

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

OFFICER-INVOLVED SHOOTING 060-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	9/11/12		
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Officer(s) Involved in Use of Force	Length of Service
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Officer E	10 years, 7 months
Officer F	11 years, 5 months
Officer G	3 years, 3 months
Officer H	3 years, 3 months
Officer K	14 years, 5 months
Officer J	12 years
Officer L	14 years, 4 months
Officer M	22 years, 4 months
Officer T	11 years, 6 months

Reason for Police Contact

Officers encountered a stolen vehicle driven by the Subject and a pursuit ensued. An officer-involved shooting occurred at the termination of the pursuit and the Subject was taken into custody.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject, Male, 24 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 suspect 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 August 6, 2013.

Incident Summary

A month and a half prior to this incident, a 33-year-old male was shot to death in a criminal homicide.

A couple of weeks prior to this incident, an arrest warrant for murder had been issued for the Subject. His information was widely distributed among Area officers on a "wanted for murder" flier.

Note: The Subject used a small caliber handgun in the murder. The investigating officers subsequently received information that the Subject was also in possession of an AK-47 rifle that he carried in a guitar case.

On the day of this incident, the Subject committed a carjacking. The vehicle taken was a white two-door sedan. The victim of the carjacking stated that the Subject was in possession of a handgun and a guitar case. The vehicle was equipped with a stolen vehicle recovery system transmitter, which was subsequently activated.

Uniformed Police Officers A and B were patrolling in a marked black and white police vehicle equipped with a stolen vehicle tracking device. They received an activation from the vehicle carjacked by the Subject; however, the officers were unable to visually locate the white sedan. The officers broadcast the information on the radio and requested an air unit.

Air Support Division personnel also broadcast that they would respond to the area.

Officers A and B located the Subject driving the carjacked vehicle and broadcast a request for a backup and an air unit. A short pursuit, lasting approximately two minutes, ensued. The officers lost sight of the Subject's vehicle and despite a search of the area were unable to locate it.

The air unit shortly thereafter broadcast that they had received an activation of the stolen vehicle in the area of a local hospital.

Police Officers C and D then located the Subject driving the white sedan. Another pursuit ensued, this one lasting approximately 62 minutes. Joining the pursuit as the second and third vehicles respectively were uniformed Police Officers E and F (second vehicle) and Officers G and H (third vehicle).

The air unit monitored the pursuit and broadcast the direction of travel.

Uniformed Sergeant A eventually joined the pursuit and broadcast, "I'm with the pursuit. Show me as the Incident Commander (IC). I'm going to want four cars to stay in the pursuit due to the nature of the crime. Everybody else, back out."

The primary officers in the pursuit, Officers C and D, became blocked in by traffic and were unable to continue the pursuit. Officers G and H moved forward and became the primary unit.

Note: During the vehicle pursuit, Officer H broadcast to advise Communications Division (CD) that they were now the primary unit in the pursuit; however, CD never received the transmission. Additionally, CD was not aware of their involvement in the pursuit until after the OIS.

Also joining the pursuit were uniformed Police Officers I and J (one unit), in addition to Police Officers K and L (another unit).

A different air unit took over monitoring the pursuit and broadcasting its direction of travel. During the pursuit, the following information was broadcast on the radio, either by the air unit or units involved in the pursuit:

- In addition to the carjacking, the Subject was wanted for murder;
- The Subject was believed to be armed with an AK-47 rifle and a handgun;
- The airship observed the Subject holding a handgun in his right hand during the pursuit;
- The Subject's brother had been killed in an OIS two years prior;
- The Subject had made statements that he would not be taken alive.

Due to the information provided on the radio, Sergeant A broadcast, "Have the K-9 pick-up a position behind my vehicle."

The pursuit was joined by Police Officers M and N and their respective canines.

Lieutenant A monitored the pursuit broadcast and directed on radio frequency the following resources to monitor the pursuit and respond to the area: Sergeant B, as well as Police Officers O, P, Q, R and S.

Due to the weapons available to the Subject, Officers P and Q retrieved armored rescue vehicles, and Officer O retrieved a different armored vehicle to make these resources available if needed at the termination of the pursuit. The officers were wearing ballistic vests and helmets, full tactical gear, and were armed with Department-approved semiautomatic rifles and pistols.

Monitoring the pursuit on nearby streets were uniformed Police Officers T and U.

The pursuit travelled approximately 28 miles on City streets and freeways. During the pursuit, the Subject drove through red-phased tri-lights, stop signs, and on the wrong side of the road into oncoming traffic. The Subject became involved in three separate hit-and-run traffic collisions with vehicles driven by uninvolved civilians.

The maximum speed of the pursuit did not exceed an estimated 50 miles per hour (mph), and the average speed was estimated at approximately 27 mph.

The Subject was driving west when he drove through a red-phased tri-light and collided with a northbound vehicle driven by Victim A, a 22 year-old female. Both vehicles came to a stop in the intersection facing in a northwest direction.

The air unit personnel broadcast, "TC...TC...And, guys, he's caught...There's a TC...Su[b]ject going to be getting out of the vehicle."

As the officers stopped their police vehicles and exited via their respective vehicle doors, the officers saw the Subject and were aware of the danger he was to themselves and the citizens in the area.

Officers G and H stopped their police vehicle facing west, approximately 22 feet east of the Subject's vehicle. Officer G exited his vehicle, unholstered his .40 caliber Glock pistol, and took cover behind his driver side ballistic door panel. Officer G held his pistol in a two-hand grip, with his index finger along the frame, pointed at the Subject.

Officer H exited his vehicle, unholstered his pistol, and took cover behind his passenger side ballistic door panel. Officer H held his pistol in a two-hand grip, with his index finger along the frame, pointed at the Subject.

