

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

OFFICER-INVOLVED SHOOTING – 050-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Outside City	6/29/17		

Officer(s) Involved in Use of Force	Length of Service
Detective D	37 years
Detective H	30 years
Officer B	23 years
Officer C	22 years

Reason for Police Contact

Plainclothes detectives, with the assistance of uniformed personnel, were assigned to find and apprehend a named murder suspect. As the officers attempted to detain him, the Subject fled into a condominium complex. The officers contacted the Subject, who fired at the officers, and an Officer-Involved Shooting (OIS) occurred, during which an officer and the Subject were wounded. The officer was transported to the hospital, treated for his injuries and released. The Subject was admitted to the hospital for gunshot wounds and was eventually released for booking.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 26 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 June 19, 2018.

Incident Summary

Detective A and Officer A contacted Detective B and requested his assistance with a homicide investigation. According to Detective B, Detective A and Officer A were investigating a murder that occurred in two months prior, in Southwest Area. Detective A and Officer A developed additional leads and identified four suspects.

Plainclothes detectives initiated surveillance of three outstanding suspects, which included the Subject. A fourth suspect was arrested on an unrelated charge and was in police custody. Detective B assessed each of the suspects and determined that the Subject possessed the highest propensity for violence. The Subject was an active gang member with an extensive criminal history. He was on parole for robbery and violated his parole conditions when ammunition was found in his bedroom during a compliance check. The Subject was routinely posting photos of himself in possession of guns on social media. Due to the Subject's continuous display of armament and his violent history, Detective B decided a specialized unit would apprehend the other two suspects first and save the Subject for last.

The Subject posted photos and videos on Facebook, depicting himself in possession of a pistol. Detective C decided to place all resources on the apprehension of the Subject. Detective B requested the assistance of another specialized unit to apprehend the other two suspects. The next morning, the morning of this incident, personnel arrested both suspects.

That day, Detective B monitored the Subject's vehicle at a residence. Detective B called Detective A to obtain the latest social media information for the Subject. Detective A forwarded Detective B a Facebook photo of the Subject with three handguns protruding from the waistband of his pants. The photo was posted the day prior.

Early that morning, Detectives B and C conducted a briefing at the police station for all personnel involved in the operation to apprehend the Subject. Also present for the briefing were Detectives D, E, F, G, H, I, J, K, L, and M, in addition to Officers B, C, D, and E.

In addition to the personnel at the briefing, Detective D contacted Air Support Division (ASD) Officers F and G. Detective D briefed Officers F and G about the case and requested their assistance. The officers staged at ASD and awaited notification from Detective D to launch.

Detective B discussed background information for all the personnel involved in the operation while Detective C communicated the tactical plan. At the conclusion of the briefing, detectives paired up and entered their vehicles. They responded to a location and set up containment. Officers B, C, D, and E, staged at a park.

Detectives F and G observed the suspect vehicle back out of the driveway. Due to the vehicle's position, Detectives F and G were unable to observe who entered the vehicle or to positively identify the driver. As the suspect vehicle drove away, detectives broadcast the information and followed. As the suspect vehicle left the location, Detective D notified Officer G and requested the Air Unit's response.

As the suspect vehicle traveled away from the location, it immediately drove at a high rate of speed, through stop signs, stop lights, and made numerous turns and U-turns. Based upon the vehicle's speed and actions, Detective C believed the suspect was conducting counter surveillance measures to determine if he was being followed. At one point during the surveillance, Detectives L and M observed the suspect's face and positively identified the Subject as the driver of the vehicle. Detective M also observed the Subject to be the sole occupant of the vehicle and broadcast this information to all involved units. The Subject continued to drive erratically at high rates of speed while distancing himself from detectives. Due to the Subject's erratic driving, Detective C directed officers to conduct a high-risk traffic stop.

Officers D and E had been trailing the operation from a distance, so as to not interfere with surveillance of the suspect's vehicle. Upon the Subject's positive identification, Officers B and C attempted to catch up to the following.

Officers D and E received Detective C's request for them to conduct a traffic stop. The Air Unit was over the vehicles, and Officer G observed the Subject drive into a dead-end street. Officer G directed Officers D and E to the mouth of the dead-end street. Officers D and E were joined by Officer H at the mouth of the dead-end street. As the Subject turned around and drove toward Officers D and E, they turned on their emergency lights to identify themselves as police officers. The Subject maneuvered around Officers D and E's vehicle and continued from the dead-end street. Officers D and E initiated a vehicle pursuit.

