

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

**OFFICER-INVOLVED SHOOTING – 084-16**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Rampart	12/17/16		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	7 years, 6 months
Officer B	3 years, 2 months

**Reason for Police Contact**

Officers pursued an attempted murder suspect on foot. The suspect pulled a pistol and pointed it at officers, resulting in an officer-involved shooting (OIS).

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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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 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 December 5, 2017.

## **Incident Summary**

Uniformed Police Officers A and B were driving a marked black and white police vehicle. This was the first time Officers A and B had worked together.

**Note:** According to Officer A, he had seen a video of a shooting that occurred the month prior. Officer A identified the shooter in the video as the Subject. An attempted murder arrest warrant was subsequently issued.

In response to the high volume of violent gang crime, Officers A and B were engaged in gang suppression patrol activities. As they drove, Officer A looked to his left and observed two men walking on the sidewalk. Officer A determined that one of the men was possibly the Subject. He based his recognition of the Subject on his prior contacts with this same individual.

Officer A turned left and drove in a lane of opposing traffic. As he approached, he formed the belief that one of the males was in fact the Subject. Officer B indicated that Officer A told him, "Hey, you know what? That's the guy that I'm looking for. He's an attempt 187 subject. We're going to stop him." Officer B stated he keyed in on the Subject after his partner described him as "the one with the dark colored pants."

Officer A acknowledged that he drove against traffic. He described that he cut the lane of oncoming traffic and where vehicles can park.

According to Officer A, he illuminated the Subject with the driver's side exterior spotlight of his police vehicle, and the Subject ran approximately five steps. Before he could activate his emergency lights and give the Subject verbal commands, the Subject turned and ran.

According to Officer B, Officer A stopped the police vehicle and told the Subject, "Hey, let me talk to you. Come here." The Subject then ran.

**Note:** The investigation determined that neither officer updated their status or location (Code Six) prior to initiating contact with the Subject.

Officers A and B exited their police vehicle and initiated a foot pursuit. As Officer A reached the corner, he observed what he described as the Subject reaching with his right hand into "his general waist area." According to Officer A, he advised Officer B that the Subject was, "going for his waistband."

Officer A then broadcast to Communications Division (CD), that the officers were in foot pursuit.

The Subject ran on the sidewalk with Officer B behind him while Officer A paralleled on the street. According to Officer A, the officers began the foot pursuit in containment

mode because of the seriousness of the crime the Subject was wanted for and the possibility that the Subject was armed with a gun.

**Note:** According to Officer B, the officers were in apprehension mode until the time when Officer A discharged his service pistol. It was at that time that they transitioned to a containment mode.

At the onset of the foot pursuit, Officer B described the Subject running approximately 50 feet ahead of him on the sidewalk. According to Officer A, as the Subject ran, his left arm moved back and forth, and his right arm appeared static.

As the Subject neared mid-block, Officer B, from approximately 50 feet, observed the Subject suddenly crouch down, turn, and with both arms extended, toss an unknown item underneath a vehicle parked on the curb of the street.

Officer A described that the Subject stopped and ducked out of view behind a parked vehicle. Officer A stated he immediately stopped running and took cover behind a vehicle parked close to the Subject. According to Officer A, after two to three seconds, the Subject stood up and continued to run on the sidewalk. Officers A and B did not immediately check to see what the Subject discarded.

**Note:** It was later discovered that the item the Subject tossed under the parked vehicle was a wallet.

Officers A and B constantly verbalized and ordered the Subject to stop and to get down on his knees. The foot pursuit continued as the Subject turned the corner and ran, causing the officers to briefly lose sight of him. As they approached the corner, Officer B maintained his position on the sidewalk and Officer A maintained his position on the street. According to Officer A, he believed that the Subject was armed and knew he was wanted for attempted murder. Officer A unholstered his service pistol because he believed the situation could escalate to one involving the use of deadly force.

Officer A held his pistol in a low-ready position with his finger along the frame and slowly moved around the corner, using a telephone pole and light pole for cover, until he observed the Subject standing on the sidewalk next to a red van. Officer A described that the Subject was looking in his direction with his hands and arms down by his side. The Subject stood near the front passenger door, looked tired from running, and appeared as if he was going to give up. Officer A then continued to the rear of the parked red van.