Officers K and L stopped their vehicle facing west approximately two feet east of Officers G and H's vehicle. Officer K exited his police vehicle, moved forward and took cover behind the open driver side ballistic panel of the primary vehicle to the left of Officer H. Officer K tapped Officer H's shoulder to let him know he was to his left. Officer K unholstered his pistol and held it in a two-hand grip, with his index finger along the frame, pointed at the Subject.

Officer L, armed with a shotgun, exited his vehicle and moved forward to take cover behind the open passenger side ballistic side panel of the primary vehicle.¹ Officer L then relocated approximately 28 feet north and took cover behind a metal light pole, on a corner. He held his shotgun at shoulder level, deactivated the safety with his index finger, and pointed it at the Subject.

Officers I and J positioned their police vehicle facing northwest approximately 18 feet south of Officers G and H's vehicle, and approximately 43 feet southeast of the Subject's vehicle.

Officer I exited his vehicle, unholstered his pistol, and took cover behind his driver side ballistic door panel. Officer I held his pistol in a two-hand grip, with his index finger along the frame, pointed at Subject.

¹ Officer L had removed the shotgun from its rack in the front vehicle compartment area and chambered a round just prior to the traffic collision.

Officer J exited his vehicle, unholstered his pistol, and took cover behind his passenger side ballistic side panel door. Officer J held his pistol in a two-hand grip, with his index finger along the frame, pointed at Subject.

Officers E and F positioned their police vehicle facing northwest approximately eight feet southwest of Officers I and J's vehicle, and 41 feet southeast of Subject's vehicle.

Officer E exited his vehicle, unholstered his pistol, and took cover behind his driver side engine block. Officer E held his pistol in a two-hand grip, with his index finger along the frame, pointed at Subject.

Officer F, armed with his Department-approved Police Rifle (PR), exited his vehicle and moved around behind the driver side engine block of his police vehicle, to the left of his partner.² He held his rifle at shoulder level, pointed at the Subject.

Officer M positioned his vehicle facing northwest approximately six feet southwest of Officers E and F's vehicle, and 45 feet southeast of the Subject's vehicle. Officer M exited his truck and removed his K9 dog from the vehicle's rear kennel. Officer M held the dog's collar with his left hand, unholstered his pistol with his right hand, and took cover behind his driver side engine block of his vehicle. Officer M held his pistol in a one-hand low-ready position with his index finger along the frame.

Sergeant A positioned his vehicle facing west approximately 12 feet behind and to the northeast of Officers G and H's vehicle. Sergeant A unholstered his pistol, which he held in a two-hand low-ready position with his index finger along the frame, and moved forward toward Officers G and H's vehicle.

Officers T and U, who were monitoring the pursuit when air unit personnel broadcast the traffic collision, responded to the scene.

As the police vehicles all came to a stop and the officers exited them, the Subject's vehicle slowly rolled forward. The Subject exited his vehicle and reached inside the driver's compartment area, while numerous officers simultaneously shouted for the Subject to show his hands. According to some officers, the Subject appeared to be simultaneously pushing his vehicle forward while he strenuously reached inside the compartment area for an unknown object. The Subject emerged armed with an AK-47 rifle.

The air unit personnel then broadcast, "He's not running...He has attempted to push his vehicle...He's got something in his right hand, guys...It looks like he's grabbing for something underneath the column...Use caution... He's got a weapon in his hand..."

The following are accounts of each officers' observations and actions during the OIS and may not reflect the order in which the sequence of events occurred.

² Officer F removed the rifle from its rack in the front compartment of their vehicle immediately prior to the traffic collision.

Officer G observed the Subject partially exit the vehicle. He appeared to be reaching inside the white vehicle. Officer G shouted, "Show me your hands! Show me your hands!" The Subject's vehicle slowly rolled forward approximately one car length and then came to a stop. The Subject completely exited the vehicle. The Subject turned to his left, in a counterclockwise direction toward Victim A's vehicle and toward Officer G. As the Subject turned, Officer G observed that the Subject was armed with a rifle and the barrel was pointed at Victim A's vehicle. In fear that Victim A, other officers, or himself were going to be shot by the Subject, Officer G fired two rounds from his pistol in rapid succession in a northwest direction at the Subject from a distance of approximately 38 feet. The background was a vacant lot on the northwest corner.

The Subject moved northwest approximately 13 feet and collapsed on the street. The Subject rolled over on his back with his feet pointed toward the officers, raised his rifle, pointed it at the officers and fired multiple rounds. In response, Officer G fired five more rounds in a northwest direction at the Subject from a distance of approximately 51 feet. The Subject stopped firing after Officer G fired his final round. The Subject rolled over on his side facing away from the officers. Officer G conducted a tactical reload, placing the removed magazine in the empty magazine pouch.

Officer H observed that the Subject initially appeared to be stuck in the vehicle. The Subject exited the vehicle and reached inside the driver area of the vehicle. Only his head, upper back, and left arm were visible. The Subject armed himself with a rifle and turned to face the officers. Officer H heard gunshots and heard the air unit personnel broadcast, "He's got a weapon!" In fear of being shot by the Subject, Officer H fired one round from his pistol in a northwest direction aiming at the Subject's head from a distance of approximately 36 feet. The Subject fell to the pavement, out of Officer H's sight. Officer H heard other gunshots but did not know if the Subject had fired his weapon or not. The background was a vacant lot.

Officer K observed the Subject exit his vehicle and look back directly at Officer K. The Subject appeared to have a "smirk" on his face. He started to push his vehicle forward and his hands were not visible. Officer K shouted, "Stop! Let me see your hands!" The Subject appeared to be retrieving an unknown object from the vehicle. An unknown officer shouted "Gun!" approximately five times. The Subject then tripped and fell to the roadway. The Subject sat on his buttocks on the roadway, armed with a rifle pointed at officers to the south. The Subject fired several rounds at the officers. In fear for the lives of the officers, Officer K fired eight rounds from his pistol in a northwest direction at the Subject's center upper torso from a distance of approximately 53 feet. The Subject fell over, facing west, away from Officer K. The background was a vacant lot on the northwest corner.

