehicle spotlights from illuminating the interior.

Subject 2 opened the driver's door, quickly shut it, and sped off. The officers followed, and Officer B notified Communications Division (CD) they were in pursuit and requested a backup unit, a supervisor, and an Air Unit. CD advised that the Air Units were down due to inclement weather.

Subject 2's vehicle ultimately hit a dip in the roadway and lost control, striking two parked cars. The officers notified CD of the traffic collision (TC) and requested to place the base frequency on hold. Officer A believed that the actions of the subjects could escalate to a situation involving the use of deadly force. Officer A unholstered his pistol as he stepped out of the police vehicle, taking cover behind an adjacent palm tree.

According to Officer A, Subject 2 opened the driver's door, exited while looking in his direction, and hesitatingly appeared to follow Officer A's commands. Subject 2 then suddenly ran from the vehicle, as he clutched the right side of his waistband. Officer A saw what appeared to be a dark or blue object in his waistband area.

Officer B simultaneously exited the police vehicle, taking a position behind the passenger door for cover. Officer B also unholstered his pistol because he believed that the situation could escalate to a situation involving the use of deadly force. Meanwhile, Officer A holstered his pistol and ran after Subject 2, leaving Officer B covering the vehicle.

**Note:** The DICVS captured Officer A yelling that they had a "runner." According to Officer A, as he ran after Subject 2, he visually ensured that there were no additional subjects in front of the vehicle. Officer A stated that as soon as he saw it was clear, he holstered his weapon and ran after Subject 2.

According to Officer A, as Subject 2 ran, Officer A quickly cleared the interior of the vehicle and then continued after Subject 2. Officer A believed the interior was clear and that Officer B was close behind him. Officer A's intention in chasing Subject 2 was to set up containment and not to apprehend him.

**Note:** The investigation determined that three other Subjects were inside the vehicle as Officer A ran past the driver's side. Officer B remained with the Subject's vehicle dealing with the occupants as Officer A ran after Subject 2.

Officer A believed he was pursuing Subject 2 in containment mode and his decision was appropriate; although, he acknowledged that he did not use available cover and concealment because he needed to keep a constant visual on Subject 2's hands.

According to Officer B, after Subject 2 exited the driver's side, the front and rear passenger doors opened simultaneously. Two subjects stepped out of the rear passenger seat. Officer B instructed them to get on the ground. The two unidentified passengers assumed a kneeling position with their hands raised. Officer B did not see a weapon on either one of the Subjects.

Officer B stated that as the two unidentified subjects were about to assume a prone position, Subject 1 stepped out from the front passenger seat with his hands raised and appeared to be disoriented. Subject 1 appeared to go down to his knees when he suddenly turned and ran. Officer B did not see a weapon on Subject 1. Officer B saw Officer A run after Subject 2.

Officer B saw that the two rear passengers were now prone on the ground in front of him. Officer B noted that the two unidentified subjects appeared to be disoriented. Officer B stated that he had to ensure that there were no additional subjects in the vehicle and approached the driver's side of the car.

**Note:** The DICVS captured Officer B leave his position behind the passenger door and walk to the driver's side of the vehicle. After Officer B pursued Subject 1, the two remaining subjects who were in a prone position, fled in an unknown direction and were never identified. A loaded pistol was later recovered from the front driver's seat.

According to Officer A, he retrieved his hand-held police radio and notified CD that he was in foot pursuit. Officer A heard footsteps behind him and believed that Officer B was following him.

**Note:** According to the DICVS, Officer B was not following Officer A and was still dealing with the passengers of the vehicle. Approximately three seconds prior to the OIS, Officer B can be heard yelling to the passengers to get down.

Officer A followed Subject 2 on the sidewalk as he ran toward an alley. Officer A observed Subject 2 reach toward his waistband area and he stopped pursuing him. Officer A holstered his hand-held police radio and unholstered his pistol believing Subject 2 was arming himself. As Subject 2 reached the alley, Officer A pointed his pistol at Subject 2 and ordered him to stop. At that point, Subject 2, without stopping, turned his upper body in the direction of Officer A, extended his right arm back toward him, pointing a black pistol in his direction. Officer A, fearing he was about to be shot, fired multiple rounds at Subject 2.

