

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

OFFICER-INVOLVED SHOOTING – 012-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	2/8/17		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	11 years, 1 month
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Reason for Police Contact

Officers A and B were involved in a vehicle pursuit. While searching for the Subject on foot, the Subject's vehicle suddenly appeared and was headed toward Officer A. An Officer-Involved Shooting (OIS) occurred.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
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Subject: Male, 24 years old.

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 23, 2018.

Incident Summary

Officers attended roll call training and were briefed about a shooting incident where training was also provided regarding the Department's vehicle pursuit policy. In addition, the officers viewed the Digital In-Car Video System (DICVS) from a pursuit the night prior and were provided with photographs of a suspect and his vehicle.

Officers A and B were working in a police vehicle equipped with a DICVS. Officers A and B observed a vehicle that had a paper plate attached to the front license plate holder, in violation of California Vehicle Code (CVC) Section 5200, and the side windows of the vehicle were tinted, in violation of CVC Section 26708. The officers believed it was the vehicle that was used in the earlier shooting and that had evaded officers the night before.

Officer A began to follow the vehicle, which accelerated and entered a freeway. Officer B broadcast that he and Officer A were following a stolen vehicle and requested an Air Unit in addition to a backup unit.

Once the vehicle was on the freeway, it made an erratic lane change, crossed four lanes of traffic, and entered the number two FasTrak lane, continuing at a high rate of speed.

Officer A, believing the Subject was attempting to evade apprehension, told Officer B to broadcast that the officers were in pursuit. Officer B notified Communications Division (CD) accordingly. An approximately one minute, 38 second pursuit ensued on the freeway FasTrak lanes. As the pursuit continued, the Subject committed numerous violations in an attempt to evade officers. Officer A believed the Subject reached speeds of 115 to 120 miles per hour (MPH).

As the pursuit continued on the freeway, the Subject's vehicle began to increase its distance from the officers as a result of traffic congestion. The officers lost sight of the vehicle and terminated the pursuit. Officer B notified CD they had lost the vehicle. The officers continued on the freeway in an attempt to locate the vehicle. The Air Unit arrived overhead.

Meanwhile, unbeknownst to the officers, the Subject had continued on the freeway, and was approaching the downtown area. As that occurred, Officer C, who was also on the freeway in heavy traffic and monitoring the pursuit broadcast, looked in his inside rearview mirror, and observed dust on the left shoulder of the freeway. Officer C then saw the Subject's vehicle on the freeway. Officer C broadcast that he had seen the vehicle and provided its direction of travel. The Subject's vehicle suddenly crossed over several lanes of traffic and exited the freeway.

In the interim, Officers A and B had exited the freeway when they heard Officer C's broadcast. Officer A saw Officer C's vehicle and positioned his police vehicle one car length behind it.

Officer A activated his siren and emergency lights and passed Officer C. By the time Officer A made the turn onto the street, the Subject had made a right turn into an alley.

Officer A, believing the Subject's vehicle entered the parking structure close to the alley, made a right turn into the parking structure and discovered he entered into the exit of the parking structure. Realizing he made a wrong turn, Officer A backed out of the parking structure exit and then saw two pedestrians pointing toward the alley.

Surveillance video footage captured the Subject's vehicle heading in the alley, barely missing a vehicle that was backing out of a parking stall in front of the store, located at one corner of the alley. When the Subject reached the street, he made a left turn and drove north. As that occurred, the Air Unit acquired sight of the vehicle and broadcast, "Control, hold the frequency please. I got this car, its coming northbound [...]. I cannot track because of these building[s] here." The Subject reached the street, he made a left turn and continued driving.

Officer A heard the broadcast and drove in an effort to close his distance from the Subject's vehicle. However, before the Subject's vehicle reached the next street, it made a left turn into the parking structure, driving through an automated entrance barrier gate and narrowly missing two parking attendants. According to Witness A, she was near the barrier gate with Witness B when the Subject's vehicle came within eight inches of striking her and Witness B.

