

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

OFFICER-INVOLVED SHOOTING – 010-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
-----------------	-------------	----------------------------	-------------------------------

Olympic	02/23/12		
---------	----------	--	--

Officer(s) Involved in Use of Force	Length of Service
--	--------------------------

Sergeant C	13 years, 6 months
Officer A	17 years, 8 months
Officer B	6 years, 1 month
Officer C	13 years, 5 months
Officer D	17 years
Officer F	16 years, 9 months
Officer G	6 years, 1 month
Officer I	6 years, 1 month
Officer K	15 years, 3 months
Officer L	14 years, 10 months
Officer M	3 years, 11 months

Reason for Police Contact

Officers responded to an armed carjacking that had just occurred. When officers located the Subject, he fled from the officers and a pursuit was initiated. When the Subject stopped his vehicle in a parking lot, he pointed a gun at a victim and officers, which resulted in an officer-involved shooting.

Subject(s)	Deceased (X) Wounded () Non-Hit ()
-------------------	---

Subject: 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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on January 15, 2013.

Incident Summary

Officers were assigned a radio call to respond to a carjacking incident and confirmed that the Subject, who had been armed with a gun, had stolen a vehicle. Officers A and B observed the Subject and requested a back-up unit, supervisor, and an air unit as they followed the vehicle at speeds between 25-30 miles per hour.

Sergeant A, upon hearing the following, informed Communications Division (CD) that he would respond. Officers C and D arrived at the following of the Subject's vehicle and were the secondary unit. Officers E and F joined the following as the third unit. Officers G and E joined the following as the fourth unit. Officers I and J joined the following as the fifth unit.

As the Subject drove east, an ambulance approached with their emergency equipment activated, which caused the Subject to pull over to the curb. Due to the Subject stopping, Officer A activated his overhead lights and siren to initiate a high-risk vehicle stop. After the ambulance passed, the Subject then continued east at which time officers initiated a pursuit.

As the pursuit continued, the Subject extended his right arm out and pointed a gun at Officers A and B. According to Officer F, after the Subject negotiated a U-turn, he stopped behind traffic. Due to his belief that the Subject was armed with a firearm, Officer F exited the police vehicle, unholstered his service pistol, and pointed it at the Subject. The Subject canted his right shoulder and extended his arm over the passenger seat and pointed a gun at officers. As traffic cleared, the Subject drove away. Officer F holstered his service pistol and entered his police vehicle. An air unit arrived and observed the pursuit from overhead.

Sergeant A joined the pursuit and heard the officers broadcast that the Subject had pointed a gun at them. Sergeants B and C rode together in a marked police vehicle. As they listened to the pursuit, they heard the air unit and pursuing units repeatedly broadcast that the Subject was pointing a handgun at officers and citizens. They drove toward the pursuit to monitor it and to provide additional support at the termination of the pursuit.

Officers K and L heard the pursuit broadcast involving an armed carjack suspect. After obtaining permission from their supervisors, they started to monitor the pursuit to assist at the eventual termination point.

Officers M and N became aware of the pursuit as the vehicle drove through the area. They monitored the pursuit by following it without the use of their vehicle's emergency equipment to provide assistance, if necessary.

The Subject then drove the vehicle into a parking lot. Victim A was standing near the driver's side of his vehicle. As Victim A stood next to his vehicle, he observed the Subject enter the parking lot followed by numerous police vehicles with their lights and sirens activated. As the Subject approached Victim A, he observed the Subject pointing a gun through the vehicle's front windshield in his direction. In fear for his life, Victim A quickly ran around the front of his vehicle to the passenger side. The Subject stopped his vehicle almost parallel to Victim A's vehicle. Sergeant C and Officers I, A, C, D, K, L, G, M, B and F took up positions behind the Subject's vehicle.

The following is an account of the individual officers' observations and actions during the officer-involved shooting. This summary does not reflect the order in which each officer fired their weapon.

Officer C stood behind his vehicle door as the Subject pointed a gun at Victim A. Officer C unholstered his service pistol and observed the Subject's vehicle's rear window shatter and presumed that the Subject had discharged his handgun at Victim A and a nearby officer. Officer C aimed his pistol at the Subject and rapidly discharged 13 rounds and then observed that the Subject's hand, which held the gun, fell.

Officer D observed the Subject motioning with his arm toward his leg or waist area causing him to believe that the Subject was grabbing for a firearm and Officer D unholstered his service pistol. The Subject then retrieved a gun from his waistband area. The Subject held the gun in his right hand and extended his right arm across the passenger side. Officer D then heard a gunshot coming from inside the vehicle at which time he aimed his service pistol at the Subject and discharged 14 rounds.

Officer B stood behind his vehicle door and unholstered his service pistol. He observed Victim A fueling his vehicle and the Subject display a gun. The Subject then pointed the gun behind him. In fear for Victim A, his partner, and his life, Officer B raised his service pistol, aimed at the Subject and discharged six rounds. After discharging his final round, Officer B observed that the Subject was no longer pointing his gun.

Officer A observed Victim A fueling his vehicle as the Subject stopped beside it. Officer A unholstered his service pistol as the Subject raised his right arm and pointed a gun in the direction of Victim A. Officer A heard a gunshot and believed that the Subject had discharged his weapon at Victim A and at officers. Officer A raised his service pistol and discharged seven rounds. Officer A ceased discharging his service pistol as the Subject dropped his arm holding the gun.

