

**The May 9, 2005 Compton Shooting**  
**The Public Report by the Los Angeles Office of Independent Review**

**INTRODUCTION**

The deputy-involved shooting on May 9, 2005 on a residential street in Compton, California that was captured on videotape brought international attention to the behavior of the deputies from the Los Angeles Sheriff's Department and appropriate concern from the community affected by the one hundred twenty rounds fired by deputies. What ensued in the following month was in many ways as remarkable as the shooting itself. Within that month, three town meetings were held, an internal affairs investigation was completed, discipline was imposed, new policies were written and implemented, training was reevaluated, equipment was inspected, and nine of the ten deputies apologized to the community about the shots that they had felt constrained to fire on that Compton residential street.

The Office of Independent Review ("OIR"), the independent oversight entity for the Los Angeles Sheriff's Department, was present and involved in most of the events that transpired in that month subsequent to the shooting. Within two hours of the shooting, an attorney from OIR rolled to the shooting and began assessing LASD's response to the incident. As part of our responsibility to provide transparency to the public regarding how LASD handles incidents such as these, we issue the following Report.

The Report begins by describing the events leading up to the shooting incident and the shooting incident itself. Because the public focus has been on the videotape of the shooting incident, other critical facts that are not captured on video or are not easily detected absent frame by frame scrutiny have not received the same level of attention and are provided in this Report.

The Report then addresses the results of the internal affairs investigation and the performance issues identified that resulted in discipline being imposed on thirteen LASD employees. The investigation found that there was no evidence of wrongful intent on behalf of any of the deputies with respect to the shooting. The investigation did reveal, however, numerous performance issues that led to the discipline imposed, commencing with the failure by supervisors and the deputies to develop a coherent and tactically sound plan to approach the driver of the vehicle and contain him once he had stopped his vehicle. As a result, the individualized actions of each deputy and individualized decision-making led to poor decisions regarding numerous tactical issues such as failure to take cover or abandonment of cover, failure to consider cross-fire, failure to consider background, poor control of gunfire, and inadequate reassessment of the threat presented. The accumulation of these individualized decisions led to an injured deputy and suspect, 120 rounds being fired by deputies in a residential neighborhood, bullets going into houses in the neighborhood and radio cars, and

the potential, fortunately not realized, of further injury or loss of lives by deputies or residents of the community. The Report describes the actions of each involved LASD employee and the policy violations that led to any imposition of discipline.

The Report next discusses the benefits of speedy completion of this matter, as well as the procedural and legal issues that presented challenges to such a timely resolution. The cooperation of the deputies was crucial in order to complete the investigation in a timely manner. The LASD investigators expended great effort to ensure a thorough yet speedy investigation. Although the investigation was expedited, LASD still utilized its standard review panel and procedures, with slight adaptations to ensure prompt yet well-considered resolutions. The result was a prompt resolution of the matter that benefited the deputies, LASD and the community.

The Report discusses the development and modification of policies as a result of this incident and the import of those changes on deputy behavior. LASD executives and experts worked with OIR to refine those policies. The employee unions expeditiously reviewed and commented regarding the proposed policies, allowing for their timely implementation.

The Report describes the deficiencies in training identified by the investigation and notes that five of the ten deputies involved in the shooting had not received tactical training within two years: the time targeted by LASD within which each of its deputies should receive such training. Budgetary concerns led to the reduction in recurrent training. The Report urges better insulation of the training budget from fiscal issues.

The Report examines the effect of available equipment on the outcome of events. The investigation revealed that the spike strips at Compton station were in a state of disrepair that removed an important tool from the deputies' arsenal. LASD has engaged in subsequent efforts LASD to upgrade this tool and ensure its availability in future events.

The Report documents the Sheriff's reaction to the community concerns in the days following the shooting. The immediate response and willingness to listen to and address the concerns of the community alleviated many concerns. The public apology made to the community by nine of the ten deputies is commendable, and that courageous and decent action resulted in a positive note that resounded throughout Los Angeles County.

The Report also credits the Sheriff's impetus to a speedy resolution of the investigative, disciplinary, policy, training, and equipment issues identified by this incident. The speedy yet thorough resolution of each of these issues contributed to the community's sense that the issues emanating from this shooting were appropriately handled by LASD. Through this detailed and public explication of all that was done in each of these areas, the Report serves as the documentary evidence behind which OIR reached the same conclusion.

