

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

OFFICER-INVOLVED SHOOTING – 072-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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Rampart	11/7/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	16 years, 4 months
Officer B	9 years, 2 months
Officer D	26 years, 2 months

Reason for Police Contact

Officers were attempting to detain an individual when the Subject pointed a gun at them, resulting in an officer-involved shooting (OIS).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 18 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 October 3, 2017.

Incident Summary

Officers A, B, C, and E were in plainclothes and working a high-visibility crime suppression detail. The officers' mission was to concentrate their efforts on drinking-in-public violations due to the frequency of intoxicated individuals becoming victims of crime in the area.

The officers were all riding inside a four-door pickup truck which had neither police decals nor emergency equipment. Seated in the front were Officer B, who was the driver, and Officer A, who was the passenger. Seated in the rear were Officer C, who was seated behind the driver, and Officer E, who was seated behind the front passenger.

After completing a pedestrian stop, the officers were driving when they observed a group of individuals sleeping on the sidewalk along the wall of a liquor store. Officer B stopped the police vehicle along the curb, and Officer C notified Communications Division (CD) of their status and location.

As Officer A photographed the sleeping individuals from within his vehicle for their records complaint file, and Officer C observed a man walking in the crosswalk. Officer C noted that the man appeared to be flashing gang signs in the officers' direction, which was captured on one of two surveillance cameras that were mounted on the exterior of the liquor store.

Officer C notified his partners and as Officer B drove, the man neared the corner. As the officers entered the intersection, the man turned toward the officers and continued to flash gang signs while yelling incoherently. According to Officer B, although he did not witness it, Officers A and C advised him that the man had also been checking his waistband area.

Since the man had exhibited gang activity (flashing gang signs), coupled with the attention he paid to his waistband area, the officers formed the opinion that he may be armed or involved in criminal activity. The officers discussed their options and decided to continue monitoring his activities. As Officer B drove, the officers discussed the man's previous actions and ensured that Officer E was briefed on his physical description. Also, according to Officer C, in the event the officers were to come into contact with the man, they discussed what their assignments would be. Officers A and B would be contact officers, while Officers C and E would be responsible for cover and communications.

Officer B initiated a turn and as he drove, he noted heavy pedestrian traffic, as well as numerous possible gang members along the sidewalk. Suddenly, Officer B heard Officer C alert the officers and direct their attention to the location of the man. Officer A, whose passenger window was partially down, observed the man looking in their direction, flashing gang signs, and still speaking incoherently. While Officer B slowed the vehicle, Officer A rolled down the window the rest of the way so it would expose his visible raid jacket, thereby identifying them as police officers. Once the

window was completely lowered, Officer A noted the man appeared shocked, with his eyes getting bigger and his body stiffening. He then made a furtive movement with his right hand reaching toward the pocket of his pants.

Simultaneously, Officer B looked to his right and observed as the man was reaching for his waistband. Officer B feared he was arming himself and immediately angled the officers' vehicle into the driveway of an alley and stopped to provide them with better cover in the event the man had a weapon.

Officer A observed a large bulge in the man's right front pants pocket and surmised that he was attempting to arm himself. Officer A opened the front passenger door, and as he began to exit the vehicle, reached for his Department-approved handgun.

Officer E, from the rear passenger seat, observed the man approach the officers' vehicle with an object (possibly glasses) in his hands and according to Officer E, he then began fumbling with his shirt almost as if he were going for a gun. Officer C, from the rear driver's seat, observed the man make eye contact and then immediately go to his waistband. Both Officers E and C also believed the man was arming himself and began to exit the vehicle.

Officer A, having already exited the vehicle, observed as the man moved his right hand away from his waistband area and raised it above his shoulders. Officer A noted that he had not reached into his pocket, and as the man raised his hand, he observed it to be empty. As Officer A's right hand remained on the grip of his still holstered handgun, he observed the man use his right hand to point toward their vehicle. He then looked to his right and, according to Officer A, began to yell, as if to someone saying, "That's the car," or, "that's the one."

Note: The man told investigators he had pointed at his friend, the Subject, whom he had run into moments earlier, and yelled, "They're going to shoot." He then observed the passenger exit the vehicle and, upon seeing his tactical vest, realized they were police officers.

