

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

OFFICER-INVOLVED SHOOTING – 069-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
77 th Street	7/28/13		

Officer(s) Involved in Use of Force	Length of Service
Officer A	8 years, 5 months

Reason for Police Contact

Officers were inside their vehicle at a stoplight when they observed the Subject crossing the street armed with a shotgun.

Suspect	Deceased ()	Wounded ()	Non-Hit (X)
Subject: Male, 31 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 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 15, 2014.

Incident Summary

Uniformed Officers A and B were in an unmarked police vehicle. Officer B was the driver and Officer A was the passenger. The officers had two civilian advocate volunteers in the back seat. Witness A was seated in the left rear seat and Witness B was seated in the right rear seat. Witnesses A and B were trained to assist and counsel victims of Domestic Abuse and respond to calls when officers at scene determined that it was safe for them to proceed.

The officers were stopped at an intersection for a red tri-light. The officers' vehicle was the third vehicle behind the limit line. Officer A saw the Subject walking south on the crosswalk. The Subject wore a long black overcoat and was holding what appeared to be a shotgun in his right hand. The shotgun barrel was pointed downward. As Subject walked across the street, Officer A's view of the Subject was partially obstructed by the vehicles that were stopped in front of him at the red tri-light. As the Subject reached the southwest corner, Officer A could clearly see that the Subject was armed with a shotgun. Officer A directed Officer B's attention toward the Subject and told him that the Subject was armed with a shotgun.

Officer B watched the Subject as he crossed the street. Looking closely, he saw that the Subject was armed with a shotgun. Officer B immediately placed the vehicle in park and started to get out while simultaneously drawing his pistol. Officer A exited the police vehicle and also drew his pistol. Both officers believed they were encountering a deadly force situation. The Subject rapidly walked toward a gas station. Officer A believed that the Subject was heading to the convenience store located within the gas station to rob someone.

Officer A identified himself as a Police Officer and ordered the Subject to drop the gun. The Subject turned his upper body to the right and toward Officer A, and then pointed the shotgun in Officer A's direction. Officer A believed the Subject was going to shoot and kill him. The Subject ran in a southeast direction through the gas station while continuing to point the shotgun at Officer A. Officer A fired two shots at the Subject from an approximate distance of 53 feet. The Subject dropped the shotgun and continued to run in a southeast direction, followed by Officers A and B.

Meanwhile, as Officer B got out of the police vehicle, he heard Officer A yell, "stop" and "drop the gun." Immediately after those commands, he heard two shots fired. Officer B did not see the Subject point the shotgun in the direction of Officer A, himself or Witnesses A and B. According to Officer B, it had taken him a second or two to get out of the vehicle and he had lost sight of the Subject for a second to a second and a half. As he got out of the vehicle and started to come up to get out of the car, he heard two shots. Officer B did not know who fired the shots. After he heard the shots, he heard a clank noise and saw a shotgun on the ground. Officer B broadcast an officer needs help call as he and Officer A continued running after the Subject. Officer A continued chasing the Subject because he heard Officer B's broadcast. According to Officer B, he was approximately 20 to 30 feet behind Officer A.

As the Subject ran, he removed his black overcoat and dropped it to the ground within the service area of the gas station. Both officers continued to chase the Subject. When the Subject reached the next street, he turned westbound. Officer A looked behind him and made sure that Officer B was still running behind him.

As Officer A approached the corner, he made a wide turn and looked westbound and then holstered his pistol. He saw the Subject continuing to run westbound and then northbound over an eight-foot wrought iron gate that secured a north-south alley. Officer B did not see the Subject again once the Subject ran westbound. After losing sight of the Subject, he holstered his pistol. Officer A ran to the north-south alley followed by Officer B.

Officer A saw the Subject run westbound through the east-west alley and heard the Air Unit broadcast that they were overhead. Officer A advised the Air Unit that the Subject was last seen running westbound through the east-west alley. The Air Unit acknowledged that they could see Officer A and the Subject.

Officer A told the Air Unit to maintain visual contact on the Subject because he was going back to secure the Subject's shotgun. Officer A feared that somebody would pick up the shotgun. He told Officer B that they had to protect the evidence at the gas station. Officer A ran back to the gas station.

Witness A had driven the police vehicle closer to the officers' location. Officer B saw Witnesses A and B waiting in their police vehicle and ran toward it. Witness A moved back to the left rear seat and Officer B drove the police car back to the gas station.

As the perimeter was established and the crime scene was secured, uniformed Sergeant A arrived at scene and advised Officers A and B not to discuss the incident and separated them.

The Subject evaded arrest the night of the incident, but was apprehended several days later.