## **SYNOPSIS OF THE EVENTS ON MAY 8-9, 2005**

On May 8 and 9, 2005 deputies from the Compton Sheriff Station responded to a call for service. They attempted to contact a suspect and when he did not yield, the deputies initiated a vehicle pursuit of the suspect. At the end of that pursuit, the deputies fired multiple rounds from their guns at the suspect and his vehicle, injuring him. LASD immediately initiated two investigations, one by the Homicide Bureau and one by the Internal Affairs Bureau. Below is a description of the events on May 8 and 9, 2005 that is based on the information and evidence gathered in those investigations, including interviews of civilian and sworn witnesses, review of forensic evidence, review of radio traffic and other LASD transmissions, and review of two videotapes recorded by local news stringers.

### **The Call for Service**

The Compton station received a call from a resident on the 800 block of Butler Avenue reporting that he had heard gunshots being fired. This call was assigned via the computer to deputies patrolling Compton, as well as broadcast over the radio. One patrol car was assigned to handle the call and a second was assigned to assist. The assigned handling deputies initiated contact with the LASD helicopter to determine whether it was in the area or could come to the area.

A Compton Lieutenant heard the radio broadcast and indicated that he had heard the gunshots being fired. He stated that some residents possibly saw a large white American truck that was involved in the shooting. The Lieutenant also recommended that the LASD helicopter immediately begin to fly to the area, in case it would be needed. The helicopter indicated that it would be over the area in 9 ½ minutes.

The two-man unit that had been assigned the call went to Butler Avenue and drove north. When the deputies arrived at the 600 block, they saw a white American SUV, also facing north, and, because it matched the description of the involved vehicle provided by the Lieutenant, they attempted a traffic stop to question the driver. When the deputies attempted to contact the driver, he made a three point turn and drove south on Butler. The deputies turned their car around to drive south and broadcast that they were in pursuit of a suspect in an SUV, and that the suspect driver of the vehicle might possibly be armed.

### **The Pursuit**

The initial deputies broadcast the direction of their pursuit. They were joined by two patrol cars, the first with a one-man unit, the second containing two deputies. A Field Sergeant then joined in the pursuit. Finally, a fourth patrol car with a single deputy became the fifth car in the pursuit. There were also a number of patrol units that monitored the pursuit over the radio and drove to the area, but did not become involved in the pursuit.

The Lieutenant, who was the Watch Commander that evening, was in the field when the pursuit began. He pulled to the side of a road and monitored the radio traffic and handled the pursuit. During the pursuit, the Lieutenant requested that a deputy drive to the location of the original call where the gunshots were heard to determine whether there were any victims of an assault. A deputy indicated via radio that he would do so.

The Lieutenant also radioed all patrol cars behind the Sergeant to exit the pursuit and set up a perimeter. This instruction was repeated over the radio by the Sheriff's Dispatch.

During the pursuit, the suspect was reported by deputies as driving erratically, at high rates of speed, and almost hitting parked cars. The suspect also reportedly slowed to a stop on a couple of occasions and the deputies indicated their belief that he was going to end the pursuit. But, each time the suspect began driving again. A couple of times, deputies indicated that the suspect drove at and nearly hit deputies. The deputies who had initiated the pursuit broadcast this information over the radio.

The suspect drove up and down streets in the same general area. He returned to South Butler Avenue several times. One house on Butler Avenue had several people gathered outside. The suspect would slow down or stop in front of that house, and the people outside would make sounds and motions that the deputies interpreted as cheering him on.

Because the suspect was driving repeatedly in the same area, the deputies attempted to use a spike strip to stop the SUV. Numerous requests were made for spike strips to be deployed. Eventually the Watch Deputy at the station indicated that he was bringing a spike strip from the station. The Watch Deputy took a spike strip from the station armory. He got in a radio car that a deputy trainee was cleaning out. The deputy trainee had worked the prior shift and had stayed over to finish paperwork. The deputy trainee got in the car with the Watch Deputy and went to assist with the spike strip.

