

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

OFFICER-INVOLVED SHOOTING – 053-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	10 years, 4 months
Officer B	9 years, 11 months
Officer C	8 years, 3 months
Officer E	16 years, 3 months
Officer F	17 years, 8 months
Officer G	16 years, 2 months
Officer H	22 years, 9 months
Officer I	20 years, 8 months
Officer J	20 years, 11 months
Officer K	19 years, 9 months
Officer L	13 years, 10 months
Officer M	21 years, 3 months
Officer N	18 years, 6 months

Reason for Police Contact

Officers A and B attempted to stop a vehicle that was observed driving recklessly. During the vehicle pursuit, the subjects in the car opened fire on the officers. The suspects crashed their car and fled on foot, continuing to fire on the officers. A perimeter was set up and the SWAT team responded, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased (X)	Wounded (X)	Non-Hit ()
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Subject 1: Male, 37 years of age, deceased.			
Subject 2: Male, 19 years of age, wounded.			

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 August 4, 2015.

Incident Summary

On the date in question, Officers A and B observed a gold colored vehicle fail to stop for a posted stop sign.

Unbeknownst to the officers, the vehicle was being driven by Subject 2, a known gang member. The other occupant and front passenger, Subject 1, was also a known gang member. Subject 1 was armed with an illegal assault rifle, loaded with a high-capacity drum magazine.

As the officers followed the vehicle they observed Subject 2 fail to stop for a second posted stop sign. Subject 2 continued at a high rate of speed, failing to stop for a third stop sign.

Based on the traffic violations, the officers believed they were following a reckless driver or someone who may have just committed a crime and decided to conduct a traffic stop on the vehicle. Officer B requested a Department of Motor Vehicles Want Warrant check on the vehicle, and Officer A activated his vehicle's emergency lights. Subject 2 failed to yield to the emergency lights, sped away and failed to stop for a fourth stop sign.

Officer A activated his vehicle's siren as Subject 2 drove north at a high rate of speed through a red phased traffic light and then entered the freeway. Officer B notified Communications Division (CD) that the officers were in pursuit of a reckless driver and requested backup and an Air Unit.

The subjects' vehicle quickly reached speeds in excess of 80 miles per hour as it swerved in and out of traffic. The vehicle exited the freeway, crossed a roadway and began to re-enter the freeway. However, Subject 2 stopped the vehicle on the on-ramp, and Subject 1 opened the front passenger door and fired at the officers with the assault rifle. One of the rounds went through the front windshield and impacted in the passenger area of the police vehicle.

Officer B immediately unholstered his weapon and returned fire at Subject 1.

Subject 1 shut the front passenger door, and Subject 2 drove back onto the freeway. The officers continued the pursuit and notified CD that they had been shot at.

As the pursuit entered back onto the freeway, Officers C and D became the secondary unit in the pursuit.

Subject 2 immediately exited the freeway and continued to flee from the officers. Subject 2 then attempted to make a left turn but lost control of the vehicle and collided into the curb and then into a pole and a tree.

As Officer A prepared to make the left turn, following the Subject's vehicle, he noticed the vehicle stopped along the north curb and immediately stopped his vehicle at the intersection. As that occurred, Subject 2 exited the vehicle, ran west from the officers, and Subject 1 exited with the assault rifle. Subject 1 ran toward the rear of the vehicle, and at that point, Officer B saw a muzzle flash from where Subject 1 was located. Officer B, who was still seated in the vehicle, returned fire at Subject 1.

Subject 1 then ran toward the front of the vehicle. Officer A saw Subject 1 at the front of the vehicle in a barricaded position over the front hood, pointing what he believed was a handgun in his direction. Officer A opened his door, heard gunshots and thought Subject 1 was firing at him and his partners. Officer A fired at Subject 1 in rapid succession. Officer A then leaned back inside his vehicle and reloaded.

Subject 1 then ran from the vehicle in a southwesterly direction still armed with the rifle. As Subject 1 ran, Officers A, B, and C all described Subject 1 turning his body to his left and aiming a gun in their direction as he ran. All three officers believed they were being shot at and returned fire.

