

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

OFFICER-INVOLVED SHOOTING – 002-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Foothill	1/4/16		
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Officer(s) Involved in Use of Force	Length of Service
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Detective A	23 years, 4 months
Detective B	17 years, 2 months
Detective C	21 years, 6 months
Detective D	27 years, 2 months
Detective E	29 years, 10 months

Reason for Police Contact

The Subject was wanted for a variety of violent felonies. He was located by detectives, attempted to flee and drew a handgun, resulting in an Officer-Involved Shooting (OIS).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject, Male 32 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 BOPC 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 20, 2016.

Incident Summary

Detectives assigned to a Los Angeles Police Department (LAPD) specialized unit were called in during off-hours to conduct a surveillance operation to locate and arrest the Subject. The Subject was wanted for a series of crimes being investigated by detectives, which included murder, attempted murder, and robbery.

Note: The Subject had two active LAPD warrants for attempted murder.

During their briefing, the detectives were advised that the Subject had also been identified as one of two subjects who had robbed a gas station the prior month. During the commission of that robbery, the Subject was armed with a stainless steel revolver and was possibly wearing body armor. Another subject was armed with a nine millimeter (9mm) semiautomatic handgun.

Furthermore, the detectives were advised that a few days prior to this incident, the Subjects were being pursued by LAPD officers. During that pursuit, the Subject was driving a silver vehicle displaying a stolen license plate. The Subject eluded arrest by entering the off-ramp of a freeway and driving northbound into oncoming southbound traffic.

The detectives, along with uniformed Metropolitan Division personnel, were provided with multiple locations that the Subject was known to frequent. Of those locations, the detectives opted to divide their time between two locations where the Subject had spent the most time and where he was last seen. The first location was a hotel, and the second was a storage facility. Detectives were also advised that the Subject was known to switch the license plates on the silver vehicle with either stolen or paper dealer plates.

The objective of Metropolitan Division personnel was to provide a uniformed presence for the plainclothes detectives. Additional officers from two other specialized units were also assigned to the operation. Their objective was to conduct spot checks at multiple locations in search of the Subject or the silver vehicle. If they located either, they were supposed to notify detectives and Metropolitan Division officers and maintain surveillance until their arrival.

Following the briefing, detectives responded to and conducted surveillance at the hotel in the early hours of the day prior to this incident. With no sign of the Subject at the hotel, and having received information that the Subject had visited the storage facility as recently as the previous morning, the detectives opted to redeploy. That morning, detectives moved their surveillance to the storage facility.

Note: Detectives had discovered that the Subject's vehicle was captured on surveillance video at the storage facility, and that someone had accessed the Subject's storage unit the day prior.

Detective F was en route to an Area Community Police Station to begin his watch and brief with other members of his team regarding the latest efforts to locate the Subject. Detective F was in plainclothes and driving an unmarked surveillance vehicle on the freeway, when he observed a silver vehicle driving alongside him. Upon observing the driver, Detective F believed him to be the Subject. Detective F began to surveil the vehicle and notified Communications Division (CD) that he was following a possible murder subject and requested backup and an Air Unit.

Detective F continued to surveil the vehicle as it exited the freeway, then initiated a southbound turn onto a surface street. Prior to backup units arriving, Detective F lost sight of the vehicle. Although unable to obtain the vehicle's complete license plate number, Detective F noted the last three digits.

Unable to locate the Subject, detectives concluded their surveillance at mid-morning, with the intent to continue the following morning. The next morning (the day of this incident), detectives again briefed on their operational plan, and an hour later, resumed their surveillance at the storage facility.

Detectives A and B were deployed on the storage facility. Other plainclothes personnel were assigned to the detail including, but not limited to, Detectives C, D and E. Also assisting the detectives was a compliment of uniformed Metropolitan Division personnel. The Metropolitan Division officers were staged at a nearby LAFD Fire Station.

That afternoon, Detective F, along with fellow plainclothes detectives, was conducting a spot check at an auto repair shop owned by an associate of the Subject. While other personnel maintained a perimeter on the location, Detective F drove into the parking lot of the business in an effort to locate either the Subject or his vehicle. Unable to locate either, he exited the parking lot as several males who were congregating at the location began to follow his vehicle on foot.