Officer B stated that, as he reached the corner, he believed the Subject was potentially armed and could be "lying in wait" around the corner. Therefore, he unholstered his service pistol before he turned the corner. He further indicated that he remained unholstered throughout the entirety of the incident.

A surveillance camera from a hardware store was located by investigators. It captured footage depicting the Subject running on the sidewalk, then stopping near the front passenger side of a van. Just as the Subject stopped, Officer A can be seen moving from the corner toward the curb area that had a telephone pole to be used as cover. This movement was consistent with Officer A's depiction of events.

The Subject then can be seen on the video bending down toward the ground as Officer B walked around the corner. Officer B stopped on the sidewalk at the corner and used his flashlight to illuminate the Subject, who was standing next to the passenger side of the van. Officer B then moved along the passenger side of the van as the Subject ran in front of the van and proceeded toward the side of the street. According to Officer B, he took cover behind the front end of the van.

**Note:** According to Officer B, he first observed the Subject standing in the street on the driver's side of the van. This was described in his initial interview as well as captured in the on-scene positional photographs obtained during the walkthrough. He then described that the Subject moved on the driver's side of the van.

According to Officer B, he moved along the passenger side of the van and observed the Subject standing in the street, approximately 10 feet from the curb, in front of the van. Officer B described that the Subject reached into his waistband with his right hand. The Subject then turned to his right toward Officer B, at which time he observed the Subject was armed with a handgun. The Subject then pulled the slide of his handgun back and stated, "Let's do this [expletive]!" Officer B stated he yelled to Officer A, "He's got a gun." In addition, he ordered the Subject to drop the gun.

According to Officer A, as the Subject ran, Officer A moved toward the back of the van and lost sight of the Subject for two to four seconds. He then described that when the Subject reached the double yellow lines near the middle of the roadway, the Subject turned his body to the left, in his direction. Officer A observed the Subject armed with a handgun in his right hand. According to Officer A, the Subject then pulled the slide of the handgun back to place a round in the chamber, and stated, "Let's do this."

A live .380 caliber cartridge was located and recovered from the sidewalk, adjacent to the van, where the Subject was seen on the video bending over. The caliber and manufacturer was consistent with that found in the Subject's handgun. An analysis for extractor markings was requested and the results are pending.

Surveillance video depicted the Subject running from the side of the street to the other without stopping or turning. As the Subject ran, Officer A moved from the rear passenger side of the van to the rear driver's side and lost sight of the Subject for two to four seconds. According to Officer A, he pointed his pistol at the Subject and placed his

finger on the trigger; however, as he was acquiring his front sight, the Subject continued across the street.

When the Subject reached the side of the street, he proceeded to run on the sidewalk and briefly stopped at the front wrought iron gate entrance of an apartment complex. Officers A and B remained behind the cover of the parked van. According to the officers, Officer A stood behind the driver's side rear portion of the van while Officer B stood on the sidewalk, near the front passenger side portion of the van. Officer B indicated that he advised Officer A that the Subject had a gun and that the Subject was heading in his direction. Officer A heard Officer B declare that the Subject had a gun.

According to Officer B, he lost sight of the Subject after the Subject reached the side of the street and proceeded on the sidewalk. Officer A stated he was about to reach for his radio to broadcast the Subject's direction of travel when the Subject suddenly reversed his direction and ran on the sidewalk toward the officers. According to Officer A, he believed the Subject was going to use the parked vehicles as cover and shoot at him and his partner. Officer A based this belief on the knowledge that the Subject was armed with a handgun and had made the statement, "Let's do this."

Surveillance video depicts the Subject emerging from behind a parked SUV and continuing to run on the sidewalk of the street. Officer A described that as the Subject ran in a quick side-step or skipping motion, the Subject appeared to turn his body toward him and raise his right arm in his direction. According to Officer A, he did not actually know whether the Subject pointed the handgun at him but that it was the motion of beginning to raise his arm that caused him to believe the Subject was going to shoot him.

According to Officer A, he then aimed his pistol at the Subject's center body mass and fired two to three rounds toward the Subject. Officer A stated that he assessed and observed that the Subject was still running and continued to raise his right arm toward him. Officer A again aimed his pistol at the Subject's center body mass and fired an additional two to three rounds toward the Subject. The Subject turned right at the corner, and then continued running.

