

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

**OFFICER-INVOLVED SHOOTING – 017-15**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes ( ) No (X)</b>
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77 <sup>th</sup> Street	2/26/15		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	9 years, 4 months
Officer B	9 years

**Reason for Police Contact**

Officers were driving by a location of interest when Subject 1 exited the front yard and fired rounds at the officers' vehicle. The officers exited their vehicle and an OIS ensued.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
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Subject: Male, 22 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 February 2, 2016.

## Incident Summary

Officers were conducting a narcotics enforcement operation. Officers A and B were attired in plainclothes and were in a plain vehicle. Officer B was the driver and Officer A was the rear driver side passenger. During the operation, officers observed a narcotics transaction from their vehicle; however, one subject had left the location on foot and the other on a bicycle. Officers A and B drove around the area to search for the outstanding subjects and observed a bicycle on the sidewalk area in front of a residence. The bicycle appeared to match the bicycle they were looking for.

As they drove closer to the residence, they noticed several subjects standing in the area of the front porch. The porch light was off and front yard was dark. The officers slowed the vehicle down, but could not recognize the subject, due to the lighting conditions. Officer B continued driving, and Officers A and B saw the subject who had left the location on foot. Officer A broadcast the subject's location to the uniformed officers and she was taken into custody.

Officer B then decided that he wanted to take another look at the individuals he saw at the residence where the bicycle was parked. Officer B did not believe they had drawn any suspicion from the group the first time they had driven past. As the officers' vehicle approached the intersection, the subjects were still on the porch. However, a male, (Subject 1) walked off the porch toward the fence of the front yard. Officer B did not see anyone else come off the porch.

As the officers' vehicle entered the intersection, Subject 1 walked out of the front gate and into the street, raised a handgun with both his hands and fired at the officers' vehicle. Officers A and B, who were not looking back at that moment, heard what they believed was one shot and were unaware where it had come from. Officer B continued to drive north and then looked back over his right shoulder through the rear window of the vehicle and saw a muzzle flash as he heard a second gunshot. Officer B indicated the muzzle flash was from the vicinity of one corner of the intersection. Officer A thought the second volley of gunshots sounded closer and thought one of the rounds might have struck the vehicle.

**Note:** The officers' vehicle sustained three impacts. Two of the impacts were to the passenger side rear bumper and one was to the right front tire.

Officer B, believing the officers were being shot at, accelerated the vehicle. However, after Subject 1 fired a third volley of four to five gunshots, Officer B felt they were in the open and that their lives were in danger unless they stopped to engage the threat. Officer B believed the gunshots sounded as if they were getting louder and thought that the shooters might be coming after them. Officer B clarified that although he did not see multiple shooters, he believed the individuals from the house were gang members ambushing them and he had to stop the threat.

Officer B stopped the vehicle approximately 150 feet north of the intersection. Officer B opened his door and drew his weapon with his right hand, and from a seated position,

looked over his left shoulder out the door, where he saw the silhouette of a male and muzzle flashes. Officer B turned his upper body to his left and fired approximately two rounds. As that occurred, Officer B noticed the vehicle start to move forward and placed his right foot on the brake to stop the vehicle. Officer B then went to re-engage Subject 1 and fired three additional rounds. However, as he fired the rounds, the driver's side rear door opened and two of the rounds impacted the window and the other one struck the door frame. Officer B then stood up, placing his left foot on the street while his right foot remained on the brake. He then canted his weapon to the right of the rear door, at which time he believed he fired an additional five rounds toward the threat. In all, Officer B fired a total of 10 rounds.

According to Officer A, after the second volley of shots fired by Subject 1, Officer A slightly opened the driver's side rear door. When Officer B stopped the vehicle, Officer A turned counter-clockwise in his seat, placing his right foot on the ground. From a semi-seated position with his left leg on the rear seat, Officer A observed muzzle flashes south of his location. Officer A took a right barricaded position and fired six rounds. Officer A fired a total of eight rounds. As Officer A fired his last round, the driver's side rear window was shot out. Officer A believed he was taking gunfire and fell back into the car, lying down in the rear seat as Officer B fired at Subject 1. After Subject 1 stopped shooting, Officer B got back into the vehicle and said they were moving, at which time he continued driving and then stopped their vehicle.

Officer A issued an "officer needs help" broadcast and provided the officers' location, at which time Communications Division (CD) requested an Air Unit. The officers ensured each other that they were okay. Officer B then retrieved his vest and shotgun from the trunk and both he and Officer A took cover behind a vehicle and monitored the residence.

