



## **Incident Summary**

Subject 1 carjacked Victim A's vehicle at gunpoint. Victim A reported the carjacking to the police, who completed an Investigative Report. The police entered the vehicle into the National Stolen Vehicle System, with a notation that Subject 1 should be considered armed and dangerous.

Officers A and B were on patrol when they observed Subject 1 driving the stolen vehicle, accompanied by Subjects 2 and 3. Upon entering the vehicle's license plate into the Mobile Digital Computer, Officer B realized that the vehicle was stolen. The officers began to follow the vehicle, and Officer B advised Communications Division (CD) of their status and requested a backup unit and an air unit.

Once backup units had arrived, Officer B advised CD that they would attempt to conduct a traffic stop of the stolen vehicle. Officer B activated his emergency lights and siren to stop the stolen vehicle. The stolen vehicle slowed twice as if to stop, but did not. Subject 1 then pulled the vehicle over to the curb and stopped.

Officers A, B, G, H, I and J exited their respective vehicles, drew their weapons, and took cover behind their vehicle doors. Officer A ordered Subject 1 to turn the ignition off and put his hands out the window. Meanwhile, Subjects 2 and 3 exited the vehicle without being ordered to do so and moved to the sidewalk with their hands in the air. Officer G ordered Subjects 2 and 3 to get down on the ground, and they complied.

Once Subjects 2 and 3 exited the vehicle, Subject 1 quickly drove away. Officers C and D, who had not exited their vehicle during the traffic stop, activated their emergency lights and siren and went after Subject 1. Officers A, B, E, F, I, J, K, L and Sergeant A immediately entered their respective vehicles and joined the pursuit. Officers G and H remained behind with Subjects 2 and 3.

While driving, Subject 1 extended his arm out the window, pointed a gun at the pursuing officers, and fired at least one round. Subject 1 then abruptly stopped his vehicle, stepped out onto the street, and began firing at the officers.

Officers A and B stopped their vehicle, at which time Officer A fired three shots through the windshield of his vehicle. Officers A and B then exited their vehicle, and Officer B unholstered his gun. Officers C and D also exited their vehicle and unholstered their guns, taking cover behind their vehicle's doors. From his position, Officer A realized that Officer D would be in his line of fire should he begin shooting at Subject 1. Consequently, Officer A repositioned himself next to Officers C and D. Officers A, C and D all began firing at Subject 1. Like Officer A, Officer B did not have a clear shot at Subject 1 from his position behind his vehicle. Officer B moved away from his vehicle and took cover behind some parked vehicles, at which point he too fired at Subject 1.

Officers K and L arrived at the scene and exited their vehicle. Officer K unholstered his weapon and took cover behind his vehicle. From his position, Officer K could not see Subject 1's vehicle, so, like Officer B, Officer K moved to the sidewalk and took cover

behind some parked vehicles. Officer L, on the other hand, moved behind Officer C and D's vehicle and unholstered his pistol. Officer L aimed his weapon at Subject 1's vehicle but did not fire.

Officers E and I arrived at the scene next and exited their vehicle. Officers E and I immediately took cover behind Officer A and B's vehicle. However, Officer E soon realized he was in a bad position because he could hear rounds hitting metal nearby. Officer E moved away from the police vehicle and took cover behind a parked vehicle. Instead of exposing himself, Officer E decided to fire five rounds at Subject 1 through the rear window of the parked vehicle in front of him. After he was finished firing, Officer E could no longer see Subject 1, so he moved behind another parked vehicle approximately 25 feet from Subject 1. Officer E contacted the air unit to determine what actions Subject 1 was taking. However, the air unit could not clearly observe Subject 1. Officer E decided not to fire any more rounds at Subject 1. Meanwhile, Officer I stayed behind Officer A and B's vehicle. Officer I drew his pistol and pointed it in the direction of Subject 1's vehicle. However, because he could not see Subject 1, Officer I did not fire any rounds.

Subject 1 reentered his vehicle and continued firing at the officers. Officers A, C and D continued shooting at Subject 1. Officer L holstered his pistol and returned to his police vehicle to get a shotgun. Officer L moved back to his position next to Officer C, disengaged the shotgun's safety, and pointed it at Subject 1's vehicle. Officers F and J arrived on the scene and exited their vehicle. Upon hearing gunshots, Officers F and J unholstered their pistols. Officer F ran behind Officer A and B's vehicle and began firing at Subject 1. Overall, Officer A fired 20 rounds, Officer B fired nine rounds, Officer C fired 35 rounds, Officer D fired 15 rounds, Officer E fired five rounds, and Officer F fired nine rounds.

