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

OFFICER-INVOLVED SHOOTING – 029-15

Division       Date       Duty-On (X) Off ( ) Uniform-Yes (X) No ( )
Hollenbeck     4/8/15     

Officer(s) Involved in Use of Force       Length of Service
Officer C     6 years, 2 months
Officer D     4 years, 5 months
Officer E     6 years, 9 months
Officer F     6 years, 9 months

Reason for Police Contact

While on patrol, officers heard the sound of gunshots and saw the victim of a shooting fall to the roadway. The officers then observed the Subject, believed to be the shooter, running from the area. Officers went in foot pursuit of the Subject and subsequently caught up with him. As officers attempted to detain him, the Subject pulled a firearm from his waistband and opened fire on the officers, resulting in an officer-involved shooting (OIS).

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

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 March 8, 2016.

**Incident Summary**

Police Officers A and B were on patrol in their police vehicle and were stopped at a red light when they heard three gunshots from a parking lot near their location. The officers looked in that direction and observed the Victim, with blood on his shirt, running from the corner of the parking lot onto the street, where he collapsed in the roadway.

As Officer A initiated a U-turn, Officer B observed a second male, the Subject, within the same parking lot. The Subject was wearing a blue Dodgers hat, blue jacket, and black shorts, and as he looked in the officers’ direction, he began to walk away from them. Officer A completed his U-turn and drove into the parking lot from the side entrance. As they entered the parking lot, the Subject ran through the parking lot and then out of the officers’ view. Officer B broadcast that they were attempting to detain a shooting suspect and requested backup. Officer A proceeded through the parking lot and, as he drove onto the street, neither he nor Officer B were able to see the Subject.

Officer A positioned his vehicle midblock on the street. Both officers exited their police vehicle, and Officer B provided Communications Division (CD) with a description of the Subject as he requested additional units to respond to establish a perimeter. Officer A went to the corner on foot and requested a Rescue Ambulance (RA) for the Victim, while Officer B went on foot to the opposite end of the block.

Sergeant A arrived at the scene and responded directly to the Victim’s location. Sergeant A had just completed a pat-down search of the Victim when Officers C and D arrived at the scene. Sergeant A, confident that the Victim was not armed and did not pose a threat due to his injuries, directed them to assist with the perimeter. Sergeant A remained with the Victim and as Officers C and D proceeded to the perimeter and an Air Unit (helicopter) arrived overhead.

Sergeant B then arrived at the scene. Officer B, having been relieved at his location by a responding unit, responded to Sergeant B’s location. As Officer A checked on the status of the Victim, Officer B briefed Sergeant B on his observations and the status of the perimeter. Simultaneously, Officers E and F were traveling into the area in an effort to assist with the perimeter.

Officer A moved to the corner where Officer B was coordinating responding units with Sergeant B. Once at the corner, Officers A and B observed the Subject break the perimeter and run across the street, then turn down the next street.

**Note:** The Subject had since shed his jacket and hat; however, Officer B said that he recognized the Subject as the same individual who fled the parking lot.
Officer A and B advised Sergeant B of their observation, and Sergeant B broadcast the Subject’s direction of travel and description. The Air Unit began to search for the Subject as Officers C and D drove in the same direction, followed by Officers E and F. Sergeant B advised the Air Unit that he last observed the Subject running on the north side of the street near a parked pickup truck. Officer E utilized his side-mounted spotlight as he traveled in an effort to locate the Subject.

Unbeknownst to the officers, the Subject had run along the other side of the street and was attempting to conceal himself by crouching behind a parked vehicle. As Officer C reached the intersection, the Subject stood up and continued to run along the sidewalk. Officer C alerted Officer D as he negotiated a turn onto the street. Officer E, who also observed the Subject running, trailed behind.

**Note:** Officer D said he attempted to notify CD of the Subject’s direction of travel but due to heavy radio traffic, his broadcast was not successful.