The officers then lost sight of Subject 1 as he ran west away from them.

Officer B notified CD the subjects were males last seen running west from their location and started to establish a perimeter.

Seconds later, the Air Unit (Air 16), arrived over the incident and began to establish a large perimeter over the area.

Air 16 placed the City on a Tactical Alert for subjects shooting at officers, and Sergeant A declared himself the Incident Commander (IC). Sergeant A established a temporary Command Post (CP) and requested that specialized units, Metropolitan Division, Special Weapon and Tactics (SWAT) and K-9, be notified.

While Air 16 was establishing the perimeter, a second Air Unit (Air 18), arrived on scene. Air 16 advised Air 18 that there were two outstanding subjects last seen running west.

Once the perimeter was established, Air 18 began to scan the area for possible suspects. As Air 18 was doing so, they were advised of a prowler call in the area. Air 18 identified a heat source in a trash dumpster to the rear of the prowler location and notified K-9 officers, who were beginning to arrive.

Sergeant F was one of the first K-9 units to arrive and he met with Sergeant E. Officer P arrived and was briefed by Sergeants E and F. At the conclusion of the briefing, Officer P notified the responding SWAT officers of the information he had received. Lieutenant A authorized Officer P to begin a search once he assembled a team. In addition, five additional search teams would be assembled upon their arrival.

The first search team consisted of Officer P, Officer F and his K-9 dog, in addition to Officers K, L, and N.

The first team began their search. The team cleared the subjects' vehicle and proceeded to the heat source located by Air 18. Once there, the team waited for additional resources to arrive. Officer M arrived in the MedCat and responded to Officer P's location. In addition, Officer E also joined the team.

A second search team was assembled that consisted of Officers O and I, Officer Q and his K-9 dog, and three other officers. In addition, Sergeant G, who was in charge of tactics, arrived and joined their team until they met with the first team at the prowler location.

Once the two teams were joined, a plan was put into place to search the location of the heat source. Officer O's team searched the front of the apartment building as Officer P's team began to proceed west toward the driveway to the apartment building's rear parking lot.

As Officer P's team entered the driveway, Officer F's K-9 dog alerted to the dumpster in the west portion of the parking lot. Officer F called his dog back and Officer Q's K-9 dog was brought in to confirm interest in the same dumpster. Officer Q's K-9 dog also alerted on the dumpster. The officers contained the parking lot, securing the east side with Officer O's team and the west side with a third team, consisting of Officers J, G and H along with four other officers.

Officer M drove a specialized vehicle, called the MedCat, into the driveway of the parking lot and positioned it toward the dumpster to provide cover for the officers. In addition, Officer M activated the spotlights and pointed them at the dumpster. In addition, Air 18 was overhead to see if there was any movement in the dumpster.

The officers put a tactical plan into place. Sergeant G utilized a bullhorn and made an announcement telling the subject (Subject 2) to surrender. After approximately five minutes and no response, Officers O and K deployed use of grenades, a Magnum Stun Grenade and a Stinger Grenade, in further attempt to get Subject 2 to surrender. Subject 2 then stood up with his hands raised and surrendered to officers.

Subject 2 was taken into custody without further incident and subsequently transferred to the arrest team. The remainder of the area was cleared and members from K-9 and SWAT reassembled to be redeployed into smaller search teams.

Lieutenant A directed Sergeant H to break the teams into six groups of four to five officers and conduct a grid search of the area. However, before that occurred, Officers F and O viewed a surveillance video recorded from the exterior of the apartment complex and determined the outstanding subject [Subject 1] had run south from their location. Officer F conveyed that information to the CP and to Air 18.

Moments later, Air 18 informed the units that they had located a heat source under a palm tree on the east side of street. Air 18 then illuminated the area and requested a search team to clear that area before they launched a grid search.