Detective F drove out of the location and stopped his vehicle in the center median. Moments later, Detective F observed a silver vehicle drive eastbound past his location, and Detective F notified his unit via his issued police radio. Detective F exited the center median in an effort to catch up to the vehicle and identify who the driver was. As the silver vehicle came to a stop in the eastbound number one lane of traffic, Detective F deployed behind it and tried to identify the driver via the rear and side view mirrors, without success. The driver of the silver vehicle immediately drove from the number one lane to the right turn lane. Detective F, although still unable to identify the Subject, noted that the last three digits of the license plate were the same as the vehicle earlier noted, and thought that the Subject was the driver. Detective F notified his unit that he believed he had located the Subject.

The driver of the silver vehicle negotiated a southbound turn as Detective F trailed behind. The driver suddenly stopped along the west curb, and Detective F slowed his vehicle while remaining in the Subject's blind spot.

As Detective F slowed to a stop, the driver looked over his left shoulder and backward in the direction of Detective F. The driver, who Detective F then positively identified as the Subject, placed his right hand over his left shoulder and with his middle finger extended upward, yelled a profanity, then accelerated southbound.

Note: The storage facility was located approximately 1.2 miles south.

Detective F immediately notified CD that he was following a murder suspect in a grey vehicle.

Meanwhile, the Subject turned and increased his speed as Detective F attempted to maintain a visual on the vehicle, and broadcast the officers' direction of travel. The Subject began to distance himself from Detective F, and Detective F, fearing that the Subject would elude arrest, upgraded the backup request to a help call.

Simultaneously, Metropolitan units and most of the detectives were advised to respond and assist.

Air Support Division (ASD), was also requested to assist, however the Air Unit did not arrive before the OIS.

As he drove along, the Subject drove east over a freeway overpass and immediately made a right turn and drove southbound down the north off-ramp, along the left shoulder and onto the freeway. Detective F notified CD that the Subject had entered the wrong way on the freeway and was driving against traffic, as he lost visual contact of his vehicle. Responding units entered various on-ramps, which accessed the freeway, in an effort to parallel the Subject.

Almost immediately, the Subject's vehicle collided with another motorist and both were disabled along the shoulder of the freeway, with the motorist's vehicle facing northbound and the Subject's vehicle facing eastbound. The Subject then exited his vehicle and began to run northbound.

Meanwhile, several detectives and officers began to arrive in the area including, but not limited to, Detectives C, D, and E.

Upon reaching the scene of the traffic collision (TC), the detectives stopped their vehicles in the carpool lane of the southbound freeway. Due to the Subject's propensity for violence and believing he may have been armed, detectives armed themselves with their Department-approved rifles.

The detectives proceeded over the center median and deployed eastbound in front of the stopped northbound lanes of traffic. Upon reaching the Subject's vehicle, a witness pointed toward the Subject, who was approximately 100 yards north of the detectives' location, running along the east side of the freeway. Detectives immediately began to

pursue the Subject on foot as another detective cleared the Subject's vehicle for any additional subjects.

Concurrently, Detective A (driver) and his partner Detective B (passenger), entered the southbound freeway followed by a Metropolitan Division sergeant and several officers.

Detective A transitioned to the carpool lane, followed by Metropolitan Division personnel, in an attempt to locate the Subject, who was reportedly last seen on foot. As they proceeded south, Detective A noted that northbound traffic had come to a stop and was congested farther south of their location. Detective A then observed the Subject running northbound on the east shoulder of the freeway, and he notified Detective B. Detective A, who had his emergency lights on and was driving at a slow rate of speed, observed the Subject and stopped his vehicle in the south freeway carpool lane.

Note: Detective A advised that when he stopped his vehicle, there were units behind him with their lights and sirens activated.

Detectives A and B, having already donned their tactical vest with "Police" clearly visible on the front and back, armed themselves with their Department-approved rifles upon exiting their vehicle. As Detectives A and B proceeded over the center median, Detective A identified himself to the Subject as "Police," and ordered the Subject to put his "hands up." The Subject looked west into the direction of Detective A, and continued to run northbound, past the detectives' parallel position.

Meanwhile, Detective D realized that he could not catch up to the Subject on foot and feared that, if the Subject got up to the top of the off-ramp there may be a violent confrontation between the Subject and citizens. Detective D instructed Detective E, who was wearing his tactical vest with "Police" emblazoned on the front and back, to commandeer a vehicle which contained a lone occupant. Upon identifying himself to the occupant, Detective E advised he needed his vehicle and requested he exit. The occupant complied, and Detective E entered the driver's side of the vehicle and, with Detective D in the passenger seat, drove northbound in pursuit of the Subject.