According to Officer B, when the Subject ran behind the parked vehicles, he lost sight of him before hearing what he believed to be approximately four to five gunshots.

Surveillance video depicted the Subject being illuminated at times as he proceeded on the sidewalk. Both officers had tactical lights on their service pistols and the surveillance video depicts Officer B in possession of a flashlight.

According to Officer A, he could see Officer B in his peripheral vision and was aware he was to his right. Officer B stated he moved from the front of the van, along the passenger side, to the rear of the van, to join Officer A. According to Officer B, Officer A then told him that he shot when the Subject pointed a handgun at him. Officer B stated he observed the Subject still in possession of a handgun before the Subject ran.

Officer A broadcast a help call and that shots had been fired.

**Note:** Officer A erroneously broadcast that the Subject ran south.

Officer B stated that he also broadcast a help call and indicated that shots had been fired. A review of the local Area radio base frequency did not capture a broadcast from Officer B.

Meanwhile, Witnesses A and B were walking on the sidewalk. According to Witness B, he and his wife, Witness A, were returning home from the market when he heard someone yelling, "Get down on the ground" or "Freeze" from the area of the intersection. Officer B turned and walked back to see what was going on as Witness A continued to walk. Witness B observed a uniformed officer with his gun out, pointed toward the building. After he heard gunshots, Witness B turned back and ran for the entrance of the apartment complex.

A surveillance camera affixed above the entrance of complex was located by investigators. It captured footage facing south that depicted the activities on the sidewalk. The surveillance video depicts the movements of Witnesses A and B as described by Witness B. In addition, an unknown bicyclist can be seen riding on the sidewalk in the same proximity of Witnesses A and B.

The surveillance video depicts Officers A and B running together to the corner. According to the officers, their intent was to attempt to maintain a visual on the Subject to establish a perimeter for containment purposes.

The surveillance video depicts Witnesses A and B running by the Subject, who can be seen holding a handgun in his right hand.

According to Officer B, he deployed to the left of Officer A and took cover behind a white truck that was parked on the curb. Officer B then observed the Subject attempt to enter the apartment complex. He indicated that the Subject appeared to have trouble opening the door and perhaps the door was stuck. He then stated the Subject turned and looked at him with the gun in his hand. Although Officer B did not observe the Subject raise the handgun in his direction, he believed the Subject intended to shoot at him and his partner.

Officer A stated that he was slightly behind Officer B and began to deploy to the cover of the building on the corner. Officer A stated he had his eyes on the Subject but was aware that Officer B was slightly ahead and to the left of him. He described that, as the Subject ran on the sidewalk, he observed the Subject turn to his right toward him and Officer B and start to raise his arm.

The surveillance video captured the legs of Officers A and B as they moved to their positions at the corner. The video depicts Officer B taking a position behind the parked

pickup truck and Officer A taking cover at the corner. The movements captured on the video are consistent with those described by the officers.

According to Officer B, from approximately 119 feet, he pointed his pistol at the Subject's center body mass and fired one round at the Subject. The round did not appear to have an effect on the Subject as he entered the building and closed the gate behind him.

A surveillance video from inside the foyer area immediately inside the entrance that faced the entrance depicted Witness A opening the locked security gate and entering the foyer area, followed by Witness B and, approximately three seconds later, by the Subject. The Subject is seen in possession of a handgun that he held in his right hand.

**Note:** The foyer surveillance video depicts that Witness A left the gate open, which allowed Witness B and the Subject to enter unimpeded without the necessity to open the gate.

According to Officer B, the Subject held the handgun in his left hand.

At that point, Officer A heard Officer B fire what he believed was one round at the Subject. Officer A stated he was moving and not able to obtain sight alignment or fire. He was moving to a position of cover while also being mindful of the potential crossfire because Officer B was to his left and a bit in front of him. After Officer B fired, Officer A stated that the Subject, or who he believed to be the Subject, continued to run and then enter the complex. When asked whether there were additional pedestrians on the sidewalk, Officer A stated he did not see any at that point.

Witnesses A and B were standing inside the foyer area of the apartment building when the Subject entered, armed with a black gun, which he held in his right hand. According to Witness B, the Subject was breathing very hard. As the Subject walked through the foyer, he motioned with his handgun toward an interior door and told Witness A to open it. Witness A used her key to unlock the interior door, and the Subject then walked through the interior door into the apartment building. According to Witness B, the Subject never pointed the handgun at or threatened him or Witness A.

