

INTRADEPARTMENTAL CORRESPONDENCE

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 012-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 012-17. A Use of Force Review Board (UOFRB) was convened on this matter on November 20, 2017. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On February 8, 2017, Officers [REDACTED] Serial No. [REDACTED], and [REDACTED] Serial No. [REDACTED], 77th Street Area, Gang Enforcement Detail (GED), were in full uniform, driving a marked black and white police vehicle. The officers were conducting crime suppression in the area of Florence Avenue and Grand Avenue.

Note: On February 7, 2017, at approximately 1940 hours, 77th Street Area GED officers were involved in a pursuit of a possible stolen vehicle. The suspect vehicle was a white four door Mercedes Benz, and the driver was described as a male black. The driver eluded officers and an Investigative Report (IR) was completed for felony evading.

On February 8, 2017, 77th Street Area GED officers received information during roll call that an IR had been completed by patrol officers for Shots Fired Within City Limits in the area of 532 West 82nd Street. The suspect vehicle in the shooting was described as a white four door Mercedes Benz with three male black occupants.

According to Officer [REDACTED] as [REDACTED] was driving westbound on Florence Avenue approaching a red phase tri-light at Grand Avenue, [REDACTED] observed a *white Mercedes Benz with Downtown LA Motors paper plates* driving eastbound on Florence Avenue. The driver of the vehicle, later identified as T. Francis, then negotiated a left turn, north onto Grand Avenue. As the driver turned onto Grand Avenue, [REDACTED] observed the front windows of the vehicle were darkly tinted, advised [REDACTED] partner [REDACTED] observations, and followed Francis onto the northbound 110 Freeway.

[REDACTED]

According to Officer [REDACTED] partner advised [REDACTED] of the vehicle and [REDACTED] observed the *white Mercedes Benz with tinted windows and paper plates* entering onto the northbound 110 Freeway at *Florence Avenue*. [REDACTED] then broadcast that they were following a possible *Code-37 vehicle*, and requested *back-up, airship and a supervisor*.

According to Officer [REDACTED] Francis was driving *recklessly at a high rate of speed*. As they approached Vernon Avenue, Francis entered the FasTrak lane. They activated their lights and siren, and [REDACTED] advised Communications Division (CD) that they were in pursuit.

According to Officer [REDACTED] they continued to pursue Francis in and out of the FasTrak lanes. A truck *blocked their path for a short time*, creating a *large distance* between them and Francis. As they continued north on the 110 Freeway, they lost sight of the vehicle and were unable to determine if Francis had exited the freeway at Adams Boulevard or *continued northbound on the 110 Freeway*.

According to Officer [REDACTED] advised CD that they had *lost visual* of the vehicle and were unsure if Francis had *exited* the freeway at *Adams Boulevard*. They continued northbound on the 110 Freeway canvassing the area for the suspect vehicle.

According to Officer [REDACTED] Serial No. [REDACTED] Metropolitan Division, he was *traveling north on the 110 Freeway*, attired in *plainclothes* and driving a *plain vehicle*. [REDACTED] heard the 77th Street GED officers broadcast a *pursuit of a shooting suspect northbound on the 110 Freeway*. [REDACTED] then observed a *white Mercedes Benz with paper plates kicking up dust* in the *left shoulder* area of the freeway, in [REDACTED] *rear-view* mirror.

[REDACTED] advised CD that he was following a *possible suspect vehicle* northbound on the 110 Freeway and that [REDACTED] was a *plainclothes officer* driving a *plain vehicle*. [REDACTED] followed Francis as [REDACTED] exited the freeway at *9th Street*. [REDACTED] then observed Francis make an *immediate northbound turn onto Francisco Street*.

According to Officer [REDACTED] *continued to broadcast* [REDACTED] location and direction of travel over 77th base frequency. [REDACTED] then observed Officer [REDACTED] and [REDACTED] northbound on Francisco Street. [REDACTED] requested an airship for tracking, but the airship stated that they would not be able to assist with tracking due to their proximity to *skyscrapers*.

According to Officer [REDACTED] heard Officer [REDACTED] update [REDACTED] location on the *James M. Wood exit off the 110 Freeway* which was *only a couple hundred yards* from [REDACTED] location. [REDACTED] moved up to *close the gap* and observed Officer [REDACTED] *Sport Utility Vehicle* behind Francis' vehicle.

According to Officer [REDACTED] observed Francis *accelerate* northbound on Francisco Street and then drive eastbound through a driveway. The airship was overhead and advised that the vehicle continued towards Figueroa Street and then turned north towards 8th Street. He *continued north on Francisco Street, rather than follow* Francis eastbound through the alley to *close the distance*.

█ then conducted a right turn eastbound onto 8th Street, and after clearing traffic, █ realized that 8th Street was one-way street for westbound traffic (Additional Tactical Debrief – Situational Awareness).