Officer A observed Subject 2 tuck his right arm toward his mid torso and run through the alley. Officer A broadcast an "officer needs help" call, "shots fired," and the direction of Subject 2.

According to Officer B, he ran after Subject 1 because he believed Subject 1 was a threat to Officer A. Officer B knew that he was leaving the two unsecured subjects with the vehicle. Officer B told investigators that he chased Subject 1 with the intent to protect his partner. Officer B did not broadcast his foot pursuit because he heard Officer A broadcasting. Officer B lost sight of Officer A as Officer A turned a corner.

Officer B heard two gunshots and broadcast an “officer needs help” call, although he did not know who fired the shots. After he heard the two gunshots, Officer B ran around the corner to meet with Officer A. According to Officer B, Subject 1 continued running and he lost sight of Subject 1. Officer A told Officer B that Subject 2 pointed a gun at him and Officer A had fired at him. Officers A and B then redeployed and assisted responding units in establishing a perimeter. Officer A holstered his pistol as soon as there were sufficient officers at the scene.

The first supervisor on scene was Sergeant A, who established a Command Post (CP) and obtained a Public Safety Statement (PSS) from Officer A. Sergeant A monitored both officers until the arrival of additional supervisors. A perimeter was established and a short time later, Subject 1 was observed and taken into custody without incident. Subject 2 and the other two other occupants of the vehicle managed to elude capture.

### **Los Angeles Board of Police Commissioners’ Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers’ benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC’s review of the instant case, the BOPC, made the following findings:

#### **A. Tactics**

The BOPC found Officers A and B’s tactics to warrant a finding of Administrative Disapproval.

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

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

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

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

## **Basis for Findings**

### **A. Tactics**

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

#### 1. Tactical Communications (Substantial Deviation – Officers A and B)

Officers A and B did not discuss tactics, vehicle stops, or foot pursuits at the start of watch or during their shift, and did not effectively communicate their observations or actions with one another on multiple occasions throughout the incident.

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.

Officers A and B received information that Subject 1 was armed with a gun and threatened to shoot someone. The officers did not communicate or discuss the advantages of initiating a high risk vehicle stop and conducted an investigative stop without requesting the assistance of additional resources. Officers A and B also engaged in a vehicle pursuit without any discussion in regards to their post pursuit tactics.

Officer A and B also did not update CD with pertinent subject information following the OIS and delayed broadcasting the description and last known location of the additional subjects who exited from the vehicle for approximately 20 minutes.

The BOPC determined that Officer A and B's lack of tactical communication was a substantial deviation, without justification, from approved Department tactical training.

#### 2. Separation/Pursuing Possibly Armed Subjects (Substantial Deviation – Officer A)

At the termination of the vehicle pursuit, Officer A separated from Officer B and pursued a possibly armed subject. Containment of an armed subject demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

Officer A pursued Subject 2, leaving his partner (Officer B) alone to deal with additional subjects still inside the vehicle. Furthermore, the distance between the two officers at the time of the OIS jeopardized their ability to effectively communicate or render immediate aid.

Officer A's decision to separate from his partner and pursue a possibly armed subject was unreasonable and placed both officers at a distinct tactical disadvantage. The separation occurred without sufficient articulable facts to support that the separation was reasonable under the circumstances.

The BOPC determined that Officer A's action of separating from his partner was a substantial deviation, without justification, from approved Department tactical training.

### 3. Subjects Fleeing from a Vehicle (Substantial Deviation – Officer A)

As Officer A went in foot pursuit after Subject 2, he ran past the subjects' vehicle, which was still occupied by at least two additional, possibly armed subjects.

Containment of an armed subject demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

According to Officer A, he left his position of cover behind the palm tree and cleared the open door of the vehicle for any additional subjects. According to Officer A, he was unable to see any other occupants inside the vehicle. However, the officers' DICVS reflects that there were at least two other occupants inside the vehicle when Officer A ran past.

