

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

**OFFICER-INVOLVED SHOOTING – 008-16**

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

Rampart                      1/30/16

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

Officer A                      10 years, 10 months

**Reason for Police Contact**

Officers conducted a pedestrian stop on Subjects 1 and 2. As officers approached Subject 2 ran away. Officers pursued Subject 2 who turned towards Officer A with a gun in his hand, resulting in an Officer-Involved Shooting (OIS).

**Suspect**                      **Deceased ()**                      **Wounded ()**                      **Non-Hit (X)**

Subject 1: Male, 22 years of age.  
Subject 2: Male, 20 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 January 17, 2017.

## **Incident Summary**

Uniformed Police Officers A and B were assigned crime suppression duties. The officers were in an unmarked police vehicle, where Officer B was the driver and Officer A was the passenger.

As the officers drove in an alley, they observed Subjects 1 and 2 walking across the road in front of them. The officers believed that Subjects 1 and 2's actions constituted a pedestrian violation and decided to detain them. Officer B made a left turn into the street and stopped his vehicle adjacent to the Subjects.

The officers exited the respective sides of their vehicle. Officer B told the Subjects that he needed to speak to them and directed them to turn around and face toward the wall.

As Officer B approached Subject 1, Officer A made his way around the front of the officers' police vehicle. At this point Subject 2 turned and started to run on the sidewalk, pursued by Officer A.

In order to stay with his partner, Officer B conducted a quick pat-down search for weapons on Subject 1 and handcuffed his right wrist to a wrought iron fence. Officer B re-entered his vehicle, made a U-turn, and drove after Officer A.

As Subject 2 ran, he clutched the center of his waistband area with his left hand. Officer A believed that Subject 2 was armed and trying to prevent the weapon from falling out of his front waistband area as he ran. As Subject 2 reached approximately midblock, he ran across the street onto the sidewalk and continued running.

As Subject 2 reached an intersection, he turned his head to look back toward Officer A. Officer A believed that Subject 2 was armed and was looking back in his direction to engage him. Officer A unholstered his pistol.

As Officer A continued to track Subject 2, Officer B continued driving southbound and was rapidly closing the distance to his partner when he requested back up.

Subject 2 ran into the mouth of the intersection heading east. As he did so, he turned his upper body to his right and back toward Officer A while holding a blue steel handgun in his right hand. Officer A believed that Subject 2 was turning back toward him with the gun in his hand to shoot him.

Officer A transitioned to a two-handed grip on his pistol, pointed his weapon towards Subject 2, and fired one round.

Officer A reassessed as his momentum carried him forward and observed that Subject 2 was still rotating his upper body to his right and back toward him with the gun in his right hand. Officer A fired a second round. Both rounds missed Subject 2.

Officer A observed Subject 2 throw the handgun over a chain link fence on the corner of the intersection.

Officer A shouted at Subject 2 to get down on the ground. Subject 2 stopped running and lay down on the ground. Officer B parked his vehicle and broadcast an upgrade from a backup request to a help call. Officers A and B approached Subject 2 and handcuffed his wrists together.

Once Subject 2 was taken into custody, Officer B re-entered his police vehicle and drove northbound to Subject 1's location. Officer B released Subject 1 from the wrought iron gate and handcuffed his hands behind his back. Officer B placed Subject 1 in his police vehicle.

Officer A advised responding officers that Subject 2 had thrown a handgun over the fence, into a parking lot. Officer C entered the parking lot and located Subject 2's firearm.

### **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 Officers A and B tactics to warrant Administrative Disapproval.

#### **B. Drawing and Exhibiting**

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

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

The BOPC found Officer A'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

Officer B did not don his Department approved body armor as required when conducting field related duties.

The BOPC determined that Officer B's decision not to don his body armor was a substantial deviation, without justification, from approved Department tactical training.

#### 2. Code Six

Officers A and B did not advise Communications Division (CD) of their status and location (Code Six) when they made the decision to detain Subjects 1 and 2.

In this situation the officers were not faced with a rapidly unfolding tactical situation and had sufficient time to broadcast their Code Six location, as well as any other relevant information prior to initiating their investigation.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision not to advise CD of their Code Six location was a substantial deviation, without justification, from approved Department tactical training.