The pursuit terminated abruptly when the Subject stopped near an intersection. Officer G, from the Air Unit, observed the Subject stop the vehicle, exit, and flee on foot. No police vehicles were directly behind the Subject's vehicle at the termination of the pursuit; therefore, Officer G was the only officer to observe the Subject exit the vehicle. Officer G observed the Subject running toward a six-foot high brick wall that ran adjacent to a major street. According to Officer G, the Subject threw a gun over the wall, jumped over the wall and retrieved the gun on the other side. The Subject walked to several buildings throughout the condominium complex. Officer G continuously communicated the Subject's movements to the units' monitoring frequency.

Note: A second gun was recovered on the ground next to the side of the brick wall.

Officers B and C heard Officer G broadcast that the Subject had exited his vehicle and fled, with a gun, over a wall, into the condominium complex. In an effort to contain the Subject, Officers B and C drove, past the Subject's unoccupied vehicle and turned. They stopped at a closed security gate and exited their vehicle. Officers B and C were aware of the Subject's criminal history and the information obtained during the morning briefing. For these reasons, upon exiting their vehicle, Officers B and C unholstered their pistols.

They pushed open the condominium security gate and entered the complex on foot. Officers B and C heard Officer G broadcast that the Subject was making his way east. They walked down a landscaped embankment and took cover behind two detached condominium buildings separated by a driveway.

Moments later, the officers observed a male walking east. The male looked in the officer's direction while nonchalantly walking. Officers B and C estimated the distance between themselves and the male to be approximately 50 to 80 yards. Due to the lengthy distance, they were unable to observe the suspect's face. Based upon the manner the suspect was walking, they were initially unsure if the male was the Subject. Suddenly, the suspect turned south toward the officers, extended his right arm, pointed a pistol at the officers, and fired approximately five to six rounds in the officers' direction.

Note: The investigation determined that the Subject fired nine rounds. Officer C initially took a concealment position behind a plastic trash can, and in immediate defense of his and his partner's lives, he fired one round from a distance of 173 feet. Officer C realized that he did not have cover. He re-deployed to a barricaded position behind a stucco wall of the condominium complex as the Subject was still shooting. Officer C then fired one additional round from approximately 175 feet. Officer C observed the Subject point his pistol at the airship, but he was unsure if the Subject fired. The Subject then disappeared from Officer C's view.

Note: Multiple witnesses observed the Subject fire two rounds into the air at the airship that was circling above. During the investigation, Force Investigation Division (FID) detectives and Air Support Division personnel examined the aircraft and discovered no impacts.

Officer B, in fear for his and his partner's lives, took a barricaded position behind a stucco wall of the condominium complex and fired one round from approximately 183 feet. After he fired his first round, Officer B realized that he had been struck by gunfire. Officer B broadcast, "Shots fired, officer down." Officer B informed Officer C that he had been shot. Officer C immediately crossed the driveway to Officer B's location. Officers B and C were unaware of the Subject's location and kept their pistols unholstered while Officer C assisted Officer B with assessing the gunshot wound and rendering first aid. Officer C held his pistol at a close contact position in case the Subject reappeared.

Sergeant A and Officers H and I arrived at the condominium complex as Officers B and C were entering the security gate. Sergeant A and Officers H and I responded to Officers B and C's location.

Upon their arrival, Officer H took a barricaded position with his rifle to provide cover in case the Subject returned. Sergeant A and Officers C and I formed a rescue team and assisted Officer B back to his vehicle. Officer B held his gun at a low ready position while he moved back to cover. Once Officer B was safely behind his vehicle, Officers B and C holstered their pistols. Several officers and detectives provided first aid until a Los Angeles Fire Department (LAFD), Rescue Ambulance (RA), arrived at scene. Firefighter/Paramedics A and B assessed, treated Officer B's injury, and transported him to a hospital.

According to Officer G, he observed the Subject on a street, firing a pistol in a southerly direction. The Subject then ran back toward the brick wall. Officer G broadcast the Subject's movements to the responding units, including units from Hawthorne Police Department (HPD). As the HPD officers drove, the Subject was observed walking with a pistol in his hand. Officer G advised the HPD units that the Subject was armed with a pistol and advised the HPD officers to stop and take cover.

