

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

OFFICER-INVOLVED SHOOTING – 016-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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Southwest	2/23/15		
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Officer(s) Involved in Use of Force	Length of Service
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Detective A	26 years, 2 months
Detective B	21 years, 6 months
Officer A	14 years, 8 months

Reason for Police Contact

While officers were attempting to locate and arrest Subject 1 they were fired upon, at which time an officer involved shooting (OIS) occurred.

Suspect	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 1: Male, 32 years of age.
Subject 2: Male, 19 years of age.
Subject 3: Female, 26 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 26, 2016.

Incident Summary

During a verbal altercation between two parties, Subject 1 produced a pistol and fired at the victim, striking him in the neck. Subjects 1 and 2 then fled the scene in Subject 1's vehicle.

The investigating detective requested the assistance of Officer A to locate and facilitate the arrest of Subjects 1 and 2.

During a location check at the Subject's place of residence, Officer A observed Subject 3, later identified as a relative of Subjects 1 and 2, exit the residence and enter her vehicle. As Subject 3 drove away from the location, she proceeded at a slow speed and appeared to be looking out of her windows into the parked vehicles on the street. She then drove around the block and returned to the residence for a moment before driving away again. Based upon Subject 3's actions, Officer A believed she was conducting counter-surveillance techniques.

During the next few weeks, Detectives A and B, and Officer A continued to conduct numerous spot checks and surveillances of the location. They observed Subject 3 engage in numerous instances of similar counter-surveillance techniques. During this time, they did not observe Subjects 1 or 2 at the residence.

Detective B advised his supervisor that he wanted to check Subject 1's residence again. He responded to the residence. As he drove past the house, he observed Subject 1's vehicle parked in the driveway. He immediately notified Officer A and Detective A that Subject 1's vehicle was at the location.

A short time later Detective B observed Subject 1's vehicle back out of the driveway and stop, facing east in front of the location. Detective B identified the driver of the truck as Subject 1. A moment later Subject 3 backed out of the driveway in her vehicle. Subject 3 drove at a slow rate of speed towards Detective B's vehicle. As she passed Detective B's vehicle, she slowed her speed further as she peered at and into his vehicle. Subject 3 continued west and then conducted a three point turn and then traveled back east towards her residence. As she once again passed Detective B's vehicle, her vehicle's speed slowed and she again peered into Detective B's vehicle. According to Detective B, he believed that Subject 3 was conducting counter-surveillance techniques and had observed him in the vehicle.

She drove back to the residence, parked next to the truck, opened her passenger side door and appeared to speak with Subject 1, who was still seated inside his vehicle.

Detective B used his radio to advise Officer A and Detective A that he identified the driver of the vehicle as Subject 1. Detective B observed the passenger side door of Subject 3's vehicle close and watched as the vehicle drove off. He then observed Subject 1 conduct a three point turn to face west.

Subject 1 drove west and as he approached Detective B's position, he veered in the direction of the truck so that he was driving in the wrong direction of traffic. Detective B, in an effort to lower his profile, reclined the back of the driver's side front seat all the way back. Based upon the information that Subject 1 was an attempt murder suspect and the belief that he was possibly armed and approaching him, Detective B unholstered his pistol with his right hand and placed it across his chest with the muzzle pointing toward his door.

As he adjusted his seat, Detective B momentarily lost sight of Subject 1's vehicle. When Detective B looked up, he observed the truck had stopped next to his vehicle, so that the driver's side door of Subject 1's vehicle aligned with the driver's side door of his vehicle.

According to Detective B, Subject 1 held his right arm across his chest, and was holding a pistol in his right hand, outside the open driver's side window. Subject 1 pointed the pistol directly at Detective B who observed the expression on Subject 1's face as one of anger. As he pointed the pistol at Detective B, Subject 1 shouted at the detective and immediately began firing.

Note: According to Subject 1, he was not holding anything as he drove up to Detective B's vehicle. He stated that Subject 3 had confirmed to him that the same vehicle and driver had spotted in the past month and was back. He stated as he drove up to Detective B's vehicle to confront the driver, Detective B fired first, causing him to reach for a pistol he kept for protection inside the center console compartment of his vehicle. Responding to Detective B's gunfire, Subject 1 stated he then fired multiple rounds.

As Detective B observed the muzzle flashes from Subject 1's pistol, glass fragments from his driver's side front window showered him. In response to Subject 1's actions, Detective B gripped his pistol with a two-handed grip, extended his arms and fired multiple rounds at Subject 1's upper body and head.

Detective B continued to fire until Subject 1 drove away at a high rate of speed. Detective B broadcast a help call and provided Subject 1's direction of travel.

Detective B simultaneously raised his driver's seat and started his vehicle. He turned around and drove in an attempt to locate Subject 1's vehicle, but lost sight of it.

Officer A observed Subject 1's vehicle travel west. He then heard CD broadcast an "Officer Needs Help" call. Officer A broadcast that Subject 1 was driving back toward his house. Detective B made his way to the residence.

