

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

**OFFICER-INVOLVED SHOOTING – 114-11**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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<b>Officers(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	9 years, 6 months
Officer B	8 years, 8 months
Officer C	14 years, 7 months
Officer D	10 months
Officer E	9 years, 9 months
Officer F	2 years, 9 month
Officer G	4 years, 4 months
Officer H	1 year, 7 months
Officer I	6 years, 10 months
Officer J	2 years, 8 months
Officer K	2 years, 6 months
Officer L	11 years, 8 months
Officer M	5 years, 7 months

**Reason for Police Contact**

Officers observed the Subject driving a stolen vehicle. As the officers followed the Subject, he jumped out of his moving vehicle and fired a weapon at the officers, which resulted in an officer-involved shooting.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 19 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 suspect 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 Chief 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 4, 2012.

### **Incident Summary**

Officer E observed a male, later identified as the Subject, sitting on a front porch. A short time later, the Subject entered the driver's seat of a vehicle that was parked on the street. Officer E was able to see the Subject acting suspiciously by attempting to lower himself beneath the dashboard area in the vehicle. Using Department resources, Officer E was able to determine the vehicle had been reported stolen and requested additional officers to assist as the Subject drove away in the vehicle. Officers A, B, C, D, F, G, H, I, J, K, L, and M responded to the area to assist.

While following the Subject, the officers discussed when to activate their emergency lighting in order to conduct a traffic stop. They ultimately decided to wait until additional patrol units arrived behind them and an air unit was overhead. As the officers were getting ready to attempt a traffic stop on the Subject, he suddenly jumped out of his vehicle and rolled on the ground. The Subject immediately stood up, holding a handgun in his right hand, pointed it in the officers' direction and fired several rounds. Officer H stopped his vehicle a few inches in front of the Subject and was in the process of exiting, when one of the Subject's rounds penetrated his windshield. The round narrowly missed Officer H and impacted his driver's seat headrest.

Below is an account of each involved officers' actions during the OIS and does not reflect the precise order in which each officer fired.

Officer H believed he was about to be shot and unholstered his pistol as he exited his door and fired two to three rounds at the Subject. After firing his pistol, Officer H briefly lost sight of the Subject as he redeployed to the rear of his police vehicle for cover. Although the Subject was moving away from the officers, he looked back in their direction while keeping his right hand concealed inside his waistband. Officer H believed the Subject was still armed and posed an immediate risk to himself and his fellow officers. In defense of his life and of those around him, Officer H fired an additional three to four rounds at the Subject.

The investigation determined that Officer H fired a total of eight rounds.

Officer I was in the process of exiting his vehicle when the Subject stood up and pointed a gun across the hood of the police car at him. Officer I was redeploying to the rear of his vehicle when he lost his footing and fell onto his stomach. Officer I heard the Subject shoot and felt the air compression from the discharge of the Subject's weapon

behind him. Officer I crawled toward the trunk of his vehicle and heard his windshield shatter and felt glass raining down upon him. Upon reaching the rear of his vehicle, Officer I observed the Subject lying on his back in front of his patrol vehicle. Officer I opted to redeploy from the trunk to the passenger's door to cover the Subject with his firearm. As Officer I moved, the Subject again stood up with a gun in his hand. It appeared to Officer I that the Subject was going to engage them again. Officer I fired one round utilizing a crouched shooting position.

The investigation determined that Officer I fired a total of one round.

As Officer A stopped his vehicle, the Subject turned toward Officer A and fired one to two rounds. Fearing for his own safety and for those around him, Officer A fired one round at the Subject.

The investigation determined that Officer A fired a total of one round.

Officer B observed the Subject produce a handgun and began to shoot at the officers. As Officer A brought their vehicle to a stop, Officer B opened his passenger door and drew his service pistol. In defense of his partner officers, Officer B fired one round at the Subject from a seated position. The Subject then pointed his weapon at Officer B, who in defense of his life fired one to two additional rounds at the Subject.

The investigation determined that Officer B fired a total of four rounds.