Officer O, who still had his search team together, notified Sergeant G and Officer P that they would respond to check the hotspot. Officers O, Q, and I along with other officers responded to the east side of the street and began to proceed south. The officers were in their K-9 configuration with Officer Q and his dog in the lead. As the team began to walk south on the east sidewalk, Officer O noticed an individual trying to conceal himself behind a palm tree on the east sidewalk of the street. Officer O then notified his team of his observation. Officer O estimated that they were approximately 50 to 60 yards away, when he noticed the Subject.

As the team began to move forward, the subject, Subject 1, left his position of cover armed with a rifle and took a position behind the driver's side of a green car parked along the east curb. Officer O immediately broadcast over the radio that Subject 1 was armed with a rifle. This caused all of the officers to seek cover behind a variety of parked cars in the area.

Officer P then ordered the specialized vehicles to move forward. Seconds later, the MedCat drove south and stopped next to the officers on the east side of the street. As that occurred, Subject 1 raised the rifle and began to fire north at the officers. Officers N, G, E and H fired their weapons in response at Subject 1 from behind a parked car, and Officer I fired his weapon from behind a telephone pole on the east side of the street.

Another specialized vehicle operated by officers, the BearCat, moved south toward the subject to provide cover for the officers. The BearCat stopped just south of the officers who were deployed behind a parked car. A majority of those officers redeployed to the rear of the BearCat, including Officers K, E, G, L, H, P, and Sergeant G. Officer K and Sergeant G entered the BearCat. Officer K took a position at the hatch in the vehicle.

Officer H deployed to the passenger side of the BearCat next to Officer J, who was seated in the right front passenger seat. Seconds later, Subject 1 started to fire

additional rounds. The front of the BearCat was struck by the gunfire, and Officer H was shot in the left leg. Officer H fired and then fell backwards.

Officer G immediately moved to the passenger side of the BearCat and pulled Officer H back to the rear of a parked car, out of the line of fire. As that occurred, Officer E went into a prone position underneath the BearCat and returned fire. Officers F, J, K, L, M and N also fired at Subject 1.

Subject 1 was struck by the gunfire and fell into a prone position behind the parked car and was no longer moving. Officer P ordered the BearCat to move forward and Subject 1, who appeared to be lifeless, was taken into custody without further incident.

Officers tended to Officer H until the Rescue Ambulance arrived. From there, Officer H was transported to the hospital for treatment.

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 Captain A's, Lieutenant A's, Sergeant A, E, F and G's, along with Officers A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, R, and S's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A, B, C, E, F, G, H, I, J, K, L, M, N, O and P's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer K's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officer A, B, C, E, F G, H, I, J, K, L, M, and N's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Fire Control/Fire Discipline

During his initial sequence of fire, Officer A fired 14 rounds in rapid succession until his weapon went to slide-lock.

Officers that are involved in a rapidly unfolding dynamic incident should assess their application of lethal force and should be encouraged to shoot no faster than their combat accuracy can be maintained. Although Officer A clearly articulated an objectively reasonable circumstance that influenced his decision to fire, the BOPC believed Officer A could improve in his fire control.

- 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.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made individually and collectively, and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and the individual actions that took place during this incident.

In conclusion, the BOPC found Captain A, Lieutenant A, Sergeants A, E, F and G, along with Officers A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, R and S's tactics to warrant a Tactical Debrief and ensure the specific identified topics be covered.

B. Drawing/Exhibiting

- Officers A and B observed a vehicle traveling at a high rate of speed with the driver committing multiple traffic violations. When the officers attempted to conduct a traffic stop, the driver stopped in middle of a freeway on-ramp. Subject 1, armed with an assault rifle, began firing at the officers. Consequently, Officers A and B drew their service pistols.

After shooting at the officers, Subject 1 got back into the vehicle, Subject 2 continued north onto the freeway, exited a short time later and ultimately collided into a tree when he attempted to negotiate a left turn.

Following the collision, Subject 1 once again exited the vehicle armed with the rifle and ultimately assumed a position over the hood of the vehicle while pointing what Officer A believed was a handgun in his direction. It was this time that Officer A re-drew his service pistol.