Note: Officer K initially believed he fired five to six rounds, but during his post-shooting weapon inspection with FID, he realized he fired eight rounds.

Officer L from behind the light pole, observed the Subject partially exit the vehicle. He appeared to be “hunched over, half in half out” of the vehicle. Officer L heard other officers shout, “Gun! Gun!” The Subject then ran toward the front of his car. Officer L heard gunshots. The Subject fell down out of Officer L’s view. The Subject sat up and Officer L was able to see the top of his head. Officer L heard the Subject firing his rifle and believed he was firing it at the officers at scene. Officer L fired a single shotgun round in a westerly direction at the Subject’s head from a distance of approximately 53 feet. Officer L assessed and heard the Subject fire another round toward the officers. Officer L fired a second round at the Subject. The Subject dropped to the pavement and Officer L lost sight of him.

Officer J observed the Subject exit his vehicle and push it forward with his left hand as he reached into the driver’s side area of the vehicle with his right hand. The Subject stopped pushing the vehicle and made a concerted effort to remove an unseen object from it. The Subject removed a rifle from the vehicle and then looked to his left at Victim A, who was still inside her vehicle. Officer J believed the Subject intended to shoot Victim A and carjack her vehicle. Officer J fired one round from his pistol in a northwest direction at the Subject from a distance of approximately 55 feet. Officer J assessed and continued to see the threat to Victim A. The Subject was still in Officer J’s sight picture and he fired a second round at the Subject, at which time the Subject fell out of Officer J’s sight picture.

Officer E observed the Subject exit the vehicle while his vehicle slowly inched forward. The Subject reached into his vehicle with his right hand and tugged at an unknown object inside the vehicle. The Subject emerged with an AK-47 type rifle and walked toward the front of his vehicle. The Subject took a kneeling barricade position behind Victim A’s vehicle. Officer E could see the Subject’s head and his rifle. Officer E heard gunfire coming from the Subject. Believing he was about to be shot by the Subject, Officer E fired three rounds in a northwest direction at the Subject’s head from his pistol from a distance of approximately 57 feet. Officer E heard rounds striking vehicles close to him and felt debris hitting him. Officer E repositioned to the rear of his vehicle, and then to the rear of the K9 truck, at which time the gunfire stopped.

Officer F observed the Subject exit halfway out of the vehicle. He appeared to be stuck and possibly caught in the seatbelt. The Subject emerged with a rifle, and raised it up and pointed it toward the officers who were northeast of Officer F. Fearing that the Subject was going to shoot the officers or citizens at scene, Officer F, using his sights, fired two rounds from his rifle in a northwest direction aiming at the Subject’s torso from a distance of approximately 54 feet. Officer F observed the Subject walk toward the front of Victim A’s vehicle and then lost sight of him. Officer F could hear rounds that the Subject was firing impacting vehicles near his position. Officer F redeployed to the rear of the K9 truck, at which time the shooting stopped. From this vantage point, Officer F was only able to see the Subject’s legs moving around on the ground just beyond Victim A’s vehicle.

Note: Officer F believed he fired one round; however, the post-incident magazine count and two expended cases recovered at scene from his rifle revealed that he fired two rounds.

Officer M observed the Subject emerge from between the Subject and Victim A's vehicles armed with a rifle. One of the K9 dogs barked and lunged toward the Subject, while Officer M held the dog back by his collar. The Subject looked at Officer M, raised his rifle, and pointed it at Officer M. Officer M, not wanting to deploy the dog on a subject armed with a rifle, continued to hold the K9 dog's collar with his left hand. Officer M extended his right arm and pointed his pistol at the Subject. Officer M fired 14 rounds in a northwest direction aiming at the Subject's center body mass from a distance of approximately 61 feet. Officer M's first round struck the left front headlamp of his vehicle. He stayed on target and slowed the pace of his rounds fired until he expended all the rounds and his pistol went to slide-lock. Simultaneously to Officer M firing his pistol, the Subject fired multiple rounds in Officer M's direction, and then went down to the pavement and quit firing. Officer M holstered his empty pistol, and armed himself with his 5.56 millimeter Heckler and semiautomatic rifle.

Officers T and U approached the scene driving northbound as the shooting started. They crested a hill and observed the Subject fall down, sit up on his buttocks and fire multiple rounds at Officer M, who was directly in front of Officers T and U's vehicle. Officer U said, "He's shooting at us!" Officer T stopped their vehicle approximately 27 feet south of Officer M's truck. Both officers exited and unholstered their pistols and held them at the low-ready position with their index fingers along the frames.

Officer T moved forward and took cover behind the passenger side fender and engine block of a white van, and stopped facing north. The driver's seat of the van was occupied by a witness, who had stopped his van approximately 11 feet southwest of Officer M's truck. The Subject continued to shoot rounds at Officer M. In fear that officers or civilians were going to be shot by Subject, Officer T braced his left hand against the side of the van, held his pistol in his right hand, and fired two rounds from his pistol in a northerly direction aiming at the Subject's torso from a distance of approximately 64 feet. Officer T assessed and observed that the Subject was face down on the pavement and had stopped firing.

The air unit personnel continued to broadcast during the shooting, "...And it looks like we have a possible su[bj]ect down...Shot fired...Shot fired...He's got an AK-47. He's fired at officers guys...He's firing eastbound, southeast, direction...Continuing to fire, guys...He's continuing to fire at you."

The air unit personnel then broadcast, "Su[bj]ect is down right now...Use caution...I do not have eyes on that weapon...It looks like he is trying to clear a jam or reload guys...He's still got that weapon on him...It looks like he's possibly trying to clear it...Guy's use caution...His gun looks like it's possibly underneath him..."