The Subject stopped at a three-foot high, chain link gate at the edge of a residential yard and jumped over it. Fearing that the Subject might attempt to access the residence, Officer C stopped his police vehicle and, upon exiting, illuminated the Subject’s position with the vehicle’s side-mounted spotlight. Officer D, from the passenger side, also exited and began to run around to the front of their police vehicle while commanding the Subject to show his hands.

Upon jumping over the gate, the Subject fell to the ground. Officers C and D ran toward the Subject’s position as they both now commanded him to turn around and show his hands. Simultaneously, Officer E parked his police vehicle behind Officer C’s, and both he and Officer F exited their police vehicle. As Officer C ran between two cars that were parked on the street, the Subject stood up with his back to Officer C, and placed his hands at his front waistband area.

Officer C, believing the Subject was arming himself, stopped his approach as he neared the sidewalk. As Officer C began to back up in an attempt to utilize the vehicles for cover, the Subject turned counterclockwise toward Officer C while holding a pistol in his right hand. The Subject pointed the pistol in Officer C’s direction and Officer C observed two muzzle flashes. Officer C, in fear for his personal safety, fired three to four rounds from a distance of approximately 23 feet at the Subject and, while doing so, accidently fell backward into a seated position on the street.

Officer D had moved to the rear trunk area of one of the parked cars. Officer D stated that as the Subject turned and pointed the pistol at Officer C, he observed a muzzle flash emit from it. In fear for his partner’s safety and, in an effort to stop the threat, Officer D fired his pistol (approximately two to three rounds) from a distance of approximately 22 feet at the Subject.

Officer E, having observed the Subject with his back to the officers and reaching toward his waistband area, believed that the Subject was armed. Officer E unholstered his
weapon and, as he moved to the driver’s door of one of the parked cars, he observed the Subject turn in the direction of Officer C. Officer E observed a muzzle flash emit from the Subject’s position and then observed him in possession of a pistol as Officer C went to the ground. Fearing that the Subject was shooting at him and his partners and that Officer C had been shot, Officer E fired his pistol (approximately three to five rounds) from a distance of approximately 31 feet at the Subject.

Officer F, having observed the Subject turn in his direction armed with a pistol, unholstered his own pistol and moved to the rear driver’s side quarter panel of one of the parked cars. Officer F observed two muzzle flashes emit from the Subject’s position and saw Officer C fall to the ground. Believing Officer C was shot and fearing the Subject would continue his assault, Officer F fired his pistol (approximately two rounds) from a distance of approximately 29 feet at the Subject.

Believing Officer C was incapacitated and without cover, Officer E lowered his weapon and moved toward Officer C to determine if an officer-down rescue needed to be conducted. Upon reaching his location, Officer E noticed that Officer C was still engaged with the Subject and moved behind the engine block along the driver’s side of one of the parked cars. He observed that the Subject was still in possession of the pistol, was still pointing it in his direction and at his fellow officers, so Officer E fired one additional round (from a distance of approximately 28 feet) at the Subject.

Officer C stood up and moved to the driver’s side of one of the parked cars and, while the Subject was still pointing the weapon in his direction, fired his pistol (approximately three to four additional rounds) from a distance of approximately 28 feet at the Subject.

Officer D, observing the Subject still armed, continued to discharge his pistol (approximately five additional rounds) as he moved, utilizing the rear of a parked car for cover. Officer D fired his pistol from an increasing distance of 22 to 26 feet at the Subject.

As Officer F moved along the parked car, he removed his flashlight from his back pocket and utilized it, as well as the tactical flashlight affixed to his weapon, to further illuminate the Subject. Observing the Subject still pointing his pistol in the direction of Officer C, Officer F fired his pistol (approximately two additional rounds) from approximately 31 feet at the Subject.

