

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

OFFICER-INVOLVED SHOOTING – 011-15

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

Outside City 2/19/2015

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

Officer C 8 years, 4 months
Officer G 4 years, 3 months
Officer H 18 years, 9 months

Reason for Police Contact

Officers attempted to conduct a traffic stop on a vehicle they suspected was stolen. The Subject fled and a pursuit was initiated. During the pursuit, the Subject crashed his vehicle, abandoned it, and then carjacked another vehicle at gunpoint. The Subject subsequently crashed that vehicle and attempted several additional carjackings but was unable to steal another vehicle. Subject fled on foot, still brandishing his weapon and then pointed it at officers, resulting in an officer-involved shooting.

Subject(s) Deceased () Wounded (X) Non-Hit ()

Subject: Male, 29 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 January 5, 2016.

Incident Summary

On the date and time noted, officers observed a gray vehicle parked on the street, facing southbound, with a dark skinned male (the Subject) with a large tattoo on the back of his head, seated in the driver's seat.

The officers continued to follow the Subject in an attempt to obtain a license plate number. The Subject accelerated to 40 miles per hour in a residential area, and failed to stop for a posted stop sign. The Subject continued, and the officers formed the opinion that the Subject was driving erratically to evade them because the vehicle was possibly stolen.

Officer A broadcast to Communications Division (CD) that they were in a pursuit of a possible Code-37 (stolen) vehicle. Officer B activated the emergency lights and siren.

As the Subject turned west, Officer A updated CD that they were travelling in pursuit of a gray vehicle with one occupant.

Sergeant A joined the pursuit and notified CD that he was assuming the role of Incident Commander. He requested an estimated time of arrival for an air unit. The Air Unit broadcast they were thirty seconds away. Upon arrival overhead, the Air Unit advised that they were able to observe the pursuit.

As the Subject continued driving, he exceeded the speed limit and, when crossing intersections, failed to stop for red tri-lights and posted stop signs. The Subject collided with two to three vehicles but continued traveling westbound.

Officer A requested the Air Unit to track the pursuit. The Air Unit advised the ground units they were unable to track the Subject due to nearby high-rise buildings, but would initiate tracking once they cleared the buildings.

Officers C and D became the secondary unit in the pursuit.

The pursuit changed directions and was far enough from the high-rise buildings for the Air Unit to begin tracking the Subject.

Sergeant A authorized the Air Unit to track the Subject, and advised the ground units to discontinue their pursuit and to follow the Subject from a distance. According to Sergeant A, he and the other units backed off of the Subject to the point that they were no longer able to observe his vehicle and relied on the Air Unit's broadcasts for the Subject's location.

The Air Unit advised CD that the Subject was travelling on the wrong side of the street, and maneuvering in and out of traffic.

Sergeant A broadcast that the primary unit had been cut off by a semi-truck, and was no longer involved in following the Subject's vehicle. Officers C and D became the primary

unit, following the Subject from a distance, with Sergeant A behind them. The Subject continued driving.

The Air Unit broadcast that the Subject encountered heavy traffic and was driving on the center median. The Subject turned southbound and was involved in a traffic collision with a black pickup truck.

The Subject continued driving and was involved in an additional traffic collision with another car. The Subject continued driving on and off the center median.

The Air Unit broadcast that the Subject was driving on the wrong side of the road and, as he passed a local high school, the Subject collided with the center median.

The Air Unit broadcast that the Subject was still driving on the wrong side of the road, and collided with two more vehicles, disabling his vehicle.

The Subject exited his disabled vehicle and ran toward a white vehicle stopped in traffic. The Subject attempted to open the driver's door; however, the driver drove away, westbound.

The Subject then approached another vehicle stopped in traffic. He pointed a handgun at Victim A and told her to get out of her vehicle.

As Officers C, D, and Sergeant A arrived at the intersection, they observed the Subject run toward Victim A's vehicle with a handgun in his right hand. The Air Unit observed the Subject exit his disabled vehicle and remove an indiscernible object from his waistband with his hand.

Officers C and D communicated with each other that the Subject had a gun in his hand.

Officers C and D, and Sergeant A exited their vehicles and unholstered their pistols and held them in a low-ready position. Officers C and D commanded the Subject to stop as he approached Victim A's vehicle, but the Subject continued toward it. In fear for her life, Victim A exited her vehicle and ran.

