

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

**OFFICER-INVOLVED SHOOTING – 010-17**

<b>Division</b>	<b>Date</b>	<b>Duty-On ( ) Off (X)</b>	<b>Uniform-Yes ( ) No (X)</b>
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Outside City	1/30/17		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	19 years, 3 months
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**Reason for Police Contact**

Officer A was in his residence when he heard noises coming from inside his house. When he went to investigate, he was confronted by two subjects and an Officer-Involved Shooting (OIS) ensued.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject 1: Male, 17 years old.

Subject 2: Male, 17 years old.

**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 January 16, 2018.

## **Incident Summary**

Officer A was at his residence asleep in his bedroom when he was awoken by the sound of his front screen door being forced opened. Officer A stated that he stood up and looked through a window which faced toward the street. Officer A looked toward his detached garage door, which was closed, and did not notice anything out of place. He went back to his bed and lay down. Approximately 10-15 seconds later, he heard his screen door being forced open again. He got up from his bed and put on sweatpants, a T-shirt and running shoes. He walked out of his bedroom into the hallway and called for his family member, but did not receive a response.

Officer A noticed that his family members' bedroom doors were closed, which meant to him that they were inside their bedrooms. Officer A stated that he heard footsteps on the wood floor inside his house, but he believed his other family member was asleep on the couch in the living room. Officer A retrieved his pistol, a small flashlight, and his cell phone from his nightstand. Officer A indicated he wanted to be ready with the flashlight and phone to call for help if necessary.

Officer A walked down the hallway, holding his pistol in his right hand, with his index finger alongside the frame. Officer A held his pistol down, next to his right leg, and his flashlight and cell phone in his left hand. After walking a few feet, he made a left turn into the living room. Officer A stated that it was dark inside his residence, but he did not utilize his flashlight because he did not want to illuminate himself. While in the living room, Officer A looked toward the entrance of his residence and observed the front door and the screen door were wide open. He walked toward the front door and stopped in the entryway just past the entrance of his kitchen.

Officer A looked out the front door and observed the driver's door open and the interior light on in his vehicle, which was parked in his driveway. Officer A stated he believed someone was inside his vehicle and he called out for his family member to call 911 because someone was trying to steal the vehicle. He did not receive a response.

According to Officer A, simultaneously while calling for another family member, he was struck on the back of the right side of his head with an unknown hard object by Subject 1.

Officer A then turned and faced Subject 1. Officer A stated that Subject 1 punched at his head five or six times using only his right fist. Officer A attempted to deflect the punches with his left forearm and elbow while holding his flashlight and cell phone. Within seconds they moved from the entranceway of his house outside to the driveway. Officer A stated that he was dizzy and confused as he unsuccessfully tried to grab Subject 1. Officer A kept his pistol in his right hand pointed down next to his right thigh. Officer A yelled, "Hey police. Stop, stop police." Subject 1 did not respond or comply. Officer A stated his intention was to detain Subject 1 and hold him until the police arrived.

When they were near the rear of his vehicle, Subject 1 ran away from him and began to run across the front lawn of his residence. Officer A continued to yell, "LAPD, stop, LAPD, stop," at Subject 1. Officer A indicated that he never chased Subject 1 and was going to let him run away and call the police.

According to Officer A, after Subject 1 ran on the grass approximately 5-10 feet adjacent to his location, Subject 1 began to turn toward Officer A. He stated Subject 1 was holding his hands close to his body, with his right hand near his waist and his left hand approximately 2-3 inches in front of his right hand, extending out from his center line. According to Officer A, the position of Subject 1's hands caused him to believe that Subject 1 was holding a sawed-off shotgun or machine gun.

Officer A stated Subject 1 had a black towel, blanket, or garment draped over what he believed to be a shotgun or machine gun and he could only see Subject 1's left hand. According to Officer A, he believed Subject 1 was going to shoot him, so Officer A raised his pistol up with his right hand, pointing it at Subject 1, and fired two rounds at Subject 1's right side shoulder area. Subject 1 turned and ran away across the lawn. Officer A stated that he stopped firing because he was dizzy, and Subject 1 had stopped pointing what he believed to be a weapon at him and ran away. Officer A stated that he was not sure if he struck Subject 1 and did not see if Subject 1 had dropped anything after he shot at him. Officer A stated that just prior to and after the shooting, he yelled "police, stop."

According to Officer A, after firing a pair of shots at Subject 1, he took approximately two steps forward because he wanted to see if Subject 1 was going to run along his property line.

**Note:** Subject 1 ultimately ran and turned at the intersection, out of his sight. Approximately four minutes after responding to Officer A's residence and obtaining Subject 1's direction of travel from Officer A, the responding officers from the outside agency located Subject 1 approximately two blocks away from Officer A's residence. They observed Subject 1 with a gunshot wound to his calf. While Subject 1 was being taken into custody he did not make any spontaneous statements regarding entering Officer A's residence, vehicles, or attacking him. Subject 1 stated that he was with one other person and inquired what happened to him.

According to Officer A, approximately 5 to 6 seconds after Subject 1 ran away, Officer A was struck in the back by a second suspect, Subject 2. Officer A turned around and observed Subject 2 dressed in all black clothing with a hoodie over his head. According to Officer A, Subject 2 began walking quickly between two vehicles parked in tandem on the side of his driveway.