Note: The liquor store surveillance video showed the man look toward the officers' truck and leap backwards as Officer B turned toward the alley. He then immediately could be seen lifting his shirt and reaching toward his right front pants pocket. Meanwhile, the Subject was walking near the alley, and as the officers' truck approached, he turned back towards them. He too leaped backwards nearly simultaneously to the first man, before appearing to move forward toward the officers. A large moving van then obstructed the camera view as the OIS occurred. The Subject reappeared in the video, running, while holding his right arm.

Officer B was about to exit the vehicle when, in his peripheral view, he observed the Subject. Officer B directed his attention toward the Subject and observed him standing approximately five to 10 feet in front of their vehicle, pointing a handgun in his direction while maintaining a shooting stance.

Officer B, believing the Subject was going to shoot or kill him, immediately unholstered his Department-approved handgun. With the Subject already pointing his weapon toward him, Officer B felt that if he got out of the car, the Subject was going to have plenty of time to shoot at the officers. For their safety, Officer B believed it was necessary to fire immediately. Accordingly, Officer B fired one round through the windshield at the Subject while seated in his vehicle (approximately 13 feet away).

Concurrently, Officer A, having directed his attention to his left due to the other man's actions, observed the Subject directly in front of the vehicle with a two-handed shooting grip and a pistol pointed directly in the officers' direction. Fearing the Subject was going to shoot the officers, Officer A unholstered his handgun and, from behind the open passenger door, fired two rounds at the Subject from approximately 15 feet away.

Upon exiting the rear of the vehicle, Officers C and E heard the gunshots. Unaware of who was firing, the officers unholstered their handguns while they attempted to identify the threat. Officer C directed his attention to the first individual and observed him with his right hand at his waistband, and flashing gang signs with his left. The individual continued to yell something that Officer C was unable to understand; however, Officer E believed he was yelling, "Cap them, cap them."

Officer A, having fired two rounds and pausing to assess, moved two steps to his right to obtain a better view of the Subject, whom he described as having moved along the sidewalk. While attempting to obtain a better view, and still utilizing the front of the pickup for cover, Officer A observed the Subject begin to turn away from him and, while holding the handgun in his right hand, swung his arm so that the gun was upside down but pointed back towards the officers.

Officer A then fired one additional round at the Subject, from approximately 25 feet away, in defense of his and his partners' lives, due to his belief that the Subject may try to fire his weapon at them.

Note: Officer A recalled ordering the Subject to stop and to put his hands up, but was unsure whether it was before, during, or after he fired his last round. Officer A also recalled conducting a tactical reload following his last shot.

Following the last gunshot, Officer C observed the Subject in front of their vehicle, while the other man continued to yell, "Take him out, Take him out." The man then, according to Officer E, turned and ran away down the sidewalk.

Officer C moved along the driver's side of their vehicle in an attempt to obtain a visual on the Subject and to determine if he was armed. From along the driver's door, Officer C observed the Subject bend at the waist and use his left hand to hold his right upper arm. Additionally, Officer C observed as the Subject, with his right hand, put something in his waistband. The Subject then turned and ran along the sidewalk.

As the Subject continued running, Officer C noted that he released his grip on his right arm and, as he lowered his right hand, Officer C observed the Subject holding a handgun. Officer C moved to the sidewalk area where he recalled observing the Subject toss the handgun under a bench located on the sidewalk.

Officer C stated he alerted his partners to the presence of the handgun and, as he continued pursuing the Subject, he notified CD that the officers needed assistance. CD acknowledged Officer C's broadcast that the officers needed help and that shots had been fired. According to Officer A, as he remained along the passenger side of the officers' vehicle, he observed Officer C go in foot pursuit, and as he looked back toward the first individual, he observed him stop running and begin to walk back toward his location. Not knowing if he was armed, Officer A immediately called for Officer C to stop, which he did. The man then turned and ran.

Upon the arrival of back-up officers, a perimeter was established. During the subsequent search for the Subject, several officers observed what they believed to be a blood trail leading from the parking lot to the rear door of a laundromat. The officers cleared the laundromat of all bystanders and then conducted a search of the interior using a police dog. During the search, the police dog showed interest on a locked door. Officers then utilized a camera to view inside the locked room and were able to observe the Subject inside. After ensuring there was a sufficient amount of officers at scene, as well as both a beanbag shotgun and a TASER present, Officer D cut the padlock off the door.