The Subject then entered Victim A's vehicle and drove southbound through a parking lot. Officers C and D and Sergeant A holstered their pistols and reentered their vehicles.

Sergeant B had been monitoring the tracking of the Subject and had followed behind from a distance in the event his supervisory assistance would be needed upon termination of the incident. According to Sergeant B, he arrived at the location after the Subject had entered Victim A's vehicle and while Officers C and D and Sergeant A were still outside their vehicles. As the Subject exited the parking lot, Sergeant B briefly followed the Subject until a two-person unit was able to relieve him.

Sergeant B was concerned that there may have been another person in Victim A's vehicle when it was carjacked. He recalled, "I got on the radio and asked for a unit to respond back to the scene because now my concern was that we may have possible hostage situation where there could have been a passenger in the vehicle, a child or somebody. So I asked for a unit to respond back to the scene immediately with the victim to ascertain if there was any, you know, hostage, possible hostage in the vehicle. And once I made that request, the sheriff's department came on our frequency indicating that that the vehicle was taken in a robbery. And that the suspect was armed with a handgun and that there were no hostages in the vehicle."

The Air Unit broadcast that the suspect was in a new vehicle and was near the shopping area. Sergeant B broadcast the vehicle was a sedan, provided the license plate number, and requested a two-person unit to replace him.

The Air Unit recommended that Sergeant A reengage the pursuit and requested CD to verify whether or not Victim A's vehicle contained a passenger when the Subject fled.

Sergeant A notified CD that the Subject was armed with a handgun, that tracking mode would be discontinued, and to resume the pursuit. Sergeant A's decision to resume the pursuit was based on the Subject's growing threat to public safety and the possibility that Victim A may have had a passenger in her vehicle that was now hostage to the Subject.

As the Subject entered the freeway, Officers C and D became the primary unit of the pursuit and they requested a unit with an overhead light bar to take over.

As the Subject transitioned to another freeway, Sergeant A requested two additional Los Angeles Police Department (LAPD) units to respond and join the pursuit. Sergeant A made this request because the pursuit was now outside the City of Los Angeles, the Subject was armed with a firearm, and it had not yet been established whether or not Victim A had a passenger in her vehicle.

Officer D broadcast that the Subject had brandished a handgun as they drove northbound on the freeway. As the pursuit continued, Officers E and F became the primary unit and Officer G and H became the secondary unit.

As the pursuit continued northbound on the freeway Officers E and F joined the pursuit, as did Officers G and H. The pursuit now consisted of a primary unit, a secondary unit, followed by 3 marked units, and Sergeant A as the Incident Commander. At this point, Sergeant A requested all units behind his vehicle to stay out of the pursuit.

A deputy from the Los Angeles County Sheriff Department's broadcast that he was with Victim A and confirmed that no one else was in her vehicle when the Subject took it.

Officers E and F were blocked in by traffic as they followed the Subject, and Officers G and H became the primary unit.

The Subject continued to encounter heavy traffic and used the emergency lane to negotiate around vehicles to exit the freeway. The Subject continued on surface streets. Traffic was stopped in all three lanes as the Subject approached an intersection. The Subject attempted to squeeze between the number two and three lanes; however, he became involved in a traffic collision when his vehicle became wedged between two other vehicles.

The units pursuing the Subject were also blocked by traffic in the eastbound lanes. At the time of the Subject's collision, many of the officers began exiting their vehicles just west of the collision site with the intent of limiting the Subject's access to additional carjacking victims.

The Subject ran through the street toward a brown Sport Utility Vehicle (SUV), driven by Victim B, who was stopped in the number two lane in traffic. Victim B's wife was seated in the front passenger seat. The Subject opened up Victim B's driver's door with his right hand, pointed his gun at him, and stated, "Go, go, go." With traffic at a standstill, the Subject abandoned his attempt to take Victim B's vehicle and continued on foot, running eastbound toward another SUV.

The Subject approached a second SUV that was in the number one lane with his gun in his right hand, and attempted to open the driver's door with his left hand. When the driver of the SUV sped off toward the number two lane, the Subject appeared to stumble in the number two lane, the Subject turned clockwise in the direction of approaching officers with his gun still in his right hand.

According to Officer C, he unholstered his pistol and took a two-handed shooting stance as the Subject turned toward him with the gun. Fearing for his own safety, the safety of other officers near him, and for the civilians stopped in their vehicles, he fired one round at the Subject from a distance of approximately 35 feet. He ceased firing because the Subject had fallen to the ground and the gun was out of the Subject's hand. Officer C stated he was standing one lane north of the Subject and his background was a fence with a large grass area.

