

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

OFFICER-INVOLVED SHOOTING – 038-17

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
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Northeast	5/29/17		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	1 year, 6 months
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Reason for Police Contact

An officer was off-duty when a group of people with him were fired upon by several suspects, at which time an officer-involved shooting (OIS) occurred.

Subjects	Deceased ()	Wounded ()	Non-Hit ()
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Unidentified.

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 May 22, 2018.

Incident Summary

Officer A attended a party at a residence, and parked his vehicle on the side of the street directly in front of the venue of the party.

Officer A entered the residence and observed that the party had ended, and people were leaving in groups. Officer A walked outside with a group of individuals, including Victim A and Witnesses A and B where he stood with them on the corner outside. After a short time, Officer A walked to his personal vehicle to get a sweater.

Officer A stood on the street, to the rear of his parked vehicle and opened the vehicle trunk lid. Officer A's attention was directed into his vehicle trunk when he heard vehicle wheels screeching.

Officer A looked up and observed a vehicle. According to Officer A, there were three to four people inside of the vehicle. The vehicle came to a complete stop before continuing in a direction where Officer A lost sight of the vehicle due to the building line. According to Officer A, he did not see anyone exit from the vehicle before he lost sight of it.

Officer A then turned his attention back toward his vehicle trunk and approximately one second later heard gunfire coming from the street. Officer A observed three to four Subjects who were walking armed with pistols, shooting multiple rounds at the group of people standing on the corner. Victim A was struck once in the left leg by the Subject's gunfire.

Officer A saw Subject 1 armed with a semiautomatic pistol. Officer A noticed Subjects 2 and 3 were armed with semiautomatic pistols and standing to the left of Subject 1. Officer A described Subject 4, armed with a semiautomatic pistol, standing to the right of Subject 1.

According to Officer A, he removed his service pistol from his work bag, within his vehicle trunk, and two magazines that he placed in his left front pants pocket. Officer A pulled back the slide of his service pistol to place a cartridge in the firing chamber and held it with two hands. According to Officer A, he left the vehicle's trunk lid open as he moved to his right, stepping onto the grass parkway, near the right rear passenger door of his vehicle.

Officer A identified Subject 1 as being the closest one of the Subject's group as they moved forward. Officer A stated he raised his service pistol, aimed at Subject 1's chest area and discharged two rounds. Officer A quickly assessed and discharged an additional two rounds at Subject 1's chest area. None of the discharged rounds appeared to have any effect as the Subjects continued forward firing their pistols.

According to Officer A, he remained on the grass parkway, maintained a two-handed grip on his service pistol, which he pointed toward the group of Subjects, as he moved

to his right and stopped near the right front passenger door of his vehicle. According to Officer A, as Subject 2 continued walking forward and shooting, he aimed his service pistol at Subject 2's center body mass, chest area, and discharged approximately eight rounds.

After discharging his second volley, Officer A stated that he felt that he may have left himself too much out in the open. Additionally, Officer A believed that the Subjects may have realized that someone was firing at them because they appeared to be startled. Believing that he was too much in the open, Officer A moved back near the right rear passenger door of his vehicle because he believed that it afforded him more cover. While moving, Officer A held his service pistol in a two-handed grip while maintaining it elevated and pointed it in the direction of the Subjects. According to Officer A, he did not discharge any rounds as he moved back from the passenger front door to the passenger rear door of his vehicle.

Officer A stated he aimed his service pistol, once again, at Subject 1's center mass or chest area, and discharged the remainder of his magazine, approximately five rounds, at a decreasing distance as the Subjects continued forward. Officer A did not recall if his service pistol went into slide lock; however, he conducted a tactical reload, removing the expended magazine from his service pistol and placing a loaded magazine into his service pistol. Officer A placed the magazine that he removed from his service pistol into his rear pants pocket. After discharging his last rounds, Officer A believed the Subjects fled.

Officer A ran around back through the garden where the party was being held and back around to the corner where Victim A had been struck by gunfire. Meanwhile, Witness C telephoned Communications Division and advised them of the shooting that occurred. Communications Division broadcast, accordingly, that the shooting had occurred.

