

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

**OFFICER-INVOLVED SHOOTING – 073-17**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes ( ) No (X)</b>
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Van Nuys	11/15/17		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	9 years, 5 months
Officer B	5 years

**Reason for Police Contact**

As officers attempted to conduct a traffic stop, the Subject fired upon the officers at which time an officer-involved shooting (OIS) occurred.

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Male, 22 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 October 16, 2018.

## Incident Summary

Van Nuys Area uniformed Police Officers A and B were conducting regular patrol; Officer A was the driver, and Officer B was the passenger.

Officer A pulled into traffic behind the Subject's vehicle. The Subject's vehicle had three occupants in the vehicle the Subject who was driving and Witnesses A and B.

Unbeknownst to the officers, the Subject was on active parole for second degree robbery, and was in possession of two firearms, a replica firearm, methamphetamine, and a large quantity of marijuana.

According to Witness A, the Subject's demeanor changed when the police vehicle pulled behind them. The Subject appeared to get very nervous, activated his left turn signal, and attempted to merge into the number two lane. As he did so, the Subject nearly collided with another vehicle.

After observing the Subject attempt to make the unsafe lane change, Officer B ran the license plate on his Mobile Digital Computer (MDC) which returned with two lost or stolen plates. The officers, believing the Subject's vehicle could possibly be stolen, decided to initiate an investigative stop of the vehicle. Officer A activated the vehicle's forward-facing emergency lights as well as a quick siren burst, also known as a "chirp" to get the Subject's attention.

The Subject failed to yield and pulled into a parking lot, then negotiated his way through the parking lot at an unsafe speed, before exiting onto the street. The Subject turned, then accelerated. The officers followed the Subject's vehicle thorough the parking lot and activated the siren as the officers exited onto the street.

Officer B broadcast that the officers were in pursuit of a possible stolen vehicle and requested a back-up unit, Air Unit, and a supervisor. The Subject continued driving at a high rate of speed. The Subject rolled down the driver's side window, produced a handgun, and according to Witnesses A and B, fired multiple shots out of the window.

According to Officer A, the Subject pointed a handgun out of the driver's side window, with the muzzle pointed in the officers' direction. Officer A believed that he heard two to three gunshots and observed a muzzle flash from the Subject's gun.

**Note:** Two discharged casings were recovered from the pursuit path that were forensically matched to the pistol used by the Subject.

Officer B broadcast that the officers were being shot at. As Officer B was broadcasting, the pursuit terminated when the Subject collided with a traffic light.

Officer A stopped his police vehicle, with the front of the vehicle pointed diagonally toward the Subject's vehicle. Officers A and B were exiting their vehicle when the

Subject opened the driver's side door and immediately began firing at the officers, while seated.

**Note:** Eight casings that were forensically matched to the Subject's pistol were recovered from the vicinity of the Subject's vehicle.

Officers A and B identified that the Subject was armed and actively shooting at them. In defense of their lives, Officers A and B fired their pistols at the Subject.

As the officers engaged the Subject, he stood up and ran toward the front of his vehicle. In the process, the Subject was struck by gunfire and collapsed on the sidewalk, out of the officers view. Simultaneously, as the Subject's vehicle came to a stop, Witnesses A and B exited from the passenger side of the vehicle and sought cover behind a large sign.

Officer B broadcast a help call and advised that shots had been fired. Officer B advised the responding units of the Subject's location and that he was behind a vehicle and armed with a gun. Officer B also broadcast Witness A and B's location

Officer A ordered Witnesses A and B, who were still behind the sign, to lay on the ground face down.

Uniformed Sergeant A arrived at scene and assumed the role of the Incident Commander (IC). According to Sergeant A, the Subject was not moving. Sergeant A advised Officers A and B that the Subject was down and immediately requested a Rescue Ambulance (RA) for the Subject.

Sergeant A formed an arrest/contact team and devised a tactical plan to approach the Subject. Due to the ongoing tactical situation and lack of accessible personnel, Sergeant A included Officers A and B as part of the arrest team. Sergeant A decided to include a police vehicle in the arrest team configuration to allow officers moving cover as they approached the Subject. Sergeant A selected Officer A's police vehicle, because it was the most accessible and the positioning of the vehicle was optimal. Officer C was assigned to drive the police vehicle during the approach.

The arrest team lined up along the driver's side of the police vehicle and initiated their approach. The officers lined up in the following order: Officer D was the point officer, followed by Officer A, Officer B, Officer E, Officer F, and Officer G.