The BOPC determined that Officer A's decision to run past a vehicle that had not been cleared was a substantial deviation, without justification, from approved Department tactical training.

### 4. Utilization of Cover (Substantial Deviation – Officers A and B)

Officer A left his position of cover behind a palm tree and did not utilize cover while pursuing a possibly armed Subject. Officers B left his position of cover behind his ballistic door panel and exposed himself to possibly armed subjects.

The utilization of cover enables an officer to confront an armed subject 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.

According to Officer A, he left his position of cover behind the palm tree in an effort to clear the open driver's door and the front of the subjects' vehicle. After doing so, he pursued a possibly armed subject on foot without using cover because he wanted to maintain a position where he could continually see the Subject's hands.

According to Officer B, he was still holding three subjects at gun point on the passenger side of the vehicle, but did not know if there were any additional subjects inside and formed the opinion that he needed clear it. Officer B left his position of cover and moved to the driver's side of the vehicle in order to clear the vehicle.

The BOPC believed that Officer A and B's decision to forego cover limited their tactical options, placing them at a distinct tactical disadvantage. As such, the BOPC determined that their decision to leave a position of cover while engaged with potentially armed subjects, substantially and unjustifiably deviated from approved Department tactical training.

#### 5. Passing Unsearched Subjects

Officers B went in foot pursuit of Subject 1, passing an unsearched vehicle and potentially armed subjects that were lying on the ground in front of him.

According to Officers B, after Subject 1 ran, he cleared the right side of the vehicle and could see the Subject's hands but did not see any weapons. Officer B passed the subjects that were on the ground and pursued after Subject 1 because he ran in the same direction as Officer A and believed Subject 1 was a threat to Officer A.

The BOPC determined that Officer A's actions of separating from his partner and pursuing a possibly armed subject placed Officers B in a position where he had no choice but to leave his position. Although Officers B believed that he passed the subjects before the OIS occurred, the evidence reflects that he did so after the shots had been fired by Officers A, thus intensifying the need for Officer B to render immediate assistance to his partner.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions were reasonable and therefore, not a substantial deviation without justification from approved Department tactical training. These topics will be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:
  1. Availability of Less-Lethal Options/Equipment



The investigation revealed that Officers A and B had a TASER, but left it in the glove compartment of their vehicle. It would have been tactically prudent to have less-lethal force equipment, such as a TASER, readily available should the need arise to utilize other force options.

## 2. Required Equipment

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

## 3. High Risk Vehicle Stops

Officers A and B elected to conduct an investigative vehicle stop on a vehicle that they knew contained a subject possibly armed with a gun. The officers are reminded to utilize high risk vehicle stop tactics when there is reasonable suspicion or probable cause to believe that the occupant(s) in a vehicle may be armed, represent a serious threat to the officer, or have committed a felony crime. These topics will be discussed during the Tactical Debrief.

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

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officers A and B substantially and unjustifiably deviated from approved Department tactical training, requiring a finding of Administrative Disapproval.

## **B. Drawing/Exhibiting**

- Officers A and B conducted a traffic stop on a vehicle that contained a subject they believed to be armed with a gun. Both officers exited their police vehicle and took cover behind their respective ballistic door panels. Officers B drew his service pistol believing that the tactical situation could escalate to the point where deadly force may be justified.

The subjects fled in their vehicle and were pursued by officers. The vehicle subsequently collided and came to rest. Officer A positioned the police vehicle behind the subjects' car and both officers immediately exited, drew their service pistols, and took a position of cover behind their respective ballistic doors.

The BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there

was a substantial risk the situation may escalate to the point where deadly force may be justified.

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

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

- According to Officer A, as Subject 2 continued to run, he looked over his right shoulder, rotated his upper body with his right arm extended while holding a black handgun in his right hand and pointed it in the direction of Officer A. Believing that Subject 2 was going to shoot him and in fear for his life, Officer A fired multiple rounds at Subject 2.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that Subject 2's action of pointing a gun in his direction presented an imminent threat of death or serious bodily injury and that the use of lethal force was objectively reasonable.

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