

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

**OFFICER-INVOLVED SHOOTING – 028-16**

<b>Division</b>	<b>Date</b>	<b>Duty-On ( ) Off (X)</b>	<b>Uniform-Yes ( ) No (X)</b>
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Hollywood	05/05/16		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Detective A	19 years, 6 months
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**Reason for Police Contact**

Officers A was confronted by an armed suspect who attempted to rob him. When Subject 1 pointed his pistol at Detective A and demanded his property, an Officer-Involved Shooting (OIS) occurred.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
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Subject: Male, 19 years of age.			
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**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 April 11, 2016.

## **Incident Summary**

An off-duty officer, Detective A, was walking on the east sidewalk on his way into work. As Detective A neared the northeast corner, he heard footsteps behind him. Detective A looked over his shoulder to see who it was and observed an unknown male, later identified as Subject 1, wearing a blue hooded sweatshirt with the hood pulled over his head walking approximately 30 feet behind him. Detective A also noticed straps on the front of Subject 1's chest and believed he was wearing a backpack. According to Detective A, he did not think much of it because it is usual for people to be out in his neighborhood at that time of the morning walking around. Detective A proceeded to cut through a strip mall parking lot, walking in an easterly direction toward the north sidewalk.

Detective A continued to walk along the sidewalk when he again realized that Subject 1 was still following, approximately 20 feet behind him on the north sidewalk. According to Detective A, he was unsure if Subject 1 was following him, so out of caution, he decided to cross over to the other side of the street.

As Detective A crossed the street at an approximate 45-degree angle, he heard footsteps closing in on him and a voice say "Hey." Concerned for his safety, Detective A began rotating his upper body from right to left, looking over his left shoulder when he saw Subject 1 approximately 10 feet away, running at him. Detective A's upper torso was facing in a northwesterly direction, while his lower torso was facing in a northerly direction. As Subject 1 ran at Detective A, Subject 1 was reaching into his left front waistband area with his left hand and pulling a black colored semiautomatic pistol from what appeared to be a holster. According to Detective A, Subject 1 told him, "Give me that." Detective A stated that Subject 1's voice sounded very unusual as if he was under the influence.

Detective A, believing that Subject 1 was robbing him and wanting his backpack, told Subject 1, "What, this?" as he allowed the backpack strap to slide away from his right shoulder. Detective A, fearing that Subject 1 would shoot him, even if he complied with his demands, wanted to gain a position of advantage by using his own backpack to conceal his action of unholstering his pistol which he was wearing in a holster on his right hip concealed by his sweatshirt. As Detective A's left backpack strap fell onto his left arm, he extended it outward toward Subject 1, creating a barrier, which allowed Detective A to unholster his pistol with his right hand, concealing his action of unholstering from him. According to Detective A, Subject 1 replied, "yes," and raised his pistol, pointing it at Detective A's torso.

According to Detective A, Subject 1 was now standing within two to three feet from him, reached out with his right hand, and attempted to grab onto the front of his backpack. According to Detective A, Subject 1's hand came into contact with his backpack; however, he never gained control of it.

Simultaneously, Detective A turned his torso while keeping his feet still and bladed his body to get an advantageous angle on Subject 1. Detective A reached around the right

side of the backpack with his right hand holding his pistol, pointed at Subject 1's torso and discharged one round. According to Detective A, after discharging his first round, Subject 1 yelled, "Oh fuck," and leaned forward to his left as if he had been "punched." According to Detective A, Subject 1 was still holding his pistol in his left hand pointed in his direction as he began to stumble backward while facing him, and attempted to maintain his balance. According to Detective A, Subject 1 was pointing his pistol in his direction with his arm moving from side to side.

As Subject 1 stumbled backward from an increasing distance of 5 to 15 feet with his pistol pointed in Detective A's direction, Detective A, fearing that he was still going to be shot by Subject 1, discharged a second round. Simultaneously, Subject 1 fell to the ground landing on his buttocks. According to Detective A, as Subject 1's hand holding the pistol struck the ground, the pistol dislodged from his hand. Subject 1 then immediately jumped up, leaving his pistol lying in the street and ran west in the number two lane of traffic.