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 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 made the following findings.

A. Tactics

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

B. Drawing/Exhibiting

The BOPC found Officers A and B'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

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 1. Broadcasting status and location

Officers A and B did not broadcast their location upon observing the Subject in possession of a shotgun. Officers are required to balance officer safety considerations against the need to make a timely broadcast. That being said, officers must be afforded some discretion in determining the appropriate time to make their broadcast. Department tactical training allows for officer safety concerns to take precedence over making an immediate broadcast.

In this circumstance, Officer A observed the Subject walking across the street. Officer A observed the Subject was possibly holding a shotgun under his overcoat. Upon taking a closer look, Officer A verified that the Subject was armed with a shotgun and notified Officer B. Officer A exited his police vehicle and drew his pistol, at which time the Subject picked up his pace and rapidly walked toward a gas station mini-mart. Officer A immediately identified himself as a police officer while the Subject walked toward the mini-mart.

Simultaneously, Officer B had placed the police vehicle in park, exited the vehicle, drew his pistol, and heard two shots. Officer B observed that Officer A was going in a foot pursuit of the Subject and immediately conducted a help call advising CD of their location, and initiated a foot pursuit broadcast.

The BOPC assessed Officer A's decision not to broadcast their status and location. After careful consideration, the BOPC concluded that Officer A was attempting to determine if the Subject was armed with a shotgun. When Officer A realized that the Subject was armed he immediately notified Officer B of his observations. Officer A observed the Subject walking at a fast pace toward people in the gas station parking lot and mini-mart while armed with a shotgun.

Consequently, Officer A remained focused on the Subject and immediately exited the police vehicle while identifying himself as a police officer. Based on the totality of the circumstances, the BOPC concluded that Officer A's decision not to broadcast their location was a substantial deviation from approved Department tactical training; however, it was justified due to the rapidly unfolding tactical situation wherein there was an imminent threat of death or serious bodily injury to others.

The BOPC also discussed Officer B's decision to forgo the broadcast. After careful consideration, the BOPC determined that Officer B immediately responded to Officer A's notification of the armed subject by placing the police vehicle in park and exiting the police vehicle to address the threat. Almost simultaneously, Officer B heard two shots and observed Officer A in foot pursuit of the Subject. As a result, Officer B conducted a help request and foot pursuit broadcast.

Based on the totality of the circumstances, the BOPC determined Officer B's decision not to immediately broadcast their location was a substantial deviation from approved Department tactical training; however, it was justified based on the imminent threat and the fact that Officer B immediately notified CD within seconds of exiting from the police vehicle.

In conclusion, although Officers A and B's decision to not broadcast a location was a substantial deviation from approved Department tactical training, it was justified and consistent with the BOPC's expectations that officers maintain a tactical advantage.

2. Foot Pursuit Tactics

Officers A and B utilized exceptional tactics while conducting a foot pursuit of an armed subject. As a result, Officers A and B were able to contain the Subject while coordinating the responding resources for the perimeter with the assistance of the Air Unit.

Officers are encouraged to utilize sound tactics while dealing with armed suspects. Moreover, the foot pursuit tactics employed by officers can enhance the possibility of apprehension via a successful containment. In this circumstance, Officers A and B worked together for several months and had previously discussed foot pursuit tactics on several prior occasions.

Additionally, Officers A and B utilized sound tactics by remaining in close proximity of each other while pursuing the Subject on foot. The Subject subsequently entered the fenced off alley, wherein Officer B coordinated the response of the responding units to complete the perimeter.

Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, oftentimes, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents. Therefore, the BOPC directed that the topic of foot pursuit tactics be discussed during the Tactical Debrief.

- The evaluation of tactics requires 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 conclusion, the BOPC determined that Officer A and B's tactics warrant a Tactical Debrief.

B. Drawing and Exhibiting

- Officers A and B were stopped at a red tri-light behind two vehicles when they observed the Subject walking in the crosswalk, armed with a shotgun. Officers A and B drew their pistols.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A and B, while faced with 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.

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

C. Lethal Use of Force

- **Officer A** - two rounds, pistol

Officer A observed the Subject running southbound through the gas station while armed with a shotgun. Moments later, the Subject looked over his right shoulder, raised the barrel and pointed the shotgun in his direction. In defense of his life, Officer A fired two rounds from his pistol at the Subject.

The Subject was not struck by Officer A's rounds and continued running through the gas station and continued southbound on the sidewalk. No officers or civilians were injured during this incident.

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 of pointing a shotgun in the direction of Officer A, presented an

imminent threat of death or serious bodily injury and that the use of lethal force would be reasonable.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.