The Subject lay on his right side facing away from the officers and his feet pointed south. He clutched the AK-47 between his legs with the barrel pointed south. He moved his hands in and out of view of the officers and partially rolled back and forth.

Officer L shouted to the officers south of him that he could see the Subject and that the AK-47 was between his legs. Officers G, H, and K moved north to Officer L's position. Sergeant A moved forward behind these officers to coordinate an arrest team. The officers moved west to take a position of cover behind Subject and Victim A's vehicles.

Initially, multiple officers were giving commands to the Subject to show his hands. Sergeant A designated Officer K as the sole officer to give commands. Officer K shouted to the Subject that they were going to get an ambulance for him, and commanded him to just let the officers see his hands. The Subject ignored the commands and uttered profanities toward the officers.

With the Subject on the roadway and no longer shooting, Officers O, P, and Q moved their armored vehicles in position to provide cover to the officers at scene. Officer O approached and parked three feet north of the Subject's vehicle. Officer P, followed by Officer Q approached and parked in between the Subject's vehicle and the officers' vehicles approximately seven and eight feet east of the Subject's vehicle, respectively. The officers exited, took cover behind the Subject and Victim A's vehicles, and covered him with their rifles.

Officer M moved forward and also took cover behind Victim A's vehicle. Officers R and S parked their respective vehicles south of the OIS location, approached the scene north on foot, and took cover behind Subject's vehicle. Sergeant B parked his vehicle to the east of the OIS location, approached the scene on foot, and took cover behind the Subject's vehicle.

Captain A, who was dropped off north of the OIS location, approached the scene on foot, took cover behind Officer O's armored vehicle, and assumed the role of Incident Commander.

Detective A approached the scene and parked his vehicle, exited and moved behind the Subject's vehicle.

As these additional officers arrived on scene, the Subject continued to lay on his right side, facing away from the officers, with his head pointed north, his feet pointed south, and the rifle still clutched between his legs. He rolled back and forth from his right side to his back. He continued to move his hands in and out of view of the officers. Officers at the scene continued to give him commands to show his hands, but the Subject was uncooperative.

Note: Officer P believed the Subject was attempting to cooperate with the officers who were commanding him to put his hands above his head, but the Subject shouted that he could not move. None the less, Officer P still

considered the Subject a threat because he was armed with the AK-47 clutched between his legs.

The air unit personnel then broadcast, "Control, order up at least two RAs. I don't know who is all down. Have them hold[.]"

Sergeant B and Officer O formulated a plan to deploy the K9 on the Subject to distract him while officers simultaneously approached and took the Subject into custody. Officer O obtained a bean bag shotgun, and was tasked with "less lethal." The plan was communicated to Captain A, who approved it. The plan was passed down the line to the patrol officers present. The patrol officers covering the Subject were told to hold their fire when the SWAT officers approached.

After all the officers at scene were aware of the arrest plan, Officer M deployed his K9 dog. The K9 contacted the Subject by biting and holding the Subject's lower extremities. The Subject struggled to break free from the contact and attempted to push the K9 away with his legs. The officers approached the Subject while covering him with their rifles. The AK-47 fell from between the Subject's legs. Officer M moved the AK-47 with his foot, pushing it west away from the Subject. Officer Q gave commands to the Subject to roll over on his stomach. Officer Q placed his foot on the Subject's upper back shoulder blade area and pushed the Subject three to four times to get him to do so. Officer M placed his foot on the Subject's rear hip area to keep him on his stomach. Officers O and P slung their weapons, took control of the Subject's left and right wrists respectively, and pulled the Subject's hands behind his back. The officers handcuffed his wrists and patted him down for additional weapons; none were found.

Note: Officer P believed that they used flex cuffs to tie the Subject's wrists together. Officer O stated they used steel handcuffs. Video evidence appeared to show that Subject was handcuffed with steel handcuffs.

According to Officer Q, as Subject was being handcuffed he repeatedly stated, "Just kill me. Just kill me now. Just kill me."

Note: A total of eight 7.62 x 39 expended casings were recovered at the intersection of the location, and were determined to have been discharged from the Subject's rifle. Additionally, multiple impacts on Officer M's vehicle and one impact on a northwest corner wall of an apartment complex were attributed to rounds that were fired by the Subject.

Air unit personnel subsequently broadcast, "Code Four, su[bj]ject is in custody."

The involved officers armed with pistols holstered their weapons either upon the officers moving forward to effect the arrest or immediately after the Subject was handcuffed. Officer L secured his shotgun in the shotgun rack of his vehicle. Uniformed Sergeant C took Officer F's rifle, ensured that it was in the same condition it was after the OIS, and secured it in the trunk of his vehicle. Numerous other percipient officers unholstered

their weapons upon arrival at the scene and holstered as specialized unit officers moved forward or after the Subject was handcuffed.

Detective A picked up the Subject's rifle in order to prevent the Subject from attempting to rearm himself. After the Subject was taken into custody, Detective A handed the rifle to Officer P and asked him to clear the weapon to make it safe. Officer P removed the magazine, which was empty, ejected a live cartridge from the chamber, which fell on the street, and handed the rifle back to Detective A. Detective A recovered the ejected cartridge and placed the rifle, cartridge and magazine in the trunk of his vehicle.

Captain A broadcast, "I need an RA unit for a victim...su[bj]ect of a gunshot wound." Communications Division (CD) asked if it was clear for the ambulance to enter and Air Support unit personnel confirmed that it was.

Los Angeles Fire Department (LAFD) personnel arrived on scene to treat the Subject for multiple gunshot wounds and transported the Subject to Los Angeles County University of Southern California Medical Center (LAC-USCMC) where he was admitted for multiple gunshot wounds.

Officers were assigned to accompany the paramedics during the transportation. Officer J rode in the back of the ambulance while his partner followed in their patrol vehicle.