Officer C stopped his police vehicle and observed that the Subject had a gun in his right hand and he was firing rounds at officers. Officer C fired two rounds at the Subject. The Subject ducked down, tucked the gun under his waistband and ran. The Subject then fell to the ground and attempted to get up but was unable to because his hands were in his waistband. Believing he was retrieving a weapon to shoot at him, Officer C fired additional rounds at the Subject.

The investigation determined that Officer C fired a total of six rounds.

Officer D observed that the Subject was holding a gun in his right hand and that he fired several rounds at officers as he ran. Officer D also heard two rounds go past his ear. Officer D, in fear for his life, fired six rounds at the Subject.

The investigation determined that Officer D fired a total of six rounds.

Officer E unholstered his pistol upon exiting his vehicle and observed the Subject raise his right hand and fire one round. The Subject subsequently fired multiple rounds at the officers and then ran. Officer E took cover behind the open door of an unoccupied police vehicle. From this position, Officer E observed the Subject reach into his front waistband while running across the street. Officer E was concerned that the Subject was still armed and was going to shoot at him as he (the Subject) ran past his location. In defense of his life, Officer E fired two rounds at the Subject's center body mass.

The investigation determined that Officer E fired a total of two rounds.

Officer G exited his vehicle and observed the Subject fire at least one round. Officer G drew his pistol and moved around the police vehicle to the open driver's door. From that location, Officer G observed the Subject drop a firearm and run south across the street. The Subject then turned and ran in Officer G's direction. The Subject reached into his waistband area with his left hand. Officer G perceived that the Subject was trying to arm himself again and, in fear for his life, fired five rounds at him.

The investigation determined that Officer G fired a total of five rounds.

Officer J observed several officers to his right rapidly firing their weapons in a westerly direction toward a vehicle in the roadway. Officer J believed the officers were exchanging gunfire with the Subject, who was inside of the vehicle. Officer J exited his vehicle and took cover behind his open driver's door, while simultaneously drawing his pistol. The Subject suddenly appeared from a vehicle and ran slowly across the street, while slightly turning to his left, attempting to determine the officers' location. Officer J noticed the Subject was reaching into the left side of his waistband and concluded he was attempting to retrieve the weapon being used in the exchange of gunfire. To protect the lives of his fellow officers, Officer J fired one round at the Subject, which appeared to have no effect. Officer J then fired two additional rounds. As Officer J fired a fourth shot, the Subject started going down to the ground, face forward. As he lay on the ground, the Subject used his left hand to reach underneath his stomach and waistband area in what Officer J believed was a further attempt to retrieve a weapon. To prevent the Subject from arming himself, Officer J fired a fifth round at the Subject.

The investigation determined that Officer J fired a total of five rounds.

Officer K heard gunshots as his partner drove toward the location. When his partner stopped the vehicle, Officer K, exited and ran to the scene, which was 50 to 75 yards away. Officer K was in the process of redeploying behind a police vehicle when he observed the Subject, 20 to 25 yards in front of him, running across the street. As the Subject fled, he turned to his left and looked back in Officer K's direction, while at the same time reaching into his waistband area with his right hand. Officer K believed the Subject was manipulating a handgun underneath his sweatshirt and was pointing it back in his direction. Around that time, Officer K heard multiple gunshots and concluded the Subject was shooting at him. To protect himself and his partner officers, Officer K fired approximately two rounds at the Subject's center body mass, while moving toward Officer A, who was standing at the open driver's door. From Officer K's perspective, the Subject appeared to be unaffected by the gunfire and continued to hold his right arm underneath his left arm as if shooting at officers. From a standing position to the left of Officer A, Officer K fired additional rounds at the Subject.

The investigation determined that Officer K fired a total of 15 rounds.

Officer L arrived at the scene and as Officer L began to exit his vehicle, he heard gunfire and drew his pistol. As Officer L ran for cover, he observed the Subject point a gun at the officers. In fear for his safety, Officer L fired one round at the Subject.

The investigation determined that Officer L fired a total of 1 round.