HPD Sergeant A and HPD Officers A and B responded to the intersection. As the Subject reached the middle of the intersection, he fired his pistol toward Sergeant A and Officers A and B, and an OIS occurred.

Note: The investigation determined that the Subject fired his pistol four times from the intersection.

According to HPD Sergeant A, he fired three rounds at the Subject as he was running from his vehicle door to a stucco wall of the condominium complex on the corner of the intersection.

As Detectives H and I approached the Subject's vehicle, Detective H heard an unknown officer broadcast that shots were being fired. Detective H advised Detective I that they needed to take cover. Detective H parked his vehicle behind the Subject's vehicle and adjacent to Officers D and E's vehicle. Officers D and E had arrived shortly before them. Detectives H and I exited their vehicle, opened the back doors and retrieved their rifles from the back seat. Detectives C and D arrived as Detectives H and I retrieved their rifles and took cover. Detectives H and I joined Officers D and E as they were using their vehicle as cover.

Detective H heard a radio broadcast indicating that the Subject was moving north. Detectives H and I looked northeast and observed a six-foot high brick wall with a pedestrian gate. Detectives C, D, H, and I, along with Officers D and E simultaneously moved toward the gate.

As Detective H started to move, he heard the sound of gunshots northeast of his location. Detective H looked in the direction of the gunshots and observed the Subject

with his arm extended, holding a blue steel pistol and firing. Detective H observed smoke emanating from the pistol as the Subject was firing. The Subject was standing in the middle of the street. As Detective H looked over the brick wall, he had a clear and unobstructed view of the Subject standing in the middle of the street. As the Subject was firing, Detective H heard a radio broadcast that the Subject was firing at officers. Detective H observed that all of the officers and detectives who were with him were either behind him and on both sides. Detective H quickly verified that his background was clear, looked through his aim point sighting system at the center mass of the Subject and fired four rounds in a northeasterly direction from approximately 265 feet.

The Subject moved, out of Detective H's view. Detective H took one step northeast and again observed the Subject with his pistol extended toward the officers. Detective H regained his sight of the Subject's center mass and fired four additional rounds in a northeasterly direction from a distance of approximately 265 feet. He assessed after firing each round. The Subject did not appear to react and continued to move, out of Detective H's view. Detective H stopped shooting and moved toward the pedestrian gate along with the other responding detectives and officers.

Detective D parked his vehicle directly behind Detective C's vehicle, and grabbed his rifle. Upon exiting the vehicle, Detective D heard Officer G broadcast over the radio that the Subject was running. He observed a six-foot high brick wall in front of him with a pedestrian gate approximately 100 feet northeast of him. Detective D told Detective C that he was moving toward the gate. As Detective D moved toward the gate, he heard approximately three to five shots. When Detective D reached the gate, he observed the Subject facing, with his arm partially extended at waist level, with his left hand holding a blue steel pistol in front of him. The Subject turned counter clockwise and started running. Detective D placed his rifle on top of the brick wall close to the pedestrian gate, looked through his aim point sighting system and fired approximately four rounds at the Subject in a northeasterly direction from a distance of approximately 146 feet. Detective D lost sight of the Subject, stopped firing, and took his rifle off the wall.

Detective C made several unsuccessful attempts to open the pedestrian gate. He advised Detective D that he needed to get over the gate to open it from the inside. Detective D took Detective C's rifle, bent over at the waist, and told him to step on his back so that he could climb over the wall. Detective C asked Officers D and E to cover him as he jumped over the wall. Officer D placed his rifle on top of the wrought iron pedestrian gate and provided cover as Detective C stepped on Detective D's back and climbed over the wall. Detective C opened the gate and Detective D handed Detective C his rifle.

Detectives D, H, and I, along with Officers D and E, entered the gate and moved in the street. Due to the incline of the street, Detective C was initially unable to see the Subject on the other side of the street. As Detective C reached the street, he observed the Subject as he staggered and eventually sat down on the ground. Detective C told the Subject to lay down on his stomach and place his hands where he could see them. The Subject eventually laid on his stomach with his left hand

visible and his right hand under his chest. The Subject eventually complied and placed his right hand away from his body where it could be seen. Detective C verified that nothing was in either of the suspect's hands. Detective C asked Detective H to provide cover.

