

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

OFFICER-INVOLVED SHOOTING – 013-16

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

Harbor 2/20/16

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

Officer A 2 years, 10 months

Reason for Police Contact

While off-duty and driving his personal vehicle, Officer A witnessed a drive-by shooting/murder. The officer followed the vehicle and tried to obtain a license plate number, resulting in an Officer-Involved Shooting (OIS).

Subject(s) Deceased () Wounded () Non-Hit (X)

Subject: Male (NFI).

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 February 7, 2017.

Incident Summary

During the early morning hours of February 20, 2016, Officer A was off-duty and with his fiancée, Witness A. They were returning to his home in his vehicle. Before beginning the drive home, Officer A removed his holstered, personally owned pistol from the pocket on the rear of the front passenger seat and secured it inside the right front waistband of his pants. Officer A entered his vehicle and was driving home, when he and Witness A were diverted away from the freeway due to ongoing construction. Officer A was following detour signs in an attempt to locate the entrance to the freeway. As a result of following the detour signs, Officer A and Witness A were travelling north on surface streets, when they stopped at a red phase tri-light.

As he waited for the light signal to change, Officer A observed a faded green Sports Utility Vehicle (SUV), identified as the Subject's vehicle, directly in front of him.

When the light turned green, the SUV pulled forward, crossed the intersection and suddenly stopped in the northbound number one lane, approximately two businesses north of the intersection. Officer A stopped his vehicle approximately five to ten feet behind the SUV. Officer A attempted to pass the SUV via the number two lane, but was unable to due to oncoming vehicle traffic. Officer A's vehicle windows were rolled up and the radio was turned off. Officer A heard the sound of a voice emanating from within the SUV yell, "Where are you from?" Officer A immediately directed his attention to three individuals, two males and one female, who were standing in the area of the west sidewalk. One of the males was standing in the street in the southbound number one lane. Officer A observed him look toward the Subject's vehicle and raise his hands to shoulder level, in a submissive gesture. Officer A then heard three gunshots and observed the male fall to the ground. Officer A then heard a female scream.

Note: Witness A heard four to five gunshots that coincided with flashes. Witness A then observed two people running from the location.

After the shooting, Officer A and Witness A observed the Subject's vehicle accelerating and fleeing north. Officer A rolled down his driver-side car window to briefly look at the Victim. Believing that he had just witnessed a murder, Officer A followed the vehicle to obtain the license plate number and relay that information to Communications Division (CD). Officer A told Witness A to call 911. According to Officer A, Witness A was crying and scared and she was unable to immediately call 911. The Subject's vehicle accelerated to approximately 30 to 40 miles per hour. As the Subject's vehicle continued north, it went through several red lights without stopping. Officer A, in a continued attempt to acquire the Subject's vehicle's license plate number, followed at a distance of three to four car lengths behind, slowing his vehicle at each intersection with a red phase tri-light to check for cross traffic before proceeding. The Subject's vehicle suddenly turned west onto an unknown street and through a residential neighborhood. According to Officer A, the Subject's vehicle conducted numerous left and right turns, which prevented Officer A from obtaining the vehicle's license plate number.

In the meantime, Communications Division (CD) received approximately four 911 calls for ADW shots fired in the area of the murder. Approximately six patrol units and an Air Unit responded to the area to search for the Subject

As Officer A continued to follow the Subject's vehicle, this time at a distance of eight to nine car lengths, he again told Witness A to call 911. Officer A observed that Witness A was still crying and scared and that she was having difficulty dialing 911 while he was following the Subject's vehicle. Officer A told Witness A to stay calm and dial 911 because he was only going to get the license plate number. Approximately one block prior to the OIS, Witness A was finally able to contact CD. Officer A told Witness A to tell CD that a shooting had just occurred and they were attempting to get the license plate of the Subject's vehicle.

The Subject's vehicle eventually turned on another surface street and traveled north to an intersection. According to Officer A, as the officers followed the Subject's vehicle and reached the intersection, the Subject's vehicle began to turn east, but suddenly made a wide east to west turn back into the intersection. Officer A believed the Subject was preparing to make a U-turn and drive south in his direction. Officer A stopped his vehicle approximately three to four houses south and considered his options, which included placing his car into reverse and backing away from the Subject or accelerating forward in an effort to redeploy. The Subject's vehicle stopped a short distance from the northwest curb of the intersection, so that the Subject's vehicle driver's side window was in full view of Officer A. Officer A observed a male in the driver's seat and simultaneously observed muzzle flash emanating from the Subject vehicle driver's side window. The Subject fired approximately three gunshots in rapid succession, with no pauses.

Note: The investigation determined that the Subject fired seven times in a southeasterly direction.

According to Witness A, she was on the cellular phone with CD as the Subject was shooting at them.

As Officer A observed the muzzle flashes, he told Witness A to get down. Believing that the Subject was firing at him, Officer A was in fear for both his life and Witness A's life. While sitting in the driver's seat of his vehicle, Officer A pointed his pistol through his open driver's side window, aligned his sights on the Subject, leaned toward the open window of the front driver's side door, and fired his pistol approximately three times in a northwesterly direction at the Subject who was seated inside the vehicle on the driver's side.

Note: The investigation determined that Officer A fired two rounds at the Subject.

Immediately after Officer A fired, the Subject rapidly drove west and out of sight.

Officer A then reported that he had been involved in a shooting and waited for the response of on-duty officers.

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 Officer A's tactics to warrant Administrative Disapproval.

B. Drawing/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 lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC considered the following tactical issues:

1. Off-Duty Tactics

Officer A followed an armed suspect who had just committed a homicide with a firearm without facilitating the response of the local law enforcement agency until after his involvement in an OIS.

In this case, Officer A indicated that he followed the Subject to obtain the vehicle's license plate number. However, the evidence reflects that Officer A did not ensure that the appropriate law enforcement agency was notified until after he had been involved in an OIS.

Additional concerns were identified regarding the off-duty tactics displayed by Officer A. These tactics included the following:

- Officer A, unfamiliar with the area, traversed several residential streets.
- Officer A drove through approximately three red phase tri-light signals.
- Officer A directed Witness A to call 911 and advise CD what was transpiring, noting she was scared, crying and hysterical.

The BOPC determined that the Off-Duty Tactics employed by Officer A during this incident were a substantial deviation, without justification from approved Department tactical training.

2. Reverence for Human Life

Officer A, while off-duty in his privately owned vehicle, followed an armed suspect who had just committed a homicide with a firearm, with a civilian passenger in his vehicle.

In this case, Officer A made the decision to follow the Subject with a civilian in his vehicle after the Subject fired three rounds at victim who fell onto the roadway. As the incident unfolded, the subject stopped his vehicle and fired his handgun in Officer A's direction, resulting in an OIS.

The BOPC determined that Officer A's decision to pursue an armed Subject with a civilian inside his vehicle, was a substantial deviation, without justification, from approved Department tactical training.

B. Drawing/Exhibiting

- Officer A observed a male sitting in the driver's seat of the Subject's vehicle and muzzle flashes emanating from his position, followed by the sound of three to four gunshots fired in rapid succession. Believing he was being shot at, Officer A drew his service pistol.

The BOPC determined that an officer with similar training and experience as Officer A, 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.

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

C. Lethal Use of Force

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

Fearing for his life, Officer A leaned out the window and fired two rounds 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 Officer A would reasonably believe the subject's actions of firing a handgun in the direction of Officer A presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

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