



## **Incident Summary**

An anonymous person made an emergency (911) call for service and stated she heard shots fired and a vehicle speeding away.

Communications Division (CD) broadcast the call.

Several officers, including Officers A and B, responded, as did two sergeants.

Upon arrival at the scene, the officers began to check the area; however, they did not observe any initial evidence of a shooting.

Officers broadcast a request for further information as they remained in the area to look for possible victims, witnesses, subjects and evidence.

Officers A and B were southbound on the freeway when they heard the units broadcast their Code Six status and the subsequent request for further information. They believed the broadcast for further information indicated there was no evidence of a shooting and a Code Four broadcast would soon follow. Officer A discontinued the officers' emergency (Code Three) response and deactivated their Digital In-Car Video System (DICVS).

Officer B exited the freeway, arrived in the area and began to check for witnesses, subjects, evidence, etc. According to Officers A and B, they drove approximately 10-15 miles per hour with the driver's and passenger's side windows rolled down. As the officers approached a nearby street, they heard approximately three gunshots.

Officer A believed that the shots sounded like they were fired from a nearby location, possibly to the north of their vehicle. With his right hand, he unsnapped his holster in preparation to unholster his service pistol, if necessary.

As the officers entered the intersection near where the shots were heard, they looked north and observed a possible male figure on the sidewalk, north of the street they were on. As their vehicle continued into the intersection, they passed vehicles that were parked on the curb, which afforded them an unobstructed view.

As the officers entered the intersection, they heard three to four additional gunshots (Officer A recalled hearing approximately three gunshots, and Officer B recalled hearing three to four gunshots.) Officer B stopped their police vehicle westbound in the intersection.

Officers A and B observed a male subject standing in the street, just west of the vehicles parked along the east curb line, approximately three quarters of the block north of the street they were on. They both described the subject as wearing a white shirt.

Officer A then observed the individual in the white shirt holding an unknown object in his right hand with his arm extended and pointing eastbound toward the man he observed standing on the sidewalk. Officer B described a group of four to five individuals standing north of them on the street. According to Officer B, the group included two males, one wearing a white shirt and the other wearing a red shirt.

Officers A and B then heard gunshots being fired and observed muzzle flashes. At this time, Officer A realized the object the individual in the white shirt was holding was a handgun.

Officer B perceived the muzzle flashes were possibly coming from the individual in the white shirt. Officers A and B observed the individual in the white shirt turn in the officers' direction. Officer B described that the individual in the red shirt also turned in their direction.

Officer A then observed the Subject turn in their direction and point the gun at them.

In fear that the Subject was going to shoot him and/or his partner, Officer A unholstered his service pistol with his right hand, extended his right hand out of his passenger door window and fired what the investigation determined to be seven rounds in a northerly direction at center body mass from a distance of approximately 108 feet. The Subject ran and was never located nor identified. There was no evidence he was struck by the gunfire. All remaining pedestrians also ran and were not located nor identified. There was no evidence any of the pedestrians nor the Subject sustained any related injuries.

### **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, made the following findings:

#### **A. Tactics**

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

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

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

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

The BOPC found Officers A's use of lethal force to be out of policy.

### **Basis for Findings**

#### **A. Tactics**

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

##### **1. DICVS Deactivation**

According to Officers A and B, they deactivated their Digital In-Car Video System (DICVS) because they believed that a Code Four broadcast was imminent, indicating that the incident had been resolved, and they were discontinuing their emergency (Code Three) response to the radio call.

##### **2. Single Handed Shooting**

The investigation revealed that Officer A utilized a one handed shooting grip when he fired his service pistol at the Subject.

##### **3. Shooting From a Moving Vehicle**

The investigation concluded the rounds fired by Officer A were fired from three separate locations, consistent with the police vehicle still being in motion.

##### **4. Situational Awareness**

Officer A broadcast the location of the help call. The correct location of the help call was at a different location.

- 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 merits a comprehensive debriefing.

In conclusion, the BOPC found Officers A and B's tactics to warrant a finding of Tactical Debrief.

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

- Officer A observed the Subject holding something in his hand with his arm

extended in the direction of the male that was standing on the sidewalk across the street. As Officer B stopped the officers' vehicle, Officer A heard more shots and observed muzzle flashes coming from the Subject's hand. Believing the Subject was firing at the person on the sidewalk or someone in the vicinity, Officer A drew his service pistol.

After the OIS, Officer B drove westbound out of the intersection and stopped along the north curb west of the intersection. Officer B exited the driver's side of the police vehicle, drew his service pistol and assumed a position of cover behind an electrical box just west of Officer A's location.

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

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

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

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

In its review of this incident, the BOPC considered, among other factors, a Minority Opinion report authored by two members of the Use of Force Review Board (UOFRB), which included the following concerns in support of its recommended finding of out of policy for Officer A's use of lethal force:

#### 1. Shooting From a Moving Vehicle

The trajectory analysis showed that the police car was still moving when Officer A fired seven rounds in rapid succession, leaving behind three different impact zones for his rounds, while impacts from four rounds simply could not be found.

#### 2. Target Acquisition

It is highly improbable that an officer will hit his precise target when firing with one hand, while in a moving vehicle, into a group of four to five people, from a distance of 108 feet, during hours of darkness.

#### 3. Cover Fire

It appeared that Officer A was simply laying down cover fire without clear target acquisition.

#### 4. Background

The background in this instance happened to be other people who were in the

area of the Subject when Officer A fired his weapon.

5. Firearms Proficiency

While all officers may have a varied degree of weapons proficiency and accuracy, Officer A did not appear to be the most proficient shooter. While it was noted in the board that he has qualified successfully on most instances, he was unable to pass the qualification course as required in 2013.

The BOPC concurred with the concerns identified in the UOFRB minority's report, and concluded that, based on these concerns, it was not objectively reasonable for Officer A to use deadly force in the manner that he did.

Accordingly, the BOPC found, by a 3-2 vote, that Officer A's use of deadly force was out of policy.