Metropolitan Division SWAT and K-9 officers responded to the scene to assist with locating Subjects 1 and 2. A perimeter had been established and a K-9 search was ultimately conducted by a team comprised of SWAT and K-9 officers. During the course of the search, the officers drew and exhibited their respective weapons, believing that the situation could escalate to the point where deadly force may become necessary.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A, B, C, E, F, G, H, I, J, K, L, M, N, O, and P, while faced with similar set of circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found the officers' actions of drawing and exhibiting of a firearm to be in policy.

Note: In addition to the above listed employees, there were additional personnel that drew or exhibited firearms during this incident. This drawing/exhibiting was appropriate and requires no specific findings or action in regard to these officers.

C. Less-lethal Use of Force

- **Noise Flash Diversionary Device (NFDD)**
- **Stinger Grenade**

Metropolitan Division, K-9 and SWAT officers conducted a systematic search of the area and located Subject 2 hiding in a dumpster. The officers ordered Subject 2 to come out with his hands up; however, he refused to comply with officers' commands. After approximately five minutes and no response, Officers O and K deployed use of grenades, a Magnum Stun Grenade and a Stinger Grenade, in further attempt to get Subject 2 to surrender. Subject 2 then stood up with his hands raised and surrendered to officers.

Note: Although Officer O deployed the NFDD, it is not deemed a less-lethal use of force option. The NFDD is categorized as a distraction device and not to be deployed directly at the suspect, but rather in the general area.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience, while faced with similar circumstances, would reasonably believe that the location of Subject 2 created a situation wherein it was unsafe for officers to approach; therefore, the decision by Officer K to deploy the Stinger Grenade was objectively reasonable. Therefore, the BOPC found Officer K's less-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

First OIS Location

- **Officer B** – (pistol, five rounds)

After observing numerous traffic violations, the officers attempted to conduct a traffic stop that ultimately resulted in a vehicle pursuit. The driver [Subject 2] proceeded north on the freeway and exited a short time later, then continued straight and re-entered the north freeway at the next on-ramp. As they were re-entering the freeway, Subject 2 stopped his vehicle on the on-ramp, at which time the passenger [Subject 1] partially exited from the passenger side of the vehicle and began firing at the officers with an assault rifle. Fearing for his life and the life of his partner, Officer B fired his service pistol at the subject through the windshield of the police vehicle.

The BOPC evaluated the circumstances relevant to Officer B's lethal use of force and determined an officer with similar training and experience would believe that Subject 1's actions posed a substantial risk of serious bodily injury or death to Officers B and A. Therefore, the BOPC found that Officers B's lethal use of force was objectively reasonable and was in policy.

Second OIS Location

Subject 1 re-entered the vehicle after firing several rounds at the officers and the pursuit continued. Officers C and D became the secondary unit in the pursuit, as the pursuit continued north on the freeway. The driver [Subject 2] ultimately attempted to negotiate a left turn but lost control of the vehicle and collided into a tree.

First Sequence

- **Officer A** – (pistol, 14 rounds)

According to Officer A, Subject 1 then moved to the front of the vehicle, assumed a position over the hood and pointed what Officer A perceived to be a handgun in his direction. Officer A opened his door, heard gunshots and believed that Subject

1 was firing at him and his partner. Fearing for his life and the life of his partner, Officer A fired 14 rounds at Subject 1 with his service pistol.

Second Sequence

- **Officer A** – (pistol, 13 rounds)

Subject 1, still armed with a rifle, ran from the vehicle in a southwesterly direction. It was at this time that Officers A observed Subject 1 turn to the left and aim the rifle in his direction as he was running away from the vehicle. Fearing that he was about to be shot by Subject 1, Officer A fired 13 rounds at Subject 1 from a seated position.

First Sequence

Officer B – 9mm pistol, six rounds.

