

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

OFFICER-INVOLVED SHOOTING – 043-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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North Hollywood	05/14/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	2 years, 5 months
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Reason for Police Contact

Officers observed a group of individuals, including the Subject, involved in a fight. The Subject entered his vehicle and attempted to flee the scene, ran over a pedestrian, and struck the front of the police vehicle. Officers attempted to stop the vehicle, resulting in an officer-involved shooting.

Subject(s)	Deceased ()	Wounded ()	Non-Hit (X)
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Subject: Male, 22 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 Chief and made itself available for any inquiries by the Commission.

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 April 17, 2012.

Incident Summary

Officers A and B were on regular patrol when they observed a group of males, including the Subject, involved in a possible fight. The officers stopped their patrol vehicle at the entrance to a parking lot, where the males had fled to. Simultaneously, the Subject entered his vehicle and in the process of fleeing the scene, put his vehicle in reverse, running over a pedestrian and then hitting the front of the police vehicle. As the Subject's vehicle drove forward, the vehicle ran over the same pedestrian.

Officer A exited the police vehicle, unholstered his weapon and ran after the fleeing vehicle. As the vehicle exited the parking lot, Officer A ran alongside the vehicle, placing his gun hand on the driver's door window sill, and ordered the Subject to stop. The Subject grabbed and held onto Officer A's wrist. Officer A broke free from the Subject's grasp and fell to the ground. Officer A stood up and fired several rounds toward the vehicle, as the vehicle drove away. The Subject was arrested several days later.

Video footage from cameras located in the parking lot and at a nearby business, captured the traffic accident and the officer-involved shooting.

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 revolver 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 administrative disapproval and Officer B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Code Six

In this instance, Officers A and B approached a parking lot to investigate a possible fight involving several males. As the officers pulled up to the location, their police vehicle was struck by the Subject's vehicle and set in motion a series of rapidly unfolding events which would have precluded either officer from broadcasting their Code Six location.

Though it would have been prudent for the officers to have broadcast their Code Six status prior to driving up to the location, in this instance, their failure to do so did not unjustifiably or substantially deviate from approved Department tactical training.

2. Police Vehicle Deployment

In this instance, Officer A stopped the police vehicle facing westbound, at the north entrance of the parking lot, behind the Subject's vehicle.

While evaluating the officers' actions, the BOPC considered the facts that were known to the officers at the time the incident took place and took into account that the officers were making split-second decisions. In this instance, the officers responded to a fist fight involving several people. Officer B observed a portion of this fight and noted that none of the participants appeared to be armed with weapons. In an attempt to prevent anyone from fleeing the location, Officer A stopped his police vehicle in the north driveway entrance/exit of the parking lot. At the time Officer A made the decision to stop his police vehicle, the Subject's vehicle was approximately 20 feet away.

Given the apparent minor nature of the involved criminal activity (a fist fight) an officer with similar training and experience would reasonably believe that the Subject did not pose a significant risk to officer safety. Therefore, 20 feet was a reasonable distance to stop behind the Subject's vehicle.

The BOPC determined that Officer A's actions of positioning the police vehicle in the north driveway entrance/exit of the parking lot did not substantially deviate from approved Department tactical training.

3. Running with Service Pistol Drawn

At the time Officer A unholstered his pistol and ran toward the Subject's vehicle, Officer A was aware that the Subject, while attempting to flee out of the parking lot, had driven his vehicle over a pedestrian.

Given the circumstances, it was reasonable for Officer A to believe that the situation had escalated to the point where deadly force may be justified. Therefore, the act of running with a drawn service pistol did not unjustifiably or substantially deviate from approved Department tactical training.

4. Tactical Approach (Substantial Deviation)

According to Officer A, as he ran up to the Subject's driver's side window he ordered the Subject to stop and exit his vehicle. The Subject did not comply, and instead grabbed Officer A's right wrist and began to drive away. As the Subject moved his vehicle forward, Officer A began to run with the vehicle while attempting to break free of the Subject's grasp.

Though the video recordings of the incident do not clearly show Officer A placing his pistol and/or gun arm in a position to be grabbed by the Subject; the video does show Officer A running up to the driver's side of the Subject's vehicle. Given the circumstances, the BOPC found that there was no tactical advantage to be gained by running up toward the driver's door. In fact, by placing himself in such close proximity to the Subject's vehicle, Officer A placed himself at a severe tactical disadvantage.

The BOPC found Officer A's actions substantially and unjustifiably deviated from approved department tactical training.

5. Shooting at Moving Vehicles (Substantial Deviation)

In this instance, video tape footage and ballistic evidence show that Officer A fired several rounds from his service pistol at the Subject's vehicle as it was fleeing. At the time Officer A fired his pistol, the Subject was in the process of fleeing the scene and there was no credible threat that the officer's life or the lives of others were in immediate peril.

The BOPC found Officer A'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. Each tactical incident inherently results in considerations for improvement.

In conducting an objective assessment of this case, the BOPC critically evaluated the actions of Officers A and B; while remaining focused on ensuring an equitable outcome based on the role and responsibility of all of the involved personnel. In the end, some of Officer A's actions substantially and unjustifiably deviated from approved Department tactical training.

In conclusion, the BOPC found Officer A's tactics to warrant administrative disapproval and Officer B's actions to warrant a tactical debrief.

B. Drawing/Exhibiting

- In this instance, Officer A had reason believe that the Subject had committed a crime and, in his desperation to flee the scene, may have killed a pedestrian. Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience would reasonably believe that the Subject posed a significant threat and that the situation could escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers A's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- Based on the video footage and physical evidence in this case, it is clear that at the time Officer A fired his service pistol, the Subject was in the process of fleeing the scene and there was no credible threat that the officer's life or the lives of others were in immediate peril. As such, the BOPC found that Officer A was in violation of the Department's lethal force policy regarding shooting at a moving vehicle. Furthermore, given the totality of the circumstances, the BOPC found that an officer with similar training and experience would not reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and would not have reasonably reacted in the same manner.

In conclusion, the BOPC found Officer A's use of lethal force to be out of policy.