The Subject fell back against the exterior wall of the residence, and then onto his knees with his legs folded underneath him. While seated in this position, the Subject dropped the pistol to the ground near his right knee. Officer G in the Air Unit, having observed Officer C fall onto the street and gun smoke in the air, surmised that an Officer-Involved Shooting (OIS) had just occurred. Officer G broadcast the “officer needs help, shots fired” call.

As Officers C, D, E, and F remained behind their positions of cover, Sergeant A and other officers responded to their location. Sergeant A then assembled an arrest team.
Officer G requested an RA for the Subject and notified perimeter units that the arrest team was initiating their approach. Prior to the arrest team’s approach, multiple officers ordered the Subject to raise his hands, but he was unresponsive. Upon reaching the Subject, who was still on his knees leaning upright against the residence, Officer H, fearing the Subject may try and rearm himself, utilized his left foot to move the cocked pistol away from him. As Officer H took control of the Subject’s right arm, the Subject fell face forward onto the ground, unresponsive. Officer H handcuffed the Subject and Sergeant A broadcast that the incident was under control.

Sergeant A assigned Officer H to monitor both the Subject and the pistol. Upon ensuring the crime scene was secure, Sergeant A identified Officers C, D, E and F as involved officers and advised them not to talk about the incident and instructed them to remain with him until additional supervisors arrived. Sergeant A assigned officers to check the residents, who were within the trajectory of both the officers’ and the Subject’s line of fire, and determine if there was anyone injured. Upon separation of the involved officers, Sergeant A independently obtained Public Safety Statements from each.

Upon arrival, Los Angeles Fire Department (LAFD) personnel examined the Subject and determined he was deceased. The Victim was also determined to be deceased at the scene by LAFD personnel. Other than Officer E sustaining a minor injury to his finger, no one else was injured as a result of the OIS.

The investigation determined that two of the discharged cartridge casings, as well as one bullet fragment, recovered from the OIS scene were fired from the Subject’s firearm. Additionally, three discharged cartridge casings from the homicide scene, as well as a bullet recovered from the Victim during the autopsy, were determined to have been fired from the Subject’s firearm.

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 Officers A, B, C, and D’s tactics to warrant a finding of Administrative
Disapproval. The BOPC further found Sergeant A’s tactics, along with Officers E and F’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers C, D, E, and F’s drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers C, D, E, and F’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. Separation – (Substantial Deviation – Officers A and B)

     Officers A and B separated as they were establishing perimeter containment of a possibly armed suspect.

     Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

     In this case, the officers heard gunshots, observed a man collapsed in the middle of the street, then observed the Subject fleeing from the scene and concluded that he was the suspect of the ADW shooting. Based upon their observations, both officers believed that the Subject was possibly armed. While following the Subject, the officers lost sight of him and believed he was hiding in one of the yards on the west side of the street or had run through the houses. The officers positioned their police vehicle midblock where the Subject was last seen and moved to the respective corners.

     The BOPC considered that this was a rapidly unfolding situation and the officers were able to maintain a line of sight of each other while coordinating the establishment of the perimeter. However, the distance between the officers was approximately 263 feet, which significantly jeopardized their ability to effectively communicate or render immediate aid.

     Officers A and B’s decision to separate from each other with a possibly armed suspect in the immediate vicinity was unreasonable and placed both officers at a
distinct tactical disadvantage. The separation occurred without sufficient articulable facts to support that the separation was reasonable under the circumstances.

The BOPC found that Officers A and B’s actions of separating from each other was a substantial deviation, without justification, from approved Department tactical training.

2. Code Six

Officers C, D, E, and F did not advise CD they had arrived at the location (Code Six) of the original call. In addition, the officers did not update their location when they arrived at the location where the OIS occurred.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this case, the officers were responding to a backup request for an ADW shooting suspect and were faced with a rapidly unfolding tactical situation upon their arrival. Officers D and F both believed they advised CD they were Code Six via the Mobile Digital Computer (MDC) in their vehicle and through a verbal broadcast, respectively. However, these messages were not captured by CD.