The Subject drove his vehicle through the first level, through another barrier gate, then crossed the alley and entered the parking structure. Concurrently, parking lot attendant Witness C was moving a vehicle in the parking structure when he observed the Subject's vehicle enter the parking structure from the alley. The Subject negotiated a turn into a parking aisle and stopped directly in front of Witness C, at which time a female exited the front passenger door while putting on a shirt. According to Witness A, she observed the Subject toss a dark object out of the front passenger window.

Note: The female passenger was never identified.

A semiautomatic pistol was discovered and collected from the ground of the parking structure. The pistol was under a vehicle approximately 20 to 25 feet away from where Witness C had seen the Subject's vehicle come to a stop.

Simultaneously, Officer A negotiated a turn and realized it was a one-way street. Officer A pulled over to the side of the curb with his vehicle facing in the opposite direction of traffic. According to Officer A, Witnesses A and B exited the parking structure, pointed in one direction, and told them the Subject was running through the parking structure. Officers A and B exited their police vehicle, entered the parking structure, and continued running.

Surveillance video footage captured the unidentified female walk out of the parking structure and into the store. The Subject drove his vehicle out of the parking structure and then on the street. By then, Officers A and B had run through the parking structure

and into the alley, where they observed parking lot Witnesses A and B pointing, saying he went in that direction.

Note: Witness A stated she was pointing, referring to the unidentified female. Unbeknownst to officers, the female exited the store with other patrons.

According to Officer A, based on the information he received from the citizens, he strongly believed the Subject was now on foot. According to Officer B, he believed the Subject was probably on foot because the vehicle was damaged from driving through the barrier gate. Officer A broadcast his location and advised that he was on foot. Officer B led the way as the officers ran in the alley, toward the adjacent street.

When Officer B reached the sidewalk, he began to search for the Subject. Unbeknownst to him, the Subject was still in his vehicle and drove past him on the street along the curb. Officer A, who was still in the alley running toward the street, noticed this and alerted his partner to stop. The Subject's vehicle then slowed down along curb close to the opening of the alley. Officer A stated he was surprised the Subject was still driving his vehicle.

Suddenly, Officer A heard the engine roar and the vehicle tires screech. The vehicle accelerated and immediately negotiated a sharp left turn into the alleyway toward Officer A, who was now at a handicap parking stall approximately 27 feet away from the street.

The Body Worn Video (BWV) of Officer D captured the Subject's vehicle make the left turn into the alley toward Officer A. The video showed the driver's side rear tire go over the curb as the Subject's vehicle made the left turn into the alley.

According to Officer A, as the Subject's vehicle increased its speed, he realized there was an approximately 10-foot high masonry wall to his north and no other objects that could protect him from the approaching vehicle. Officer A noticed the Subject's vehicle also swerve and continue in his direction.

Officer A attempted to move, but realized there were no objects that could protect him from the vehicle. The Subject's vehicle changed its direction and swerved toward Officer A. It was at that time that Officer A believed he unholstered his service pistol due to being face-to-face with the deadly threat of a vehicle accelerating toward him. Officer A believed the Subject's vehicle came within a few feet of colliding with him.

Note: When the Subject's vehicle drove toward Officer A, a video captured him momentarily pause, step to his right and then to his left.

The closest object that would have provided any sort of cover for Officer A was a parked vehicle that was approximately 35 feet behind him.

Fearing the vehicle was about to strike him and to prevent the Subject from continuing toward him, Officer A fired one round at the silhouette of the driver, impacting the lower portion of the front windshield.

According to Officer A, the Subject's vehicle then swerved as he moved, narrowly missing him. Officer A estimated the vehicle came within two feet of striking him. The vehicle continued moving, at which time Officer A holstered his service pistol.

Officer A indicated he drew his firearm in a desperate attempt to prevent the Subject from running him over. He fired one round at the silhouette of the driver. It was all he could make out through the glare of the windshield. At that moment, Officer A indicated he fired one round, and the Subject immediately swerved the vehicle away from him.