Detective A and Sergeant A arrived within one minute of each other. Sergeant A was the first supervisor to make contact with Officers A and B and verified that an Officer-Involved Shooting (OIS) had occurred. Sergeant A became the Incident Commander (IC) and immediately began establishing a Command Post (CP). He directed responding units to start taking a position on the perimeter.

Sergeant A tasked Detective A with monitoring Officers A and B and taking a Public Safety Statement (PSS.) Sergeant A requested that the officers stay at scene to give the CP information and possibly identify any suspects.

The Air Unit and several officers arrived at the scene. The occupants of the residence were ordered to come out. After several minutes, the occupants exited and were detained. A search team was assembled to search the residence for any additional subjects. The search was conducted with negative results for additional suspects. The search revealed a rifle in the closet of the south bedroom. A pole camera was utilized by an officer to search the attic for subjects and it revealed a semiautomatic pistol. An article search was conducted of the front and back yards with negative results. No one was struck by gunfire in this incident.

## **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 Officers A and B's tactics to warrant an Administrative Disapproval.

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

### **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 Officers A and B'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. Equipment (Body Armor)**

Officers A and B did not don their Department approved body armor as required when conducting field related duties. The BOPC determined that Officers A and B's decision not to don their body armor was a substantial deviation, without justification, from approved Department tactical training.

#### **2. Securing a Backup Firearm**

Officer B kept an unsecured holstered service pistol in between the front driver's seat and center console. The situation was compounded when Officers A and B left the weapon unattended inside the vehicle.

The BOPC determined that Officer B's decision to intentionally leave an unsecured firearm secreted in between the driver's seat and center console of the vehicle was a substantial deviation, without justification, from approved Department training.

### 3. Tactical Communications

Officer B did not communicate to Officer A his intention to stop their vehicle. Additionally, neither officer communicated to one another their intention to exit the vehicle and engage the subject. 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.

In this case, Officers A and B were forced to make a split-second decision during a rapidly unfolding tactical situation and made the decision to exit their vehicle and address the deadly threat of being fired upon. The BOPC determined Officers A and B's lack of effective communication was reasonable, and did not substantially deviate from approved Department tactical training because of the need to focus their attention on the immediate deadly threat.

### 4. Ambush Tactics

Officer B identified that the source of the gunfire was coming from behind their vehicle. Consequently, he stopped their vehicle in the middle of the roadway, opened his door and both officers engaged the deadly threat. Officer B's decision to stop their vehicle was based on his belief that the subjects were coming after him Officer B and his partner, given that the shots were "getting louder," and he feared for the safety of his partner and himself. The BOPC noted Officer B's decision to stop the vehicle placed both himself and his partner in a tactical disadvantage. However, the BOPC also noted driving away without engaging the deadly threat could have placed the officers in a tactical disadvantage of equal proportion.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions did not substantially deviate from approved Department tactical training.

- 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.

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, thus requiring a finding of Administrative Disapproval. Additionally, the BOPC found that Sergeant A's tactics did not substantially deviate from approved Department tactical training and warrants a finding of Tactical Debrief.

## **B. Drawing and Exhibiting**

- As Officers A and B drove north, they heard shots coming from behind their vehicle. Officer B immediately stopped the vehicle in the middle of the street, at which time Officers A and B exited simultaneously on the driver's side of the vehicle and drew their service pistols.

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

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

- **Officer B** – (pistol, two rounds, two sequences of fire)

### First Sequence of Fire

Officer B stopped their vehicle, opened his door, and as he looked rearward, he observed muzzle flash and the silhouette of man. Believing that he was being shot at and in fear of his life and the life of his partner, Officer B fired five rounds from his service pistol to stop the deadly threat.

### Second Sequence of Fire

After observing that three of his initial five rounds impacted the open rear driver's side door frame and window, Officer B re-assessed, placed his left foot onto the roadway, "canted" his body to the right and fired five additional rounds from his service pistol toward the muzzle flash to stop the deadly threat.

- **Officer A** – (pistol, eight rounds)

As the officers drove north, Officer A heard gunfire emanating to the rear of their vehicle. When Officer B "slammed" on the brakes of their vehicle, Officer A partially exited the vehicle and fired eight rounds from his service pistol toward the muzzle flash to stop the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that

muzzle flash pointed in their direction presented an imminent threat of death or serious bodily injury and therefore, the use of lethal force would be objectively reasonable.

In conclusion, the BOPC found Officer A and B's lethal use of force to be in policy.