

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

OFFICER-INVOLVED SHOOTING – 032-17

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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77 th Street	5/13/17		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	12 years, 2 months
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Reason for Police Contact

Officers were involved in a foot pursuit of a fleeing suspect. During the foot pursuit, the Subject removed a handgun from his pocket and turned it toward the pursuing officer, at which time an officer-involved shooting (OIS) occurred.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
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Subject: Male, 20 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 April 17, 2018.

Incident Summary

Officers A and B were conducting patrol in an area of high crime. As Officer B drove on surface streets, he and Officer A observed the Subject sprinting through a parking lot.

Independently, each officer intended to detain the Subject to investigate the possibility he had been involved in a crime. Officer A explained that the area was known as a criminal street gang hangout, and was an area suffering from a high rate of violent crime. Due to the Subject running at such a high rate of speed with a panicked look on his face, Officer A believed that the Subject was possibly involved in some sort of crime.

Officer B, who had previously worked in a gang assignment, formed the opinion that the Subject was attempting to evade them, stating that as the Subject was running he was staring at them.

The Subject ran across the roadway to the sidewalk where he continued to run. Officer B followed the Subject in his police vehicle. According to Officer B, he yelled out of his open driver's side window for the Subject to stop numerous times. The Subject ignored Officer B's commands and continued running on the sidewalk until the officers lost sight of him as he ran behind a large food truck.

The officers feared the Subject had gained a position of advantage because they could no longer see him behind the food truck. Officer B stopped the vehicle as Officer A exited the vehicle and began to deploy around the officers' vehicle in an attempt to locate the Subject.

Officer A immediately observed the Subject running on the sidewalk holding his right front pants pocket. Officer A unholstered his pistol and held it at a right handed low-ready position with his finger along the frame as he ran because he believed that the situation could escalate to the point where he might need to use of deadly force.

Officer A ordered the Subject to stop, but he continued running. Officer A ran on the roadway following the Subject. According to Officer A, he believed that the Subject was armed and started giving himself a little more distance as he went into containment mode. Officer B, still seated in his vehicle, observed the Subject running in his rearview mirror.

Note: Officer A advised he intended to broadcast the officers' location, but was unable to because he unholstered his pistol when he observed the Subject holding his pants pocket.

Officer B reversed the police vehicle, following Officer A, and Officer B also observed the Subject grabbing his pocket as he was running.

The Subject continued running, then turned at the cross street and continued running on the sidewalk. Officer A continued verbalizing with the Subject as he ran, but the Subject

refused to comply. According to Officer A, the Subject looked back over his shoulder at him as he ran. Officer B quickly turned his vehicle and drove parallel with Officer A.

The Subject continued to run with Officer A following at a full sprint and continuously giving him commands to stop. According to Officer A, the Subject then removed a handgun with his right hand and began to extend the handgun back toward Officer A.

Officer A stated, as he saw the Subject turning with his arm out and back towards him, he had reason to believe that the Subject was going to shoot at him. To protect himself from serious bodily injury or death, Officer A fired a first round. The Subject was not affected by Officer A's gunshot, and he continued running at full speed while continuing to turn his upper body and handgun back toward Officer A.

Still in fear for his life, Officer A fired a second round. Again, the Subject was not affected by Officer A's gunshot, and he continued. Officer A added that the Subject continued running, with his arm extended back toward him, when he fired a third and final round.

After Officer A fired his third round, the Subject used his right hand to throw his handgun over the fence into the rear yard of an adjoining property. Officer B also observed the Subject throw the handgun over the wall.

Officer B observed the Subject, with a gun in his hand, slow his run and point it directly at Officer A.

Note: When interviewed, the Subject stated he believed that Officer A shot at him as he was putting his hand into his pocket. The Subject claimed he never pointed his handgun at officers, nor did he look back at the officers prior to the shooting. He admitted he fumbled with the handgun while attempting to remove it from his sweatshirt pocket and that he ran five to six steps with the handgun out of his pocket before discarding it.

The Subject continued running and turned at the cross street on the sidewalk. Officer A holstered his pistol and used his handheld radio to broadcast that shots had been fired and that he needed help. Officer A further broadcast the Subject's description and direction of travel.

The Subject continued running, then turned and ran between the houses. Officer B advised Officer A to return to the alley close to their position for the purpose of setting up containment and advised he would stay at the corner. Officer A ran to the mouth of the alley. The alley was closed off by a locked wrought iron fence.

Upon hearing what he believed to be the scream of a young girl, Officer B made the decision to run through the houses after the Subject. When Officer B arrived in the

backyard he found no one there. He continued to the rear alley where he observed Officer A, but did not see the Subject.

Officer A, who was still at the mouth of the alley, observed the Subject enter the alley and run until he again turned and jumped a wall into a backyard. Officer A broadcast the direction that the Subject was heading.

Officer A joined Officer B in the alley, then both officers returned to the street through one of the yards. When the officers arrived they observed the Subject several houses away running toward them on the sidewalk.

At approximately the same time, Officers C, D, E, and F arrived and observed the Subject running. The Subject then turned and ran through the houses again. All the officers chased the Subject as he broke through a gate and continued into the alley. Officer C unholstered his pistol to the low-ready position because he felt the incident could rise to the level of deadly force.