With the Subject failing to obey Detective A's repeated commands, Detectives A and B ran eastbound across the freeway and then northbound behind the Subject. The Subject looked into the direction of the detectives as he continued to flee, which allowed Detective A the opportunity to make a positive identification on him.

The Subject continued to run northbound, and Detective A commanded him, "[P]olice, stop, stop right there, I will shoot you, don't make me shoot you, stop." The Subject, while continuing to flee, then looked over his left shoulder. Detective A, with Detective B to his right, began to close the distance between himself and the Subject. Having observed that the Subject's hands were empty, Detective A opted to utilize his Thomas A. Swift Electric Rifle (TASER) in an effort to stop his flight. As Detective A continued to pursue the Subject, he released his left hand from his rifle and reached for his TASER.

At the same time, another motorist obtained his cellular telephone and captured the unfolding events on video.

As Detective A began to deploy his TASER, he observed, "His [the Subject's] right arm went down to his waistband, his shoulder dipped," and Detective A warned Detective B that the Subject was reaching for something. Detective A released his grip on the TASER and brought his left hand back up to a support position under the hand guard of his rifle.

Detective A, from his position behind the Subject, observed the Subject as he reached toward his right waistband area and removed a handgun. Detective A immediately yelled out, "gun," two to three times to notify his partner officers.

Detective B, from his position southwest of the Subject, observed that once the Subject removed his hand from his front pocket, he was grasping a black object, which Detective B immediately recognized as a handgun. Upon observing this, Detective B thought that from, "all the knowledge and the, that we had been given before, the propensity for violence, the extreme measures that he's going to go to get away. There was no doubt in my mind that he was arming himself, that he was going to turn around and start begin firing at myself and my partner in a last ditch effort to escape."

The Subject, who was still running, began to turn his upper body clockwise toward Detective A. Detective A, in an effort to, "defend myself and my partner from an immediate threat of death or serious bodily injury," raised his rifle in the direction of the Subject. As the Subject's upper torso continued to turn, Detective A, while keeping both eyes open and utilizing the rifle's scope, fired six rounds in a northeasterly direction at the Subject, aiming at center body mass. Detective A continued to fire at the Subject as the Subject maintained possession of the handgun and continued to run. As the Subject began to fall to the ground, Detective A ceased fire, assessed, and continued to cover down on the subject.

Simultaneously, Detective B indicated, "I knew his mind set; I knew that his violent behavior had increased. He disobeyed my commands on several occasions. Given him multiple opportunities to stop running from us. He didn't[.]" Accordingly, Detective B raised his rifle in the direction of the Subject. As the Subject produced the handgun, Detective B, "in order to protect myself and those other officers that were there against the imminent threat of death and serious bodily injury," fired four rounds in a northbound direction at the Subject, aiming at his lower back/torso area. Detective B ceased fire as the Subject fell to the ground.

The Subject was struck several times and was taken into custody without further incident. He was later transported to a hospital, treated, and booked.

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, made the following findings:

A. Tactics

The BOPC found Detectives A, B, C, D and E's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Detectives A and B's use of lethal force to be in policy.

Basis for Findings

A. Tactics

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

1. Body Armor (Detectives C and D)

Detectives C and D did not don their Department approved tactical body armor after exiting their vehicle to confront a potentially armed suspect.

In this case, Detectives C and D exited their police vehicles and intended to don their tactical vests as trained. However, prior to donning their tactical vests, both detectives heard screaming coming from the area of the traffic collision and believed the Subject was taking a hostage, or placing citizens at risk of serious bodily injury or death. Believing that the public was in immediate danger, they retrieved their patrol rifles and immediately responded to the traffic collision without donning their vests.

Based on the totality of the circumstances, the BOPC determined that in this situation Detectives C and D had a reasonable belief that exigent circumstances existed to warrant their immediate response without donning their tactical vests and was a substantial deviation with justification from approved Department tactical training.

2. Utilization of Cover (Detectives A and B)

Detectives A and B left the cover of the concrete divider wall of the freeway to pursue the Subject on foot.

In this case, Detectives A and B believed the need to apprehend the Subject and prevent him from escaping was of greater necessity than utilizing cover and attempting to establish containment. If apprehension was delayed, then the Subject would pose a threat of serious bodily injury or death to the public.