Sergeant A arrived on the scene and exited his vehicle. Upon hearing gunshots, he unholstered his pistol and moved his way forward to Officer C and D's vehicle. At this point, Subject 1 had stopped firing on the officers and could no longer be seen in the vehicle. Sergeant A used the police vehicle's Public Address (PA) system to order Subject 1 to put his hands in the air. Subject 1 did not respond to Sergeant A's request. Sergeant A continued to give commands to Subject 1 and then contacted the air unit to see if they could determine Subject 1's status. The air unit replied that Subject 1 displayed some movement.

A Communications Division operator monitoring the incident contacted the officers, inquiring whether a Rescue Ambulance (RA) was needed. An unidentified officer responded in the affirmative.

Officers M and N arrived at the scene. After conferring with Sergeant A, Officer M contacted the air unit to get a better idea of Subject 1's position. The air unit observed Subject 1 lying across the seats, with the weapon laying on the driver's seat. Officer M assembled a team to approach Subject 1's vehicle. Officer A took the lead position, as he was armed with a shotgun. Officer A was followed by Officers B and M, who both had their pistols drawn. When the team got within 20 feet of Subject 1's vehicle, Officer

A saw Subject 1 with a weapon in his hand. The officers withdrew, and Officer M informed Sergeant A of Officer A's observation.

Sergeant A decided that Subject 1 should be considered a barricaded suspect and requested that Special Weapons and Tactics (SWAT) personnel respond to the scene. All involved officers were removed from the crime scene and replaced with uninvolved, uniformed officers.

SWAT personnel arrived and used three armored vehicles to surround Subject 1's vehicle. A robot was used to remove the pistol from Subject 1's vehicle. The robot also extended Subject 1's right arm out the door to ensure that Subject 1 was not holding another weapon. SWAT personnel then approached the vehicle and removed Subject 1, who was unconscious and in respiratory distress. Subject 1 was transported to a hospital and subsequently died.

### **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/Holstering 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 Sergeant A and Officer A, B, C, D, E, F and L's tactics to warrant a tactical debrief.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found Sergeant A and Officer A, B, C, D, E, F and L's drawing and exhibition of a firearm to be in policy.

#### **C. Use of Force**

The BOPC found Officer A, B, C, D, E, and F's 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:

In this instance, Subject 1 momentarily stopped his vehicle, allowing Subjects 2 and 3 to exit and walk to the sidewalk. As Subjects 2 and 3 assumed a prone position, Subject 1 drove away at a high speed, followed by Officers A, B, C, D, E, F, I, J, K, L and Sergeant A. Officers G and H remained behind and handcuffed Subjects 2 and 3 without incident. Although Subjects 2 and 3 were compliant upon exiting the vehicle, they were initially passengers in a vehicle reported to be “armed and dangerous.”

Although Sergeant A is reminded to provide direction and ensure that sufficient personnel are present to assist with a detention, it is ultimately the responsibility of the officers to ensure that an approach of potentially armed suspects is done so with the optimal amount of personnel. When there is no evidence to indicate that immediate action is necessary, time should be used to devise a tactical plan and await the response of additional officers. Officer G and H’s decision to approach Subjects 2 and 3 and take them into custody did not substantially deviate from Department approved tactical training.

In this instance, Officers A and E were immediately confronted by Subject 1, who was armed with a handgun. From a seated position, Officer A drew his service pistol and fired three rounds through his front windshield at Subject 1. While seeking superior cover, Officer E moved from his police vehicle to the sidewalk behind a parked vehicle. From this position, Officer E observed Subject 1 continuing to fire at his fellow officers. In response, Officer E fired five rounds through the rear windshield and rear driver’s side window of the parked vehicle he was utilizing for cover.

Officers A and E were confronted with a very dynamic and deadly situation and took reasonable action to address the threat presented by Subject 1. However, Officers A and E are reminded that firing through a windshield diminishes the accuracy of the round fired and may inhibit their ability to maintain a visual of the subject, due to the propensity for vehicle windows to shatter. The officers’ actions did not substantially deviate from Department approved tactical training.

In this instance, although the officers offset their police vehicles at the termination of the vehicle pursuit, it appears the distance was such that Officer D’s shooting position, which he reported to be at his open passenger door, was in the foreground of Officer A’s shooting position as Officer A fired through the front windshield at Subject 1. Officer B, Officer A’s partner, exited the passenger door of his police vehicle, noticed that a fellow officer, later determined to be Officer D, was in his line of sight and redeployed to the rear of his police vehicle in search of a better vantage point. However, this position also resulted in an obstructed view and Officer B walked to the sidewalk and took cover behind a parked vehicle. It was from this position that Officer B ultimately engaged

Subject 1. Officer F exited the passenger side door of his police vehicle and ran to the rear of Officer A and B's vehicle, where he fired approximately four to five rounds at Subject 1. Officer F then moved to the open passenger side door of the same vehicle and fired an additional four to five rounds at Subject 1. Officer F's two shooting positions were in close proximity to the two initial positions obtained by Officer B wherein he believed a clear line of sight was not obtainable.

