

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

**OFFICER-INVOLVED SHOOTING 074-14**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Hollywood	11/30/14		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	27 years, 4 months
Officer B	26 years, 11 months

**Reason for Police Contact**

Officers responded to an in-progress vehicle burglary. When the officers arrived, the Subject ran, produced a pistol and fired at them. An officer-involved shooting (OIS) then occurred.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 42 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 20, 2015.

## **Incident Summary**

Witness A called Communications Division (CD) via 911 and reported that the Subject was breaking into a neighbor's vehicle, parked on the street in front of her home.

CD dispatched officers to the call and Officers A and B responded to assist.

Officers A and B arrived, located the victim's vehicle and observed the Subject still inside. Before the officers could advise CD they were Code 6 (arrived at scene), the Subject saw them and ran.

Officer A ran after the Subject in the roadway. Officer B ran after the Subject on the south sidewalk. At this point, both officers indicated they were in apprehension mode. Soon after Officer A began chasing the Subject on foot, he noticed the Subject was running with a handgun in his right hand. Officer A, in an attempt to alert Officer B as to his observation, shouted that the Subject had a gun.

**Note:** Force Investigation Division (FID) detectives determined that Officer B did not hear Officer A shout that the Subject was armed with a gun and was unaware of the Subject's handgun until the OIS occurred.

As Officer B continued running on the sidewalk, he observed the Subject to be in possession of what he believed to be a knife. Fearing a confrontation with an armed subject, Officers A and B unholstered their respective service pistols. Officers A and B followed the Subject with their pistols pointed toward the ground, each in their right hands, respectively, with their fingers along the frame. As Officer A ran on the roadway, he repeatedly ordered the Subject to stop, but the Subject did not comply. At one point during the foot pursuit, Officer A, in an attempt to get the Subject to surrender, used a ruse by shouting to the Subject that there were officers ahead of him. The Subject did not respond and continued running west on the south sidewalk. At this point both officers indicated that they shifted from apprehension mode into containment mode because the Subject was armed and had gained a considerable distance on them.

During this time, Officer B, using his lapel microphone, broadcast, "I got a subject running westbound [...] Subject is a male [...], approximately 25 years of age, got a boonie hat on, white T-shirt, blue jeans, possibly armed with a knife." At this time, Officer B noted the Subject had gained a considerable distance on him, so he stopped pursuing the Subject on foot and returned to retrieve his police vehicle. Officer B shouted to Officer A that he was returning to obtain the police vehicle.

**Note:** Officer A did not hear the broadcast regarding the Subject being armed with a knife because his radio was turned down to avoid feedback while riding in the police vehicle.

Simultaneously, Officer A, aware that the Subject had gained a considerable distance on him, shouted to Officer B, requesting that he return and obtain the police vehicle. Officer A, who continued running in the roadway, slowed his foot pursuit of the Subject with the intention of keeping the Subject under observation for containment purposes. Officer B holstered his pistol when he turned around to return to the police vehicle. As Officer B proceeded to the police vehicle, he periodically looked back toward Officer A to ensure he did not need assistance.

**Note:** During their respective separate walk-throughs, Officers A and B estimated they traveled approximately 120 to 135 feet before Officer B decided to return and obtain the vehicle.

Officer B obtained the police vehicle, turned on his emergency equipment, and began following the Subject and Officer A, as they ran west. When the Subject arrived at an intersection, he turned and continued running. Officer B updated CD. Officer A, who was still on foot in the roadway, approached the intersection with caution, slowly looking around the corner of a parked vehicle, to ensure the Subject was not lying in wait for him. Officer A soon observed the Subject running south on the west sidewalk and realized the Subject had gained even more distance between them.

As Officer A began to run across the street, he observed a taxi cab, which was proceeding south. The taxi driver, later identified as Witness B, observed Officer A running after the Subject, and as a result, he stopped the taxi and offered Officer A a ride. At this time, Officer A estimated that the Subject was 70 to 100 feet south of him on the west sidewalk and feared he would not be able to locate the Subject to set up containment if he gained more ground. Officer A entered the taxi via the left rear door and sat behind the driver. Simultaneously, Officer B arrived at the intersection and yelled for Officer A to get in the police vehicle. Officer A heard Officer B shout for him to get into the vehicle but explained that he did not want to lose additional ground by returning to the police vehicle.