Detective C handed his rifle to Detective D, approached the Subject, placed his right knee on the Subject's right shoulder, and completed handcuffing without further incident. He patted the Subject down and did not locate any weapons. Detective C immediately requested a Rescue Ambulance (RA) for the Subject.

The RA arrived at the Subject's location. The Subject was transported to a local hospital.

Sergeant A identified Officer C as an involved officer in the OIS and immediately separated and monitored him. Sergeant A obtained a Public Safety Statement (PSS) from Officer C and continued to monitor him until additional supervisors arrived.

Sergeant B arrived at the hospital and assumed monitoring duties of Officer B. Sergeant C relieved Sergeant B, admonished Officer B, and obtained a PSS.

Detective F identified Detectives D and H as having been involved in the OIS and immediately separated them. Detective F monitored and obtained individual Public Safety Statements from Detectives D and H. Detective F took possession of Detectives D and H's rifles and secured them inside the trunk of Detective B's vehicle. Detective F continued to monitor Detectives D and H until additional supervisors arrived.

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 Detectives C, D, and H, and Officers B, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Detectives C, D, and H, and Officers B, C, D, and E's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Detectives D and H, and Officers B and C's lethal use of force to be in policy.

Basis for Findings

- **Detention**

The officers located and attempted to apprehend a suspect who was wanted on outstanding felony warrant for murder. 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, following a pursuit, the Subject abandoned his vehicle and fled on foot. The Subject then produced a firearm and fired on the officers from a distance as the officers attempted set up containment.

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

- 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 found Detectives C, D, and H, and Officers B, C, D, and E's tactics to warrant a tactical debrief.

B. Drawing and Exhibiting

- According to Officers B and C, they drove past the Subject's abandoned vehicle. Based on the information they had on the Subject and the possibility that he could be armed, they exited their vehicle and drew their service pistols.

Due to the Subject's recent social media posts displaying him armed with multiple firearms, coupled with his warrant for murder, Detectives C and H exited their vehicles and exhibited their patrol rifles.

According to Officers D and E, based on the information they had on the Subject, recent social media posts of him being armed with firearms, they exited their vehicle and exhibited their patrol rifles.

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

C. Lethal Use of Force

- **Officer B** – (pistol, one round)

According to Officer B, he moved to his left, heard a round being fired, and took a barricaded position along the building. As he was taking fire, he observed the Subject armed and shooting with his right hand. In fear for his life, he fired one round from his service pistol at the Subject to stop his actions.

- **Officer C** – (pistol, two rounds)

According to Officer C, he observed the Subject holding what appeared to be a pistol in his right hand. The Subject then suddenly raised his right arm, and began shooting at the officers. In defense of his life, he fired one round from his service pistol at the Subject.

He assessed to see if the Subject was struck and observed no reaction. He then redeployed and took a barricaded position behind the structure as the Subject continued to shoot. In fear for his life and the life of his partner, he fired a second round at the Subject to stop his attack.

- **Detective D** – (rifle, four rounds)

According to Detective D, as he moved towards the gate, he heard three or four gunshots coming from the other side of the wall. He looked over the gate and observed the Subject, holding a blue steel pistol in his left hand. The Subject then turned to his right and began running northbound towards a row of condo apartments.

Based on his knowledge of the Subject's violent behavior and criminal history, he was concerned that the Subject would attempt to get into one of the residential dwellings, and take a hostage. To prevent the Subject from causing any person serious bodily injury or death, and to stop his movement towards the buildings, he fired four rounds from his patrol rifle at the Subject to stop his actions.

- **Detective H** – (rifle, eight rounds)

According to Detective H, he heard more rounds being fired as he deployed towards a block wall and then observed the Subject with a blue steel, semi-automatic handgun, firing towards officers, and smoke coming from the firearm. He then fired four rounds from his patrol rifle at the Subject to stop his actions.

He then observed the Subject start to move, with his pistol still extended towards the officers. He took a step, reacquired his sight on the Subject, and fired four additional shots at the Subject to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detectives D and H along with Officers B and C, 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.

In conclusion, BOPC found Detectives D and H, and Officers B and C's lethal use of force to be in policy.