

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

OFFICER-INVOLVED SHOOTING – 065-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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Southeast	8/6/15		
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Officer(s) Involved in Use of Force	Length of Service
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Detective A	19 years, 9 months
Officer A	8 years, 10 months

Reason for Police Contact

Officers observed Subject 1 shooting a pistol in the street. The officers followed Subject 1 and an officer-involved shooting occurred.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 1 Male, 20 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 of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees. The following incident was adjudicated by the BOPC on July 19, 2016.

Incident Summary

Detective A was in a plain police vehicle with Officers A and B. Detective B was in a plain police vehicle with Officer C while Officers D and E were also driving a plain vehicle. Officer C observed two males running in the vicinity of a fast food restaurant. He alerted his colleagues to this fact via the radio.

Detective A and Officers A and B made their way to the location and pulled alongside the curb near to the restaurant. The officers attempted to monitor the area.

As Detective A and Officers A and B were parked along the curb they observed Subject 1 stood in the street near the fast food restaurant, pacing back and forth.

Note: Security video footage from the restaurant captured Subject 2 approach a vehicle which was at the drive-through window of the restaurant. According to Victim A, Subject 2 bent down next to the passenger side window of the vehicle and asked him, "What's up man." Subject 2 then opened his shirt and exposed a rifle. Fearing he was about to be robbed or shot, Victim A accelerated his vehicle away at speed. As Victim A fled south, Subject 2 ran south in the driveway of the restaurant and appeared to fire at Victim A with the rifle. Subject 2 then ran back through the parking lot of the fast food restaurant. This was not witnessed by the officers.

Simultaneously Detective A and Officers A and B pulled away from the curb and drove south to reposition themselves closer to the restaurant. As Officer A drove toward the fast food restaurant, he observed an unknown male wearing a white and brown plaid shirt fall into the street. Officer A's attention was then quickly drawn to Subject 1, who was standing on the street corner outside the fast food restaurant. Officer A observed Subject 1 holding a silver-colored pistol in his right hand, with his arm extended, pointed in a westerly direction. According to Officer A, he observed Subject 1 "ducking" down and the pistol move backward twice and believed Subject 1 was firing his weapon. Officer A immediately yelled out, "Right there, he's shooting, he's down."

Subject 1 then ran across the street in a northwest direction, to a north/south alley, while holding the pistol in his right hand and looking over his right shoulder.

Detective A and Officers A and B followed Subject 1 in an attempt to set up a perimeter and contain him. Officer B broadcast over the radio that he required back-up for a shooting suspect and gave Subject 1's location and description.

Detective A and Officers A and B drove into the north/south alley and followed Subject 1 in their vehicle from a distance of approximately 15-20 yards. Subject 1 then ran west in an east/west alley, while still holding the pistol. Officer A momentarily lost sight of

Subject 1 and slowed their vehicle down while approaching the east/west alley in case Subject 1 was waiting for them with his gun.

As Subject 1 ran west in the alley, he climbed over the chain-link fence of a backyard. As Subject 1 did so, he caught the front of his pants on top of the fence, causing him to become hung-up on the fence.

After Officer A made the turn and drove west in the alley, the officers lost sight of Subject 1. As they approached the chain-link fence where Subject 1 had climbed over, Officer A observed the fence, which was covered with green corrugated fiberglass panels, moving. Officer A began to bring the vehicle to a stop and advised Detective A and Officer B that Subject 1 had climbed over the fence. As Officer A was preparing to put the vehicle into park, he looked to his left through the closed driver side window, at the fence where he believed Subject 1 had climbed. Officer A immediately observed Subject 1's left hand on top of the fence holding a pistol that was canted and pointed in his direction.

Officer A believed he was going to get shot, because the gun was pointed right at him. Officer A unholstered his service pistol and discharged two rounds in rapid succession at Subject 1 through his driver side window, causing the window to shatter.

Simultaneously, as the vehicle came to a stop, Detective A heard a gunshot and was uncertain if Officer A or Subject 1 had fired. As Detective A exited the left rear passenger door, he saw Subject 1 on top of the chain link fence holding a pistol, with his arm extended out, pointed in his direction. Detective A unholstered his pistol, pointed it at Subject 1 and yelled at him to drop the gun. Subject 1 did not comply with his command and, fearing that he was about to be shot, Detective A fired three rounds at Subject 1. At the same time, Officer B exited the right rear passenger door, unholstered his pistol and held it with his right hand in a low-ready position while holding his radio in his left hand.

According to Detective A, as he fired his third round, Subject 1 fell slightly behind the green fiberglass panels, out of his view. Detective A then observed something fall to the ground, which he quickly identified as Subject 1's pistol.

Detective A directed Subject 1 to keep his hands where they could see them and told him not to move. Officer B then broadcast a help call. Officers subsequently got Subject 1 down from the fence and handcuffed him

Detective A broadcast a request for a Rescue Ambulance (RA). A Los Angeles Fire Department RA unit responded to the scene, treated the Subject for gunshot wounds, and transported him to a local hospital.