The Subject, who was suffering a gunshot wound to the right elbow, was given orders to exit. The Subject stated he couldn't move his right arm because he had been shot but shortly thereafter complied with the orders to exit. Upon exiting, he proned himself out on the floor in front of the door. Officer D then grabbed the Subject and dragged him outside in case there was another suspect inside. Officer D and another officer then handcuffed the Subject without further incident. An ambulance was requested and the Subject was subsequently transported to a hospital for medical treatment.

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 its review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officer B's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers A, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officer non-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers A and B's lethal use of force to be in policy.

Basis for Findings

Detention

- Officers were attempting to locate and monitor a person whom they observed displaying gang signs. Upon observing the man, he reached for his waistband while yelling to the Subject, who was armed with a handgun. The Subject pointed the gun at the officers, resulting in an OIS. A perimeter was established and both individuals were apprehended. The officers' actions were appropriate and consistent with Department policy and procedure.

A. Tactics

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 situation after observing a suspect armed with a handgun, pointing it directly at them. Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to address the deadly threat and apprehend the suspect.

- In its analysis of this incident, the BOPC identified the following tactical consideration:
 1. Tactical Vehicle Deployment (Substantial Deviation – Officer B)

Officer B stopped the officers' vehicle adjacent to a person that he believed was possibly arming himself with a handgun.

The positioning of the vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officer B placed himself and his partners at a significant tactical disadvantage by positioning the vehicle in close proximity to a potentially armed suspect.

Based on the totality of the circumstances, the BOPC determined that Officer B's vehicle deployment was a substantial deviation, without justification, from approved Department tactical training.

This topic was discussed at 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.

Each tactical incident also 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 discuss individual actions that took place during this incident.

In conclusion, the BOPC found that Officer B's tactics warranted a finding of Administrative Disapproval, and that the tactics utilized by Officers A, C, D, and E warranted a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer A, he observed the first individual reaching for his front right pants pocket, where he observed a large bulge, and then observed another suspect pointing a handgun directly at the officers' vehicle. Fearing for his life, he drew his service weapon.

According to Officer B, he looked in the first individual's direction, saw him reaching into his waistband, and believed that he was reaching for a gun. Then, out of the corner of his eye, he observed the Subject in a shooting stance with a gun pointed in his direction.

According to Officer C, while still in the truck, he heard two shots and unholstered his service pistol, believing the officers were being fired upon.

According to Officer E, as he exited the vehicle, he heard the first person yelling, “Hey, cap him, cap him” to the Subject, who was standing in the driveway. He then heard a gunshot go off and he drew his service pistol.

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

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

C. Non-Lethal Use of Force

- Officer F indicated he used physical force and pulled the Subject outside to a place of safety because he was concerned there could be an additional suspect inside.

Therefore, the BOPC found Officer F’s use of non-lethal force to be in policy.

D. Lethal Use of Force

- **Officer A** – (pistol, three rounds in two sequences of fire)

First Sequence (Rounds 1-2)

According to Officer A, he observed the Subject standing with a handgun pointed at the officers, then heard at least one gunshot. Fearing for his life, as well as the lives of his partners, Officer A fired two rounds from his service pistol at the Subject.

Second Sequence (Round 3)

According to Officer A, after firing his first two rounds, he repositioned himself to obtain a better view and assess the situation. He then observed the Subject raise the pistol backwards and point it at him. Fearing that the Subject might start firing his weapon at him, he fired one round at the Subject.

- **Officer B** – (pistol, one round)

According to Officer B, as he was about to exit the vehicle, he quickly glanced to his left, and observed the Subject in a shooting stance, pointing a gun in his direction. Fearing the Subject was going to shoot him, he fired one round through the windshield of his vehicle at the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that

the Subject's actions presented an imminent threat of death or serious bodily injury, and that the lethal use of force would be objectively reasonable to stop the threat.

Therefore, the BOPC found Officers A and B's lethal use of force to be objectively reasonable and in policy.