Officer A yelled, "[S]top police. Police stop." When Subject 2 was approximately 5 to 7 feet away from Officer A, he began to turn toward Officer A. According to Officer A, while turning, Subject 2 reached underneath or inside the pocket of his large sweatshirt

or jacket and extended his right hand directly at Officer A. According to Officer A, Subject 2 stretched his sweatshirt “a lot” in his direction. Officer A stated that, based on Subject 2’s motion and posture, he believed Subject 2 was pointing a handgun at him from underneath the sweatshirt and that he was going to shoot him. In response, Officer A raised his pistol with his right hand, pointing it at Subject 2, and fired two rounds at Subject 2’s right side profile. Officer A believed both rounds struck Subject 2. Subject 2 ran, but after a few steps, fell face down on the driveway.

Officer A stated he ordered Subject 2 not to move multiple times. Officer A believed because there were two suspects that there could possibly be a third. He conducted a quick search of the immediate area around his vehicle and determined there were no additional suspects and de-cocked his pistol.

Officer A called 911 and was connected with an outside police agency. Officer A identified himself as an off-duty police officer and requested help. Officer A continued to observe Subject 2 from a distance of approximately 10 feet, using one of his parked vehicles as cover. Officer A provided the 911 dispatcher with a description of Subject 1 and his last direction of travel. Officer A also provided his clothing description. As officers arrived, Officer A signaled them with his flashlight. Officer A put his pistol on the hood of a white vehicle at the direction of the 911 dispatcher. Officer A raised his hands in the air to show he was unarmed and walked toward the officers at their direction.

Firefighter/Paramedics transported Subject 1 to a hospital where he was seen by a doctor for a gunshot wound to his left calf. After being interviewed by detectives, Subject 1 admitted to being present at the scene, but he denied entering Officer A’s vehicle or residence and denied striking Officer A.

Firefighter/Paramedics transported Subject 2 to a hospital and he was admitted for a gunshot wound to his leg. Subject 2 was not conscious and did not make any statements.

Officer A was also subsequently taken to a hospital, treated for injuries he sustained during the incident, and released the same day.

### **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 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 its review of the instant case, the BOPC made the following findings:

## **A. Tactics**

The BOPC found Officers A's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

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

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

The BOPC found Officers A's lethal use of force to be out of policy.

## **Basis for Findings**

### **Detention**

- While off duty, an officer was awakened by the sound of someone opening the front door of his residence. When the officer armed himself and went to investigate, the officer was struck on the back of the head with a hard object by one of the subjects. The officer's actions were appropriate and within Department policies and procedures.

## **A. Tactics**

### **Tactical De-Escalation**

- 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, an off-duty officer was struck in the back of the head with a hard object by one of the subjects. The officer identified himself as an LAPD officer and gave commands for the suspect to stop his actions.

The suspect ignored the officer's commands and continued to attack the officer as they exited out the front door. While outside, the off-duty officer continued to identify himself as police officer. As the subject fled, the subject turned toward the officer with in unknown object in his hands and the OIS occurred. As addressed in the Use of Force analysis below, the BOPC did not believe that the available evidence in this case established that the force used during this incident was objectively reasonable. As such, the BOPC believed that Officer A unduly escalated his response during this incident.

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Off-Duty Tactics

The decision to take enforcement action in the capacity of an off-duty officer requires that consideration be given to the fact officers are forced to make split-second decisions under very stressful and dynamic circumstances. Each incident must be looked at objectively and areas of concern must be evaluated based on the totality of the circumstances.

Based on the totality of the circumstances, the BOPC found that Officer A's actions were reasonable and were not a substantial deviation from approved Department tactical training.

This topic was to be addressed 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 also 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.

In conclusion, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- According to Officer A, he was in his bedroom when he heard his screen door being forcibly opened and his front door being manipulated. Believing that someone had made entry into his house, he drew his pistol and exited the bedroom to investigate.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, when faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

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

- Officer A – (pistol, four rounds)

First Sequence – Two rounds from an approximate distance of 5-10 feet.

According to Officer A, as Subject 1 ran away, he yelled out, "Police stop." Subject 1 then turned his upper body in Officer A's direction and extended his left hand out in front of his body with his right hand tucked close to his waist, as if he was holding a shotgun or a small machine gun in a close contact position and pointing it at him. Officer A was unable to see what Subject 1 was holding due to a "blanket, towel or something dark" covering his right hand. Believing that Subject 1 was armed and about to attack him, Officer A fired two rounds at Subject 1 to stop the deadly threat.

Second Sequence – Two rounds from an approximate distance 5-7 feet.

According to Officer A, as Subject 2 ran, he observed Subject 2 putting his hands underneath his jacket or sweatshirt and yelled out, "Stop, police." Subject 2 then turned towards him with his right hand underneath his sweatshirt stretched out like he was pointing a handgun at Officer A. Believing that Subject 2 had a gun under his sweatshirt and was going to shoot him, Officer A fired two rounds at Subject 2 to stop the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would not reasonably believe that the Subjects' actions, without seeing a weapon, presented an imminent threat of death or serious bodily injury at the time he fired his service pistol. The BOPC believed the officer was indeed the victim of a frightening and violent crime, given the evidence presented in the investigation. However, the BOPC found that Officer A's actual fear at the moment he fired his weapon was not objectively reasonable.

In conclusion, the BOPC found Officers A's lethal use of force to be out of policy.