

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

**OFFICER-INVOLVED SHOOTING – 009-16**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Hollenbeck 2/6/16

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	10 years, 8 months
Officer B	8 years, 7 months

**Reason for Police Contact**

Officers conducted a traffic stop of a stolen vehicle. As officers approached the vehicle, the Subject pointed a sawed-off shotgun at one of the officers, resulting in an Officer-Involved Shooting (OIS).

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject, Male 16 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 10, 2017.

## **Incident Summary**

Uniformed Police Officers A and B were patrolling together. Officer A was the driver while Officer B was the passenger.

Officer A observed what he believed to be a stolen vehicle pass them in the opposite direction. Officer A negotiated a U-turn, positioning the police vehicle behind the Subject as he entered the left hand turn lane to make a westbound turn. Officer B immediately ran the license plate number using the officers' Mobile Digital Computer (MDC) and confirmed the vehicle was reported stolen.

Officer B broadcast that they were following a stolen vehicle and requested a back-up and an Air Unit as the Subject made the left turn.

The Subject began applying his brakes as he drove west and then, after activating his right hand turn indicator, turned north into the driveway of a residential property. Officer A activated his overhead emergency lights, and Officer B broadcast that they were stopping the vehicle as the Subject came to a stop in the driveway.

Officer A stopped the police vehicle in the mouth of the driveway, at an angle, facing in a northwest direction, approximately ten feet behind the stolen vehicle. The officers exited their vehicle and unholstered their handguns, drawing to a low-ready position. From behind their doors, they observed the Subject simultaneously open the driver's door of the stolen vehicle and appear to be "fidgeting" in the car. Based on their past experiences in the apprehension of Grand Theft Auto suspects, both officers believed the Subject was attempting to exit the car to flee on foot.

Due to the angle at which the police vehicle was stopped in relation to the Subject's position, Officer A was unable to view the Subject through the open driver's door. Because of the Subject's movement inside the vehicle and to obtain a better view of him, Officer A moved away from his car door toward a chain-link fence post at the mouth of the driveway in front of the driver's side of the police vehicle.

The stolen vehicle suddenly lurched forward. To prevent the Subject's escape, Officer A moved from the fence post and began walking forward along the driver's side of the stolen vehicle as it collided with the rear bumper of a vehicle that was parked in front of it in the driveway. Officer B simultaneously moved forward along the passenger side of the stolen car and observed that there were no additional occupants inside the passenger compartment.

The Digital In-Car Video System (DICVS) camera mounted inside the officer's vehicle captured the Subject as he appeared to attempt to step out of the stolen vehicle by placing his left foot onto the ground as it lurched forward. Audio from DICVS captured officers giving commands for the Subject not to move and to show them his hands.

Officer A issued several verbal commands to the Subject not to move. As he looked into the driver's compartment. Officer A observed the barrel of a shotgun pointing outward from the driver's door. The Subject's right hand was positioned on the pistol-grip stock of the shotgun, and his left hand was holding the fore-end assembly. Officer A alerted his partner that the Subject was in possession of a gun.

The Subject simultaneously began to turn in Officer A's direction swinging the barrel of the shotgun rearward, in a counter-clockwise motion, until it was pointed directly at Officer A. Believing the Subject was going to fire, Officer A fired multiple rounds at the Subject, until he slumped forward and no longer appeared to be holding the shotgun.

According to Officer A, the Subject dropped the shotgun onto his lap.

According to Officer B, as he reached the door frame that separated the front and rear passenger doors of the stolen vehicle, he observed the Subject seated in the driver's seat holding the fore-end of the shotgun in his left hand and the sawed off pistol-grip stock in his right hand with the barrel pointing out of the driver's door. The Subject began twisting his upper body and turning his head toward Officer A. Believing the Subject was going to shoot his partner, Officer B fired multiple rounds at the Subject through the open front passenger window.

Once the Subject slumped forward and dropped the shotgun, Officer A backed away to the rear of the stolen vehicle, where he holstered his pistol and broadcast a request for help and a Rescue Ambulance (RA) for the Subject. Officer B moved around the rear of the stolen vehicle to the fence post at the mouth of the driveway and took a position at the driver's side of the vehicle, covering the Subject with his firearm.

It was unknown why the Subject had pulled into that particular residential driveway and what his relationship was to that residence. Officers A and B decided to remove the Subject from the stolen vehicle to a location where he could be safely taken into custody and treated by responding Los Angeles Fire Department (LAFD) personnel.