Uniformed Police Officers B and C advised CD they were responding along with other units. Upon arrival, Officer B stated he observed Victim A on the ground at the corner along with four people near to him. Officer B was going to move the group away from Victim A when Officer A approached him and advised that he was an off-duty officer.

Officer A then pointed to his service pistol, which was on the sidewalk, and informed Officer B the weapon was his. Officer B instructed Officer A to leave his service pistol on the ground and directed him away from it. After moving the individuals away from Victim A, Officer B requested, and was provided with, Officer A's identification. Officer B then asked Officer A if he had been involved in the shooting, and Officer A replied that he had.

Officer B approached Sergeant A, who was crouched down still speaking with Victim A attempting to obtain Subject information. Sergeant A confirmed that Officer A was an off-duty officer and inquired if the pistol on the sidewalk belonged to Officer A, which Officer B advised him that it did.

Once informed of Officer A's involvement, Sergeant A separated Officer A from the group of individuals and confirmed that he was involved in the shooting. Sergeant A then obtained a Public Safety Statement (PSS) from Officer A. After obtaining the PSS, Sergeant A admonished Officer A not to speak with anyone.

Los Angeles Fire Department (LAFD) personnel responded to treat Victim A for a gunshot wound to his left leg. Victim A was transported to a local hospital where he underwent surgery for the gunshot wound.

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

A. Tactics

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

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

Detention

- Does not apply.

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, the involved officer was faced with a rapidly unfolding tactical situation when he observed four Subjects, all armed with handguns, walk towards a group of people and shoot at them. Faced with an imminent threat of serious bodily injury or death to the victims, the officer utilized lethal force to stop the deadly threat.

- In its review of this incident, the BOPC noted the following tactical considerations:

1. Utilization of a Holster /Running with Service Pistol Drawn

The investigation revealed that after the OIS, Officer A left his holster in his trunk and was running with his service pistol in his hand. Officer A was reminded that there is a heightened concern for an unintentional discharge when carrying a firearm with no manner to secure/holster the firearm.

2. Target Acquisition

The investigation revealed that several of the rounds fired by Officer A during this incident struck buildings that were in the immediate area, rather than their intended target. Officer A was reminded of the importance of target acquisition, background, sight alignment, and sight picture.

3. **Maintaining Control of Equipment** – The investigation revealed that upon the arrival of uniformed officers, Officer A placed his service pistol on the ground, put his hands up, and slowly backed away from the weapon. Although the BOPC understands that Officer A did not want to confront responding officers while armed with his service pistol, Officer A was reminded of the importance of ensuring his service pistol is properly secured in the event that additional Subjects were to be in the immediate area.

- 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.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were reasonable and not a substantial deviation, without justification, from approved Department tactical training.

In conclusion, the BOPC determined Officers A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he heard gunfire and then observed four Subjects, all armed with handguns, walking towards a group of people standing on a corner, while shooting at them. He then grabbed his service pistol from his equipment bag in his trunk.

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

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

C. Lethal Use of Force

- **Officer A** – (pistol, 17 rounds)

First Sequence - four rounds

According to Officer A, he observed muzzle flash from the Subjects' handguns as they continued to walk towards the crowd of people on the corner. In fear for the lives of the people who were on the corner, he fired four rounds from his service pistol at the center mass of Subject 1 to stop the threat.

Second Sequence - eight rounds

According to Officer A, he assessed and observed that his first four rounds had no effect. He then redeployed and assumed a position of cover behind the right front passenger door of his vehicle. He then observed Subject 2, who was positioned to the left of Subject 1, walking forward and shooting at the group of people. In fear for the lives of the people who were on the corner, he fired eight rounds from his service pistol at the center mass of Subject 2 to stop the threat.

Third Sequence - five rounds

According to Officer A, he assessed and believed that the Subjects may have realized that they were being fired upon because they appeared to be startled and surprised. He redeployed and assumed a position of cover behind the right rear passenger door of his vehicle. He observed that the Subjects were still moving forward and firing at the victims. In fear for their lives, he fired five additional rounds

from his service pistol at the center mass of Subject 1 to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe the Subjects' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the BOPC found Officer A's lethal use of force to be objectively reasonable and in policy.