

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

OFFICER-INVOLVED SHOOTING – 063-16

Division Date Duty-On (X) Off () Uniform-Yes (X) No ()

Outside City 10/1/16

Officer(s) Involved in Use of Force Length of Service

Officer A 9 years, 10 months

Reason for Police Contact

Uniformed officers attempted to conduct a traffic stop of a vehicle with paper plates, but the vehicle fled and a short vehicle pursuit ensued. The Subject, who was one of the passengers, exited the vehicle while holding his waistband and fled on foot. During the foot pursuit, the Subject turned toward one of the pursuing officers armed with a handgun and an officer-involved shooting (OIS) occurred.

Subject(s) Deceased (X) Wounded () Non-Hit ()

Subject: Male, 18 years of age.

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 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 August 15, 2017.

Incident Summary

Uniformed Police Officers A, B, and C were assigned to conduct crime suppression. The officers were tasked with conducting pedestrian and vehicular code enforcement in high frequency crime areas in order to impact a rise in violent crime. Officer B was the driver of an unmarked hybrid police vehicle equipped with ballistic door panels. Officer A was the front passenger, while Officer C was the left rear passenger.

Officers A and B had been assigned as partners for approximately one year and routinely discussed tactics. The officers discussed tactics regarding pedestrian and traffic stops, and agreed in the event of a foot pursuit, Officers A and C would pursue on foot, while Officer B would remain in the vehicle and establish a perimeter.

Officers A, B, and C were exiting a parking lot when they noticed a vehicle, traveling toward them, containing three individuals. The rear windows were tinted. As the vehicle passed, the officers noticed the rear passenger window was down, and a male, the Subject, was seated in the rear passenger seat. The Subject looked in the officers' direction, appeared startled, and leaned forward toward the front passenger seat, as though he was trying to conceal something. Once the vehicle passed, the officers noticed the vehicle had a paper plate attached to the rear license plate holder, in violation of Vehicle Code (VC) Section 5200. According to Officer C, the paper plate looked "makeshift" and did not look like a dealership plate.

Note: Officers had recently received roll call training and crime updates regarding criminal activity where vehicles with paper plates were being utilized.

Officer A communicated his observations to Officers B and C and stated, "This guy's putting something under the seat." Based on the officers' training and experience, they believed that the Subject was attempting to conceal/discard weapons or contraband under the front passenger seat.

Officer B negotiated a right turn and began to follow the vehicle. Officer B activated the interior forward-facing emergency red light and siren to initiate a traffic stop for the observed Vehicle Code violation and to investigate the Subject's suspicious behavior. The vehicle continued south, decreased its speed, and began to pull over. According to Officer A, the officers discussed the possibility of the occupants concealing/discard contraband, narcotics, or weapons. Officer B believed the Subject was either arming himself or placing a firearm under the seat.

The vehicle negotiated a right turn into a parking lot, and the officers agreed on a plan to extract the occupants out of the vehicle due to the Subject's furtive movements. Suddenly, the vehicle accelerated and traveled through the parking lot. The vehicle then turned into an alley and traveled along the alley, reaching speeds of approximately 35 to 50 miles per hour.

At one point in the alley, the Subject opened the rear passenger door and looked back in the direction of the officers. The officers discussed a plan that if the Subject exited with a handgun, they would focus their attention on him. However, if it appeared the Subject was not armed, they would continue in the pursuit of the vehicle.

Officer A, believing the vehicle was stolen due to the attached paper plates and Subject's movements, broadcast that he was in pursuit of a possible stolen vehicle and that it appeared as if the Subject was going to run. Officer A also provided his location and indicated that the Subject in the rear was possibly armed. Officer A further broadcast that there was a total of three occupants in the vehicle. Moments later, the Subject closed the door and the pursuit continued through a residential community for a half a mile.

Communications Division (CD) broadcast to all units the pursuit information and requested additional resources to assist the officers.