Officer safety is of paramount concern and officers should always strive to maintain the tactical advantage during field duties. Officers C, D, E, and F were reminded of the Department’s requirement to go Code Six whenever tactically feasible when conducting a field investigation.

Based on the totality of the circumstances, however, the BOPC found Officers C, D, E, and F’s actions were not a substantial deviation from approved Department tactical training.

3. Apprehension vs. Containment Mode – (Substantial Deviation – Officers C and D)

Officers C and D pursued an armed suspect rather than transition into Containment Mode.

In this case, it was clearly apparent that Officers C and D were engaged in Apprehension Mode when they exited their police vehicle. Officer C believed that the Subject’s intent was to possibly try and enter the residence so he pursued the Subject because he didn’t want him getting away. Officer D observed the Subject running towards the house and began to move towards the suspect to apprehend him.
It was not until the Subject turned in their direction and pointed a handgun at them that they stopped their pursuit and engaged the Subject. Although the officers were faced with a rapidly unfolding tactical situation, the risk became greater and the officers should have recognized the need to transition into Containment Mode upon exiting their vehicle, considering their prior knowledge that the Subject may have been armed.

The BOPC found that Officers C and D’s decisions to apprehend a possibly armed suspect was a substantial deviation, without justification, from approved Department tactical training.

4. Utilization of Cover – (Substantial Deviation – Officers C and D)

Officers C and D did not utilize cover when they exited their police vehicle and confronted a suspect armed with a handgun.

The utilization of cover enables officers to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer’s tactical options.

In this case, Officers C and D exited their police vehicle and immediately engaged an armed suspect without seeking a position of cover. Officers C and D’s decisions not to seek cover and to engage a person armed with handgun limited their tactical options and unnecessarily endangered their safety. Officers C and D acted independently without sufficient articulable facts to support that not seeking cover was reasonable under the circumstances.

The BOPC found that Officers C and D’s decisions not to seek a position of cover was a substantial deviation, without justification, from approved Department tactical training.

5. Searches of Arrestees

Officer H did not search the Subject for additional weapons after he was handcuffed.

Officers are trained to conduct a search of arrestees to ensure they are not armed with weapons and that they do not possess items of contraband on their person. This practice is necessary for the safety of not only the officers but also medical personnel and the public.

In this case, Officer H knew that the Subject had been shot multiple times at close range and was non-resistant during the handcuffing process. The Subject appeared to be unconscious and Officer H reasonably believed that the Subject was incapacitated and not an immediate threat.
Based on the circumstances, the BOPC found that Officer H’s decision not to search the Subject after handcuffing was reasonable and did not represent a substantial deviation from approved Department tactical training.

- The BOPC also considered the following:

  1. Searching Suspect without a Cover Officer

     Sergeant A approached the Victim without a cover officer and conducted a cursory pat down search for weapons. Although Sergeant A could see both his hands and observed that the Victim was suffering from a gunshot wound, Sergeant A still did not know whether the Victim was a suspect or a victim. In this case, it would have been more tactically advantageous for Sergeant A to wait for an additional officer before approaching the Victim and conducting a pat down search.

     These topics will be discussed 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.

     Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made individually and collectively, and a Tactical Debrief is the appropriate forum for the involved personnel to discuss the incident and individual actions that took place.

     In conclusion, the BOPC found Officers A, B, C, and D’s tactics to warrant a finding of Administrative Disapproval. The BOPC further found Sergeant A’s, along with Officers E and F’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- As Officers C and D continued driving, they observed the Subject jump a fence and enter the side yard of a residence. Officer C stopped the police vehicle just south of the Subject’s location. Officer C exited the vehicle and drew his service pistol because he believed the Subject was the shooting suspect.