Officer M observed that the Subject was facing officers and holding a gun in his hand. Officer M observed a muzzle flash from the Subject's gun, along with the sounds of gunshots and windows breaking. Officer M looked in the Subject's direction and observed one last muzzle flash come from his gun. While lying on the ground, the Subject turned and pointed the gun at the officers. The Subject then pushed himself up with his left hand, stood up, and began to run away from them. Officer M was afraid for his safety and for those around him and believed the Subject was going to shoot again or possibly take a citizen hostage. For those reasons, Officer M raised his weapon and fired six rounds in rapid succession at the Subject. The Subject then collapsed to the ground onto his stomach.

The investigation determined that Officer M fired a total of six rounds.

Officer F observed the Subject fall to the ground. The Subject stood back up and ran 15 to 20 yards, but he soon fell to the pavement a second time. While the Subject was on the ground, he turned onto his right side to face the officers, while at the same time reaching into his front waistband. Based on the Subject's actions, Officer F believed the Subject was going to shoot at them again. To prevent that from occurring, Officer F fired five rounds at the Subject's center body mass.

The investigation determined that Officer F fired a total of five rounds.

Once the Subject appeared to be incapacitated, several officers formed an arrest team and took the Subject into custody. An ambulance responded and subsequently transported the Subject to the hospital. The Subject was pronounced dead at the hospital.

### **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 Officers A, B, C, D, E, F, G, H, I, J, L, and M's tactics to warrant a tactical debrief. The BOPC found Officer K's tactics to warrant administrative disapproval.

## **B. Drawing/Exhibiting**

The BOPC found Officers A, B, C, D, E, F, G, H, I, J, K, L, and M's drawing and exhibition of a firearm to be in policy.

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

The BOPC found Officers A, B, C, D, E, F, G, H, I, J, L, and M's lethal use of force to be in policy. The BOPC found Officer K's rounds 1-2 were out of policy and Officer K's rounds 3-15 were in policy.

## **Basis for Findings**

### **A. Tactics**

- In their analysis of this incident, the BOPC identified the following tactical considerations:
  1. Situational Awareness/ Field of Fire / Fire Control (Substantial Deviation – Officer K)

In this instance, Officer K elected to fire his service pistol while deployed in a position where other officers were in his immediate foreground. Though Officer K fired his service pistol to confront a perceived deadly threat, the BOPC was critical of his decision to fire his service pistol with knowledge that other officers were possibly in his foreground. In conclusion, the BOPC found that Officer K's actions substantially and unjustifiably deviated from approved Department tactical training.

- 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 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 other involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officers A, B, C, D, E, F, G, H, I, J, L, and M's tactics to warrant a tactical debrief, and Officer K's tactics to warrant administrative disapproval.

## **B. Drawing/Exhibiting**

- In this instance, officers with similar training and experience as Officers A, B, C, D, E, F, G, H, I, J, K, L, and M's would reasonably believe that 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, B, C, D, E, F, G, H, I, J, K, L, and M's drawing and exhibition of a firearm to be in policy.

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

- Based on the Subject's attempts to murder officers at the scene during the first sequence of fire, coupled with the Subject's actions, similar to those of a person still armed with a handgun, as he ran across the street, it was reasonable for officers to believe that the Subject was still armed with a handgun. Officers with similar training and experience as Officers A, B, C, D, E, F, G, H, I, J, L, and M would reasonably believe that the Subject represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

After an objective assessment of this case, the BOPC critically evaluated the lethal force used by Officer K.

While the BOPC understands and appreciates Officer K's motivation for moving to a position where he could best assist his fellow officers, the BOPC critically evaluated the reasonableness of his rounds at the time and the position where he began firing.

Given the totality of the circumstances, the BOPC found that an officer with similar training and experience and faced with similar circumstances, would not have believed that the use of lethal force was objectively reasonable at the time Officer K began firing his weapon, because there would have been a reasonable possibility that one or more of his initial rounds could have struck another officer. Accordingly, with respect to the first two rounds fired by Officer K, the BOPC found that his use of lethal force to be unreasonable and warrants a finding of administrative disapproval/out of policy. The BOPC believed that Officer K articulated a credible rationale for firing his subsequent rounds and therefore found those rounds to be in policy.

In conclusion, the BOPC found Officers A, B, C, D, E, F, G, H, I, J, L, and M's lethal use of force to be in policy. The BOPC found Officer K's first two rounds to be out of policy and his subsequent rounds to be in policy.