The vehicle then slowed, at which time the Subject re-opened the rear passenger door as the vehicle approached another alley. Officer A broadcast that the Subject appeared to be about to exit the vehicle and provided his location. The Subject exited as the vehicle was moving at approximately 5 mph, fell onto the pavement, and immediately got to his feet. The Subject ran south and then entered the alley, while holding his waistband area.

Officers A, B, and C elected to pursue the Subject, believing his actions were consistent with an individual concealing a firearm. The vehicle, meanwhile, continued in a different direction.

Officer B stopped the police vehicle as Officer A exited and took a position at the alley. Officers B and C maintained their positions inside the police vehicle and followed the Subject into the alley. According to Officer B, the officers' intent was to track the Subject and contain him within a perimeter since they were a three-man unit.

As the Subject ran down the alley, Officer A could see him manipulating an object with his left hand. Officer A repositioned himself and observed the Subject holding onto a black grip of a handgun. According to Officer A, he then notified CD that he was in foot pursuit and that the Subject was armed with a gun.

Note: The police radio did not capture the broadcast.

According to Officer C, as the Subject ran down the alley, he noticed his left hand was free and right arm was up toward his front waistband area.

The Subject ran to the rear of an apartment complex, and then through the complex. When the Subject entered the apartment complex, Officer C saw the Subject with a handgun in his left hand and told Officer B. According to Officer B, he saw the Subject

remove the gun with his right hand from his right pocket and transition the gun to his left hand.

Officer B stopped the police vehicle in the alley to the rear of the apartment complex. Officer C exited and told Officer B to proceed up the street to contain the Subject within a perimeter. Officer C then pursued the Subject on foot through the apartment complex, as Officer B remained in the police vehicle and accelerated toward the next street.

Once the Subject began running through the complex, Officer A repositioned himself to a nearby corner in order to keep eyes on the Subject and continue containment while waiting on other officers. Officer A observed the Subject running across the street and noticed that the front passenger of the vehicle they had been pursuing was running down the street.

Unbeknownst to the officers, the driver of the vehicle had stopped the car and allowed the front passenger to exit. The driver then drove away. When Officer C arrived at the front of the apartment complex, he collided with the front passenger, who ran into the same apartment complex. Not realizing who the individual was, Officer C continued to focus on where the Subject had gone.

Note: Force Investigation Division detectives were unable to identify this individual who was seated in the front passenger seat. Video surveillance footage captured the collision.

Officer A broadcast that the Subject had exited the vehicle and provided a location and description. After the Subject crossed the street, he entered a shopping center parking lot, with the handgun in his left hand. Officer A ran along the street as Officer C ran toward the shopping center.

According to Officer C, Officer A told him the Subject's location within the shopping center, and Officer C then told Officer A that the Subject was armed with a handgun.

Video surveillance cameras captured the Subject on the sidewalk in the shopping center with the handgun in his left hand at waist level. The Subject slowed his pace, concealed himself behind a vehicle and began to scan the area.

At that point in time, Officer B, with the police siren activated, stopped at the entrance of the shopping center. Officer B stated he did not observe the Subject inside the shopping center.

Suddenly, the Subject turned and ran along a walkway, away from where Officer B had stopped his police vehicle. Officer C saw the Subject running with his left hand inside his sweatshirt. Officer C unholstered his service pistol, entered the parking lot, pointed his weapon at the Subject, and ordered him to stop. The Subject ignored Officer C's commands, returned the handgun to his front waistband area and ran up a set of stairs. Officer C ran through the parking lot and followed the path of the Subject.

As the above occurred, Officer A saw that the Subject still had the handgun in his front waistband. Officer A stated he was shocked the Subject still had the handgun in his possession. According to Officer A, in his experience, most suspects discard the weapon at some point while fleeing, so he became startled/scared that the Subject was still holding onto the gun.

Video surveillance cameras captured Officer A unholster his service pistol, point his weapon in the Subject's direction, and run down the middle of the street, utilizing vehicles parked at the curb as cover. Officer C trailed behind the Subject on the sidewalk. The video captured the Subject running while holding the left side of his waistband area. Meanwhile, Officer B lost sight of Officers A and C.