Based on the totality of the circumstances, the BOPC determined that Detectives A and B's decision to leave cover to pursue the Subject was a substantial deviation with justification from approved Department tactical training.

3. Pursuing Possibly Armed Suspects (Detectives A and B)

Detectives A and B went in foot pursuit of a subject whom they believed to be extremely dangerous and likely armed with a weapon.

In this case, the detectives were attempting to minimize the continued threat to the public while dealing with a non-compliant and possibly armed suspect.

Detectives A and B were both aware of the violent crimes that the Subject had recently committed and believed that the need to apprehend the Subject outweighed the risk of the Subject escaping and placing the public at risk of serious bodily injury or death. Aware that the Subject was likely armed, they also armed themselves with their patrol rifles to increase their tactical advantage.

Note: Detectives A and B were assigned to a unit that conducts extensive training on a regular basis that involving scenarios of this nature.

Based on the totality of the circumstances, the BOPC determined that Detectives A and B's decision to pursue the Subject was clearly in the best interest of the public's safety and not a substantial deviation from approved Department tactical training.

4. Stepping on Suspect's Limbs (Detective C)

Detective C stepped on the Subject's right wrist with his right foot to control his arm and prevent him from being able to point his handgun at the other officers.

In this case, the Subject fell to the ground after being shot and was still holding his handgun in his right hand as he laid face down on the ground. As a result, Detective C was tasked with controlling the Subject's arm when the arrest team moved up to handcuff the Subject and take him into custody.

As the arrest team approached, Detective C intentionally stepped on the subject's right wrist to control his arm and successfully secured the handgun without further incident.

Additional Tactical Debrief Topics

- The BOPC additionally considered the following:

1. Commandeering Citizen's Vehicle

The investigation revealed that Detectives D and E commandeered a citizen's vehicle during the incident. In this case, the detectives believed that they would not be able to catch up to the suspect if they chased after him on foot, and exigent circumstances existed to immediately apprehend him because he posed a significant threat to the community if he was able to escape.

2. Simultaneous Commands (Non Conflicting)

The investigation revealed that Detectives A and B gave simultaneous commands to the Subject during the incident.

- 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 review the officer's individual actions that took place during this incident.

In this case, all personnel identified as being substantially involved in the incident were assigned to a unit that specifically trains for this type of scenario. All of the personnel were aware of the suspect's recently committed violent crimes, including murder, and believed that he posed a significant threat to the community if allowed to escape.

In conclusion, the BOPC found Detectives A, B, C, D and E's tactics warranted a Tactical Debrief.

B. Drawing and Exhibiting

- Detectives C, D, and E responded to the location where the Subject was involved in a traffic collision during an attempt to evade officers while driving the wrong way on the freeway. The detectives were aware of the violent crimes the Subject had recently committed and retrieved their rifles before responding to the crash site.

Detectives A and B were assigned to a unit with a specific task of arresting the Subject and had also responded to the traffic collision location. The detectives were aware of the violent crimes the Subject had recently committed and retrieved their patrol rifles before going in pursuit of the suspect.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detectives A, B, C, D and E, 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. Therefore, the BOPC found their drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Detective A** – (rifle, six rounds)

As Detective A was pursuing the Subject, he observed the Subject turn to his right, back at an angle, and start to move out of his pocket with his right hand. As the Subject began to come out with his right hand, he observed the Subject holding a black handle similar to the grips on a revolver that he carries. Believing that the Subject was arming himself and was going to turn around and start firing at them, he brought his rifle up and fired six rounds at the Subject to defend himself and Detective B from the immediate threat of death or serious bodily injury.

In this case, the detectives were in pursuit of a fleeing felon who had already displayed a high propensity for violence, and whose apprehension if delayed would pose an ongoing serious threat to the community. In addition, the Subject's actions of producing a handgun while the officers were pursuing behind him on foot presented an imminent threat of death or serious bodily injury.

- **Detective B** – (rifle, four rounds)

Detective B was pursuing the Subject when he observed the Subject looking back over his left shoulder and then reach toward his right waist or front pocket with his right hand and pull out a gun. Fearing for his safety and the safety of his partner, he fired four rounds from his patrol rifle at the Subject to stop the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detectives A and B would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

Therefore, the BOPC found Detectives A and B's lethal use of force to be objectively reasonable and in policy.