In conclusion, although there are concerns over the position of the officers at the time they elected to engage Subject 1, the above officers were forced to make split second decisions when confronted with a deadly subject and took action to protect their lives and the lives of their partner officers. Therefore, the officers' actions did not substantially and unjustifiably deviate from Department approved tactical training. With that said, in order to avoid a potential crossfire incident in the future, Officers A and F are reminded to remain cognizant of their foreground when determining what tactics to employ prior to firing their service pistols.

In this instance, the involved officers fired a total of 93 rounds at Subject 1. The investigation revealed that of the 93 rounds, Officer C fired 35 rounds, Officer A fired 20 rounds, Officer D fired 15 rounds, Officers B and F each fired nine rounds, and Officer E fired five rounds. Evidence supports that Subject 1 fired no less than three rounds at the officers. Subject 1 sustained three gunshot wounds. Based on the number of rounds fired in comparison to the number of gunshot wounds sustained by Subject 1, it is apparent that the officers did not obtain proper sight alignment when confronting Subject 1.

Although this situation was extremely violent and high stress, the officers are reminded of the importance of remaining disciplined during stressful situations. When firing their service pistols to address a deadly threat, a proper sight alignment should be maintained in order to effectively stop the subject's violent actions at the earliest possible point. The officers' actions did not substantially or unjustifiably deviate from Department approved tactical training.

In this instance, after the officer-involved shooting (OIS), Officer L holstered his service pistol, retrieved a department shotgun, and moved to the forefront to cover Subject 1's vehicle. As Officer L pointed the barrel of his shotgun at Subject 1's vehicle, the last known location of Subject 1, Officer L disengaged the safety mechanism and placed his finger along the frame. Prior to deploying the shotgun, Officer L indicated that he could not see any part of Subject 1, but that his fellow officers told him that Subject 1 was crouched inside the vehicle.

In conclusion, when addressing this issue, BOPC took into account the following: Subject 1 led the officers on a vehicle pursuit, fired upon the pursuing officers, and, upon abruptly stopping, immediately engaged the officers in gunfire. Additionally, when Subject 1 stopped firing from inside his vehicle, the officers communicated the presence of activity inside the vehicle. Although removing the safety substantially deviated from approved Department tactical training, given the totality of the circumstances and based on the eventuality of an additional confrontation remaining ever present, Officer L was

justified in his actions due to the degree of threat he faced. Additionally, although he removed the safety, Officer L did not place his finger on the trigger of the shotgun and properly placed his finger along the frame.

In this instance, Officer A was assigned as the lead officer of the contact team, but did not don a ballistic helmet prior to making the approach. Additionally, two of the three officers assigned to the contact team, Officers A and B, were significantly involved in the Categorical Use of Force incident and had discharged their service pistols during the confrontation with Subject 1.

In conclusion, Sergeant A is reminded of the importance of ensuring that all precautionary measures, such as donning ballistic helmets, are taken when dealing with an armed suspect. Additionally, Sergeant A is reminded that given that there were a sufficient number of uninvolved officers at the scene to execute the approach, it would have been prudent to utilize officers who were not significantly involved in the prior OIS to approach Subject 1's vehicle. Sergeant A's actions did not substantially or unjustifiably deviate from Department approved training.

The BOPC found Sergeant A and Officer A, B, C, D, E, F and L's tactics to warrant a tactical debrief.

## **B. Drawing/Exhibiting/Holstering**

In this instance, Sergeant A along with Officers A, B, C, D, E, F and L were involved in following of a vehicle wherein the occupants were reported to be "armed and dangerous." The vehicle following evolved into a vehicle pursuit during which the driver of the vehicle fired upon the pursuing officers during the pursuit and after stopping the vehicle. Once Subject 1's vehicle stopped and while Subject 1 was firing at them, the above personnel drew their service pistols as they deployed or attempted to deploy from their respective police vehicles. Following the OIS, Officers A and L holstered their service pistols, retrieved department issued shotguns, and took positions in order to cover the suspect's vehicle.

Based on the information they received from CD and Subject 1's actions, it was reasonable for Officers A, B, C, D, E, F, L and Sergeant A to believe that the situation had escalated to the level where the use of lethal force had become necessary. In conclusion, due to Officer A, B, C, D, E, F, L and Sergeant A's belief that the situation had escalated to a level where deadly force may and had become necessary, BOPC found their drawing and exhibition of firearms to be in policy.

## **C. Use of Force**

Subject 1 abruptly stopped his vehicle, pushed the driver's side door open, exited, and began firing at the officers. In response, Officers A, B, C, D, E and F returned fire.

BOPC evaluated the circumstances relevant to Officers A, B, C, D, E, and F's use of force and determined that their use of force was objectively reasonable to protect their

fellow officers and themselves from what they perceived to be the imminent threat of serious bodily injury or death.

The BOPC found Officer A, B, C, D, E, and F's use of force to be in policy.