#### 3. Tactical Vehicle Deployment

Officer B stopped the police vehicle with Subjects 1 and 2 adjacent to the driver's side door. The positioning of the police vehicle when conducting a pedestrian stop is critical to provide the officers a tactical advantage should the incident escalate.

Based on the totality of the circumstances, the BOPC determined that Officer B's vehicle deployment was a substantial deviation, without justification, from approved Department tactical training.

#### 4. Contact and Cover

Officer B did not wait for his partner to exit the police vehicle before making contact with Subject 1. Additionally, after the OIS, Officer B did not provide a lethal cover option while Officer A handcuffed Subject 2.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

#### 5. Tactical Communication

Officers A and B did not effectively communicate their observations or actions with one another on multiple occasions throughout the incident.

In this case, the officers' lack of planning and inability to effectively communicate with one another during this incident placed the officers at a significant tactical disadvantage.

Based upon the totality of the circumstances, the BOPC determined that Officers A and B's lack of effective communication with each other throughout the incident was a substantial deviation, without justification, from approved Department tactical training.

#### 6. Separation/Pursuing Possibly Armed Suspect

Officer A separated from his partner and pursued a suspect whom he believed was armed with a handgun.

In this case, Officer A made the decision to leave his partner with Subject 1 to pursue after a suspect whom he believed was armed. As a result, the distance between the officers during the foot pursuit jeopardized their ability to effectively communicate, or render immediate aid to one another.

Based on the totality of the circumstances, the BOPC determined that Officer A's decision was a substantial deviation, without justification from approved Department tactical training.

#### 7. Handcuffing an Arrestee

Officer B handcuffed Subject 1 to a wrought iron gate and left him unattended in order to follow Officer A who had gone in foot pursuit of Subject 2.

In this case, Officer B believed that he needed to be in close proximity to Officer A in order to render aid if necessary. Consequently, given the options available to him at the time, he made the decision to secure Subject 1 to the wrought iron gate and follow his partner in pursuit of Subject 2.

Based on the totality of the circumstances, the BOPC determined that in this specific situation, Officer B's actions were a substantial deviation, without justification from approved Department tactical training.

## 8. Foot Pursuit Broadcast

Officers A and B did not advise CD when they went in foot pursuit of Subject 2.

In this case, Officers A and B were separated; therefore, clear roles were not defined. Officer B requested a back-up at the termination of the foot pursuit, but neither officer provided an initial foot pursuit broadcast, which jeopardized the officers' ability to effectively contain Subject 2 and ensure a positive outcome.

Based on the totality of the circumstances, the BOPC determined that Officer A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC additionally considered the following:

### 1. Running with Service Pistol Drawn

The investigation revealed that Officer A pursued Subject 2 with his service pistol drawn. Officer A is reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol.

### 2. Help Call Broadcast

The investigation revealed that Officer B broadcast a back-up request. However, his Help Call broadcast was not captured by either Metropolitan or Rampart radio frequencies. The officers are to be reminded of the importance of broadcasting the proper emergency request for immediate assistance.

### 3. Required Equipment

The investigation revealed that Officers A and B did not have their batons on their person. Additionally, Officer B did not have his Hobble Restraint Device on his person. The officers are reminded to have all their required equipment on their person while performing field patrol duties.

- 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.

In conclusion, the BOPC found that the tactics utilized by Officers A and B, substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- According to Officer A, as Subject 2 approached the intersection, he observed Subject 2 with his hand in his waistband, looking back in his direction. He believed that Subject 2 was armed with a handgun and was attempting to locate his position to engage him, so he drew his service pistol and ordered Subject 2 to stop. Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, 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 Officer A's drawing and exhibiting to be in policy.

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

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

### First Round

According to Officer A, when Subject 2 reached the middle of the intersection, he began to turn around to his right. He then observed Subject 2's right hand grasping a pistol grip of the butt of a gun. In fear for his life, he fired one round from his service pistol at Subject 2 to stop the threat.

### Second Round

According to Officer A, after firing his first round, he reassessed and observed that Subject 2 was still turning towards him with the gun in his hand. In fear for his life, he fired a second round at Subject 2 to stop the threat.

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 Subject 2's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

In conclusion the BOPC found Officer A's use of lethal force to be objectively reasonable and in policy.