

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

OFFICER-INVOLVED SHOOTING – 077-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southwest	12/14/17		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	11 years
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Reason for Police Contact

Police Officer A was inside a business and heard multiple gunshots emanating from outside. As Officer A exited the business to investigate, he encountered an armed Subject, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased ()	Wounded ()	Non-Hit (X)
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Subject: Male, 23 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 23, 2018.

Incident Summary

Police Officer A was conducting a routine check of a business. Officer A did not inform Communications Division (CD) that he was at the scene (Code-Six) because he was not conducting a specific investigation.

A surveillance camera affixed to a nearby business captured an individual (Victim) walking in the crosswalk with another unidentified male. As they were in the crosswalk, the Subject's vehicle drove and stopped at the limit line. The front passenger door began to open and the Victim and the unidentified male turned to look in the direction of the vehicle. The Subject exited the front passenger door.

The Victim looked over his left shoulder and slowed his pace as the Subject emerged from the vehicle and walked, toward the front of the vehicle. Meanwhile, the unidentified male walking with the Victim quickened his pace and continued as the Victim stepped onto the curb, and the Subject walked directly toward him.

The Victim then began to run on the sidewalk with the Subject chasing him. The view of the Victim and the Subject was momentarily blocked as they ran past a red vehicle that was parked along the curb. The Victim then emerged first from behind the parked vehicle as he continued to run and appeared to duck on two separate occasions as he proceeded. As the Victim ducked, the Subject ran behind him with his arms extended toward the Victim in a manner consistent with a shooting position.

The Subject then ran into the street and proceeded to a vehicle that had completed a three-point turn and continued to drive south.

Note: The subsequent investigation determined that there were six .40 caliber casings recovered from the side of the street that were attributed to rounds fired by the Subject.

Meanwhile, Officer A heard five to six "popping sounds" that he identified as gunshots while inside the business. Officer A's Body Worn Video (BWV) showed him exit the business and proceed on the sidewalk. According to Officer A, he heard the gunfire, but was unable to see a shooter.

As Officer A proceeded on the sidewalk, Officer A can be seen in video footage making a radio broadcast. Officer A broadcast that he had fired rounds and provided his location. Officer A then turned and began to cross the street. At this point, Officer A stated that he neither heard additional gunshots nor could he see anyone on the street and decided to proceed. According to Officer A, he placed his radio back into the holder and drew his service pistol.

Note: Officer A referred to shots still being fired as he ran across the street. However, surveillance video showed that the Subject stopped

shooting approximately five seconds before Officer A entered the surveillance video as he ran near the center divider.

Officer A articulated that he heard what he knew to be shots being fired and that the tactical situation could escalate to necessitate the use of deadly force. Officer A felt that someone was being shot and that he needed to protect them. Officer A stated he held his pistol in his right hand with his right finger along the frame and maintained his left hand near his holstered radio in case he needed to broadcast.

As Officer A moved through the intersection, he observed what he described as a "shadow" around the vehicles parked on the curb. Officer A perceived this as possibly being the Subject and began to yell, "Stop!" Officer A then suddenly saw the Subject appear from between the parked vehicles.

Officer A believed he momentarily lost sight of the Subject as he checked for oncoming traffic and then reacquired a visual of the Subject when he was at the passenger side of the vehicle. The BWV and surveillance video showed the Subject enter one lane of the street as the vehicle proceeded. After the vehicle came to a stop, the Subject moved from the front of the vehicle to the passenger side.

According to Officer A, he could see the Subject holding something in his right hand and immediately knew it was a gun. Officer A described it as a small, dark or blue steel gun. Officer A also observed that the Subject had what he described as a bag or backpack in his left hand. According to Officer A, he continued to yell for the Subject to "Stop!" Officer A described that the Subject was moving the gun around and then appeared to turn away for a second and then turn back toward him.

BWV and the surveillance video showed the Subject move from the front to the passenger side of the vehicle. The BWV showed the Subject at the passenger side of the vehicle, before he turned clockwise and opened the front passenger door. The BWV and surveillance video did not show further movements made by the Subject in that the video footage only showed the street surface and the surveillance video was obstructed by a tree.

Officer A again observed the gun and heard what he believed to be the victim of the shooting yelling from the side of the street, which indicated to him that the Subject had just shot someone and was going to shoot him. According to Officer A, he believed the Subject was going to point his gun right at him and feared for his life.

In response, Officer A obtained a two-handed shooting position, aimed for center body mass and discharged three consecutive rounds from a decreasing distance of approximately 61 to 58 feet as he continued to move in a manner that he described as a "shuffle." Officer A indicated that he fired his first round when the Subject was close to the vehicle and the passenger door was open.