Officer H was assigned as the handcuffing officer. Officer H and Sergeant A, followed the arrest team as they initiated their approach. With the exception of Officer C (driver), Officer H, and Sergeant A, all the officers on the arrest team either unholstered their pistols or were in possession of a shotgun.

Officer C drove the police vehicle slowly towards the Subject, providing moving cover for the officers. The officers cleared the Subject's vehicle first and determined that there

were no additional occupants inside the vehicle. The arrest team then approached the Subject who was lying face down on the sidewalk.

It was apparent to the officers that the Subject was injured. Officer D provided cover for Officer A as he holstered his pistol and approached the Subject. As Officer E placed the Subject's hands behind his back to begin the handcuffing process, Officer E observed a handgun and two magazines lying on the sidewalk underneath the Subject. Officer E advised Officer A of his observations, and used his foot to move the handgun and magazines out of the Subject's reach. Officer A handcuffed the Subject and conducted a search of his person with negative results.

**Note:** The Subject had a revolver inside of his front waistband that was not detected by Officer A during his search.

The arrest team then approached and detained Witnesses A and B. Witnesses A and B were both found to be in possession of methamphetamine and placed under arrest for In addition, Witness B also had three misdemeanor warrants for her arrest.

Los Angeles Fire Department (LAFD) personnel arrived at scene and transported the Subject to a local hospital, where he was later pronounced dead.

### **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 Sergeant A, along with Officer A and B's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Officer A and B's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Officer A and B's use of lethal force to be objectively reasonable and in policy.

### **Basis for Findings**

#### **Detention**

- The officers observed the Subject make an unsafe lane change, in violation of the California Vehicle Code. The officers conducted an inquiry of the Subject's license plates via their MDC. The inquiry returned two lost or stolen plates. The officers then attempted to conduct a traffic stop for the violation when the Subject fled. 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 officers were faced with a rapidly unfolding tactical situation during a vehicle pursuit when the driver of the vehicle pointed a handgun out the window and began firing at them. At the termination of the pursuit, the Subject exited his vehicle and immediately began firing at the officers.

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

- During its review of this incident, the BOPC considered the following:

##### **1. Search of Arrestees**

Officer A conducted a pat down search on the Subject, but did not locate a weapon that was secreted in the Subject's waistband.

Officers are trained to conduct a search of arrestees to ensure that they are not armed with weapons and 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 A was involved in a highly stressful, tactical situation where he had been shot at multiple times by the Subject. Due to the lack of available resources and the immediacy to take the Subject into custody to provide him

medical treatment, Officer A was assigned to the arrest team. Officer A had to contend with the emotional and physiological effects of being involved in an OIS while searching the Subject.

Based on the totality of the circumstances, the BOPC determined, that Officer A's actions were a substantial deviation, with justification, from Department tactical training.

- The BOPC also considered the following:

### **1. Contact and Cover**

The investigation revealed that both Officers A and B believed they were cover officers. The officers are reminded to utilize the concept of contact and cover, during which one officer initiates contact while the other officer provides cover.

These topics were to be discussed at 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.

The BOPC found Sergeant A, along with Officer A and B's tactics to warrant a Tactical Debrief.

### **B. Drawing and Exhibiting**

- According to Officer A, the Subject's vehicle went up onto the curb and came to an abrupt stop. Officer A then stopped his vehicle in the intersection, exited, drew his service pistol, and took a position of cover behind his vehicle door.

According to Officer B, when the vehicle came to a stop, he opened the door, stepped out, drew his service pistol, and took a position of cover behind the passenger door.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A-** (pistol, seven rounds)

According to Officer A, the Subject exited his vehicle, raised his gun in the officers' direction and fired four to six rounds. Officer A, in fear for his life and the life of his partner, fired at least eight rounds from his service pistol at the Subject to stop the lethal threat. The Subject then moved towards the other side of his vehicle and fell down to the ground.

- **Officer B -** (pistol, two rounds)

According to Officer B, the Subject opened his door and fired four to six rounds at them as he made his way towards the front of his vehicle. To protect his life and the life of his partner, Officer B fired two rounds from his service pistol at the Subject to stop the lethal threat. He then redeployed to the rear of his vehicle for additional cover and broadcast, "Officer needs help."

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B 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.

Therefore, the BOPC found Officers A and B's lethal use of force to be in policy.