Captain A directed responding supervisors to commence with obtaining Public Safety Statements (PSS) as well as the separation and monitoring of the involved employees. The information obtained from the PSSs were consistent with this investigation.

FID personnel, reviewed all documents regarding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators. All protocols were followed.

Personnel at Real Time Analysis and Critical Response (RACR) Division observed live television coverage of the OIS and immediately started to make their notifications.

Early the next morning, the Subject was absentee-booked for the outstanding felony murder warrant.

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 and 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 unanimously made the following findings.

A. Tactics

The BOPC found Officer M's tactics to warrant Administrative Disapproval. The BOPC found Sergeants A and B, along with Officers E, F, G, H, J, K, L, Q and T's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeants A and B, along with Officers E, F, G, H, J, K, L, M, Q and T's, drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officers M and Q's non-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers E, F, G, H, J, K, L, M and T'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 Maintenance

In this instance, when Officers G and H became the primary unit in the pursuit, Officer H stated he broadcast that he and his partner were now "primary in the pursuit." Officer G recalled not hearing any acknowledgement of that broadcast. According to Officer H, it appeared the first time CD became aware of their unit's involvement was, "after the OIS had occurred."

During the vehicle pursuit, when Officers G and H observed the Subject lean over and appear to reach down to the floorboard area, Officer H broadcast their observations to the air unit and all units involved. A review of the Area base frequency revealed this broadcast was captured.

Both officers admitted recently experiencing transmission difficulties "the last day or two" with their police vehicle's radio system and their intention was to submit a written request for repair at the end of their shift.

The air unit was overhead broadcasting the route of the pursuit, with the secondary vehicle broadcasting when the air unit was unable to do so, effectively having a reliable contingency plan in place, ensuring the progress of the pursuit was continuously broadcast. Therefore, the intermittent operation of Officers G and H's vehicle radio did not contribute significantly to the communication integrity during the pursuit. However, Officers G and H are reminded to ensure their equipment is in good working order prior to and during each assigned work shift, as communications play a vital role during critical incidents. This was a topic of discussion during the Tactical Debrief.

2. Cover

In this instance, at the termination of the vehicle pursuit, Officers K and L deployed to the southeast of the primary vehicle. Officer L exited the passenger side of his vehicle with his Department-issued shotgun and proceeded to the primary vehicle's passenger door. At this time, Officer L observed the Subject pushing the vehicle and hunched down, such that he was halfway in the car and halfway out. Unable to obtain a good visual of the Subject, Officer L redeployed to a corner and assumed a position behind a metal pole that supported a traffic signal.

In conclusion, Officer L left the cover of a police vehicle and ran into the street in order to obtain what he believed to be a superior vantage point behind the pole. Officer L was without any cover as he ran and minimal cover once he assumed his position behind the metal pole. Officer L is reminded that when confronting a subject who may be armed with superior weaponry, assessing the capability of an object to stop a bullet fired by the subject is crucial prior to redeploying. This was a topic of discussion during the Tactical Debrief.

3. Body Armor

Officer M was starting his work day at a Department facility, when he heard personnel initiate the second vehicle pursuit. As Officer M monitored the progress of the vehicle pursuit and the related broadcasts, he learned the Subject was wanted for murder and was possibly armed with an AK-47 rifle. Sergeant D, who was also at the same facility, granted Officer M permission to respond toward the vehicle pursuit in the event he was needed to assist at the termination. Attired in a K-9 uniform t-shirt and utility pants, Officer M entered his police vehicle and drove toward the pursuit. Officer M's ballistic vest, which housed extra magazines for his service pistol, as well as the device to control the K-9 dog's electronic collar, was secured in a gun locker in back of his police truck.

Prior to obtaining approval to join the pursuit, Officer M recalled Sergeant B began to make a tactical plan of getting the dog up closer to the front of the pursuit, in the event that the subject did bail.

Officer M believed his role in the incident, based on his past 12 years of experience assigned to the K-9 Unit, would be to provide support and, "...to help set up a perimeter if the subject somehow escaped containment and officers had to go looking for him.

At the termination of the pursuit, Officer M positioned his vehicle approximately 45 feet southeast of the Subject's vehicle, exited and removed the K-9 dog from the kennel. Officer M assumed a position behind the engine block of his vehicle and drew his service pistol (see Drawing/Exhibiting). While maintaining his service pistol in his right hand, Officer M held onto the K-9 dog's collar with his left hand, ultimately engaging the Subject as he did so. Firing his service pistol until his weapon went to slide lock, Officer M holstered his empty service pistol and retrieved his rifle from the front seat of his police vehicle (see Drawing/Exhibiting). Officer M was unable to reload his weapon as his extra magazines were on his tactical vest in the trunk of his vehicle.

The BOPC assessed Officer M's response to this incident and the fact that he did not put on his body armor prior to responding to the pursuit, or after exiting his vehicle at the pursuit termination. Additionally, as previously mentioned, Officer M was aware that he and the K-9 dog may become active participants involving a potentially armed subject at the termination of the pursuit. The BOPC would have preferred that Officer M wear his ballistic vest either prior to responding to this incident, or at the immediate termination of the pursuit, prior to removing his K-9 from the kennel.

The BOPC found that Officer M's actions substantially and unjustifiably deviated from approved Department tactical training.

Note: As the Subject's hospitalization was not based on injuries incurred as a result of the K-9 Contact, the direct deployment of the K-9 dog does not constitute a Categorical Use of Force (CUOF) incident.