Subject 1 exited the vehicle armed with an assault rifle and proceeded around the rear of the vehicle and pointed his rifle in the direction of the officers. Officer B, who was still seated in the police vehicle, observed muzzle flash from Subject 1's location. Fearing for his life and that of his fellow officers, Officer B fired six rounds from his service pistol at Subject 1 through his windshield.

Second Sequence

- **Officer B** – (pistol, five rounds)

Subject 1, still armed with a rifle, ran from the subject vehicle in a southwesterly direction. It was at this time that Officer B observed Subject 1 turn to the left and aim the rifle in his direction as he was running away from the vehicle. Fearing that he was about to be shot by Subject 1, Officer B fired five rounds at Subject 1 from a standing position.

First Sequence

- **Officer C** – (pistol, six rounds)

Subject 1, still armed with a rifle, ran from the vehicle in a southwesterly direction. It was at this time that Officers C observed Subject 1 turn to the left and aim the rifle in their direction as he was running away from the vehicle. Fearing that he was about to be shot by Subject 1, Officer C fired six rounds at Subject 1 from a standing position.

The BOPC evaluated the circumstances relevant to Officers A, B, and C's lethal use of force and determined that officers with similar training and experience would believe that Subject 1's actions posed an imminent threat of death or serious bodily

injury. Therefore, the BOPC found that Officer A, B, and C's lethal use of force was objectively reasonable and in policy.

Third OIS Location

Metropolitan Division SWAT and K-9 officers responded to a perimeter which contained two subjects who shot at patrol officers. During the course of the search, Metropolitan Division officers located Subject 1 hiding behind a vehicle. Subject 1 fired at the officers numerous times, resulting in multiple officer involved shootings.

- **Officer H** – (semi-automatic rifle, six rounds)

Officer H observed Subject 1 with a rifle, heard two gunshots and deployed to the rear of a parked car. Fearing for his safety and that of his fellow officers, Officer H fired one round at Subject 1. The BearCat was then positioned alongside the officers, which allowed Officer H to re-deploy to the passenger side of the BearCat. Subject 1 pointed his rifle in the direction of the officers once again. As he was about to fire another round, Officer H was shot in the left leg from a round that travelled underneath the BearCat causing Officer H to fall backwards.

- **Officer F** – (pistol, four rounds)

Officer F observed Officer H go down and realized he had been shot. Officer F saw other officers move forward to perform a rescue on H and in immediate defense of their lives; Officer F fired four rounds at Subject 1 from a standing position.

- **Officer G** – (semi-automatic rifle, three rounds)

Officer G observed Subject 1 pointing a rifle in the direction of the officers. Fearing for his safety and that of his fellow officers, Officer G fired three rounds from his service pistol at Subject 1 from a standing position. Officer G ceased firing when he observed Officer H fall to the ground and grab his left leg. Fearing Officer H had been shot, Officer G grabbed onto the back of Officer H's tactical vest and pulled him to safety.

All of the following officers observed Subject 1 point a rifle in their direction and returned fire to neutralize the threat, or to provide cover fire during the rescue of Officer H.

Cover Fire Sequence during Officer Rescue:

- **Officer N** – (semi-automatic rifle, seven rounds)
- **Officer E** – (semi-automatic rifle, 18 rounds)

Officer E stated he fired 7-10 rounds in a cover fire capacity as Officer H was being rescued. Officer E then fired an additional 7-10 rounds when he had target acquisition on the subject.

- **Officer I** – (semi-automatic rifle, four rounds)
- **Officer J** – (semi-automatic rifle, two rounds)
- **Officer K** – (semi-automatic rifle, one round)
- **Officer L** – (semi-automatic rifle, one round)
- **Officer M** – (semi-automatic rifle, four rounds)

The BOPC evaluated the circumstances relevant to Officer E, F, G, H, I, J, K, L, M, and N's lethal use of force and determined that an officer with similar training and experience as these officers would believe that Subject 1's actions posed an imminent threat of death or serious bodily injury. Therefore, the BOPC found that these officers' lethal use of force was objectively reasonable and was in policy.