

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

OFFICER-INVOLVED SHOOTING – 020-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	04/03/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	20 years, 1 month
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Reason for Police Contact

Officers responded to a call of a screaming woman being forced into a vehicle. As officers approached the vehicle, they saw the Subject assaulting the victim as she screamed for help. The Subject refused to get out of the vehicle and drove toward one of the officers as he began to flee with the victim still inside the vehicle, at which time an Officer-Involved Shooting (OIS) occurred.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
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Subject: Male, 39 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 February 28, 2017.

Incident Summary

Witness A dialed 911 and reported that he heard a female outside screaming and observed her being pulled into a vehicle by an unknown male. Witness A provided the location of the incident.

Communications Division broadcast the information, and uniformed Officers A and B accepted the call. The officers were in a marked black and white police vehicle. Officer A, the driver, was a Field Training Officer (FTO), Officer B, a probationer, was the passenger. The officers had been assigned as partners for approximately seven days.

Officers A and B responded with emergency lights and sirens (Code Three) and deactivated the police vehicle emergency equipment as they approached the area. When they were approximately mid-block, the officers heard a woman screaming. Officer A looked to his immediate left and observed a vehicle with tinted windows and could hear the sound of screaming emanate from within.

Officer A angled the front of the police vehicle in a northeasterly direction, and parked adjacent to the Subject's vehicle. Officer A immediately exited the police vehicle and approached the driver's side of the Subject's vehicle. Officer B approached the left rear passenger side of the Subject's vehicle.

Officer A observed the silhouette of the Subject in the back seat making two downward punching or slamming motions with his right hand. Both officers could hear the victim screaming continuously. Suddenly, the screaming stopped. Officer A described hearing sounds coming from inside the vehicle as if someone was being strangled or choked.

Officer A utilized his baton to strike the window while telling the Subject to get out of the vehicle. The Subject refused to comply with the officer's commands. Officer A formed the opinion that the woman was either being attacked or murdered. He struck the left rear window with the baton, causing it to shatter.

Officer A observed the Subject in a squatted position on top of the victim. The victim was behind the front passenger seat and leaning partially on her back. Officer B recalled observing blood on the victim's face. Officer A yelled repeated commands at the Subject to stop and exit the vehicle. The Subject did not comply.

Officer B, fearing for the safety of the victim and the possible escalation to deadly force, unholstered his pistol. Officer B gave the Subject several commands to show his hands. The Subject looked in the direction of the officers and failed to comply as he moved from the rear passenger area into the driver's seat of the vehicle.

Officer A continued giving the Subject commands to stop and show his hands as the Subject got into the driver's seat while the victim remained in the back seat, screaming.

Officer A was standing near the driver's door and with two strikes from his baton, shattered the driver's window. Officer A again ordered the Subject to show his hands.

Officer A was standing by the Subject's driver's side window with the driver's side of his police vehicle behind him when he heard the subject revving the motor. Officer A ordered the Subject to stop and, realizing his position, attempted to redeploy behind his police vehicle. The Subject accelerated the vehicle towards Officer A. Officer A stood near the left rear wheel of his police vehicle, unable to redeploy. He dropped his baton, took a step back and, fearing for his life and that of the victim, unholstered his pistol. Officer A fired one round from an approximate distance of four to five feet at the Subject, as he drove past him. The round did not strike the Subject.

The Subject drove west on the street and south out of sight. Officers A and B holstered their pistols and entered their police vehicle. Officer A began to re-position the police vehicle to pursue the Subject.

Officer B broadcast to CD that shots had been fired and that they needed help in pursuit of the Subject's vehicle. After negotiating a three-point turn, Officer A drove west in an attempt to locate the Subject; however, the Subject's vehicle was no longer visible to the officers.

As Officer A drove in the vicinity of the OIS, they located the victim standing in the middle of the road. Officer A broadcast the last known direction of the Subject's vehicle and requested a Rescue Ambulance (RA) for the victim and a supervisor to attend the scene of the OIS.

The Subject was later identified and arrested.

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 weapon 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, and Officer B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A and B'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 noted the following tactical considerations.

1. Code Six

Officers A and B did not ensure that CD received the officers' Code Six broadcast when they arrived at the radio call location.

The BOPC determined that Officers A and B should have notified CD that they were Code Six on arrival at the scene and that this was a substantial deviation from approved Department tactical training. The BOPC felt as though the FTO, Officer A, had the responsibility to ensure that the officers were Code Six. This was a substantial deviation without justification, requiring a finding of Administrative Disapproval.

Additionally, the BOPC found that although Officer B's actions were a substantial deviation, they were justified given his length of service and lack of experience and that a Tactical Debrief would be the appropriate forum for Officer B to discuss the incident.

2. Vehicle Deployment

Officer A located the screaming victim inside a vehicle that was parked along the curb and stopped their police vehicle adjacent to the Subject's vehicle to render immediate aid.

The officers proceeded slowly along the street in an effort to locate the screaming victim. Upon hearing screams emanating from a vehicle parked along the north curb, Officer A parked adjacent to the vehicle and then the officers exited to render aid to the victim.

The BOPC determined that the officers' actions were reasonable and appeared to be driven by the victim's screams for help. Given the circumstances, the BOPC concluded the deployment of the vehicle was a deviation from approved

Department tactical training, with justification to provide immediate assistance to the victim. In an effort to enhance future performance, the BOPC directed this be a topic of discussion during the Tactical Debrief.

- 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 conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officer A substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval. The tactics employed by Officer B justified a finding of Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer B, he was positioned to the east of Officer A when his partner shattered the window, and he observed the Subject on top of the victim. The victim was screaming for help and he observed that her face was bloody. Fearing for the victim's safety, he immediately drew his service pistol to a low ready and ordered the Subject to show his hands.

According to Officer A, he heard the car revving as the Subject turned his wheel and drove toward him. Fearing for his life and for the life of the victim if the Subject was allowed to leave, he dropped his baton and drew his service pistol.

According to Officer B, upon locating the victim, Officer A made contact with the victim as he drew his service pistol to provide cover for them in the event the Subject was still in the area.

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

C. Lethal Use of Force

- **Officer A** (pistol, one round)

According to Officer A, he heard the car revving and attempted to redeploy to the rear of his police vehicle. The Subject then turned his wheel and drove toward Officer A. Fearing for his life and the life of the victim if the Subject was allowed to leave, Officer A dropped his baton, drew his service pistol and fired one round at the Subject in an attempt to stop him.

Based on 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 driving away with the victim, posed a significant threat of death or serious bodily injury to the victim if apprehension was delayed. Therefore, the use of lethal force was objectively reasonable.

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