     Officer D exited the vehicle. As he was moving to the front of the police vehicle, he drew his service pistol based on the information he received that the Subject was an armed suspect.
Officer E observed the Subject jumping over the fence holding his front waistband and looking back to his right shoulder. Officer E drew his service pistol based on his observations and the broadcast of an armed suspect.

Officer F observed Officer C approach in the direction of the Subject, and the Subject immediately turned around and pointed his handgun in Officer C’s direction. Officer F observed two muzzle flashes from the Subject’s position and then observed Officer C fall to the ground. Based on these observations, Officer F drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, D, E, and F, when 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 that Officers C, D, E, and F’s drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer C** – (pistol, 10 rounds)

  **First Sequence of Fire**

  According to Officer C, he observed the Subject reaching for something in his waistband and immediately stopped his approach. Simultaneously, the Subject turned counterclockwise towards him and pointed a handgun in his direction. Officer C then observed two muzzle flashes. Officer C, in fear for his safety, fired approximately three to four rounds from his service pistol at the Subject to stop the threat.

  **Second Sequence of Fire**

  After falling to the ground, Officer C stood up and moved to a position of cover behind the driver’s side of a parked car. Officer C assessed and observed that the Subject was still pointing a handgun in his direction. In defense of his life, Officer C fired three to four rounds from his service pistol at the Subject to stop the threat.

- **Officer D** – (pistol, 11 rounds)

  **First Sequence of Fire**

  According to Officer D, he observed the Subject reaching for his waistband and turning to his left. As the Subject continued turning, Officer D observed that the Subject had a grey or silver handgun in his right hand and was pointing it in Officer C’s direction. Immediately thereafter, he observed one muzzle flash and in fear for
his safety and his partner's safety, he fired approximately two to three rounds from his service pistol at the Subject to stop the threat.

**Second Sequence of Fire**

While still in his position at the rear trunk area of the parked car, Officer D assessed and observed that the Subject was still pointing a handgun in the officers' direction. In fear for his life and that of his fellow officers, Officer D fired approximately five rounds from his service pistol at the Subject to stop the threat.

- **Officer E** – (pistol, 5 rounds)

  **First Sequence of Fire**

  According to Officer E, he observed the Subject turn in the officers' direction and then he heard a shot and observed muzzle flash. Simultaneously, Officer E observed Officer C fall to the ground and believed the Subject had shot Officer C. Fearing that the Subject was shooting at him and his fellow officers, Officer E fired approximately three to five rounds from his service pistol at the Subject to stop the threat.

  **Second Sequence of Fire**

  Believing that Officer C had been shot, Officer E lowered his service pistol and moved toward Officer C's position to determine if he needed to be rescued. Officer E observed that Officer C was still shooting at the Subject, so he continued moving past Officer C and assumed a position of cover behind a parked car.

  From this position, Officer E assessed and observed that the Subject was still pointing a handgun in the officers' direction. In defense of his life and that of his fellow officers, Officer E fired one additional round from his service pistol at the Subject to stop the threat.

- **Officer F** – (pistol, 4 rounds)

  **First Sequence of Fire**

  According to Officer F, he observed Officer C moving in the direction of the Subject. The Subject immediately turned around and pointed his handgun in Officer C's direction. Officer F observed two muzzle flashes from the Subject's position and then observed Officer C fall to the ground. Believing that Officer C was struck by gunfire and in fear for his life, Officer F immediately drew his service pistol and fired approximately two rounds at the Subject to stop the threat.

  **Second Sequence of Fire**
Officer F assessed and moved a few feet along the parked car. Officer F observed that the Subject was still pointing his handgun in the direction of the officers. In fear for his life and that of his fellow officers, Officer F fired approximately two additional rounds from his service pistol 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 Officers C, D, E, and F would reasonably believe that the Subject’s actions of pointing and shooting a handgun in their direction presented an imminent threat of death or serious bodily injury and therefore, the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officers C, D, E, and F’s use of lethal force to be objectively reasonable and in policy.