

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

OFFICER-INVOLVED SHOOTING – 076-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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North Hollywood	11/30/17		
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Officer(s) Involved in Use of Force	Length of Service
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Detective A	30 years
Detective B	21 years

Reason for Police Contact

Officers surveilled and then pursued Subject 1, who had been involved in multiple armed robberies. Subject 1 suddenly pulled over and appeared to reach for a weapon, resulting in an officer involved shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 37 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 30, 2018.

Incident Summary

A specialized plainclothes unit consisting of detectives and officers was assigned to work a series of related armed robberies. They had identified two individuals as persons of interest, identified as Subjects A and B, as well as a vehicle described as a station wagon.

Due to the violent nature of the robberies, personnel were assigned to surveil the BMV for the purpose of either eliminating or connecting Subjects 1 and 2 to the crimes. The investigation revealed that the station wagon was registered to Subject 1.

At one point during the surveillance, while Subject 1's vehicle was stationary, Detectives A and B were able to utilize their wireless Internet devices to locate several news stories regarding recent robberies that had occurred in the area. The suspect in those crimes was subsequently identified as Subject 1.

After reading the news stories and viewing a related robbery video, Detective B compared Subject 1's DMV photograph to that of the image on the video and believed they were the same person. The video depicted Subject 1 remove a blue steel handgun from his front waistband and point it at a store clerk. Detective A located an additional news video that also showed Subject 1 removing a blue steel handgun from his waistband and pointing it at a store clerk. Detective A noticed that when Subject 1 placed the handgun back into his waistband, he took his shirt and covered the stock of the weapon to conceal it. Detectives A and B discussed the articles and videos they had viewed and then forwarded the corresponding online links via text message to assisting detectives. That information was then circulated among the rest of the personnel participating in the surveillance.

The specialized unit personnel continued to surveil Subject 2 throughout the day as he drove to multiple locations. Unfortunately, each time his vehicle stopped, there were too many pedestrians in the area for a tracking device to be placed on the vehicle. Eventually, Subject 2 drove back to a hotel and parked in front of the building. Subject 2 exited the vehicle, walked through the front door of the hotel and presumably entered an unknown room.

Based on the totality of information the officers had obtained up to that point, detectives believed there was enough probable cause to arrest Subjects 1 and 2, who were now both subjected to somewhere inside the hotel.

A tactical plan was established to arrest Subjects 1 and 2.

The decision was also made to pre-assign the detective personnel who would participate in a Vehicle Containment Tactic (VCT) if necessary.

Special Weapons and Tactics (SWAT) Officers A and B were assigned to the unit at the time as a uniformed resource. Their role was to trail the units assigned to conduct the

VCT and provide traffic control. In the event of a failed VCT, they were to provide emergency vehicle support and initiate a pursuit.

Prior to leaving the staging area, plainclothes detectives donned their Tactical Ballistic Vests, which had a Los Angeles Police Department cloth badge attached to the front, as well as the word "Police" written on the front and back.

Subject 1 exited the hotel by himself, entered his BMW and drove away from the hotel. Detectives began to covertly follow him. A decision was made to initiate the VCT when Subject 1 approached a 4-way stop sign. As Subject 1 came to a stop, detectives initiated the VCT; however, Subject 1 managed to escape it in his vehicle.

Note: While Subject 1 attempted to drive out of the VCT, the front bumper of his vehicle became dislodged and fell into the street.

Officers A and B were approximately two car lengths behind the detectives at the time the VCT was initiated and saw Subject 1 escape. They knew from their pre-planning that their role was now to pursue Subject 1 and attempt to take him into custody. Officer A activated his emergency lights and siren while Officer B broadcast to Communications Division (CD) they were in pursuit of an armed robbery suspect, provided their direction of travel, and requested a back-up unit, an Air Unit, and a supervisor.

Officers A and B pursued Subject 1 for approximately one mile until he pulled over and stopped in front of a business in an industrial area. Officer A stopped his vehicle approximately 10 feet behind and offset to the left of Subject 1's BMW. Both officers immediately exited, drew their pistols to a low-ready position, and stood behind their respective doors for cover. As Officer B broadcast the officers' Code Six location, Officer A began yelling commands for Subject 1 to put his hands up. Subject 1 complied and placed his hands out of his open driver's side window.

Note: According to Officer A, Subject 1 was slow to respond, but eventually complied and placed his hands out of his open driver's side window. Security video of this incident depicted Subject 1 placing his hands out of his driver's side window within two seconds or less of Officer A arriving and opening his own driver door.

Within approximately 10 seconds, Detectives A and B arrived and parked to the left of the primary unit. Both detectives immediately exited their vehicle. Detective A unholstered his pistol to a two-handed, low-ready position and stood behind his driver's side door. Detective B deployed his police rifle, moved two to three steps forward, and stood next to Officer A's open driver's side door as cover.