Witness B drove the taxi south with Officer A in the back seat. Officer B followed the taxi in the police vehicle. Officer A advised Witness B to drive past the Subject as the Subject continued running on the sidewalk, because he did not want to put Witness B in harm's way.

As the taxi passed the Subject, Officer A noted that the Subject did not appear to pay any attention to the taxi. Officer A formed the opinion that the Subject was unaware that he was in the rear passenger compartment of the taxi. The Subject was looking back in the direction of the police vehicle to the rear of the taxi, which was being driven by Officer B.

At approximately this time, an Air Unit arrived and began to broadcast information. As Officer B drove, he observed the Subject stop on the sidewalk in front of a residence and turn back toward him. The Subject was directly west of an unoccupied Sport Utility Vehicle (SUV), which was parked along the curb. Officer B stopped his police vehicle in

front of a nearby residence. Believing the Subject was armed with a knife, Officer B exited the police vehicle and assumed a standing position in the roadway next to the leading edge of the open driver's door with the intention of ordering the Subject to surrender.

The Subject raised his left arm in Officer B's direction. Officer B observed that the Subject was holding a handgun in his left hand, and it was pointed directly at him. The Subject then fired one round at Officer B. In response, Officer B unholstered his service pistol. Officer B then fired two rounds in rapid succession at the Subject in a south/southwesterly direction, from a distance of approximately 92 feet. Officer B believed his first round struck the Subject.

Officer B then requested help and advised CD of the OIS.

Officer B, seeking cover, redeployed toward an unoccupied white vehicle parked next to the curb. According to Officer B, he heard the Subject fire an additional round when he was hunched over near the SUV. The Subject was holding the handgun against his chest, but Officer B was unsure which hand contained the handgun or the exact position of the muzzle. While on the move to cover, Officer B fired one additional round from his service pistol in a south/southwesterly direction at the Subject from a distance of approximately 75 feet.

The Subject then took cover on one side of the SUV.

In the interim, as Officer A was driven in the taxi, he heard the gunshots. Officer A ordered Witness B to stop the taxi two to three residences south. When Witness B unlocked the doors, Officer A exited the taxi, ran in the roadway, and assumed a position of cover along the left rear quarter panel of an unoccupied grey vehicle, parked along the curb of the roadway.

Officer A observed the Subject moving from the passenger side of the SUV to the front bumper area of the vehicle. According to Officer A, the Subject was focusing his attention toward Officer B's location, and he appeared to be unaware of Officer A's position. The Subject laid on his right side on the ground in front of the SUV. The Subject extended his right hand, which held the handgun, and appeared to be aiming north at Officer B from underneath the vehicle.

Officer A feared that the Subject was aiming at Officer B and was about to shoot him.

Officer A fired one round at the Subject from his pistol in a north/northwesterly direction from a distance of approximately 35 feet. The Subject went limp, dropping his handgun on the ground in front of him. The Subject was eventually taken into custody without further incident.

Officers C and D arrived at scene and parked close to Officers A and B's police vehicle. Officer C responded to the Subject's location and observed him being handcuffed by

Officers A and B. Officer D responded to the rear of a white vehicle, where he observed the Subject's handgun on the roadway near the driver side front tire. Officer D then responded back to his police vehicle to block southbound traffic. Officer C broadcast, "... it's gonna be shots fired. Get me an RA for a suspect, gunshot wound to the chest. No officers injured at this time."

Uniformed Sergeant A arrived at the scene and assumed the role of Incident Commander (IC). Sergeant A checked on the wellbeing of all officers, ensured crime scene containment and evidence security, verified a Rescue Ambulance (RA) was en route, and that officers began canvassing the area for witnesses.

Los Angeles Fire Department personnel transported the Subject to a local hospital where he was treated for gunshot wounds to his left bicep and right side of his face.

Force Investigation Division (FID) detectives reviewed all documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident that was given to the officers prior to being interviewed by FID investigators. All protocols were followed and were appropriately documented

### **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 unanimously made the following findings.

#### **A. Tactics**

The BOPC found Officer A and B's tactics to warrant a finding of Administrative Disapproval.

#### **B. Drawing/Exhibiting**

The BOPC found Officer A and B's drawing and exhibiting of a firearm to be in policy.

#### **C. Lethal Use of Force**

The BOPC found Officers A and B'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. Code Six/Tactical Communication**

Officer A and B did not advise CD when they had arrived at the location. The officers did not effectively communicate with one another throughout the incident.