Note: Video surveillance cameras captured Officer A running with the police radio in his left hand. No broadcasts were captured during this time. Officer A could not recall when he unholstered his service pistol.

Officer A verbalized and ordered the Subject to get on the ground as Officer C continued to order the Subject to stop. The Subject ignored the officers' commands and continued running. After running past a few homes, the Subject slowed his pace and then ran down a driveway toward a backyard.

Officer A indicated he entered the driveway, believing the Subject might attempt to enter a residence armed with a handgun and possibly cause harm to a person. The officers still had their service pistols unholstered as Officer A continued to order the Subject to stop, drop his weapon, and to show his hands. The Subject did not comply. Officer C stated he was 15 to 20 feet behind Officer A when Officer A entered the driveway.

The Subject approached a metal gate located on the side of the residence and removed the handgun from his left front waistband area with his left hand. Suddenly, the Subject turned his upper torso toward his left and looked over his left shoulder toward Officer A. Officer A stopped and fired three rounds at the Subject from approximately 35 feet away. The decision to fire was influenced by Officer A's belief that the Subject was attempting to acquire a target and was going to fire at him. Officer A indicated he was unsure if the Subject was struck by gunfire. The Subject continued toward the metal gate.

Note: The metal gate was covered with a metal mesh and was transparent during daylight hours. At the time of the first OIS, the Subject was approximately four feet from the gate. Officer C was on the front lawn of the residence, approximately 18 feet from Officer A. Officer C observed the OIS and the Subject's actions, which were consistent with those described by Officer A.

The Subject arrived at the metal gate, scaled it, and was then in the rear yard of the residence. The Subject landed and was still armed with a handgun in his left hand. The

Subject took a few steps, turned his upper body toward his right, and looked over his right shoulder, making eye contact with Officer A. Simultaneously, the Subject raised the handgun with his left hand. Officer A stopped and fired three additional rounds at the Subject from an approximate distance of 26 feet. The decision to fire a second time was because Officer A believed that the Subject was attempting to acquire a target and was going to fire at him. Officer A indicated he was unsure if the Subject was struck by the gunfire.

Note: Six expended cartridge cases were recovered from a planter and driveway area of the residence. It was determined the six cartridge cases were fired from Officer A's service pistol. There were six impacts caused by six projectiles. The trajectory was consistent with the position of Officer A at the time of the OIS.

At the time of the second OIS, Officer C was in the driveway of the residence, approximately 20 feet from Officer A. Officer C observed the OIS and the Subject's actions, which were consistent with those described by Officer A.

The Subject continued along a walkway then through the rear yard, at which time Officers A and C lost sight of him. Officer A holstered his service pistol, backed out of the driveway, and broadcast his location.

Note: According to Officer A, he advised CD he needed help and that gunshots had been fired. The radio frequency did not capture any reference of a help call or shots being fired. The investigation determined that the foot pursuit lasted approximately 1 minute and 7 seconds.

Officer A redeployed and took a position along the side of the residence to prevent the Subject from continuing through the houses, while Officer C was on the other side of the residence in the driveway of an adjacent residence. Officer A attempted to establish a perimeter. Simultaneously, a large group of people approached and gathered in front of the residence, while others entered the driveway. The group began to scream and yell profanities toward Officer A. Officer A broadcast that he needed help for a group causing a disturbance.

In the interim, Officer B was driving toward the other officers' location when he heard one gunshot. Officer B stopped and parked his police vehicle across a driveway then exited his vehicle and momentarily met with Officer A. Officer A advised Officer B that the Subject had jumped a fence and pointed in that direction.

Officer A returned to the driveway where the shooting occurred and met with Officer C. Officer A then heard moaning coming from the rear yard of the residence.

Officer C, believing there was some danger to people in the backyard and possibly a hostage situation, holstered his service pistol to scaled the metal gate. Officer C scaled

the metal gate, entered the rear yard, and unholstered his service pistol a second time. Officer A followed Officer C, scaling the metal gate and then unholstering his service pistol.

Note: Officer A stated it was imperative that the officers enter the rear yard due to the hostile crowd gathering and to ascertain if anyone was in danger.