Officer A broadcast a request for arriving units to set up a perimeter. Officer A then broadcast that the Subject had entered a white, five-story building. Officers A and B then deployed to the side of the street to monitor the door that the Subject entered as they awaited additional units. Once the Subject had entered the apartment building, Officer A holstered his service pistol.

The Subject continued to walk through the building, while holding the handgun in his right hand. Approximately 45 seconds after the Subject entered the interior of the apartment building, he exited through a door on the side of the location that was the trash area for the apartment building. The area was secured by a locked wrought iron gate and contained a large trash bin. The wrought iron gate allowed access to an alley

that was on the side of the street. Once the Subject exited the apartment building, he attempted to open the gate but was unable. The lid to the trash bin was open, the Subject climbed into the trash bin and closed the lid, where he remained.

**Note:** Additional surveillance cameras positioned inside the hallways of the apartment complex captured the Subject moving through the building. There were no reports of additional tenants encountering the Subject as he moved through the complex. Eventually, an outdoor surveillance camera captured the Subject exiting a door on the side of the complex that led to the alley. The Subject, still armed with the pistol, was seen checking the handle of the security gate, but found it to be locked. The Subject then looked up and down the alley before he climbed into a large trash bin near the locked gate. After climbing in, the Subject pulled the lid of the trash bin closed.

As officers reviewed the apartment video, they observed video of the Subject from the time he made entry into the apartment building, to the time that he climbed into the trash bin and closed the lid. Officers continued to view the video to the current time and noticed that the Subject had not exited the trash bin, as the lid had continuously remained closed. The information regarding the Subject still being armed and concealed inside the dumpster was broadcast to all the units on the perimeter.

With this information, Metropolitan Division Special Weapons and Tactics (SWAT) was requested.

SWAT Sergeant A then used a specialized weapon to identify a hot spot inside the dumpster.

SWAT personnel attempted to communicate with the Subject in both English and Spanish, but there was no response. Sergeant A used the bullhorn to call the Subject by name and advised him that it was known he was in the dumpster. Sergeant A gave the Subject orders to come out unarmed with his hands above his head and to follow the officers' directions; however, there was no response. After additional attempts to communicate with the Subject, Sergeant A heard a loud and distinct metallic ping that emanated from inside the dumpster. Sergeant A broadcast, "There was some sort of metallic bang that hit the dumpster or might have been [a] shot fired from inside dumpster, unknown right now." Sergeant A then verified with officers in the alley, and on the third floor, that no one caused that sound. Sergeant A advised the CP over the radio frequency that he believed the Subject shot himself.

At this time, Sergeant A again attempted to communicate with the Subject using the bullhorn, but there was no response. The Incident Commander (IC), Rampart Area Commanding Officer Captain A, then gave approval to use flash bang grenades. Metropolitan Division SWAT Police Officer C deployed a flash bang device that he believed landed on top or behind the trash bin, but there was no response from the Subject.

Captain A then provided officers with approval to deploy a chemical agent into the trash bin. Officer D, from his third-floor position, discharged three rounds of gas through the plastic trash bin lid, into the trash bin. There was no reaction from the Subject, and a second volley of two gas rounds were approved by Captain A. Officer D discharged two additional gas rounds through the plastic lid of the trash bin into the trash bin. There was still no movement from inside the trash bin. Sergeant A then used a hand held infrared sensor and advised the heat source was dissipating.

Believing now that the Subject had shot and killed himself, a plan was devised to use the specialized armored vehicle as cover while officers opened the wrought iron gate that secured the trash bin, utilized a fireman's pole to lift the lid, and deployed a camera inside.

It was determined via the camera that the Subject had expired from a self-inflicted gunshot wound.

### **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, unanimously made the following findings:

#### **A. Tactics**

- The BOPC found Captain A and Sergeant A, along with Officers A, B, and C's tactics to warrant a Tactical Debrief.

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

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

#### **C. Less-Lethal Use of Force**

- The BOPC found Officer C's less-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.

## **Detention**

- While on patrol, one of the officers observed a suspect that he knew had an outstanding arrest warrant for Attempted Murder. As the officers drove towards the Subject to detain him, the Subject fled from the officers. The officers' actions were appropriate and within Department policies and procedures.