When the Watch Deputy and trainee deputy arrived in the area of the pursuit, they sought direction regarding where to place the strip. The spike strip was first placed on East Linsley Avenue, just west of Butler Avenue. The SUV passed over it, but the strip did not fully deploy and the SUV's tires were reportedly unaffected. The strip was then placed across Butler Avenue, just north of Linsley Street. The SUV did not pass over the strip again, because it stopped north of the strip on Butler Avenue at the end of the pursuit and never went far enough south again.

The LASD helicopter arrived over the pursuit a couple of minutes before it terminated. The helicopter took over the radio broadcast of the pursuit from the lead radio car. The Lieutenant then terminated the pursuit and told the radio cars to cancel the pursuit. The Field Sergeant repeated the order back to the Lieutenant and asked for confirmation that the deputies were to begin a

surveillance mode. The Lieutenant confirmed the order to go to surveillance mode.

The deputies turned off their lights and sirens and stopped at the corner of Butler Avenue and East Myrrh Street, some on Butler Avenue north of Myrrh Street and some on Myrrh Street just west of Butler Avenue.

Over the radio, deputies were requested to deploy themselves at least two or three streets on each side of Butler Avenue and Myrrh Street. Seconds later the LASD helicopter broadcast over the radio that the suspect was stopped on Butler Avenue. There was a radio broadcast that mentioned a foot pursuit and the LASD helicopter stated it looked like the suspect was getting out of his car.

#### **The Approach to the Driver on the 600 Block of South Butler Avenue**

When the LASD helicopter broadcast that the suspect was stopping on Butler Avenue, the first three radio cars in the pursuit, after having stopped for a few seconds when the pursuit was terminated, drove south down Butler Avenue. They were followed by the Field Sergeant, the deputy who was in the fifth car in the pursuit, and another deputy who was not involved in the pursuit, but had driven to the area to monitor the pursuit and assist.

At the same time, there were three radio cars, who were not involved in the pursuit, south on Butler Avenue at Linsley Street: the car, with two deputies, that brought the spike strips; the car, with one deputy, that returned to the scene of the original call for service to determine whether there were any victims; and another car, with one deputy, that was in the area to monitor the pursuit and assist. As the deputies drove south on Butler Avenue from the north, three of the four deputies who were at the south end of the street, moved north on foot on Butler Avenue. One stayed at the south end.

The suspect stopped the SUV across a driveway and up on a sidewalk on the west side of the street near 617 and 621 Butler Avenue. The deputies who initiated the pursuit, pulled their radio car behind the SUV and prepared for a traffic stop. The other two radio cars that were following those deputies stopped behind them to prepare for a traffic stop. Just as the first deputies were exiting their car for the traffic stop, the suspect drove the SUV in reverse towards them. The deputies got back in their car and drove further south on Butler Avenue to avoid a collision with the SUV. The suspect then drove in reverse further north on Butler Avenue, past the other two radio cars. The deputy in the second radio car drove further south on Butler and attempted a u-turn. The deputy stated that he believed the vehicle pursuit was going to begin again because the suspect was driving north away from them. He was unable to make the u-turn and then, based on the deputies he saw on foot, believed that the suspect was also on foot, so he exited his patrol car and ran to a position of cover from which to assist with the suspect.

After having driven in reverse north past the two radio cars, the suspect drove south again and drove the SUV onto the lawn of a residence on the east side of Butler Avenue, 15614 Butler Avenue. The suspect then drove in reverse off of that lawn, back onto Butler Avenue and in reverse to the north on Butler Avenue. During that movement, the suspect nearly hit the third radio car in the pursuit and the deputy who had been driving that car who had exited and stood near his driver's door. That deputy moved out of the path of the SUV, circling around the back of his radio car to the front passenger side and ultimately the front fender. In the process of making that move, the deputy slipped and fell momentarily by the front passenger door of the radio car.

The suspect drove the SUV in reverse to approximately 15602 Butler Avenue. It is at this point where the videotape begins to record the SUV's post-pursuit movements on Butler Avenue in which the suspect is seen driving the SUV forward in a southwesterly and then southern direction, ultimately coming to rest against a radio car, which had been the third radio car in the pursuit. During this final movement south, the SUV is moving forward, then is paused for a brief period of time, and then continues south.

While the SUV was moving as described above, all of the deputies who had converged on Butler Avenue exited their radio cars. On foot they placed themselves on both the east and west sides of Butler Avenue. The deputies were also positioned both north and south of the area where the SUV was driving.

