

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

**OFFICER-INVOLVED SHOOTING – 019-17**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ( )</u></b>	<b><u>Uniform-Yes (X) No ( )</u></b>
------------------------	--------------------	-----------------------------------	--------------------------------------

Newton	3/8/17		
--------	--------	--	--

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
---	---------------------------------

Officer C	22 years, 3 months
-----------	--------------------

**Reason for Police Contact**

A group of officers were approached by Witness A, who advised them that the Subject had just pulled out a gun and pointed it at him. While obtaining additional information from Witness A, the Subject, along with Witnesses B and C, was observed walking across the street. Witness A informed the officers that those were the individuals he had encountered earlier. Officer A ordered the Subject to stop. The Subject did not obey commands, and a foot pursuit occurred. As the Subject ran, he produced a handgun, and an officer-involved shooting (OIS) occurred.

<b><u>Subject</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit (X)</u></b>
-----------------------	----------------------------	---------------------------	---------------------------

Subject: Male, 20 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 20, 2018.

## **Incident Summary**

Officers A and B responded to a location to conduct a traffic collision investigation. Officer C met with Officers A and B to provide them information related to the traffic collision. As Officer C met with Officers A and B, Officer D was approached by a male, identified as Witness A. Witness A advised Officer D that he was in his vehicle stopped at a red tri-light at an intersection when he was confronted by three males. Witness A provided a description of the three males. One of the males wore red pants and possibly had a tattoo on his neck. The other two suspects wore white shirts and blue shorts. Per Witness A, as he waited at the stop light, the males looked in his direction and a verbal confrontation ensued, during which, Witness A stated, the males displayed what he believed were gang hand signs. As the confrontation continued, the male in the red pants displayed a semiautomatic pistol.

According to Officer C, while he met with Officers A and B, he observed Witness A approach and speak with one of the officers. Officer C stated he heard Witness A describe an assault with a deadly weapon (ADW) and a gun being pointed at him by a male wearing red pants and a white shirt. Officer C stated Witness A appeared frightened and concerned for his safety.

After obtaining the males' descriptions, Officer D initiated a crime broadcast and advised units to respond to the area to search for the males. Officer D asked Officer E to complete an Investigation Report (IR).

According to Officer D, he and Officer C were standing near the corner of the intersection when he observed a male, the Subject, wearing red pants and consistent with the description of the Subject. The Subject was walking on the sidewalk across the street from the officers. Officer D also observed two males, later identified as Witnesses B and C, on the sidewalk. Witnesses B and C were walking on the sidewalk approaching the opposite corner of the intersection from the officers.

Officers C and D turned toward Witness A, who identified Witnesses B and C and the Subject as the males he had encountered. Officer D indicated that Witness A stated, "Those are the guys, that's the guy who pulled the gun on me."

Officer C was mindful the officers had advised Communications Division (CD) earlier they were at the location and with the other officers present at the scene, he felt confident in contacting the Subject. Officer C advised Officers D, E, and F that he would assume the contact role and told them to be careful. Officers D, E, and F, meanwhile, assumed the cover role.

Officer C and the Subject were standing on opposite sides of the intersection. According to Officer C, the Subject was not holding his waistband, was not favoring his right side, and Officer C did not see a bulge in the Subject's waistband or any other indicators that the Subject was armed.

**Note:** Per Officer D, as the Subject approached the intersection, Officer C alerted him that the Subject was holding his waistband and that he was going to run. Officer D observed the Subject holding his waistband.

Per Officer C, he walked toward the Subject. Initially, it appeared as if the Subject was going to walk toward him. The Subject looked in his direction, and the Subject's eyes opened wide, his jaw loosened, his shoulders dropped, and he appeared surprised. The Subject then changed his direction toward the northwest corner in the direction where Witnesses B and C were walking.

Officer C identified himself as a police officer and directed the Subject to stop. The Subject turned and ran on the sidewalk. Because Officer C knew that Officers D, E, and F were with him, and he did not see indicators that the Subject was armed, he decided to pursue the Subject, and followed him on the sidewalk. Officers D, E, and F followed Officer C in pursuit of the Subject.