Subject 1 drove to a neighbor's residence, where he stopped. According to Witness A, Subject 1 went into the house and was asking for help.

Note: The investigation determined that Subject 1 was directing Subject 3, who approached the location to call for an ambulance. Subject 3 called 911, and notified CD that Subject 1 was shot and provided a suspect and vehicle description. The description matched Detective B and his vehicle.

As Subject 1 pushed past Witness A, he ran onto the residence front porch and opened the front door. Witness A could see blood dripping from the right side of Subject 1's midsection. Subject 1 entered the neighbors' residence and stayed inside for about two to three minutes. The only person inside the residence was Witness B. Witness A was afraid and remained in the driveway by his vehicle until Subject 1 walked out of the residence and was detained by uniformed police officers.

According to Witness B, he was sleeping in his bedroom when he awoke to the sound of banging at the front door. As he opened the door, he observed Subject 1 standing on the porch and bleeding. While the front door was open, Witness B stated that his dogs exited the residence and began to run from the property. While he maintained that Subject 1 stayed outside on the porch and never entered the residence, Witness B stated that he was attempting to corral his dogs and did not observe where Subject 1 was during that time.

Officers responding to the call for help observed Subject 1, bleeding from his left armpit, pacing back and forth on the sidewalk. Subject 3 was standing with him, and Witness B was standing in the driveway on the other side of the gate.

While responding officers were assessing the situation, Officer A arrived at scene. Officer A identified Subject 1 as an attempt murder suspect who had just fired upon Detective B. Subject 1 was handcuffed and taken into custody without incident.

Detective B arrived, exited his vehicle, and observed Subject 3 run down the street. Detective B and Officer A ran after her, ordered her down to the ground and Officer A handcuffed her.

Los Angeles City Fire Department (LAFD) personnel responded, arrived on scene and evaluated Subject 1. Subject 1 was conscious and breathing and was determined to have sustained a gunshot wound. He was subsequently transported to California Hospital, where he was treated for his injuries and released.

A blood trail led from Subject 1's vehicle, into Witness B's residence, and to an open rear bedroom, which belonged to Witness B. A protective sweep of the location revealed a pistol on top of the bed in the bedroom, which appeared to have blood on the grip.

Subjects 1 and 3 were subsequently arrested and booked.

A responding supervisor ensured separation and monitoring of Detectives A and B, and Officer A.

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 the BOPC's review of the instant case, the BOPC made the following findings.

A. Tactics

The BOPC found Detectives A and B's, and Officer A's, tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Detective B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC noted the following tactical considerations.

1. Code Six/Code Five

In this case, Detectives A and B, and Officer A elected to initiate surveillance on the residence of an attempt murder suspect without advising CD of their Code Six location or initiating a Code Five request.¹

The BOPC determined that Detective A and B's, and Officer A's failure to go Code Six or Code Five was a substantial deviation, without justification from approved Department tactical training.

¹ Code Five refers to an officers' communication as to when they are conducting a "stakeout" of a particular location.

2. Tactical Communication and Planning

Detectives A and B and Officer A were unable to effectively communicate with one another because they were operating on different frequencies and did not prepare a written operational plan for their surveillance operation.

In this case, the officers' lack of planning and inability to effectively communicate with one another during the operation placed the officers at a tactical disadvantage and unnecessarily jeopardized the safety of Detective B.

The BOPC determined that Detective A and B's, and Officer A's inability to effectively communicate and lack of tactical planning was a substantial deviation, without justification, from approved Department tactical training.

3. Body Armor

Detectives A and B, in addition to Officer A, did not don their Department approved body armor as required when conducting a surveillance operation.

The BOPC determined that Detective A and B's, and Officers A's decision not to don their body armor was a substantial deviation, without justification, from approved Department tactical training.

- **Additional Tactical Debrief Topics**

1. Equipment Required

The investigation revealed that Detective B was not equipped with an additional spare magazine at the time of the OIS. Detective B is reminded to have all of his required equipment on his person while in the performance of his job.

- 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 Detectives A and B, as well as Officer A substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

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

B. Drawing/Exhibiting

- Subject 1 turned his vehicle around and drove toward Detective B's parked vehicle. Aware that Subject 1 was wanted for an attempt murder, and believing Subject 1 was armed and possibly about to confront him, Detective B reclined his seat all the way back and drew his service pistol.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective B, while faced with a similar set of 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 Detective B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Detective B** – (pistol, nine rounds)

Subject 1 stopped his truck next to the driver's side door of Detective B's vehicle with his driver's side window rolled down, while holding a handgun in his right hand and pointing it at Detective B. Subject 1 then immediately began firing his weapon at Detective B. In defense of his life, Detective B returned fire at Subject 1 to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective B would reasonably believe that Subject 1's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable to address this threat.

The BOPC found Detective B's lethal use of force to be in policy.