According to Officer █ after █ and Officer █ realized they were driving in the wrong direction on 8th Street, they pulled their vehicle over to the sidewalk. They exited their vehicle to keep eyes on Francis and to establish containment. █ observed a damaged parking structure gate and heard citizens telling █ *went this way, he went this way, as they pointed towards the parking structure.*

Note: The investigation revealed that Francis drove through the automated gate arm to enter the north parking structure from 8th Street. Francis then proceeded south through the parking structure, exited into an alley, and drove into the south parking structure.

According to Witness █ observed a female passenger exit the vehicle and change █ clothing in the south parking structure. █ also observed the driver throw something out of the vehicle.

FID investigators obtained video footage from a surveillance camera at the Smart and Final Store that captures a █ walking through the store parking lot and entering the Smart and Final Store. FID investigators also recovered a .40 caliber Smith and Wesson semiautomatic pistol from underneath a parked pickup truck in the south parking structure.

According to Officer █, based on the information provided by the citizens, █ believed the suspect was on foot and broadcast that Francis was running. As they moved through the parking structure to the east/west alley, two citizens told them that Francis had run eastbound. As they continued eastbound in the alley Officer █ was approximately 20 yards ahead of █ as █ moved southbound onto the west sidewalk of Figueroa Street.

According to Officer █ observed Francis' vehicle and then observed the vehicle come to a momentary stop northbound Figueroa Street against the curb, just south of the entrance to the alley. █ yelled out to Officer █ *He's right there! He's right there!* █ observed the vehicle angled in a northwest direction, and after the brief pause, the vehicle accelerated rapidly, directly towards him.

According to Officer █ realized that █ had a wall to the north and no cover. █ darted his body to the left and Francis swerved the vehicle in █ direction. He reacted and changed his direction of travel southbound, and again Francis changed his vehicles direction, southbound. With only a few feet before being struck by the vehicle, █ drew █ service pistol faced with the deadly threat of the vehicle accelerating towards him (Drawing/Exhibiting).

According to Officer █ as █ approached the sidewalk in front of Smart and Final, █ continued to search for Francis. █ heard Officer █ call out █ name and yell *"He's right there! He's right there!"* █ turned around to face Officer █ and observed Francis'

vehicle traveling at a high rate of speed into the alley. [REDACTED] thought Francis was going hit Officer [REDACTED] and drew [REDACTED] service pistol because of the possibility of the use of deadly force (Drawing/Exhibiting).

According to Officer [REDACTED] made every attempt to remove [REDACTED] from danger by moving out of the vehicle's direction of travel. [REDACTED] believed that Francis had ample avenues of escape but instead pointed the vehicle directly at [REDACTED] and accelerated towards [REDACTED] as [REDACTED] mirrored [REDACTED] movements. Believing that [REDACTED] exhausted [REDACTED] options and with less than one second before being run over, [REDACTED] fired one round from [REDACTED] service pistol at the silhouette of the driver (Lethal Use of Force).

According to Officer [REDACTED] after [REDACTED] discharged [REDACTED] service pistol, Francis immediately swerved south away from [REDACTED] narrowly missing [REDACTED]. Francis continued westbound and narrowly missed a responding 77th Street patrol unit and collided with a parked vehicle. Officers followed Francis and engaged in a vehicle pursuit through downtown Los Angeles.

The pursuit continued into 77th Division, where Francis collided with several vehicles before his vehicle became disabled in the area of 76th Street and Van Ness Avenue. Francis was then taken into custody without further incident,

Lieutenant [REDACTED] Serial No. [REDACTED] Officer-In-Charge 77th Street Area, Gang Impact Team (GIT) responded and assumed the role of Incident Commander (IC). Sergeant [REDACTED] Central Division, responded and obtained a Public Safety Statement from Officer [REDACTED]

FINDINGS

Tactics -- Tactical Debrief, Officers [REDACTED] and [REDACTED]

Drawing/Exhibiting -- In Policy, No Further Action, Officers [REDACTED] and [REDACTED]

Lethal Use of Force -- In Policy, No Further Action, Officer [REDACTED]

ANALYSIS

Detention

During roll call, the involved officers were provided with information about two felony crimes that had recently occurred involving suspect(s) in a four-door white Mercedes Benz. The most recent crime involved a shooting. While on patrol and approximately one mile from the location where the most recent crime occurred, the officers observed a vehicle matching the description of the vehicle provided to them during roll call. When the officers attempted to conduct a traffic stop on the vehicle, the suspects fled from the officers. The officers' actions were appropriate and within Department policies and procedures.

[REDACTED]

Tactics

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance." (Los Angeles Police Department Manual, Volume 3, Section 792.05)

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.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).

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 suspect immediately fled when the officers attempted to conduct a traffic stop on the suspect's vehicle. The suspect attempted to evade officers during the entire incident until his vehicle became disabled after colliding with several vehicles. As such, de-escalation was not a factor.