According to Officer G, he unholstered his pistol and held it in a two-handed low-ready position as he passed by Victim A's vehicle after the Subject abandoned it. He ordered the Subject several times to drop his gun after the Subject attempted to carjack Victim B's vehicle. As the driver of the second SUV accelerated away, the Subject turned in a clockwise direction and pointed his gun toward Officer G and other officers. Fearing for their safety, Officer G fired at the Subject. He utilized a two-handed shooting stance, and fired 12 rounds from a closing distance of approximately 40 to 30 feet. He stopped firing when the Subject fell to the ground. Officer G stated at the time he fired his pistol, the vehicle the Subject attempted to carjack had room to accelerate away; therefore, his background was clear.

According to Officer H, the Subject exited Victim A's vehicle with a handgun in his right hand. Officer H exited his vehicle, unholstered his firearm, held it in a single-handed low ready position, and yelled out, "Gun" to the other officers. Officer H ran toward the Subject as he attempted to open the driver's door of the second SUV; however, the driver accelerated away. The Subject then turned in a clockwise direction toward him with the gun in his right hand.

Fearing that the Subject was about to shoot him, Officer H, from a two-handed shooting stance, fired four rounds from a distance of approximately 34 feet. He stopped shooting when the Subject fell to the ground and dropped the handgun. Officer H stated there were no vehicles in the immediate area when he fired his.

As Sergeant A arrived at the termination of the pursuit, he observed officers running eastbound. He heard several gunshots, but did not witness the OIS, or the circumstances leading up to it. When he caught up to his officers, he observed the Subject down on the ground and directed them to handcuff him.

Officer D, upon seeing a handgun within the Subject's reach, kicked it away toward the south curb. The Subject was lying on the ground face down, with his head facing east. Officer I holstered his pistol and placed his knee on the Subject's upper back to hold him down while he was handcuffed. Officer I removed the Subject's left arm from underneath his body and handed the arm to Officer K. The handcuffing was completed by Officer J, who utilized his handcuffs to cuff the Subject's right wrist and Officer K who cuffed the Subject's left wrist.

Officers E and F holstered their firearms, when they observed the Subject struggling and kicking his legs at the officers. Officer F used his body weight to hold the Subject's legs, while Officer E secured the Subject's legs with his Hobble Restraint Device. Once the Subject was handcuffed, the remaining officers holstered their firearms.

Sergeant A broadcast that shots were fired and that the suspect was in custody. Sergeant B arrived on scene and was directed by Sergeant A to monitor the involved officers.

The Air Unit requested a Rescue Ambulance (RA) from the City of Montebello to respond to the scene for the Subject, who sustained multiple gunshot wounds.

Montebello Fire Department personnel arrived at scene and treated the Subject. The Subject was transported by ambulance to a local hospital.

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 unanimously made the following findings.

A. Tactics

The BOPC found Officers C, D, E, F, G, H, I, J, K, L, and Sergeant A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers C, D, E, G, H, I, J, L, and Sergeant A's, drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officer E, F, I, J, and K's non-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officer C, G, and H'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 Communication

The investigation revealed that several officers were giving simultaneous, non-conflicting commands to the Subject to drop his weapon as he attempted to carjack a motorists stopped in traffic.

Operational success is based on the ability 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.

Although the BOPC understood the commands given to the Subject were non-conflicting, the officers are reminded simultaneous commands can sometimes

lead to confusion and non-compliance, which can reduce the potential of a successful outcome.

2. Fire Control/Fire Discipline

The investigation reflected that Officer G fired 12 rounds at the Subject when he turned and pointed a handgun at him and the other officers at scene.

Officers that are involved in a rapidly unfolding dynamic incident should assess their application of lethal force and should be encouraged to shoot no faster than their combat accuracy can be maintained. Although Officer G clearly articulated an objectively reasonable circumstance that influenced his decision to fire, the BOPC believed Officer G can improve in his fire control.

In evaluating Officer G's actions, the BOPC determined that based upon the totality of the circumstances, improvements could be made and that his decision to fire multiple rounds did not substantially deviate from approved Department tactical training.

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 that the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss the incident and the individual actions that took place during this incident.