## **Basis for Findings**

### **A. Tactics**

#### **Tactical De-Escalation**

- In this case, the Subject immediately fled from the officers and one of the officers gave him commands to put his hands on his head and turn around. The Subject ignored the commands, produced a handgun, and began to raise the handgun in the officers' direction. Faced with an imminent threat of serious bodily injury or death, one of the officers utilized lethal force to stop the deadly threat.

The Subject continued to flee from the officers and again began to raise the handgun in the officers' direction. Faced with an imminent threat of serious bodily injury or death, one of the officers utilized lethal force to stop the deadly threat.

After the OIS, the Subject climbed into a metal trash dumpster while still armed with a handgun. SWAT personnel attempted to resolve the incident without the use of force. After many attempts to de-escalate the situation, chemical agents and various less-lethal tools were used in an attempt to gain compliance from the Subject. The Subject did not respond, and officers subsequently discovered that the Subject had shot himself upon entering the dumpster.

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

#### **1. Code-Six / Back-Up Request**

Officers A and B did not advise CD of their Code-Six location or request a back-up unit prior to conducting a pedestrian stop on the Subject.

In this case, as the officers' vehicle came to a stop, they immediately exited their vehicle and focused their attention on the fleeing Subject. After literally seconds, Officer A observed the Subject reach into his waistband or his sweater pocket with his right hand and believed that the Subject was carrying a gun. He

immediately communicated his observations to his partner and then broadcast they were in foot pursuit of a “415 man” with a gun, along with their location.

Based upon the totality of the circumstances, the BOPC determined that in this situation Officers A and B's actions were not a substantial deviation from approved Department tactical training.

## 2. Tactical Vehicle Deployment

Officer A knew there was a parking lane and drove in opposing lanes of traffic to identify and tactically approach a wanted suspect.

The positioning of the police 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 A observed the Subject walking away from his location and believed that the safest way to tactically approach the Subject was from behind.

The BOPC discussed Officer A's tactical decision to drive a short distance in opposing lanes of traffic as well as the configuration of the roadway. Based upon the totality of the circumstances, the BOPC determined that Officer A's actions of positioning the police vehicle in an opposing lane of traffic increased the officers' tactical advantage and was not a substantial deviation from approved Department tactical training.

- The BOPC also considered the following:

### 1. Situational Awareness

The investigation revealed that Officer A broadcast the wrong direction of travel for the Subject after his OIS.

## **B. Drawing/Exhibiting**

- According to Officer A, as he approached the corner, he drew his service pistol and turned around the corner.

According to Officer B, as he approached the corner, he drew his service pistol to move around the corner.

According to Officer C, he was dressed in full SWAT tactical gear, including his patrol rifle.

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

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

### **C. Less-Lethal Use of Force**

- According to Officer C, it was still unsafe to approach the dumpster based on the belief that the Subject was still armed. Therefore, a tactical plan was formulated to deploy a specialized weapon into the dumpster to get the Subject to comply and ultimately surrender. Additionally, the weapon would give the officers distance and reaction time if the Subject came out with a gun. Officer C then deployed the weapon into the dumpster.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, while faced with similar circumstances, would believe this same application of less-lethal force would be reasonable to effect the Subject's arrest.

Therefore, the BOPC found Officer C's less-lethal use of force to be objectively reasonable and in policy.

### **D. Lethal Use of Force**

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

According to Officer A, he observed the Subject holding a handgun. He then observed the Subject using parked vehicles for cover and believed the Subject was going to shoot at the officers. As the Subject came around a couple of parked cars, the Subject turned to his left and begin to raise his right arm in Officer A's direction. Believing that the Subject was going to shoot him, Officer A fired two to three rounds from his service pistol at the Subject to stop the threat.

He assessed and observed that the Subject was still running and his arm was coming up again in his direction. In fear for his life, Officer A fired another two to three rounds from his service pistol at the Subject to stop the threat.

- **Officer B** – (pistol, one round)

According to Officer B, he took cover behind a parked white truck. As the Subject attempted to enter an apartment complex, he observed the Subject turn his whole body around with the handgun in his hand. Believing that the Subject was looking back to gauge his distance and shoot the officers, Officer B fired one round from his service pistol at the Subject to stop the threat.

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 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 and B's lethal use of force to be in policy.