Officer G unholstered his service pistol, due to the Subject possessing a firearm, and then observed Victim A and directed him get down. Officer G refocused on the Subject's vehicle and looked through the rear window as the Subject held what he believed to be a gun. The Subject moved his arm from side to side trying to locate a

target and then pointed his pistol in the direction of Officer H and Victim A. In defense of their lives, Officer G raised his service pistol, and discharged six rounds assessing after each round. After Officer G discharged his sixth round, the Subject swung his right hand forward toward the Vehicle's dashboard and Officer G stopped firing.

Officer F stood behind a police vehicle door and shouldered his shotgun in a right handed shooting position. Officer F observed, through the rear window of the Subject's vehicle, that the Subject looked to his right toward Victim A and raised his arm, which held a gun. Officer F then heard a gunshot and believed that the Subject had shot at Victim A. In defense of Victim A's life, Officer F aimed through the vehicle rear window, in the direction of the Subject, and fired four continuous rounds. The Subject then slumped down in the vehicle and was no longer visible to Officer F. Officer F assessed and determined it was not necessary to discharge additional rounds.

Officer K obtained a clear view of the Subject inside his vehicle. He took a one knee position, shouldered his rifle and observed the Subject's upper torso move toward the driver's side window while holding a gun. Officer K observed the Subject holding a gun in his right hand, which he held across his chest and over his left shoulder, pointed rearward. Officer K believed that the Subject's intent was to shoot at the officers. He then heard a gunshot and believed it came from the Subject. In immediate defense of officers' lives, Officer K aimed at the subject and discharged three rounds.

Officer L observed the butt end of a gun in the Subject's right hand. Officer L shouldered his rifle. Officer L heard one gunshot and observed the driver's door window shatter causing him to believe that the Subject had fired in his direction. In defense of his life, Officer L discharged two rounds at the Subject.

Sergeant C stood behind cover as the Subject raised a gun and pointed it in the direction of Victim A. To protect Victim A from potential serious bodily harm, Sergeant C shouldered his shotgun, and discharged one round at the Subject.

Officer I unholstered his service pistol and pointed his pistol at the Subject. Simultaneously, Officer I observed Victim A, who appeared terrified, near a gas pump. Officer I then observed the Subject's right arm extended, pointing a firearm in the direction of Victim A. Officer I heard a gunshot and believed that the Subject had discharged his firearm at Victim A. In defense of Victim A's life, Officer I discharged four rounds at the Subject.

Officer M obtained cover and unholstered his service pistol. Officer M observed the Subject raise his right arm, holding what appeared to be a gun, and pointed it at Victim A. Fearing that the Subject would shoot at Victim A, Officer M discharged five rounds at the Subject. Officer M assessed, and observed the Subject's right arm still extended, pointing his gun at Victim A. Due to the continued threat, Officer M discharged an additional four rounds.

Officers L and K and Sergeant C approached the Subject's vehicle with their weapons in low-ready positions. Officer L pulled the Subject out of the vehicle, away from the gun. An unloaded gun was recovered from the Subject's vehicle.

A Rescue Ambulance was requested for the Subject. The Subject was pronounced dead at the scene.

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/Holstering 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 unanimously made the following findings.

A. Tactics

The BOPC found that Sergeant C and Officers A, B, C, D, F, G, I, K, L, and M's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeant C and Officers A, B, C, D, F, G, I, K, L, and M's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Sergeant C and Officers A, B, C, D, F, G, I, K, L, and M's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:
 1. Fire Control/Fire Discipline

In this instance, the BOPC considered the number of rounds fired during the incident, particularly those fired by officers with a large round count. Although

each officer clearly articulated an objectively reasonable circumstance that influenced their decision to fire, consideration was given to the total number of rounds fired over the course of six seconds.

The BOPC acknowledged that the Subject dictated the location of the termination of the pursuit and the positions of the police vehicles were restricted by the configuration of the parking lot and the presence of an open business and nearby patrons. In short, the officers were forced to tactically deploy in such a manner to safeguard the lives of the public without compromising officer safety. That being said, the two officers who fired the highest number of rounds were deployed at the forefront, their distances from the Subject were determined to be 24 and 26 feet respectively.

While the BOPC believed that the number of rounds fired by each officer was reasonable under the unique circumstances involved, the BOPC believed the involved officers can improve regarding fire control. Additionally, the BOPC believed that increased effectiveness and professional development through continuous improvement is essential to the Categorical Review and Tactical Debrief process.

- 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 spent significant time considering the facts and circumstances of this case, focusing on the actions of each officer and supervisor. In this incident several considerations became apparent relative to tactics as well as command and control.

Through critical incidents such as this, the BOPC identifies issues and concerns to be addressed individually and Department-wide. The BOPC commends Sergeant C for the line-level tactics used and his decision to deploy an effective weapon system at the termination point. However, while the BOPC understands that Sergeant C believed that another supervisor was the IC that did not diminish his responsibilities as an on-scene supervisor versus a police officer. In fact, due to the chaotic nature of the incident and the number of officers involved, the BOPC would expect him to default to a leadership role rather than become directly and tactically involved in the incident.

Consequently, after a thorough review of the incident, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially and justifiably deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Sergeant C and Officers A, B, C, D, F, G, I, K, L, and M's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, officers with similar training and experience as Sergeant C and Officers A, B, C, D, F, G, I, K, L and M would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Sergeant C and Officers A, B, C, D, F, G, I, K, L, and M's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- Based on the Subject pointing a gun at Victim A and at the officers, the BOPC determined that officers with similar training and experience as Sergeant C and Officers A, B, C, D, F, G, I, K, L, and M would reasonably believe that the Subject represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

In conclusion, the BOPC found Sergeant C and Officers A, B, C, D, F, G, I, K, L, and M's lethal use of force to be in policy.