In conclusion, the BOPC found Officers C, D, E, F, G, H, I, J, K, L, and Sergeant A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers C, D, and Sergeant A exited their police vehicles upon observing the suspect being involved in a traffic collision. The officers observed the suspect with a handgun.

The pursuit continued after the Subject carjacked another vehicle and drove away. The pursuit terminated after the Subject collided into another vehicle. Following the collision, the Subject exited the vehicle and attempted to carjack the driver of another vehicle while holding a handgun in his right hand.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers C, D, E, G, H, I, J, L, and Sergeant A, 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.

In conclusion, the BOPC found Officers C, D, E, G, H, I, J, L, and Sergeant A's, drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- Officer E: Firm Grip, Physical Force
- Officer F: Firm Grip, Physical Force
- Officer I: Bodyweight, Firm Grip'
- Officer J: Firm Grip
- Officer K: Firm Grip

Officers E, F, I, J, and K, formed an arrest team, approached and handcuffed the Subject.

Officer I recalled, "...we approached the suspect. Another officer grabbed his right arm... I went around and put my knee in his upper back... the suspect had his left arm underneath, so I pulled his arm from underneath and passed it to the back, where he was handcuffed."

Officer K recalled, "...so I go pull on the suspects left arm... I put it up... grab it from underneath him... I grab it by his wrist and elbow and get him handcuffed."

Officer J recalled, "...I yelled out to the officers that I was going to... handcuff the suspect... I continued to handcuff the suspect and we detained him."

Officers F and E observed the Subject kicking his legs, resisting the officers. Officer F used his bodyweight to hold the Subject's legs down as Officer E secured the Subject's legs with his Hobble Restraint Device. The Subject continued to kick his legs after being hobbled. Officer E placed his foot on the Subject's leg to restrict the Subject's movement.

Officer F recalled, "...he's lying there... kicking his legs, moving his body around just yelling...we decided to put the hobble on him. I hold his legs down as my partner puts the hobble on."

Officer E recalled, "...I opened the hobble. My partner crossed his legs... I fed the hobble through his legs and cinched it closed at his ankles... once I had cinched the hobble I used my left foot to hold his legs down from kicking... right below his knee area I would say or right above his knee area."

After a review of the incident and non-lethal force used throughout by all involved officers, the BOPC determined that an officer with similar training and experience as Officers E, F, I, J, and K would believe this application of force would be reasonable to overcome the Subject's resistance, prevent his escape and effect an arrest.

In conclusion, the BOPC found Officers E, F, I, J, and K's, non-lethal use of force to be in policy.

D. Lethal Use of Force

- **Officer C** – (pistol, one round)

Officer C observed the Subject holding a handgun up to the driver's side door of a white SUV and opened the door in an attempt to carjack the vehicle. As the driver sped away, the Subject turned toward the officers while still holding his handgun. Believing that his partners and civilians were in danger, Officer C fired one round at the Subject to stop his actions.

Officer C recalled, "I believed my partners were in danger as he was raising the handgun towards my partner as well as the civilians that were on the street... As I observed this I fired one round... towards the suspect... for immediate defense of life for my partners, myself... I feared he would engage in a shootout... he would use the firearms against us or others."

- **Officer G** – (pistol, twelve rounds)

Officer G ordered the Subject to drop the gun after observing the Subject's attempts to carjack another vehicle unsuccessfully. The Subject turned in a clockwise direction and pointed his handgun towards Officer G and other officers. In defense of his life and the life of the other officers, Officer G fired 12 rounds at the Subject to stop his actions.

Officer G recalled, "I saw the suspect like turning to the right like slightly to the right pointing the gun toward our direction... at that point I started... that's when I started shooting... I stopped firing as soon as I actually observed the suspect dropping the gun on the floor"

- **Officer H** – (pistol, four rounds)

Officer H observed the Subject attempt to open the driver's side door of a second SUV. As the SUV drove away, the Subject began to turn toward the officers in a clockwise direction, with a gun in his right hand. Fearing he was about to be shot, Officer H fired four rounds at the Subject to stop his actions.

Officer H recalled, "...It looked like he was turning... I could see the gun in his hand so I began firing... I was in fear he was going to turn and shoot ..."

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as that of Officers C, G, and H would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury, and the lethal use of force would be objectively reasonable to address this threat.

In conclusion, the BOPC found Officers C, G, and H's lethal use of force to be in policy.