At the same time, waiting nearby in a vehicle, Subject 2, who was later identified and seated in the driver seat, drove east in the number two lane of traffic. Subject 1 continued running west toward Subject 2, followed by Detective A, who was walking in the direction of Subject 1. According to Detective A, he was not sure if he holstered his pistol prior to walking toward Subject 1; however, as Subject 1 reached the passenger door of the vehicle that Subject 2 was driving, he became concerned for the individual in the vehicle and began to jog in the direction of Subject 1. According to Detective A, as Subject 1 attempted to climb into the passenger window of the vehicle, the vehicle suddenly backed up and again came to a stop. Detective A began to run in the direction of Subject 1. According to Detective A, he chased after Subject 1 because he was a violent fleeing felon and did not want him to harm anyone else, so he was tracking him and estimated his distance from Subject 1 to be approximately 40 feet.

Detective A did not recall if he unholstered a second time or if his pistol was out the entire time, but described himself as holding his pistol in his right hand pointed down next to his right side with his finger alongside the frame as he ran toward Subject 1. According to Detective A, Subject 1 again ran to the passenger side door of the vehicle and attempted to get in through the passenger side window, when suddenly Subject 1 began running west and out of sight.

Unbeknownst to Detective A, Subject 1 had subsequently climbed into the front passenger seat of the vehicle, which negotiated a U-turn, turned into the business parking lot located on the northeast corner, and then exited the parking lot driving west at a high rate of speed.

Detective A, not knowing if Subject 1 had a partner and having lost sight of Subject 1 due to the oncoming headlights shining in his eyes, discontinued following Subject 1. According to Detective A, his backpack with his police radio was approximately 50-75 feet behind him, so he holstered his pistol and used his cellular telephone to call 911 to get patrol units to his location.

Detective A called LAPD Communications Division (CD) to report the OIS. Hearing the "Help call" broadcast, Officers B and C responded with emergency lights and sirens (Code 3). Officers B and C were the first unit at scene and made a crime broadcast on the police radio (Hollywood frequency) and began setting up a perimeter for Subject 1. Hollywood Patrol Division Sergeant A arrived, separated Detective A and obtained a Public Safety Statement (PSS) from him.

Approximately one week following this incident, Subjects 1 and 2 were 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 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, unanimously made the following findings:

#### **A. Tactics**

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

#### **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 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:
- **Off-Duty Tactics**

Detective A did not immediately facilitate the response of the local law enforcement agency, after he became involved in an off-duty OIS and the Subject fled on foot.

In this case, after the OIS, Detective A elected to pursue after Subject 1 as he fled west in the roadway toward an occupied vehicle that he assumed at the time was uninvolved. Detective A then decided not to continue to pursue Subject 1 because he was not entirely clear what his relationship was with the vehicle, and he did not know if he had a partner out there. Detective A discontinued his pursuit, retrieved his cell phone, and called 911.

Based on the totality of the circumstances, the BOPC determined Detective A's off-duty actions were not a substantial deviation, without justification, from approved Department tactical training. This will be a topic of discussion during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Running with Service Pistol Drawn

The investigation revealed that Detective A pursued Subject 1 with his service pistol drawn. Detective A was reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol.

2. Maintaining Control of Equipment

The investigation revealed that Detective A left his backpack on the sidewalk, which contained his handheld radio, when he ran after Subject 1. Detective A was reminded of the importance of making every attempt to maintain control of his equipment, as it increases the likelihood of tactical success during incidents such as these.

3. Notification of Plainclothes Attire

The investigation revealed that when Detective A called 911, he did not advise the Emergency Operator that he was off-duty and in plainclothes attire. Detective A was reminded of the importance of providing his description and duty status to avoid confusion with the responding officers.

- 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.

After a thorough review of the incident, it was determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, the most appropriate forum for the

involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

In conclusion, the BOPC found Officers A's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- According to Detective A, Subject 1 removed a handgun from his waistband and demanded that Detective A give him his backpack. Detective A then utilized his backpack to shield his movements while he drew his service pistol from a holster that he had secured to his right waistband area, concealed under his sweatshirt.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Detective 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. Therefore, the BOPC found Detective A's drawing and exhibiting of a firearm to be in policy.

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

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

**First Sequence of Fire** – Fired one round, from a distance of approximately two to three feet.

According to Detective A, Subject 1 raised his firearm and pointed it at him. Fearing that he was about to be robbed and shot, Detective A fired one round at Subject 1 to stop the deadly threat.

**Second Sequence of Fire** – Fired one round, from approximately five to 15 feet.

According to Detective A, after firing his first round, Subject 1 hunched over, stumbled backwards and then pointed his handgun at Detective A again. Fearing for his life, Detective A fired an additional round at Subject 1 to stop the deadly threat.

Given the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective A, would reasonably believe that Subject 1's actions presented an imminent threat of death or serious bodily injury, at the time he fired his weapon.

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