The Subject ran back into the alley and continued running. The Subject again turned and jumped the fence into a backyard. Officers A, B, C, and D remained in the alley while Officers E and F returned to the street. When Officer D entered the alley, he unholstered his pistol to the low-ready position because he felt the incident could rise to the level of deadly force. Both Officers C and D holstered their firearms after the Subject jumped the wall and fled out of the alley.

Officer A broadcast that the Subject had thrown the pistol into a backyard and requested a unit locate and secure it. The pistol was recovered by officers.

Officers E and F observed the Subject on the porch of a residence. They each took positions of cover behind vehicles parked in the street and unholstered their weapons to the low-ready position because they felt the incident could rise to the level of deadly force. Officers E and F began giving commands to the Subject to give himself up. Initially, the Subject did not comply, however, after a short stand-off and the arrival of additional resources, the Subject came into the street and was taken into custody.

The Subject advised officers he was not shot but complained of pain to his ribs, which he sustained while fleeing from the police and climbing over fences. A sergeant requested an ambulance for the Subject. A Los Angeles Fire Department ambulance arrived at the scene and transported the Subject to hospital where he was treated for pain to his torso.

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 its review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A and B's tactics to warrant Administrative Disapproval, and Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, C, D, E, and F'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

Detention

- While on patrol, the involved officers observed the Subject running at a fast pace in a known gang area. The officers believed that some sort of crime had occurred and that the Subject was possibly involved, either as a victim or a suspect. When one of the officers attempted to get the Subject to stop by identifying himself and giving him commands, the Subject ignored the commands and fled away from the officers, resulting in a foot pursuit. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

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 from the officers while holding onto his front right pants pocket, causing the officers to believe that he might possibly be armed. When one of the officers ordered the Subject to stop and show his hands, the Subject ignored the commands and continued running. He then produced a handgun, turned, and pointed the handgun at the officer.

Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

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

1. Tactical Communication and Planning (Substantial Deviation – Officers A and B)

Officers A and B did not effectively communicate their observations or actions with one another on multiple occasions throughout the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety through their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the officers' lack of planning and communication with one another during the incident placed the officers at a significant tactical disadvantage.

Based upon the totality of the circumstances, the BOPC determined that Officers A and B's lack of communication and planning during this incident was a substantial deviation, without justification, from approved Department tactical training.

2. Code Six (Substantial Deviation – Officers A and B)

Officers A and B did not advise Communications Division (CD) of their Code Six location prior to conducting a pedestrian stop on the Subject.

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

In this case, the officers had sufficient time to broadcast their Code Six location, as well as any other relevant information prior to initiating their investigation.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision not to advise CD of their Code Six location was a substantial deviation, without justification, from approved Department tactical training.

3. Separation (Substantial Deviation – Officer B)

Officer B separated from his partner and pursued the Subject on two separate occasions without communicating his intentions to Officer A. Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers

must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an 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.

Based upon the totality of the circumstances, the BOPC determined that Officer B's decision to separate from his partner was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 1. Running with Service Pistol Drawn – The investigation revealed Officer A pursued the Subject with his service pistol drawn. Officer A was reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol.

These topics were to 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 and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

In conclusion, the BOPC determined Officers A and B's tactics to warrant Administrative Disapproval, and Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he observed that the Subject had turned around and started to run, while holding his right front pant pocket with his right hand. Believing that the Subject was armed, he drew his service pistol.

According to Officer C, he observed the Subject come out onto the street. Officer C exited the vehicle and drew his service pistol. This decision was based on the nature of the help call. The Subject then ran back through the property of a residence. Officer C holstered his service pistol and pursued the Subject through

the residence and into the alley. He joined another two officers on the side of the alley, drew his service pistol a second time, and held that portion of the alley.

According to Officer D, he exited his vehicle, and followed Officer A in foot pursuit of the Subject. As they entered the alley, he drew his service pistol due to the tactical situation and the fact that shots had been fired.

According to Officer F, due to the nature of the broadcast, he drew his service pistol and assumed a position of cover behind a vehicle parked in front of the residence where the Subject was located.

According to Officer E, he observed the Subject on the front porch of a residence and drew his service pistol. This decision was based on the nature of the shots fired/help call.

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

C. Lethal Use of Force

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

First Round

According to Officer A, he observed the Subject pull out a small pistol with his right hand from his right front pants pocket. The Subject was looking over his right shoulder and began to turn his upper torso in Officer A's direction. The Subject then extended his right arm away from his body in Officer A's direction. Believing that the Subject was going to shoot him, Officer A fired one round from his service pistol at the Subject to stop the threat.

Second Round

According to Officer A, after firing his first round, the Subject continued to run on the sidewalk. Officer A assessed and observed that the Subject was still looking over his right shoulder and his arm was still coming up to engage him. In fear for his life, Officer A slowed down and fired a second round from his service pistol at the Subject to stop the threat.

Third Round

According to Officer A, after firing his second round, the Subject continued running at full speed and maintained his same posture. Officer A assessed and observed that the Subject was still looking in his direction with his arm extended out to his side. In fear for his life, Officer A slowed down further and fired a third round from his service pistol at the Subject to stop the 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 lethal use of force would be objectively reasonable.

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