Officer A stated he was focused on his sights, which caused his view of the Subject to be blurred, and he stopped shooting after he heard the passenger door of the vehicle close or slam shut. Officer A perceived this as an indication that the threat was no longer present in that the Subject entered the vehicle and it sped away at a high rate of speed. Officer A broadcast the vehicle description and the direction of travel.

Note: Three .45 caliber casings were located in the crosswalk near the southwest corner where Officer A fired his weapon. The firearm analysis comparison established these casings were fired from Officer A's service pistol.

Officer A holstered his service pistol, approached the Victim, and requested a Rescue Ambulance (RA) for gunshot wounds to his legs. A Los Angeles Fire Department RA arrived at scene and transported the Victim to a nearby hospital.

Sergeant A arrived at the scene and activated his BWV as he responded from the station. Sergeant A broadcast that he was Code-Six at the location. Sergeant A approached Officer A, who he knew had broadcast the shooting, and asked him what occurred. Officer A informed him that the Subject fled the location and he was not sure if the incident was gang related, as the Victim was being uncooperative. Sergeant A was under the impression that Officer A had witnessed a shooting, and a crime scene was being established for a possible homicide.

Note: Officer A stated in his interview that as he approached Sergeant A, he advised him that he was involved in an OIS and offered to give him his BWV camera. Officer A and Sergeant A's BWV captured this initial interaction; however, Officer A did not advise Sergeant A of his involvement in an OIS.

There were no radio broadcasts made at the scene that indicated an OIS had occurred.

Sergeant B arrived and learned that Officer A was involved in an OIS. Sergeant B obtained a Public Safety Statement (PSS) from Officer A.

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 Officer A's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A'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, Officer A heard multiple gunshots, observed a Subject, and provided him with commands to stop. The Subject, armed with a handgun, did not comply with Officer A's commands and pointed the handgun in the officer's direction, resulting in an OIS. Officer A's 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 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, Officer A was faced with a rapidly unfolding tactical situation when he heard multiple gunshots and observed the Subject holding a handgun in his right hand. Officer A provided the Subject commands to stop. The Subject did not comply with the commands, turned toward Officer A, and raised the handgun upward in the officer's direction.

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

- During the review of the incident, the following Debriefing Topics were noted:

1. Utilization of Cover

Officer A ran in the roadway to investigate the gunshots, without the benefit of cover.

The utilization of cover enables an officer to confront an armed Subject 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, Officer A was not sure exactly where the Subject was located until he saw him in the middle of the roadway and a firearm was subsequently being pointed at him.

Based on the immanency of the threat it was not reasonable to expect that an officer would have had time to seek cover prior to defending himself in these circumstances. The BOPC determined that in this circumstance, Officer A's actions were reasonable.

- The BOPC also considered the following:

1. Running with Service Pistol Drawn

The investigation revealed that Officer A ran in the roadway 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.

2. Help Call Broadcast

The investigation revealed that after the OIS, Officer A broadcast the Subject's vehicle description and direction of travel without mentioning that an OIS had occurred. Officer A was reminded of the importance of broadcasting all pertinent information so responding units and supervisors are aware of the seriousness of the situation and will be able to provide the best assistance upon their arrival.

3. Protocols Subsequent to a Categorical Use of Force Incident

A review of Officer A's BWV revealed that Officer A discussed the OIS with officers at the scene prior to the arrival of a supervisor. In addition, there was a delay in Officer A's reporting of the incident as a Categorical Use of Force to a supervisor. Officer A was reminded of the importance of providing a compelled, independent PSS after an OIS.

4. Code-Six

According to Officer A, he was serving as a liaison to the community in his assigned area when he heard the shots fired. In this instance, Officer A was not conducting a field investigation, therefore advising CD of his Code-Six location was not required. Nevertheless, the BOPC determined that Officer A should consider advising CD of his location during extended community contacts,

thereby ensuring his location is known should a situation require an emergent response.

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.

In this incident, the BOPC found Officer A's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he heard popping sounds coming from outside. Officer A recognized the noise as gunfire, exited the business, and ran on the sidewalk. Officer A then ran across the street while drawing his service pistol and trying to obtain a visual on what was transpiring. According to Officer A, he believed there was a tactical situation that could escalate to the use of deadly force. Officer A believed that upon hearing the gunfire, someone had been shot and needed assistance.

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

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

C. Lethal Use of Force

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

According to Officer A, the Subject was holding a small blue steel gun in his right hand. As Officer A continued yelling at the Subject to stop, he observed the Subject move the gun around, turn away from him for one second, and then turn back towards him. The Subject moved the gun slowly upward in his direction. Believing he was going to be shot and killed, Officer A fired three rounds from his service pistol at the Subject to stop the lethal 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 Use of Lethal Force would be objectively reasonable.

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