Note: The detectives involved in the VCT were not equipped to drive Code Three and did not participate in the pursuit. They monitored its

progress via radio and arrived at the termination shortly after the primary unit went Code Six.

Officer A continued giving commands to Subject 1 and ordered him to open his driver's door, to step out, and to keep his hands up. When Subject 1's door started to open, Officer A told him to kick it open the rest of the way using his left foot and repeatedly ordered him not to lower his hands.

As Subject 1 exited his vehicle, Detectives A and B believed he was in the process of arming himself and consequently, fired their weapons at him. Based on the statements of the involved and witnessing officers, as well as the video evidence, it appeared that Detectives A and B discharged their firearms nearly simultaneously. The following is an account of their perceptions and the actions they took during the officer-involved shooting (OIS):

According to Detective A, as Subject 1's driver's door opened, he looked back in the officers' direction with his hands up, started to exit his vehicle, and it appeared that he was going to comply with their commands. However, Subject 1 then hunched his shoulders forward, dropped his right hand, and grabbed what appeared to be the handle of a blue steel semiautomatic handgun protruding from the top of his waistband. These observations were particularly concerning to Detective A, because he had just finished watching security video of Subject 1 committing an armed robbery where he retrieved a firearm from the same location on his person and used similar body posture.

Note: According to Detective A, as Subject 1 initially began to comply with commands, "In my mind, I thought this was going to be a routine high-risk traffic stop." He added that Subject 1 stopped being compliant and "did the exact opposite" of the commands, and that Subject 1 "immediately dropped his hands down to his waistband, the exact area where I saw the subject secrete the firearm in the Mobil gas station robbery [...] and I saw him grasp what I believe to be the butt stock of a blue steel semi-automatic handgun."

Detective A believed Subject 1 was in the process of arming himself and was about to shoot at them. In fear for his safety, Detective A fired five rounds from a two-handed shooting position, toward Subject 1, from a distance of approximately 30 feet. Despite discharging his rounds in rapid succession, Detective A indicated that he assessed as he shot and stopped firing when he observed Subject 1 fall to the ground.

Regarding his decision to use deadly force, Detective A stated, "I truly believe that he was about to arm himself with that blue steel semiautomatic handgun so that he could shoot at both me and my partners. [...] I immediately came up on target. I put my finger alongside the frame. I looked through my front sight, and I fired five rounds while simultaneously assessing from my front sight, and I shot to protect myself from the imminent threat of serious bodily injury or death...."

Note: Detective A believed Officers A and B also fired their weapons.

According to Detective B, Subject 1 slowly exited his vehicle with his hands raised. Subject 1 then turned his body slightly away from him and placed his right hand directly on top of a black object that was secreted in his right front waistband. Based on the video footage he had just viewed showing Subject 1 retrieving a blue steel handgun from his right front waistband during a robbery, Detective B believed Subject 1 was arming himself and preparing to shoot him.

Note: As described by Detective B, “It appeared to me, based on the numerous arrests I’ve made, that the subject was giving up. He tried to get away but decided now he was going to surrender.” As a result, Detective B deployed just outside the opened driver’s side door of Officer A’s vehicle. According to Detective B, Subject 1’s demeanor changed, and Subject 1 stopped complying with commands. Detective B stated, “[Subject 1] went from submitting to arrest to [...turning] his body away from us a little bit and he reached down into his right front waistband.”

Note: Detective B believed that Subject 1 was attempting to remove a blue steel handgun from his waistband. He described having observed a “black object” that contrasted against Subject 1’s blue shirt. Detective B did not describe the shape of the object he observed, nor was he asked to do so.

In response to Subject 1’s actions, Detective B raised his rifle, placed the selector switch to fire, and discharged five to six rapid shots at him from a distance of approximately 22 feet.

Note: The investigation determined that Detective B fired a total of eight rounds.

Regarding his decision to use deadly force, Detective B stated, “I saw the black object come out of his right front waistband. And at that time, I was absolutely certain that this guy was going to shoot me, and he had armed himself with the pistol that he had used in a robbery and he kept in the same place in the robbery...And I was in fear of my life, fear for my partner’s life, and for the SWAT officers, [...] that he was going to pull the gun out in a split second and shoot and kill any one of us...So based on the imminent threat of death or serious bodily injury, I raised my rifle up and fired several rounds in the direction of the subject.”

Officers A and B both observed Subject 1 reach toward his front waistband just prior to the OIS. According to Officer A, as Subject 1 started to exit his vehicle, he used his right hand, quickly reached underneath his shirt, and grabbed what appeared to be a black square object.