Although the deputies were moving during this series of events, their approximate locations are as follows:

- A deputy ran north from Linsley Street on the east sidewalk and initially stopped near a street light at 15622 S. Butler Avenue, but later took a position near a wall between 15614 and 15610 S. Butler Avenue.
- A deputy ran north on the east sidewalk and then crossed to the west side, taking a position near a tree at 613 S. Butler Avenue.
- Three deputies ran north on the west sidewalk and were near 609 and 613 S. Butler Avenue when the suspect began his final drive south.
- A deputy remained near the corner of Butler Avenue and Linsley Street.
- The deputy, in the second radio car, who attempted to make the u-turn in his car, ran to the east side of the street and took a position behind a small wall between 613 and 617 S. Butler Avenue.
- One of the deputies in the third car in the pursuit ran to the east sidewalk and was near 609 S. Butler Avenue.

- The other deputy in that third car, as described above, exited the driver's side, ran around the radio car, and took a position near the front fender.
- A deputy ran south from Myrrh Street on the east sidewalk of Butler Avenue and took a position in the driveway near 15602 or 15610 S. Butler Avenue.
- A deputy ran south on Butler Avenue and was between the middle of street and the east sidewalk near 15602 S. Butler Avenue and then crossed to the west sidewalk.
- The Sergeant ran south on Butler Avenue and took a position near and behind a car parked in front of 603 S. Butler Avenue.

### **The Shooting**

Based on the videotape, it appears that the shooting began just after a squeal of tires and as the SUV moves forward in a southwesterly and then southern direction, ultimately coming to rest against a radio car. One deputy stated that he fired while the SUV was driving in reverse because there were deputies who could not get out of the way of the SUV, however, in the videotape it appears that no shots were actually fired when the SUV was driving in reverse.

When the SUV moved forward in the southwesterly direction, the four deputies who had run north on Butler and placed themselves near 609 and 613 S. Butler Avenue perceived the SUV as driving directly at them. They were all on the sidewalk and had fences behind them that rendered retreat to the lawn areas difficult. Those four deputies were positioned so that they had no available cover. The four deputies all reported that they fired at the suspect in response to this threat. A fifth deputy, who was further south, also reported perceiving a similar threat to those deputies, but stated that he did not fire at that time because he believed the SUV was too distant from him. One of these four deputies reported that he moved north at the time or immediately after he fired in an attempt to get behind cover. Other deputies also reported that they also moved at the time that they fired or shortly thereafter, but the videotape is either inconclusive or inconsistent with these assertions. One deputy ultimately took cover near the car parked at 603 S. Butler Avenue.

When the suspect then drove south, the deputies perceived that the deputy who had slipped and then positioned himself in front of the front fender of the third radio car was in danger. Nine deputies then reported that they fired at the suspect in defense of that deputy. Most of these deputies stated that they did not know that the deputy who had originally fallen had almost immediately been able to stand back up. They all expressed concerns about whether that deputy would be able to get out of the way in time from the approaching SUV. Some indicated that they thought the deputy might have been injured in his fall. Some of the deputies stated that they thought the fallen deputy might have been shot by the

suspect. The deputy who had slipped himself reported that he fired at the suspect based on his belief that the suspect presented a threat to himself.

The videotape portrays the SUV as either moving in a forward southwesterly or southern direction or at a standstill from the time the shooting starts until it ends. One deputy, however, stated that he perceived that after the first shots were fired, the suspect drove the SUV in reverse towards the north, and then drove forward again hitting the radio car. The deputy reported that he perceived this reverse movement as a threat to himself and fired his weapon a second time.

Towards the end of the shooting sequence, one of the deputies was struck by a bullet fired from a fellow deputy and fell to the ground. None of the deputies claimed to have fired because of this second deputy going down. The deputy was treated at the hospital and released.

After the shooting, the deputies extracted the driver from the vehicle. The driver was treated by paramedics and taken to the hospital. At the hospital, it was discovered that the driver had been struck by two bullets and received additional injuries as a result of shattered glass striking him. The injuries suffered by the driver were not life threatening and after spending several days at the hospital, he was treated and released.

The involved deputies fired a total of 120 rounds of ammunition. In addition, there were at least 66 bullet strikes to the SUV, eleven strikes to patrol cars and eleven strikes to five different residences in the Compton neighborhood.