Additional Tactical Debrief Topics

Situational Awareness – The investigation revealed that Officer [REDACTED] was not familiar with Central Division, and as a result accidentally drove [REDACTED] police vehicle eastbound on a westbound one-way street. Additionally, Officer [REDACTED] unknowingly ran past Francis' vehicle, while [REDACTED] was attempting to locate him on foot. The officers are reminded of the importance of being aware of their surroundings during tactical incident. In an effort to enhance future performance, I will direct this be a topic of discussion during the Tactical Debrief.

Command and Control

Lieutenant [REDACTED] Serial No. [REDACTED] 77th Area, Gang Impact Team (GIT), Officer-in- Charge (OIC), responded and assumed the role of Incident Commander (IC). Sergeant [REDACTED] Serial [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

No. [REDACTED] Central Division, responded and obtained a Public Safety Statement (PSS) from Officer [REDACTED]

The actions of these supervisors were consistent with Department supervisory training and my expectations of a field supervisor at a critical incident.

Tactical Debrief

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.

Therefore, I will direct that Officers [REDACTED] and [REDACTED] attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On February 20, 2017, Officers [REDACTED] and [REDACTED] attended a GTU. In addition to the mandatory topics, the officers received training on Force Option Simulator, Vehicle Pursuits, Shooting at Moving Vehicles, and Foot Pursuit Concepts.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume 1, Section 556.80).

According to Officer [REDACTED] with only a few feet before being struck by the suspect's vehicle, and faced with the deadly threat of the vehicle accelerating towards [REDACTED] [REDACTED] drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

I have only a few feet before the vehicle collides directly with me. At this time, I un-holster the weapon because I have face-to-face with this deadly threat of this vehicle accelerating rapidly towards me, chasing my movements, following my movements

According to Officer [REDACTED] observed the suspect's vehicle traveling at a high rate of speed into the alley. [REDACTED] thought that Francis was going hit Officer [REDACTED] and drew [REDACTED] service pistol because of the possibility of the use of deadly force.

Officer [REDACTED] recalled,

I looked back towards the street and I can see the white – the suspect vehicle coming again at a high rate of speed into the east-west alley where me and my partner were at. I thought he was going to hit my partner from the way he was driving. I un-holster my weapon, believing it was going to escalate to possibly a use of deadly force

Based on the totality of the circumstances, I have determined that officers with similar training and experience as Officers [REDACTED] and [REDACTED] 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.

Therefore, I find Officers [REDACTED] and [REDACTED] Drawing/Exhibiting to be In-Policy, No Further Action.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume I, Section 556.10).*

Shooting at Moving Vehicle. *Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person*

[REDACTED]

with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life.

Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to articulate clearly the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape (Los Angeles Police Department Manual, Volume 1, Section 556.10).

Officer [REDACTED] – .40 caliber, one round in a southeasterly direction, from an approximate distance of 11 feet.

According to Officer [REDACTED] made every attempt to remove [REDACTED] from danger by moving out of the vehicle's direction of travel. Believing that [REDACTED] exhausted [REDACTED] options, and with less than one second before being run over, [REDACTED] fired one round from [REDACTED] service pistol at the silhouette of the driver to stop the immediate deadly threat.

Officer [REDACTED] recalled,

I'm still eastbound and he's now westbound in the alley, immediately accelerating rapidly directly towards me... there's no way I can run 15, 20 yards in a second, before I get run down by the suspect. As I stated, -- that's why I drew my firearm in in a desperate attempt to prevent the suspect from running me over. I fired one round at the silhouette of the driver [REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED] would reasonably believe the suspect's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable to stop the threat.

Therefore, I find Officer [REDACTED] Use of Lethal Force to be objectively reasonable and In-Policy, No Further Action.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Shop No. [REDACTED] was traveling eastbound in the alley towards Figueroa Street and captured the OIS. The video also captures Francis nearly colliding with the officers in Shop No. [REDACTED] and the continuation of the vehicle pursuit.

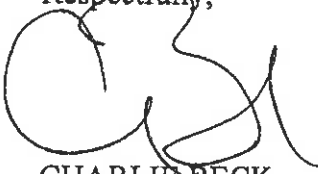
[REDACTED]

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Body Worn Video (BWV) – Officer [REDACTED] Serial No. [REDACTED] Central Division, Bike Detail, video depicts the Mercedes Benz northbound on Figueroa Street and turning into the Smart and Final parking lot where the OIS occurred.

Outside Video – Force Investigation Division investigators recovered Closed Circuit Television (CCTV) surveillance video from the Smart and Final parking lot. The video captured the OIS as the vehicle was traveling westbound in the alley towards Officer [REDACTED]. The video also captures Francis nearly colliding with responding officers in a marked black and white Ford Explorer.

Respectfully,



CHARLIE BECK
Chief of Police

Date: 12-6-17