Officers approached on the passenger side of the stolen vehicle and covered the house and driveway as Officers B and C approached on the driver's side. Officer B utilized a pocket knife to cut the Subject free of his seatbelt and pulled him from the driver's seat. Officers B and C pulled the Subject south along the west side of the driveway onto the sidewalk and out of view from the residence.

Firefighter/Paramedics responded. Following an examination of the Subject, they found no signs of life and determined the Subject to have died.

### **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 Sergeants A, B and C, as well as Officers A and B's tactics to warrant Administrative Disapproval. The BOPC found Officer C's tactics to warrant a Tactical Debrief.

### **B. Drawing/Exhibiting**

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

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

The BOPC found Officers 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. Tactical Communication**

Officers A and B did not discuss tactics prior to initiating a vehicle stop on a stolen vehicle occupied by a Subject and did not communicate their observations or actions with one another on multiple occasions throughout the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

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

Based on the totality of the circumstances, the BOPC determined that Officer A and B's lack of communication with each other throughout the incident was a

substantial deviation, without justification, from approved Department tactical training.

## **2. Tactical Vehicle Deployment**

Positioning of a police vehicle is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, the officers observed a vehicle matching the description of a recently reported stolen vehicle, queried the license plate and confirmed it was the vehicle. After conducting a U-turn, the officers followed the Subject as he made a left turn onto residential street and pulled into the driveway of a residence. The officers then pulled into the mouth of the driveway directly behind the vehicle, exited and decided to make contact with the Subject without the assistance of additional resources. The officer's deployment of their vehicle at such a close distance placed the officers at a significant tactical disadvantage.

The BOPC determined that the officers' actions were a substantial deviation, without justification, from approved Department tactical training.

## **3. Command and Control**

It is incumbent upon supervisors at the scene of a critical incident such as this to demonstrate and exercise supervision that is consistent with Department supervisory and tactical training.

In this incident, Sergeant A was the first supervisor to arrive on scene after the OIS. Sergeant A failed to take control of the incident or ensure that the involved officers had been separated and had provided a Public Safety Statement (PSS). As a result, the officers were left unattended for an extended period of time and there was an unnecessary delay in obtaining the PSS.

Sergeant B responded and assumed the role of Incident Commander (IC), formed a search team, and directed officers to conduct a search of the residence adjoining the driveway where the OIS had occurred without establishing a connection to the subject or lawful grounds for the search. The residence was later determined to be uninvolved.

The BOPC was critical of Sergeant B's lack of command and control during this incident and concluded that he did not demonstrate the level of control or supervision expected of a field supervisor during a critical incident.

Sergeant C responded and was tasked with obtaining a PSS from Officer B by the IC. Sergeant C acknowledged the task; however, Sergeant C allowed approximately six minutes to lapse before he separated and obtained the PSS from Officer B.

The BOPC determined that the Sergeant A, B and C's actions were a substantial deviation, without justification, from approved Department tactical training.

In conclusion, the BOPC found that the tactics utilized by Sergeants A, B and C, along with Officers A and B, substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval. Additionally, the BOPC found Officer C's tactics did not substantially deviate from approved Department tactical training and warranted a Tactical Debrief.

## **B. Drawing/Exhibiting**

- While on patrol, Officers A and B observed a stolen vehicle, conducted a traffic stop, and drew their service pistols in response to the high-risk traffic stop. Officer C responded to the scene immediately after the OIS occurred and indicated that he drew his service pistol as he exited the vehicle.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and C, while faced with similar circumstances, 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, and C's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A** – (pistol, 11 rounds)

According to Officer A, as he was approaching the Subject's driver's side door, he observed the Subject holding either a shotgun or a rifle. The Subject then turned in Officer A's direction with the barrel pointing directly at him. Fearing that he was about to be shot by the Subject, he fired multiple rounds from his service pistol at the Subject to stop the immediate deadly threat.

- **Officer B** – (pistol, 2 rounds)

According to Officer B, as he moved forward along the passenger side of the vehicle, he observed the Subject was holding a sawed-off shotgun in an upward angle and pointing it towards Officer A. Fearing for the life of his partner, he fired two rounds from his service pistol at the Subject to stop his actions, and tactically redeployed to the rear of the Subject vehicle to avoid a potential crossfire situation with his partner.

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

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

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