### **ASSESSMENT OF PERFORMANCE ISSUES AND ACCOUNTABILITY OF INVOLVED PERSONNEL**

After the completion of the investigation, the Executive Force Review Committee (EFRC) convened to review the shooting. The EFRC is a committee comprised of Commanders. These Commanders review all shooting incidents to determine whether the force used was within policy, and also whether the other conduct of the involved personnel during the incident complied with LASD training and policy. For policy violations, the EFRC can recommend discipline, which then must be approved by the Chief under whose command the employees work. In addition and apart from violations of policy, the EFRC can recommend that the involved personnel receive training including attending specific LASD courses and de-briefing the incident within their command or with experts from the training bureau. Per standard practice devised between OIR and LASD and as explained further below, the attorneys assigned to this matter attended the EFRC meeting and asked questions, offered input, and weighed in on the eventual recommendations coming out of the panel committee meeting.

The EFRC panel received a copy of the IAB investigation to review before the panel met. In addition, the IAB investigators presented the results of the

investigation in detail and were available to respond to any questions the panel had about the information gathered in the investigation.

During the EFRC review, the panel reviewed not just the actual shooting, but all employee conduct relating to the incident, from the initiation of the pursuit, through taking the suspect into custody. Specifically the panel considered whether the initiation of the pursuit was within policy, and determined it was. It then considered whether LASD policy required that the pursuit be terminated at any time prior to its actual termination, and determined it did not. The panel considered whether any deputies violated the pursuit or Code 3 policies in their responses to the incident, and determined that one deputy violated the pursuit policy by becoming the fifth car in the pursuit and remaining there despite direction for all cars following the sergeant to exit the pursuit

The panel also considered the conduct that led to the deputies all entering the 600 block of South Butler Avenue and their conduct prior to the shooting, and determined that some of that conduct violated LASD policies and failed to conform to the standard of performance expected of employees. The panel considered the tactics deployed to extract the suspect from the SUV and determined that they were sufficient. The panel reviewed the performance of the on scene supervisor and determined that it was below the level expected of a supervisor. Finally, the panel reviewed the shooting itself and the tactics leading up to the shooting, and found conduct that was below the standards of performance expected.

As a result of the EFRC recommendations and the Chief's review, it was determined that all force used by the involved deputies complied with LASD's current use of force policies. There were, however, concerns about the conduct of the involved personnel that resulted in discipline being imposed.

### **Deputy Personnel<sup>1</sup>**

As discussed above, there were a number of things that the deputies did well on the night of this shooting. Below we detail the conduct that LASD determined was not consistent with LASD training or policy.

While each of the deputies' conduct was assessed individually and will be discussed below, several general and common threads emanated from the investigative results. First, there was no evidence, whatsoever, of any willful intent on behalf of any of the deputies who discharged their weapons to violate the rights of the driver or anyone else in this case. The evidence, rather, revealed performance by the deputies that did not rise to the standards of performance expected of them.

Perhaps foremost among these performance issues is the failure of the field supervisor or any of the deputies to develop an orchestrated and safe plan to deal

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<sup>1</sup> Section 832.7 of the California Penal Code precludes public identification of the individual peace officers involved in any administrative investigation. Accordingly, in this report, the LASD personnel involved in the Compton shooting will not be referenced by name.

with the driver of the SUV. During the pursuit, there was opportunity to begin to devise such a plan. Once the pursuit was terminated, the deputies in the pursuit were instructed to go into surveillance mode, and the watch lieutenant advised the participants to set up a perimeter.

The deputies who were involved in the pursuit declined to heed the watch lieutenant's instructions to set up a perimeter and demonstrated a complete disregard of the rationale behind surveillance mode. Surveillance mode is intended to delude the suspect into believing that no patrol cars are following him so that he will cease high-speed evasive maneuvers and stop the vehicle. In this case, when instructed to go to surveillance mode, the deputies simply turned off their lights and siren. After a brief stop lasting a few seconds, they then continued to follow the suspect as he proceeded onto Butler.

Moreover, neither the field supervisor, nor any units in the pursuit took advantage of surveillance mode and the presence of the air ship overhead to set up a perimeter. Rather, the units continued to follow the suspect vehicle as they had during the pursuit itself.