Note: Based upon the video evidence, once the Subject's vehicle started to make the turn, it traveled approximately 27 feet in 1.9 seconds before Officer A discharged his weapon. The video also showed Officer A pointing his weapon at the Subject's vehicle one second before the OIS. It was unclear from the video evidence if the Subject's vehicle swerved to the left to avoid hitting Officer A.

In the interim, responding units, Officers E and F, were in the alley between the two parking structures when they observed several officers running and a white vehicle traveling toward them.

Officer F stopped his police vehicle in the middle of the roadway, as Officer E exited the front passenger door. According to Officer E, he exited the vehicle because he believed the Subject's vehicle was coming to a stop. The Subject's vehicle continued toward them at a high rate of speed, and at the last second, swerved, nearly striking the front passenger door of the police vehicle. Officer E stated he jumped back into his seat thinking the Subject was going to hit him or the police vehicle.

As the Subject's vehicle maneuvered around the police vehicle, it collided with a parked vehicle facing toward the store parking stalls. The extent of the damage to the rear bumper was paint transfer only.

The Subject's vehicle continued, and a pursuit lasting six minutes and 19 seconds ensued, which crossed into four different LAPD Areas, with multiple units in the vehicle pursuit. As the pursuit continued, the Subject committed numerous violations to evade officers.

The Subject's vehicle eventually collided with the rear of another vehicle. The collision caused the other vehicle to begin rotating clockwise and rolling toward its left side, while continuing, where it collided with a vehicle, which was also on the street. The Subject's vehicle continued and collided with the driver's side of another vehicle. The collision caused the vehicle to collide with another vehicle, which was parked along the curb.

The multiple collisions caused extensive damage to the Subject's vehicle, forcing it to stop at the intersection. The Subject was ordered out of the driver's door and was taken into custody without incident. It was later determined that the subject was not struck by Officer A's gunfire.

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 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 Officers A and 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

- **Detention**

During roll call, the involved officers were provided with information about two felony crimes that had recently occurred involving suspects in a white vehicle. The most recent crime involved a shooting. While on patrol and approximately one mile from the location where the most recent crime occurred, the officers observed a vehicle matching the description of the vehicle provided to them during roll call. When the officers attempted to conduct a traffic stop on the vehicle, the suspects fled from the officers. The officers' actions were appropriate and within Department policies and procedures.

- **Tactical De-Escalation**

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the Subject immediately fled when the officers attempted to conduct a traffic stop on his vehicle. The Subject attempted to evade officers during the entire incident until his vehicle became disabled after colliding with several vehicles. As such, de-escalation was not a factor.

- In its analysis of this incident, the BOPC identified the following tactical consideration:

1. Situational Awareness

The investigation revealed that Officer A accidentally drove his police vehicle the wrong way on a one-way street. Additionally, Officer B unknowingly ran past the Subject's vehicle while he was attempting to locate the Subject on foot. The officers are reminded of the importance of being aware of their surroundings during tactical incident.

- 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.

Each tactical incident also merits a comprehensive debriefing. In each incident, there are always improvements that could be made individually and collectively and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the individual actions that took place during the incident.

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

B. Drawing and Exhibiting

- According to Officer A, with only a few feet before being struck by the Subject's vehicle, and faced with the deadly threat of the vehicle accelerating towards him, he drew his service pistol. According to Officer B, he observed the Subject's vehicle traveling at a high rate of speed into the alley. He thought that the Subject was going to hit Officer A and drew his service pistol because of the possibility of the use of deadly force.

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

C. Lethal Use of Force

- According to Officer A, he made every attempt to remove himself from danger by moving out of the vehicle's direction of travel. Believing that he exhausted his options, and with less than one second before being run over, he fired one round from his service pistol at the silhouette of the driver to stop the immediate, 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 presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable to stop the threat.

In conclusion, the BOPC found Officers A's lethal use of force to be in policy.