Officers A and C walked a short distance and entered the rear yard. Officer C held his position as Officer A proceeded along the backyard. Officer B walked down the driveway of a nearby residence and climbed onto the roof. Officer B stated he got on top of the roof to track the Subject and contain him within a perimeter. Officer C left his position and climbed onto the roof, joining Officer B.

Note: Officer B stated he did not unholster his service pistol at any time during this incident.

Officer A heard moaning and observed the Subject's upper torso as he was lying face down in the threshold of a doorway of a laundry room. Officer A ordered the Subject not to move and to show his hands. The Subject made his hands visible, at which time Officer A holstered his service pistol, approached, and handcuffed the Subject's hands behind his back. Officer A then advised Officer C that the Subject was in custody. Officer C climbed down from the roof and into the backyard.

Note: Officer A could not recall if additional officers assisted him in the handcuffing process. The investigation determined Officer A solely handcuffed the Subject.

Other officers arrived at the scene and were directed to Officer A's location. Officer D stated he observed Officer A inside the doorway of the laundry room with the handcuffed Subject. Officer D asked Officer A what assistance he needed and was advised to assist in removing the Subject from his position in the doorway. Officer A then advised Officer D that a pistol was on the ground and pointed toward the gun. Officer D observed the pistol lying on the ground, in the corner of a laundry room, adjacent to a dryer.

Note: The firearm was recovered and examined by Forensic Science Division (FSD). The pistol was loaded with nine cartridges in the magazine, and the pistol's chamber was loaded with an unfired cartridge.

Officer D approached the Subject, placed both hands on the back of his shirt, and moved the Subject out of the doorway. Officer E immediately assessed the Subject's vitals and attempted to render medical aid.

Simultaneously, Officer A broadcast that the Subject was in custody and requested a Rescue Ambulance. Los Angeles County Fire Department (LACFD) personnel arrived

at the scene. The Subject did not respond to medical treatment and was pronounced deceased.

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 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 Officers A, B, and C's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Officers A and C'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

- The officers observed a vehicle on the roadway without license plates in violation of California Vehicle Code section 5200(a) and decided to conduct a traffic stop on the vehicle for the violation. When the officers attempted to stop the vehicle, the driver failed to stop in violation of California Vehicle Code section 2800.2.

Based on their training and experience, the officers initiated a vehicle pursuit for a possible stolen vehicle. During the vehicle pursuit, the driver pulled into an alley and the Subject exited the vehicle holding his waistband. The officers formed the opinion that the Subject was possibly armed with a handgun and pursued him on foot. During the foot pursuit, the officers observed the Subject holding a handgun, gave him commands to stop, and attempted to detain him. 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 officers were faced with a rapidly unfolding tactical situation when the Subject exited the vehicle with his hands concealed in his waistband and fled on foot. During the foot pursuit, the officers observed the Subject holding a handgun and attempted to get the Subject to surrender by ordering him to stop. The Subject failed to comply and then turned toward one of the officers with a handgun in his hand. Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the immediate deadly threat and apprehend the Subject.

A. Tactics

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

1. Additional Unit Request

Officers A, B, and C did not request an additional unit or back-up prior to attempting a traffic stop on a vehicle with an occupant they believed to be possibly armed with a firearm.

Although officers are given discretion regarding the appropriate time to broadcast, a request for an additional unit or back up would have been tactically advantageous based on the officers' belief that the Subject was possibly armed with a firearm.

In this case, the officers had a reasonable belief that the Subject was armed with a firearm prior to initiating the traffic stop. Although the officers had formulated a tactical plan to have the occupants exit the vehicle, rather than approaching the vehicle on foot, it would have been tactically advantageous to request the assistance of an additional unit prior to initiating the traffic stop.

Based on the totality of the circumstances, the BOPC determined that, in this instance, the officers' decision to initiate the traffic stop prior to requesting an additional unit was not a substantial deviation from approved Department tactical training.

2. Separation – Clearing Vehicles (Substantial Deviation – Officers A, B, and C)

Officers A, B, and C separated while in foot pursuit of an armed suspect.