**Note:** According to Officer F, the Subject held his waistband with his right hand as soon as he began running.

Lieutenant A heard Witness A advise the officers of the male in the red pants and observed the officers approach the Subject. Lieutenant A heard Officer C give the Subject several commands to stop, but the Subject turned and ran from the officers. Lieutenant A stated he then heard Witness A identify Witnesses B and C as the other two suspects and focused his attention on Witnesses B and C, who were approaching one corner of the intersection. Lieutenant A unholstered his pistol, pointed it toward Witnesses B and C and directed them into a prone position.

Officer E initially ran after the Subject, but he observed Witnesses B and C at the corner of the intersection and heard Lieutenant A giving them commands to get down on the ground. Officer E was mindful that Officers D and F were running with Officer C and decided to discontinue his foot pursuit of the Subject to assist Lieutenant A.

Officer E heard Witness A state that the suspect with the red pants initially brandished a pistol, but was unsure which of the three suspects possessed the pistol. As he approached Witnesses B and C, he believed that one of them could be armed and that the situation could escalate to point where deadly force might be necessary. Officer E unholstered his pistol and pointed it toward Witnesses B and C as he directed them into a prone position.

As he pursued the Subject, Officer C stated that he did not intend to apprehend him and followed approximately 15 to 20 feet behind the Subject, stating, "Because obviously, if this is the suspect, now he's running [and] identified by the victim, there's a high probability that he is the person related to pointing the firearm, but I haven't seen any initial indicators that he has a firearm. Being conscious of containment and obviously, you know, when we talk about control, it's not just an attempt to control your suspect, but it's also controlling yourself, not being overzealous in the pursuit of a suspect."

The Subject ran diagonally across the street. According to Officer C, while he ran, the Subject turned his body and looked over his right shoulder in his direction. The Subject ran toward an alley. Once he reached the alley, the Subject turned. As the Subject entered the alley, Officer C stated he observed the Subject holding the waistband of his pants with his right hand. Officer C feared that the Subject was securing a firearm in his waistband and unholstered his pistol as he followed the Subject into the alley.

Per Officer D, during the foot pursuit, Officer C was off to his left. Officer D stated that as the Subject ran, he suddenly turned. Officer D believed that the Subject might double back. Officer D ran onto the street and advised Officer C that if the Subject doubled back, he was in position to detain him. Officer D utilized his handheld police radio and believed he broadcast the foot pursuit.

**Note:** CD recordings captured the broadcast, "...we are in foot pursuit."

Officer D observed the Subject reach the sidewalk and run into the alley. Per Officer D, he believed that the entrance to the alley could be utilized for an ambush and placed his radio back onto his utility belt so that his hands were free.

Officer C pursued the Subject from a distance of approximately 15 to 20 feet and followed the Subject into the alley. As the Subject ran into the alley, Officer C stated he observed the Subject turn and look over his left shoulder, possibly to obtain a target acquisition. The Subject then turned his upper body to his left while simultaneously using his right hand to remove a firearm from his waistband. Officer C stated that he gave the Subject commands, "Don't do it. Stop police."

The Subject turned his upper torso to the left, and as he did so, Officer C observed him lift his left arm, then extend his right arm, holding the firearm across his body between the left hip and left arm, pointing the firearm from underneath his left arm toward his and Officer D's direction.

Officer C feared for both his life and Officer D's life and believed he had to react in immediate defense of their lives. Officer C stated he was moving quickly and believed he held his pistol with both hands, and fired his pistol twice in rapid succession at the Subject's center body mass.

**Note:** The Subject was not struck by Officer C's rounds. FID determined that Officer C fired his weapon at the Subject from a distance of approximately 35 feet based on Officer C's walk-through of the scene and where he positioned the Subject and himself.

