

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

OFFICER-INVOLVED SHOOTING – 091-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	10/26/13		
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Officers(s) Involved in Use of Force	Length of Service
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Officer A	15 years, 6 months
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Reason for Police Contact

Officers saw the Subject holding a pistol, and a foot pursuit ensued. The Subject pointed the pistol at an officer, and an officer involved shooting (OIS) occurred.

Subject(s)	Deceased ()	Wounded ()	Non-Hit (X)
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Subject: Male, 31 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 Los Angeles Police 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 September 23, 2014.

Incident Summary

Officers A and B were on patrol when they observed a white vehicle approach. The occupants were frantically waving and pointing west towards a street. Officer A instructed Officer B to continue driving in the direction the people were pointing. As they approached the indicated street, the officers observed additional people frantically pointing north. Officer A thought there may have just been a shooting or somebody was hurt. Officer B turned right and stopped the patrol vehicle in the street. The officers observed a group of people on the sidewalk, yelling at each other. Officer A noticed one of the males (later identified as the Subject) was wearing a white tank top and holding a handgun in his right hand.

Note: Much of the incident was captured on security surveillance cameras mounted in the area.

The Subject looked in the direction of the officers and ran inside an apartment. Officer A told his partner to cover the front of the location.

Officer A had been working in area for a total of approximately five years and was very familiar with the housing units in the area. He knew all the apartments had both a front and rear door. Officer A ran south and then east around the south end of the building while trying to keep his partner within sight. Officer A believed Officer B was behind him.

Note: Officer B heard Officer A tell him to cover the front of the location. Officer B moved to a position approximately 10 to 15 feet west of Officer A, where he was able to observe the front of the location and be close enough to his partner to render immediate aid, if necessary.

As Officer A ran around the south end of the building, he unholstered his service pistol and held it in a two-hand low ready position. Officer A heard the sound of what he believed was a door slamming, looked in the direction of the noise and observed the Subject exit the rear of the location. The Subject began running east on a concrete pathway, approximately 50 feet north of Officer A's position, with the gun in his right hand. Officer A ordered the Subject to stop and drop the gun. The Subject continued to run. As he ran, the Subject looked in the direction of Officer A, turned his upper body toward Officer A and began to raise the pistol toward him. Officer A was standing in an open area between the buildings. He looked for cover and observed a tree several feet away. Unable to obtain cover or concealment, Officer A believed the Subject intended to shoot him. In response to this threat, Officer A fired one round from his pistol. There were no other pedestrians in the line of fire.

The foot pursuit continued through the housing area. The Subject was ultimately arrested without incident and the pistol was recovered. During the foot pursuit, Officer B separated from Officer A twice. Officer B was looking at the front door of the location when the shot was fired and did not know who fired.

Note: Officer B heard Officer A say, “Drop the gun,” and then heard one gunshot.

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 unanimously made the following findings:

A. Tactics

The BOPC found Officer A’s tactics to warrant a Tactical Debrief and found Officer B’s tactics to warrant Administrative Disapproval.

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 the use of lethal force by Officers A to be in policy.

Basis for Findings

A. Tactics

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

1. Radio Communications/Updated Location or Status

Officers A and B did not notify Communications Division (CD) of their updated location.

Officers must be afforded some discretion in determining the appropriate time to make a Code-Six notification. A balance must be maintained to ensure a sufficient level of officer safety in every circumstance. Officers A and B were faced with a rapidly unfolding situation involving a subject armed with a handgun. Therefore, it was reasonable and consistent with approved Department tactical

training for Officers A and B to focus on the immediate threat that the Subject presented rather than diverting their attention from the Subject to initiate a Code Six broadcast, which could have placed Officers A and B at a tactical disadvantage.

2. Back-Up versus Help Call

After the OIS occurred, Officer A broadcast a request for “back-up” rather than a broadcast indicating “officer needs help.”

Under these circumstances, an “officer needs help” broadcast was the appropriate option.

Based on the totality of the circumstances, the BOPC determined that Officers A and B’s actions did not substantially deviate from approved Department tactical training.

3. Separation

Officers A and B separated on two occasions during their foot pursuit of the Subject.

The BOPC thoroughly considered the fact that the rapidly changing nature of foot pursuits requires officers to develop a flexible and tactical approach to each situation while keeping officer safety in mind. Consequently, after substantial deliberation, the BOPC concluded that Officer A’s belief that Officer B was with him throughout the foot pursuit was reasonable and that it was the actions of Officer B that led to his separation from Officer A. Officer B’s decision to separate from Officer A during a foot pursuit of an armed subject without communicating with his partner resulted in unsafe tactics. During the time that Officer B separated from his partner, Officer B did not utilize any overt actions or radio communication to alert Officer A’s of his intentions.

The BOPC concluded that Officer B was responsible for the separation in their pursuit of the Subject and that his decision to separate from Officer A a second time, while in foot pursuit of an armed subject without the immediate tactical support from his partner, was also a substantial and unjustifiable deviation from approved Department tactical training without justification.

The BOPC noted that Officer A believed Officer B was directly behind him during the foot pursuit. The BOPC concluded that Officer A’s tactics did not substantially deviate from Department approved tactical training.

4. Utilization of Cover

While monitoring the front of the apartment, Officer B stood on the street in front of the apartment where the Subject, who was armed with a handgun, was last seen, without seeking cover.

Officer A redeployed to the rear of the apartment building and was confronted by the Subject, who turned his upper body toward Officer A and raised his handgun in Officer A's direction. Officer A was faced with a life threatening situation and had to make a split second decision on whether to seek cover, or engage the Subject and stop his actions.

Officers are trained to utilize effective cover to minimize their exposure and enhance their tactical effectiveness when dealing with armed subjects

5. Firearms Manipulation/Running with Service Pistol Drawn

Immediately after the OIS, Officer A pursued the Subject without de-cocking his service pistol. Additionally, both Officers A and B pursued the Subject with their service pistols drawn.

6. Activation of the Digital In-Car Video System (DICVS)

Due to the rapidly evolving situation involving exigent circumstances, Officers A and B did not activate their Digital In-Car Video System (DICVS), which is within Department guidelines and established policy. The BOPC concluded that the officers did not have time to activate the DICVS.

- 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.

After a thorough review of the incident, with the exception of the issue of separation, the BOPC determined that the other identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Officers A's tactics to warrant a Tactical Debrief and found Officer B's tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting

- In evaluating the actions of Officers A and B, the BOPC took into consideration that Officer A observed the Subject armed with a handgun, causing both officers to recognize that the above circumstance could escalate to a life-threatening situation.

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

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** – (pistol, one round)

Officer A observed the Subject holding a handgun in his right hand while fleeing on foot. After exiting the building, Officer A observed the Subject running through the courtyard. While running through the courtyard, the Subject turned his upper body to the right, raised his right arm parallel to the ground, and pointed his handgun at Officer A. Fearing the Subject was going to shoot him, Officer A fired one round from his service pistol to stop the Subject's actions.

Based on the Subject ignoring Officer A's commands to drop his handgun as he turned his upper body toward Officer A and raised his handgun in the officer's direction, Officer A's decision to discharge his service pistol to stop the Subject's actions and protect his life was objectively reasonable.

In conclusion, an officer with similar training and experience as Officer A would reasonably believe that the Subject presented an imminent threat of death or serious bodily injury and that the use of lethal force in order to address this threat would be objectively reasonable.

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