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 Detective A and B's tactics to warrant Administrative Disapproval. Officers A and B tactics were found to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Detective A and Officer A'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. Code Six

Detectives A and B did not advise Communications Division (CD) of their Code Six location

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

The BOPC determined that Detective A and B's failure to ensure their personnel went Code Six was a substantial deviation without justification from approved Department tactical training.

2. Back Up / Help Call

Detective A and Officers A and B requested Back-Up for a suspect that they knew was armed with a handgun and had likely just fired the weapon.

Although officers are given discretion regarding the appropriate time to broadcast a request for additional resources based on the ongoing tactical situation, it would have been tactically advantageous for Officer B to broadcast a Help Call when he observed the suspect armed with a handgun in order to alert responding personnel of the seriousness of the incident.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions did not substantially deviate from approved Department tactical training.

3. Pursuing Armed Suspects

Detective A and Officers A and B pursued Subject 1, whom they knew was armed with a handgun.

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, Detective A and Officers A and B were in plainclothes in an unmarked vehicle when they observed Subject 1 armed with a handgun and began to follow him as he fled from the area. Although Officer B indicated that they were approximately 15 to 20 yards away from Subject 1 and that the officers indicated they were only tracking the suspect until they could establish a perimeter, in this circumstance it would have been more tactically prudent for the officers to hold their position and go into containment mode.

It is the BOPC's expectation that officers are decisive in their actions during a rapidly unfolding, life-threatening situation while taking into consideration police work is inherently dangerous. In this case, the officers were attempting to minimize the continued threat to the public while dealing with a fleeing armed suspect.

Based on the totality of the circumstances, the BOPC determined, that the actions of Detective A and Officers A and B were reasonable and not a substantial deviation from approved Department tactical training.

4. Tactical Vehicle Deployment

Officer A stopped their police vehicle next to where he believed Subject 1 had climbed over the fence.

Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner, keeping officer safety in mind at all times. Officers when faced with an ongoing tactical situation must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

Officer A stopped the police vehicle where he last observed Subject 1 climbing over a fence with the intent of establishing a perimeter in order to contain the suspect. However, unbeknownst to Officer A, Subject 1's pants had become caught on the top of fence thus preventing him from being able to touch the ground or get down off the fence.

The BOPC was particularly critical of Detective A, the supervising officer, who was in the vehicle with Officer A. The BOPC concluded that Detective A had a responsibility to prevent Officer A from continuing to follow the armed suspect further into the alley.

In this incident, it would have been tactically prudent for Officer A to stop the vehicle, further away from Subject 1's last known whereabouts in order to prevent placing himself or his partners at a tactical disadvantage.

- The BOPC additionally considered the following:
 1. Target Selection – According to Officer A, as he engaged Subject 1 with his service pistol he fired his weapon at the gun Subject 1 was holding in his hand, instead of aiming at the largest target, as officers are trained.
 2. Holding Service Pistol in Right Hand and Hand-Held Radio in Left Hand – Officer B drew his service pistol in his right hand while holding his hand-held radio in his left hand. Officers are reminded the tactical disadvantage of having a service pistol in one hand and an additional piece of equipment in the other hand.

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 that the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this incident, the BOPC found that the approval of a tactical plan without designated roles and responsibilities, coupled with the lack of sufficient supervisory oversight in the field by Detectives A and B as the incident unfolded was a substantial deviation without justification from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the BOPC found that Officers A and B's tactics did not substantially deviate from approved Department tactical training.

B. Drawing/ Exhibiting

According to Officer A, as he was preparing to place the vehicle in park, he looked up at the fence and observed Subject 1 holding a gun in his left hand, pointing it right at him and drew his service pistol.

According to Detective A as he exited the rear driver's side door he observed Subject 1 at the top of the chain linked fence pointing a handgun at him and drew his service weapon into a two handed grip.

According to Officer B, he heard a gunshot as he exited the vehicle and immediately drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective A and Officers A and B while faced with similar circumstances, would reasonably believe that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Detective A and Officer A and B's Drawing/Exhibiting to be In Policy.

C. Lethal Use of Force

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

Officer A observed Subject 1 holding a gun in his left hand pointing it right at him. Fearing that he was about to get shot, Officer A drew his service pistol and fired two rounds through the front driver's side window at the direction of Subject 1's gun to stop the threat.

Detective A – (pistol, three rounds)

Detective A drew his service pistol into a two handed grip and ordered Subject 1 to drop the gun. Subject 1 did not comply with his commands. Detective A then fired three rounds at Subject 1 to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective A and Officer A would reasonably believe that Subject 1's actions of pointing a handgun in their direction presented an imminent threat of death or serious bodily injury and therefore, the Use of Lethal Force would be objectively reasonable.

In conclusion, the BOPC found Detective A and Officer A's Use of Lethal Force to be objectively reasonable and In Policy.