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.

In this case, the officers were each separated by a distance of one block in order to establish containment of an armed suspect and then lost sight of each other when one of the officers decided to pursue the Subject as he ran through a walkway. As a result, the officers were not in a position to render aid to each other if faced with a deadly threat.

Based on the totality of the circumstances, the BOPC determined that the officers' separation was a substantial deviation, without justification, from approved Department tactical training.

3. Pursuing Armed Suspects

Officers A and C pursued a suspect armed with a handgun in apprehension mode.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

In this case, the officers initially attempted to contain the Subject, who was armed, until he entered a busy shopping area while armed with a handgun. Concerned for the public's safety, they pursued the armed Subject, believing if apprehension was delayed, the Subject could cause serious bodily injury or death to people in the area.

Based on the totality of the circumstances, the BOPC determined that the officers' actions were reasonable. Their decision to pursue the Subject was in the best interest of public safety and, therefore, not a substantial deviation from approved Department tactical training.

4. Contact and Cover – (Substantial Deviation – Officers A and C)

Officer A holstered his service pistol and handcuffed the Subject, who he knew was possibly armed, without the support of a cover officer.

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

After entering the rear yard of the residence, Officers A and C did not define their roles of contact and cover officer. Officer A conducted a search for the Subject, while Officer C took a different position, away from Officer A. Meanwhile, Officer A located the Subject in the laundry room at the rear of the residence and took him into custody without the benefit of cover from Officer C.

Based on the totality of the circumstances, the BOPC determined the officers' actions substantially, and unjustifiably, deviated from approved Department tactical training.

These topics will be discussed at the Tactical Debrief.

- The BOPC additionally identified the following:

1. Running with Service Pistol Drawn

The investigation revealed that Officers A and C pursued the Subject with their service pistols drawn. The officers are reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol.

2. Help Call Broadcast

The investigation revealed that after the OIS, Officer A broadcast a Help Call for a disorderly group without mentioning that shots had been fired and an OIS had occurred. As a result, the responding officers were unaware that an OIS had occurred. Officer A will be reminded of the importance of broadcasting all pertinent information so responding units are aware of the seriousness of the situation and will be able to provide the best assistance upon their arrival.

- 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 this case, there were identified areas where improvement could be made and 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.

In conclusion, the BOPC found Officers A, B, and C's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- According to Officer A, he observed the Subject approach a fence, remove his handgun from his waistband with his left hand, and start to turn to his left. Fearing the Subject was going to shoot him or kill him, he drew his service pistol.

According to Officer A, he holstered his service pistol after the OIS and then re-drew his service pistol after he jumped over the fence to search for the Subject.

According to Officer C, he observed the Subject with a black handgun in his left hand and drew his service pistol as he crossed a street in pursuit of the Subject.

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

C. Lethal Use of Force

- **Officer A** (pistol, six rounds)

First Sequence

According to Officer A, as he was in foot pursuit he observed the Subject remove a handgun from his waistband and begin to turn in his direction. Fearing the Subject was going to try to shoot him, he fired three rounds at the Subject to stop his actions.

Officer A recalled that due to his concern for the safety of the public, he continued to follow the Subject, at which point he entered the driveway. Officer A recalled that as the Subject got to the fence area of the driveway leading to the rear yard, the Subject removed his handgun from his waistband and started to turn towards him. Officer A stated that he feared the Subject was going to try to shoot at him or try to kill him. According to Officer A, as the Subject was still turning, he fired three rounds.

Second Sequence

According to Officer A, the Subject jumped over the fence. Officer A then observed the Subject turning toward him and begin raising the handgun with his left hand. Fearing for his safety, he fired three additional rounds at the Subject to stop his actions.

According to Officer A, the Subject continued running through the residence and then jumped over the fence. While on the other side of the fence, Officer A could see the Subject looking back at Officer A while attempting to bring up the gun again

with his left hand. At that time, again in fear for his life and wanting just to stop his actions, Officer A fired three rounds.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's 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 use of lethal force to be in policy.