

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

**OFFICER-INVOLVED SHOOTING – 086-16**

**Division                      Date                                      Duty-On (X) Off ( ) Uniform-Yes (X) No ( )**

Newton                      12/20/16

**Officer(s) Involved in Use of Force                                      Length of Service**

Officer A    28 years, 11 months

**Reason for Police Contact**

An officer attempted to stop an ADW suspect. When the Subject pointed a handgun at the officer, an officer-involved shooting (OIS) occurred.

**Subject(s)                                      Deceased ( )                                      Wounded ( )                                      Non-Hit (X)**

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 November 14, 2017.

## **Incident Summary**

Officer A was assigned as a Department liaison for the businesses and residents in the community. Witness A knew Officer A in his capacity as a community liaison and had previously called Officer A on his Department cellular phone numerous times regarding police-related issues. On this occasion, Witness A contacted Officer A to report that his family member had been the victim of a shooting. The family member had been uninjured and left the location, as did the suspects, immediately following the shooting. Witness A provided Officer A with the physical descriptions of the two suspects and their direction of travel.

Officer A was in his vehicle in front of the local police station when he received the phone call. Officer A told Witness A that he was on his way to the location and to call 911 in order to report the incident. According to Witness A, he did not call 911 because he did not have time; instead, he decided to get into his vehicle and search for the suspects.

While en route to the area of the shooting, Officer A notified Communications Division (CD) of the shooting and CD then made a broadcast.

When Witness A saw Officer A driving down the street, he got his attention then pulled his vehicle next to Officer A's vehicle. Witness A told Officer A that he had seen the Subject in front of a nearby business. Officer A advised Witness A to stay put. Officer A then turned on his vehicle's emergency equipment, which activated his DICVS, and began driving toward that location.

Upon his arrival, Officer A observed a man standing on the sidewalk in front of the business pointing in one direction. As Officer A continued in that direction looking for the Subject, he suddenly observed Witness A drive around his vehicle on the driver's side and pass him. Officer A then followed Witness A, who then made a right turn. After Officer A negotiated the same turn, he observed the Subject riding his bicycle on the sidewalk. Officer A advised CD of his observations. Witness A drove parallel to the Subject and gestured with his hands for the Subject to stop.

As the Subject reached the corner, Witness A pulled his vehicle in front of the Subject to block his path. The Subject fell off his bicycle and onto the street. As the Subject fell, Officer A observed a blue steel semiautomatic pistol on the ground. The Subject then pushed himself up off the ground, as he also grabbed the gun with his right hand and raised it toward Officer A, from an approximate distance of 15 to 20 feet.

Officer A stopped his vehicle, unholstered his pistol, and fired two rounds at the Subject through his windshield from approximately 42 feet away. As Officer A began firing, the Subject began to flee. A perimeter was established and the Subject was later located during a K-9 search. The Subject was not injured by Officer A's gunfire but did sustain some injuries as a result of being bitten by the police dog. The Subject was transported

by Fire Department personnel to the hospital for medical treatment. A search of the area was conducted but officers were unable to locate the Subject's pistol.

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

#### **A. Tactics**

The BOPC found Officer A's tactics to warrant a finding of Administrative Disapproval.

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

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

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

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

### **Basis for Findings**

#### **Detention**

- While attempting to locate a suspect who had just shot at a citizen, the victim's family member used his own car to cut-off the Subject, who was attempting to flee the area on his bike. The Subject fell to the ground in front of the officer's vehicle, and the Subject's handgun fell to the ground. The Subject then retrieved the handgun from the ground and pointed it toward Officer A, resulting in an OIS. Officer A's actions were appropriate and within Department policies and procedures.

#### **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 Subject immediately retrieved a handgun and pointed it toward the officer. Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

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

1. Body Armor (Substantial Deviation – Officer A)

Officer A did not don his Department approved body armor as required when conducting field related duties. The BOPC determined that Officer A's decision not to don his body armor was a substantial deviation, without justification, from approved Department tactical training.

2. Equipment – TASER (Substantial Deviation – Officer A)

Officer A was not carrying his TASER on his person when he deployed in the field as required. In this case, the investigation revealed that Officer A's TASER was on the passenger seat of his vehicle and not on his person at the time of the OIS. The BOPC believed that Officer A should have been aware of the policy that requires all uniformed officers who are deployed in the field to carry a TASER on their person. Accordingly, the BOPC determined that Officer A's failure to carry his TASER on his person as required was a substantial deviation, without justification, from approved Department tactical training.

3. Code-Six

Officer A did not advise CD of his Code-Six location when he came to an abrupt stop in front of the Subject. 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.

Officers are required to balance officer safety considerations against the need to make a timely Code-Six broadcast. 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 Code-Six broadcast.

In this case, as Officer A stopped his police vehicle, his attention was immediately directed to the deadly threat of a suspect armed with a handgun. Based on the totality of the circumstances, the BOPC determined that Officer A's actions were reasonable and consistent with approved Department tactical training.

- The BOPC also considered the following:

1. Situational Awareness – The investigation revealed that Officer A broadcast that he had a suspect at one location, which was incorrect, and then approximately 30 seconds later broadcast the correct location. Officer A was reminded of the importance of maintaining constant awareness and broadcasting the correct location to ensure responding units arrive in a timely manner.
2. Driving with Service Pistol Drawn – The investigation revealed that Officer A drove past several houses to the last location where he had observed the Subject with his service pistol drawn. Officer A was reminded that there is a heightened concern for an unintentional discharge when driving with a drawn service pistol.

These topics were to be 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 Officer A's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- According to Officer A, he observed the Subject fall down and a large, semi-automatic pistol come out from the front of his body onto to the ground. The Subject then picked up the pistol with his right hand, came up with the gun, and pointed in his direction. Officer A threw his car in park, and from a seated position, reached down, unsnapped his swivel holster, and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, when 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 Officer A's drawing and exhibiting of a firearm to be in policy.

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

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

According to Officer A, the Subject then leveled off the gun at his waist with his arm out in front of him, pointed in his direction. Fearing that the Subject was going to shoot and try to kill him, he fired two rounds through the front windshield at the Subject to stop his actions.

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 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's lethal use of force to be in policy.