- The BOPC additionally considered the following:

1. Vehicle Pursuit Tactics

As the vehicle pursuit proceeded northbound, Officers G and H were the third vehicle in the vehicle pursuit. As congestion began to occur in the northbound lanes of traffic, the Subject abruptly moved from the number two lane, across the number one lane and into the southbound lanes of traffic, continuing northbound. With the primary and secondary vehicles boxed in by other motorists, Officers G and H drove their marked black and white police vehicle northbound, against the flow of traffic with his emergency lights and siren activated, thereby alerting oncoming traffic of their approach. Although the air unit was overhead at this time, the officers were attempting to apprehend a felony subject who posed a

threat to the community. Officers G and H are reminded of the inherent risks and dangers to themselves and citizens in driving against traffic.

2. Utilizing Seatbelts

The investigation revealed that during this incident, Officers I and J were not wearing their seatbelts. According to Officer J, he removed his seatbelt during the pursuit based on his concern that the Subject would stop at one of the hills and have a tactical advantage. He wanted to get out of the vehicle as soon as possible.

Officer I also indicated that for tactical reasons, he had taken his seatbelt off.

As Officers I and J were involved in a vehicle pursuit of a potentially armed murder subject, it was reasonable that the officers removed their seat belts to facilitate a quicker dismount from their police vehicle. However, Officers I and J are reminded they should be cognizant of removing their seat belts prematurely, as doing so exposes the officers to an undue risk during a traffic collision.

As Officer I's attendance at the Tactical Debrief is not required by the Department, his Commanding Officer discussed and documented the issue of utilizing seatbelts with Officer I. The BOPC determined this action appropriate and no further action is required.

3. Handling of Weapons

The investigation revealed that during the pursuit, Officer F maintained possession of his police rifle while seated in the passenger seat of his police vehicle. Additionally, Officers M and N placed their police rifles on the passenger seat of their respective police vehicles in order to allow immediate access to the weapons at the termination of the pursuit. The BOPC evaluated these actions and determined that based on the violent nature of the incident and the totality of the circumstances, these actions were reasonable. However, the officers are reminded of the inherent dangers associated with having an unsecured weapon in the passenger compartment of a police vehicle.

As Officer N's attendance at the Tactical Debrief is not required by the Department, his Commanding Officer discussed and documented the concern with Officer N. The BOPC determined this action appropriate and no further action is required.

4. Shotgun Manipulation

Once Officer L positioned himself on the northeast corner behind a metal pole that supported an overhang tri-light signal, he disengaged the safety mechanism and maintained his Department shotgun in a port arms position. As he ran toward the metal pole, Officer L recalled hearing, "...officers yelling, 'gun, gun.'"

Officer L turned and looked at the Subject, running quickly towards the front of his vehicle. He saw him go down as the shots were being fired and observed the Subject holding a gun or what he thought was a rifle.” Although there was an ever-present likelihood of an armed confrontation, Officer L should have ensured that the safety of his shotgun remained in the ‘on’ position until he was on target and ready to fire. Officer L is reminded that Department protocol is that the shotgun safety remains engaged until the sights are aligned on the target and the officer intends to fire.

5. Stable Shooting Platform

Officer M fired at the Subject while holding his handgun in his right hand and maintaining hold of his K-9’s collar with his left hand. According to Officer M, the first round he fired struck the front driver’s side headlight of Officer M’s vehicle.

K-9 officers are trained to control their K-9s with verbal commands and an electronic collar. However, in this instance, with the K-9 dog presented with so many stimuli simultaneously, including gunfire, officers yelling and police vehicle lights and sirens, Officer M’s action of maintaining physical control of the K-9’s action was reasonable.

Officer T observed the OIS in progress and deployed next to the front passenger quarter panel of a civilian’s van, directing the civilian to get down. In an attempt to make himself a smaller target, Officer T placed his left hand on the van and extended his right arm, firing at the Subject while holding his handgun in his right hand. Attempting to remove the occupant from the van and move him to a location out of harm’s way, Officer T’s position adjacent to the van provided minimal cover, resulting in Officer T firing with one hand.

As Officers M and T were faced with a deadly threat situation, their individual decisions to fire in the manner they did (single-handed) were reasonable. Nevertheless, Officers M and T are reminded of the importance of pistol grip and shooting stance.

6. Simultaneous Command (Conflicting)

As the Subject was laying on the ground with the rifle between his legs, numerous officers were reported yelling at the Subject, “Show me your hands” and “Don’t reach for the gun.” Sergeant A noted there were several officers giving commands to the Subject and directed Officer K to be the primary contact officer issuing verbal commands. The officers are reminded that multiple officers giving commands can lead to confusion for a subject and possibly result in non-compliance.

7. Stepping on a Subject

In order to maintain the Subject in a prone position and facilitate the handcuffing process, Officers M and Q used their feet to push him to the ground. Officer Q then maintained his left foot on the Subject's back to hold him down. The BOPC noted Officers M and Q were both exhibiting rifles; therefore, controlling the Subject manually would have required them to sling their rifles, thereby placing the arrest team at a tactical disadvantage. Nevertheless, due to the inherent tactical risks and negative public perception associated with stepping on a subject, this topic, along with those listed above, were discussed during the Tactical Debrief.

- 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 review of this incident, the BOPC analyzed many facts and circumstances of this case, focusing on the actions of each officer and supervisor. The BOPC noted several considerations regarding tactics as well as command and control.

In the BOPC's objective assessment of supervision during this incident, the BOPC commends the actions of Sergeant A for assuming a leadership role during the pursuit including controlling the number of directly involved units and his consideration of K-9 utilization.

Regarding Sergeants A and B, along with Officers E, F, G, H, J, K, L, Q and T, there were identified areas for improvement that neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conducting an objective assessment of this incident, the BOPC was critical of the decision by Officer M to not don his ballistic tactical vest. This decision was contrary to Department policy and left Officer M vulnerable and without vital equipment as the deadly confrontation unfolded.

The BOPC determined that the decision not to don the ballistic tactical vest substantially deviated from approved Department tactical training without justification and warrants Administrative Disapproval.