After he fired, Officer C observed the Subject throw the firearm over his head. Officer C stated he did not see where the firearm landed because his focus was on the Subject, but his actions were consistent with someone throwing a firearm onto a roof. The Subject began yelling, "Don't kill me, don't shoot me. I threw the gun, I threw the gun." The Subject proceeded to prone himself out on the ground.

According to Officer D, as he approached the alley, he slowed down and attempted to tactically move forward into the alley, but his momentum carried him in. As he entered the alley, Officer D observed the Subject approximately 10 to 15 yards in front of him. Officer D observed the Subject's back, and it appeared as if the Subject was turning to his left and observed a black object which he believed it to be a gun in the air going over the top of a house located on the side of the alley. Simultaneously, Officer D heard two gunshots emanating from his left. Officer D indicated that he did not observe Officer C fire his pistol and indicated that he knew Officer C was off to his left but was unable to see him. Upon hearing the gunshots, Officer D unholstered his pistol and pointed it downward toward the Subject. Officer D observed the Subject prone himself down on the ground as he yelled, "It's only a pellet gun, it's only a pellet gun."

Officer F stated he was approximately 20 to 25 feet behind Officers C and D when the Subject ran into the alley. Officer F observed Officer C run into the alley first, followed by Officer D, and they disappeared from his view for a few seconds. Officer F then heard two gunshots. Officer F did not know whether the officers or the Subject fired the shots and believed the tactical situation could rise to the point where deadly force would be necessary. Officer F unholstered his pistol and entered the alley. Once inside the alley, Officer F observed the Subject in a prone position on the ground and heard him yelling, "I threw the gun, I threw the gun."

While ordering Witnesses B and C down to the ground, Lieutenant A observed the Subject and the officers run into the alley, out of his view. Lieutenant A then heard two gunshots emanate from the alley. Lieutenant A utilized his handheld police radio to broadcast shots were fired and officers needed help.

Lieutenant A asked Officers A and B for their assistance and directed Officer E to handcuff the individual closest to him while he remained as the cover officer. Officer E holstered his pistol, approached the individual closest to him and handcuffed him.

Officer A unholstered his pistol and served as the cover officer. Lieutenant A then holstered his pistol, approached the second individual and handcuffed him. Once both individuals were detained, Officer A holstered his pistol.

Officer E stated that the individual he handcuffed began moving around and yelling profanities while the tactical situation was ongoing. Officer E indicated he placed his left foot on the individual's back for approximately two seconds to prevent him from moving or standing up, and because Lieutenant A was next to him, handcuffing the second individual.

According to Officers C, D, and F, they communicated and maintained a cautious approach while taking the Subject into custody. Officers C and D remained as cover officers while Officer F holstered his pistol and handcuffed the Subject without incident. Officer F conducted a pat down search of the Subject and no additional weapons were found. Once the Subject was handcuffed, Officers C and D holstered their pistols. The officers determined the Subject was not struck by the gunshots and was not injured.

Once Witnesses B and C were taken into custody, Lieutenant A directed Officers A and B to remain with them, and he immediately ran to the alley. According to Lieutenant A, when he reached the alley, he heard the Subject yell, "It's a pellet gun. It's only a pellet gun." Lieutenant A observed that the Subject was in custody and was being assisted to his feet by the officers.

**Note:** Witnesses B and C were later released as the investigation progressed.

**Note:** A black BB gun was later recovered from the rooftop, consistent with the direction that the officers had observed the Subject making a throwing motion.

Lieutenant A inquired if an OIS occurred, at which time Officer C confirmed he was involved in the OIS. Lieutenant A confirmed that no one else was involved, maintained oversight of Officer C, and obtained a Public Safety Statement (PSS) from him. Lieutenant A began directing arriving officers to check downrange for anyone who may have been injured and proceeded to secure the crime scene. Lieutenant A requested additional supervisors while he maintained control of Officer C, as well as the percipient officers.

### **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 Lieutenant A and Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

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

The BOPC found Lieutenant A and Officers C, D, E, and F's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Officer E's non-lethal use of force to be in policy.