As Officer A disengaged the safety on his weapon, he heard Detective B fire four to five rounds. He was unaware Detective A had fired. According to Officer B, as Subject 1 exited his vehicle and placed his left foot on the ground, he observed Subject 1's right hand go out of view under his shirt or toward his waistband.

Note: Available video evidence provides a partially-obscured view of Subject 1's actions at the time of the OIS. Although the video does not provide a view of Subject 1's hands at the time of the OIS, it does show that he moved his arms in a manner consistent with the detectives and officers' accounts. Video evidence also shows a dark item (the black cellular telephone) on the ground in proximity to Subject 1's position immediately following the OIS.

He then heard several gunshots and saw Subject 1 fall to the ground.

Note: Subject 1 was not armed at the time he was shot, nor was there a firearm found in or around his vehicle. Security footage from surrounding businesses captured the moments immediately after the OIS and depicted an object in the street a few inches from Subject 1's head. That item was later determined to be a cellphone encased in a black rubber case.

According to a friend of Subject 1's, Subject 1 told him on prior occasions that he was on his third strike and was not willing to go back to prison. Subject 1 told him that if he ever got stopped by the police, he would put up a fight and they would have to shoot him.

Subject 1 collapsed outside his driver's side door and landed on his back. Detectives B, C, and D helped take Subject 1 into custody. Subject 1 was transported to a hospital where he was later pronounced deceased.

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

B. Drawing/Exhibiting

- The BOPC found Detectives A, B, D, and E's as well as Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- The BOPC found Detectives A and B's lethal use of force to be in policy.

Basis for Findings

Detention

- Based on their investigation, the detectives identified Subject 1 as a robbery suspect and attempted to detain him for armed robbery. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

Tactical De-Escalation

- In this case, when the detectives attempted to detain the armed robbery suspect using the VCT, Subject 1 fled from the detectives, resulting in a vehicle pursuit with the uniformed officers. When Subject 1 stopped his vehicle, the officers and detectives continually verbalized with him in an attempt to gain his compliance and get him to surrender peacefully without the use of force.

After initially complying with their commands, Subject 1 suddenly presented the officers with an imminent threat of serious bodily injury or death, and the officers utilized lethal force to stop the deadly threat.

Tactical Debrief

- Each tactical incident 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.

The BOPC found Detectives A, B, C, D, and E as well as Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Detective B, after the tactical plan was formulated to arrest the subject(s) using the VCT, he exhibited his patrol rifle while seated inside his vehicle.

According to Detective B, after the OIS, he transitioned from his patrol rifle to his service pistol to clear Subject 1's vehicle.

According to Detective A, after Subject 1 stopped his vehicle, he positioned his vehicle to the left of Officers A and B's vehicle, exited, and drew his service pistol.

According to Detective D, while conducting the VCT, he had his shotgun up front with him and it was loaded with a round chambered.

According to Detective E, he drew his service pistol as he approached the location of the OIS.

According to Officer A, after Subject 1 pulled over to the right curb, he stopped his police vehicle, stepped out behind his driver's side door, and drew his service pistol.

According to Officer B, the officers pulled up behind Subject 1's vehicle and began to initiate a felony stop. He was the designated cover officer and drew his service pistol.

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

Therefore, the BOPC found Detective A, B, and D's along with Officer A and B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Detective A** – (pistol, five rounds)

According to Officer A, Subject 1 dropped his hands down to his waistband, to the exact area where he had observed Subject 1 secrete the firearm on the video of the Mobil Gas Station robbery. Subject 1 then curled his shoulders forward and grasped what he believed to be the butt stock of a blue steel semi-automatic handgun.

Based upon the manner in which Subject 1 grasped the handgun, he believed that Subject 1 was attempting to draw a concealed firearm from his waistband, exactly as he had done on the video he watched earlier in the day, so that he could shoot at both him and his partners. In an effort to protect himself and his partners from

serious bodily injury or death, he fired five rounds from his service pistol at Subject 1 to stop the threat.

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

According to Detective B, Subject 1 opened his vehicle door, slowly stepped out with his hands up, and then slightly turned his body away from them. Subject 1 then reached down into his right front waistband, put his hand on top of a black object and pulled the black object out of his right front waistband.

At that time, he believed Subject 1 was arming himself with the same blue steel handgun that he had observed Subject 1 use in the video of the store robbery and believed Subject 1 was going to pull the gun out and shoot and kill any one of them. In fear for his life and the lives of the other officers, he fired several rounds from his rifle at Subject 1 to stop the threat.

Note: According to Detective B, in his second interview, he clarified that he only observed Subject 1 put his hand on the black object but did not observe him pull it out of his waistband.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detectives A and B would reasonably believe that Subject 1'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 Detectives A and B's lethal use of force to be in policy.