In this case, Officers A and B did not go Code Six or effectively communicate their observations or actions with one another on multiple occasions throughout the incident, resulting in confusion, and thus placing both officers in a distinct tactical disadvantage.

#### **2. Pursuing Possible Armed Subjects/Separation**

Officers A and B separated while in foot pursuit of a suspect that was armed with a handgun.

In this circumstance, the officers observed the Subject inside of a vehicle engaged in the commission of a crime. The Subject looked in their direction, exited from a vehicle and fled on foot. The officers immediately went in foot pursuit of the Subject, who was holding a handgun in his hand. Officer B discontinued his pursuit of the Subject and separated from his partner when he ran back to retrieve their police vehicle. Officer A was aware of the separation and continued to pursue after the armed Subject by himself.

#### **3. Apprehension versus Containment Mode**

Officers A and B continued to pursue an armed subject rather than transition into containment mode.

It was apparent throughout the incident that Officers A and B were engaged in apprehension mode. Both officers initiated a foot pursuit of an armed suspect with their service pistols drawn. Officer A continued to pursue after the Subject as Officer B ran back to retrieve their police vehicle. Officer A remained in apprehension mode when he entered the rear of a taxicab in order to continue his pursuit of the Subject. The officers put out an initial broadcast indicating they were in foot pursuit, but never initiated any subsequent broadcast reflecting an effort to contain the Subject. As the incident unfolded, and the risk became greater to the officers, the officers should have recognized the need to transition to containment mode.

#### 4. Reverence for Human Life

Officer A's apprehension plan included the use of Witness B, a civilian taxicab driver in the area, to knowingly pursue an armed subject.

Placing an uninvolved civilian in physical jeopardy should be avoided at every opportunity. Officer A's decision to use Witness B as an agent of the police to apprehend a suspect armed with a handgun was unreasonable and unnecessarily jeopardized the safety of that civilian.

#### 5. Utilization of Cover

Officer B left the cover of his ballistic door panel to confront a potentially armed suspect.

The utilization of cover enables an officer to confront an armed suspect 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.

#### 6. Searches of Arrestees

At the conclusion of the incident, Officers A and B handcuffed the Subject without ensuring that he was searched.

- The BOPC additionally considered the following:

##### 1. Running with a Firearm in Hand

Officers A and B pursued after the Subject with their service weapons drawn.

##### 2. Potential Crossfire

In this circumstance, Officers A and B failed to adequately communicate with one another and ultimately ended up deployed in a potential cross fire situation.

- 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. Each tactical incident inherently results in considerations for improvement.

The BOPC was critical of the tactics employed by Officers A and B and found that Officer A and B's actions substantially and unjustifiably deviated from approved Department tactical training and therefore warranted a finding of Administrative Disapproval.

## **B. Drawing/Exhibiting**

- Officers A and B responded to a radio call of a BFMV (Burglary from Motor Vehicle) suspect there now. As they responded to the call, CD provided additional information that the suspect was possibly armed with a hammer or some kind of tool. As they approached the area they observed the Subject sitting in the front driver's seat of the vehicle. The Subject looked in the officers' direction, exited from the vehicle and fled on foot. Officer A observed the Subject holding a handgun in his right hand and drew his service pistol.

The BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified. In conclusion, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

## **C. Lethal Use of Force**

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

Officer B observed the Subject moving southbound on the west sidewalk. Still unaware that the Subject was armed with a gun, Officer B stopped, exited the police vehicle, and stepped away from the cover of his ballistic door panel with the intent of issuing commands to the Subject.

It was at this point that Officer B observed the Subject raise his left arm while holding a dark object in his hand and heard a gunshot. Realizing the Subject was armed with a gun and believing that he was now being shot at, Officer B drew his service pistol and fired two rounds at the Subject to stop his actions.

Officer B observed the Subject stumble and move toward a parked vehicle. Officer B moved diagonally to obtain a position of cover behind a parked vehicle. As Officer B was on the move, he heard an additional gunshot fired by the Subject and fired a third round at the Subject to stop his actions.

- **Officer A** – (pistol, one round)

Officer A observed the Subject get down on the ground near the undercarriage of a vehicle, raise his right arm, and point a handgun in the direction of Officer B. Believing the Subject was about to shoot at his partner, Officer A fired one round at the Subject to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that 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.

In conclusion, the BOPC found Officer A and B's lethal use of force to be in policy.