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

The BOPC found Officer C's lethal use of force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

- **Detention**

While conducting an unrelated investigation, the involved officers were approached by a witness who reported that he had a verbal confrontation with three suspects and that one of the suspects had pulled a handgun on him. As the officers were completing their investigation, the witness observed the Subject walking and alerted the officers.

The officers identified themselves and ordered the suspects to stop. Two suspects complied, while the Subject ignored their commands and ran from the officers. The officers' actions were appropriate and within Department policies and procedures.

- **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, the Subject immediately fled from the officers and produced a handgun while he was running away from the officers. When one of the officers gave the Subject commands to stop, the Subject ignored the commands and turned toward the officer with the gun in his right hand.

Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

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

1. Pursuing Possibly Armed Suspects

Officers C, D, and F pursued a suspect they believed was possibly armed with a weapon.

Containment of an armed suspect 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.

It is the BOPC's expectation that officers are decisive in their actions during a rapidly unfolding, life-threatening situation, while taking into consideration that police work is inherently dangerous.

In this case, the officers were dealing with a non-compliant suspect who was running across the street towards a residential area. The officers attempted to minimize the threat to the public by pursuing the Subject together, in containment mode, while broadcasting that they were in foot pursuit.

The BOPC determined that Officers C, D, and F's actions were reasonable and their decision to pursue the Subject was not a substantial deviation from approved Department tactical training.

## 2. Foot Pursuit Broadcast

The investigation revealed that Officer D did not include the officers' location, direction of travel, type of crime, and suspect description in his initial foot pursuit broadcast. Although the officers had already broadcast their status and location on an unrelated incident, Officer D was reminded of the importance of providing all relevant information to ensure that responding units are able to respond in a tactically safe and effective manner.

## 3. Utilization of Cover

The investigation revealed that Officers C and D did not utilize cover when they entered the alley. The officers are reminded of the importance of utilizing cover when involved in a tactical situation involving a potentially armed suspect.

- 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 Lieutenant A and Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- According to Lieutenant A, he and Officer E directed their attention to Witnesses B and C, who were walking on the sidewalk. As Witnesses B and C approached the



corner of the intersection, he drew his service pistol and gave them commands to get their hands up and get on the ground.

According to Officer E, he heard Lieutenant A ordering Witnesses B and C to get on the ground. Knowing that Officers C, D, and F were together and Lieutenant A was by himself, he drew his service pistol and focused on Witnesses B and C.

According to Officer C, he observed that the Subject was consistently turning his body, looking over his right shoulder and appeared to be reaching down with his right hand to hold up his pants. Believing there was a possibility that the Subject had a firearm secured in his waistband, he drew his service pistol.

According to Officer D, he heard two gunshots off to his left side, came to a stop and drew his service pistol.

According to Officer F, he observed the Subject enter the alley followed by Officer C and then Officer D. At that point, he lost sight of them, heard two gunshots, and drew his service pistol.

In conclusion, the BOPC found Lieutenant A and Officers C, D, E, and F's drawing and exhibiting of a firearm to be in policy.

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

- **Officer E** – (bodyweight)

According to Officer E, after the OIS, Witness B started to move on the ground and shift his body around. He told Witness B to calm down and placed his foot on the Witness B's back area for approximately two seconds to prevent him from rolling over onto his back and standing up.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer E, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome the Subject's actions.

In conclusion, the BOPC found Officer E's non-lethal use of force to be in policy.

### **D. Lethal Use of Force**

- **Officer C** (pistol, two rounds)

According to Officer C, as he entered the alley, he observed the Subject remove a blue steel semi-auto handgun from his waistband area with his right hand. He gave the Subject commands to stop. The Subject did not comply, and then looked over his left shoulder, turned his torso to the left, and pointed the weapon at Officer C and

his partner. Fearing for his life and life of his partner, Officer C fired two rounds at the Subject to stop the threat.

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

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