The BOPC found that Sergeants A and B, along with Officers E, F, G, H, J, K, L, Q and T's tactics warranted a Tactical Debrief and that the specific identified topics be covered. Officer M was also directed to attend the Tactical Debrief.

B. Drawing/Exhibiting

- Officers initiated a vehicle pursuit of an armed Robbery/GTA subject. Over the next approximately 62 minutes, the Subject failed to submit to arrest, and the pursuit continued through the City of Los Angeles. During the course of the pursuit, the Subject was observed possibly holding a handgun. Additionally, intelligence was obtained that the Subject was a named murder subject, possibly armed with an assault rifle, and that he would not be taken alive.

During the pursuit, circumstances occurred which made Officer H believe that the Subject was preparing to stop his vehicle and exit, resulting in Officer H drawing his service pistol on three or four occasions.

Officer H recalled that the Subject would slam on his brakes, and the officers were preparing to get out of the vehicle as quickly as we could to defend themselves.

The Subject ultimately collided with an uninvolved motorist. As Sergeants A and B, along with Officers M, J, G, H, T, F, E, K, L and Q took their positions around Subject's vehicle, they drew and/or exhibited their weapons.

After engaging Subject and exhausting all ammunition in his service pistol, Officer M's pistol went to slide-lock. With the Subject no longer firing, but not yet in custody, the tactical situation was still ongoing. Consequently, Officer M retrieved his police rifle from the front seat of his vehicle.

In evaluating the actions of the involved personnel, the BOPC took into consideration that they were aware that the Subject had committed a carjacking while armed with a handgun, was observed possibly holding a handgun during the pursuit and had displayed a propensity for violence. Additionally, due to the inherent dangers associated with conducting high risk vehicle stops and the tactical advantage possessed by the Subject, officers draw/exhibit their weapons in order to be prepared to respond to a potential deadly force situation.

Based on the totality of the circumstances, the BOPC determined that sworn personnel with similar training and experience as Sergeants A and B, along with Officers M, J, G, H, T, F, E, K, L and Q while faced with similar circumstances would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeants A and B, along with Officers M, J, G, H, T, F, E, K, L and Q's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- **Officer M** – Physical force.

- **Officer Q** – Bodyweight and Physical force.

In this instance, after the OIS, the Subject collapsed to the ground. The Tactical Flight Officer broadcast the following, “*Use caution...His gun looks like is possibly underneath him.*” An arrest team consisting of Officer M and additional officers, one of them being Officer Q, was formed and upon their approach they observed the Subject assuming a fetal position on his right side, with the AK-47 rifle maintained between his legs and the barrel of the rifle pointed in a southerly direction. The Subject was ordered to show his hands; however, he ignored the commands, rolling back and forth from his right side to his back and moving his hands in and out of view.

A tactical plan was devised to utilize a K-9 Direct Deployment and take the Subject into custody when his attention was diverted. Once the K-9 dog made contact with the Subject’s lower extremities the AK-47 rifle was moved away from the Subject’s reach. As the Subject was not searched, and he failed to place his front torso area in full contact with the ground, Officers M and Q used their feet to push the Subject into a prone position. Officer M stated he utilized one push, while Officer Q reported using three to four pushes with his foot. Officer Q then maintained his left foot on the Subject’s back to hold him down.

The BOPC determined that an officer with similar training and experience would reasonably believe that the force used to take the Subject into custody was justified and reasonable. In conclusion, the BOPC found Officers M and Q’s non-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

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

First Sequence of Fire

Officer G observed the Subject partially exit his vehicle and he appeared to be reaching back inside the vehicle. Officer G shouted, “*Show me your hands! Show me your hands!*” The Subject’s vehicle slowly rolled forward approximately one car length and then came to a stop. The Subject completely exited the vehicle and turned in a counterclockwise direction toward Victim A’s vehicle. As the Subject turned, Officer G observed that the Subject was armed with a rifle and the barrel was pointed at Victim A’s vehicle. In fear that Victim A, other officers, or himself were going to be shot by the Subject, Officer G fired two rounds from his service pistol in rapid succession at the Subject.

Second Sequence of Fire

The Subject moved northwest approximately 13 feet and collapsed on the street. The Subject rolled over on his back with his feet pointed toward the officers, raised

his rifle, pointed it at the officers and fired multiple rounds. In response, Officer G fired five more rounds in a northwest direction at the Subject from a distance of approximately 51 feet. The Subject stopped firing after Officer G fired his final round.

Officer G recalled that the Subject fell to the ground, but he still observed a muzzle flash, so Officer G believed he was directly shooting at he and his partners. As Officer G fired his five additional rounds, he heard a barrage of gunfire as well. He saw multiple more muzzle flashes coming from his rifle, and it looked to Officer G as though the weapon was pointed either directly at him or just maybe slightly to his left. Officer G continued firing until after the fifth round the gunfire stopped.

An officer with similar training and experience as Officer G, faced with similar circumstances, would reasonably believe that the Subject's actions presented an imminent threat of serious bodily injury or death and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer G's use of lethal force to be objectively reasonable and in policy.

- **Officer H** – (pistol, one round)

Officer H observed the Subject reach inside the driver area of his vehicle and when he exited the Subject was hunched over with his arms closer to his waistband. Simultaneously, Officer H heard the air unit's broadcast that the Subject had a weapon. The Subject then turned in a counterclockwise direction and raised his arm, pointing what Officer H believed to be a rifle at his fellow officers. Fearing his fellow officers' lives were in danger, Officer H fired one round at the Subject to stop his actions.

Officer H believed the Subject was going to shoot and kill his partners.

An officer with similar training and experience as Officer H, faced with similar circumstances, would reasonably believe that the Subject, who was in possession of an AK-47 rifle, presented an imminent threat of serious bodily injury or death to his fellow officers and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer H's use of lethal force to be objectively reasonable and in policy.

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

Officer K observed the Subject exit his vehicle and look in his direction with a facial expression Officer K described as a smirk. The Subject started to push his vehicle forward and both hands were concealed from Officer K's view. Officer K shouted, "Stop! Let me see your hands!" Based on the Subject's body position, Officer K

believed he was retrieving an unknown object from the interior of his vehicle. As the Subject exited, Officer K heard an unknown officer yell, "Gun!" approximately five times. The Subject lost his footing, fell to the roadway and from a seated position fired his AK-47 rifle at the officers to the south. Believing that the lives of his fellow officers were in jeopardy, Officer K fired eight rounds at the Subject to stop his actions.

Note: Officer K initially believed he fired five to six rounds, however, the physical evidence revealed he fired eight rounds.

An officer with similar training and experience as Officer K, faced with similar circumstances, would reasonably believe that the Subject, who was firing an AK-47 rifle at his fellow officers, presented an imminent threat of serious bodily injury or death. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

In conclusion, the BOPC found Officer K's use of lethal force to be objectively reasonable and in policy.

- **Officer L** – (shotgun, two rounds)

As Officer L redeployed to corner, he heard, "...officers yelling, 'gun, gun.'" Officer L turned his head to his left, observed the Subject running in a northerly direction while armed with what he believed to be a rifle, and heard shots being fired. Upon obtaining his position behind the pole, he observed the Subject fall to the roadway and due to the positioning of the disabled vehicles, the Subject was out of Officer L's line of sight. Shortly thereafter, Officer L obtained a visual of the Subject's head over the front hood of the Subject's vehicle and then heard gunshots emanate from the Subject's location. Believing his fellow officer's lives and the life of Victim A were in danger, Officer L fired two rounds at the Subject.

An officer with similar training and experience as Officer L, faced with similar circumstances, would reasonably believe that the Subject's actions presented an imminent threat of serious bodily injury or death and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer L's use of lethal force to be objectively reasonable and in policy.

- **Officer J** – (pistol, two rounds)

Officer J observed the Subject exit his vehicle and push it forward with his left hand as he reached into the driver side area of the vehicle with his right hand. The Subject stopped pushing the vehicle and made a concerted effort to remove an unknown object, which he appeared to be having difficulty removing. When the Subject succeeded in dislodging the item, Officer J observed the Subject exit his

vehicle with a rifle. Believing Victim A's life was in danger and that she was still in the car, Officer J fired two rounds at the Subject.

An officer with similar training and experience as Officer J, faced with similar circumstances, would reasonably believe that the Subject's actions presented an imminent threat of serious bodily injury or death and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer J's use of lethal force to be objectively reasonable and in policy.

- **Officer E** – (pistol, three rounds)

Officer E observed the Subject emerge from his vehicle with an AK-47 type rifle, walk northbound between the two vehicles and assume a kneeling barricade position behind the front driver side bumper of Victim A's vehicle. Hearing gunfire, Officer E believed he was being fired upon by the Subject, resulting in Officer E firing three rounds at the Subject to stop his actions. Officer E believed the Subject was trying to kill him and was shooting at him.

An officer with similar training and experience as Officer E, faced with similar circumstances, would reasonably believe that the Subject's actions presented an imminent threat of serious bodily injury or death and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer E's use of lethal force to be objectively reasonable and in policy.

- **Officer F** – (rifle, two rounds)

Officer F observed the Subject struggling to exit his vehicle as if he were possibly caught in the seatbelt. When the Subject ultimately emerged, he did so armed with a rifle. The Subject proceeded to raise it upward and pointed it toward the officers. Believing the Subject was about to fire at his fellow officers, Officer F fired two rounds at the Subject.

Note: Officer F believed he fired one round; however, the physical evidence revealed that he fired two rounds.

An officer with similar training and experience as Officer F, faced with similar circumstances, would reasonably believe that the Subject's actions presented an imminent threat of serious bodily injury or death and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer F's use of lethal force to be objectively reasonable and in policy.

- **Officer M** – (pistol, 12-14 rounds)

Officer M arrived at the termination of the pursuit, retrieved the K-9 dog and assumed a kneeling position at the front driver side quarter panel of his police vehicle with his service pistol drawn. The Subject emerged from between the Subject and Victim A's vehicles armed with an assault rifle. As Officer M maintained his left hand on the K-9 dog's collar, the K-9 dog began to lunge forward and bark. The Subject looked in Officer M's direction and began to raise his assault rifle toward him, resulting in Officer M firing 12 rounds at the Subject to stop his actions.

Note: Officer M believed he fired 14 rounds as his pistol went to slide lock; however, only 12 spent casings were recovered. The physical evidence could not definitively determine whether Officer M fired 14 rounds.

An officer with similar training and experience as Officer M, faced with similar circumstances, would reasonably believe that the Subject's actions presented an imminent threat of serious bodily injury or death and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer M's use of lethal force to be objectively reasonable and in policy.

- **Officer T** – (pistol, two rounds)

Officer T and his partner drove northbound as the OIS was unfolding. As they crested the hill, Officer T observed the Subject and Officer M exchanging rounds. Officer T stopped their vehicle approximately 27 feet south of Officer M's truck, both officers exited and drew their service pistols.

Officer T observed a small van parked to the north with a male occupant peeking his head up and down. Officer T moved forward and took cover behind the passenger side fender and engine block of the van and yelled at the male to get down. Meanwhile, the Subject continued firing at Officer M. Believing that his life, the lives of his fellow officers, as well as the life of the male in the van were in danger, Officer T fired two rounds at the Subject to stop his actions.

An officer with similar training and experience as Officer T, faced with similar circumstances, would reasonably believe that the Subject's actions presented an imminent threat of serious bodily injury or death and that the use of lethal force in order to stop the threat would be reasonable.

In conclusion, the BOPC found Officer T's use of lethal force to be objectively reasonable and in policy.