While some of the units who were not involved in the pursuit did make some preliminary gestures towards containment, once they received information that the suspect had gone to ground on Butler, those that ultimately were involved in the shooting abandoned all such efforts and converged on the SUV. The failure of the field supervisor and the deputies to develop a tactically sound plan, the failure of the pursuing deputies to go into a true containment mode, the wholesale abandonment of any attempts at containment once the suspect stopped his SUV, and the uncoordinated response by all shooter deputies directly to the SUV on Butler set the wheels in motion for the eventual unfortunate shooting episode.

As a result of the poor tactical approach by the deputies, they found themselves in possible harm's way by the suspect who remained in the SUV. At too close quarters to the SUV with insufficient consideration for cover, the deputies had limited their options with which to safely deal with the suspect when he began maneuvering the SUV on Butler. Unsure of where fellow deputies had deployed, with no tactical or strategic plan, each deputy was forced to individually come up with his own course of action or reaction when he perceived a threat to himself or a fellow deputy. These ten uncoordinated decisions that were then made while deploying deadly force caused the deputies to make poor choices in concern for background, concern for cross fire, abandonment of cover, control of gunfire, and reassessment of the threat presented. The unfortunate result was a deputy and suspect being shot, 120 deadly rounds being expended, numerous bullets going into houses in the community, a radio car being shot up, and the potential, fortunately not realized, for further injury or loss of lives by both the deputies and the residents of the community.

Following is an individualized assessment reached by LASD as to each deputy's actions who were involved in the incident.

In addition to any identified discipline, each patrol deputy will attend specific training focused on the concerns about his performance. This training includes:

- LASD training video: "Field of Fire"
  - Reviews "On Target" and "Off Target" discipline and includes backdrop concerns with moving and non-moving targets
- LASD training video: "Armed Confrontations, Non-Dynamic or Dynamic Response"
  - Reviews the options available and the reasons for dealing with immediate and non-immediate confrontations
- Continual Patrol Training – 24 hour course
  - Includes handgun/shotgun assault combat course, Emergency/Pursuit Driving, Laser Village, and Force Training
- "Live Fire" Simulation Trailer – 1 hour course
  - Simulates shooting scenarios of dynamic incidents and includes a less lethal weapons refresher
- Regional Community Policing Institute: "Use of Force and Tactics" – 8 hour course
  - Reviews foot pursuit tactics, use of force review and documentation, crowd and riot control, and, as of May 2005, shooting at moving vehicles

### Deputy 1

This deputy was involved in the pursuit and in the shooting. LASD and OIR had several concerns with his performance. First, there was a concern that at the termination of the pursuit, instead of following LASD policy and the direction of supervisors to enter surveillance mode and set up a perimeter, the deputy responded to the helicopter's information that the SUV had stopped on Butler Avenue by continuing to follow the SUV and proceed down Butler Avenue. In addition, this deputy did not conform to the standards established by LASD in his actions on Butler. For instance, he did not take a position of cover. Rather, he placed himself in a vulnerable position with a fence behind him that limited his ability to escape the threat of the suspect driving the SUV. In addition, while he stated that he moved north towards cover during the shooting, the videotape does not appear to show this. Also, he fired without sufficient information about his backdrop and without sufficient concern for crossfire. He was not aware of deputies on the other side of the street opposite him until after the shooting stopped. And, he failed to fire in controlled bursts of gunfire and properly reassess the need for additional gunfire. He fired twelve rounds.

On the other hand, there was some information that this deputy did utilize some good tactics. For instance, he was standing near another deputy while he was

firing. He kept one hand on that deputy while firing so that he would know if the deputy moved in the direction of his line of fire and could immediately cease firing if that happened. LASD issued a letter indicating its intent to suspend him for five days.

### Deputy 2

This deputy was involved in the pursuit and in the shooting. LASD and OIR had several concerns with his performance. First, there was a concern that at the termination of the pursuit, instead of following LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy responded to the helicopter's information that the SUV had stopped on Butler Avenue by directly proceeding down Butler Avenue. In addition, this deputy did not conform to the standards established by LASD in his shooting. For instance, he did not take a position of cover and did not move to a position of cover during the incident. Rather, he placed himself in a vulnerable position with a fence behind him that limited his ability to escape from the threat of the suspect driving the SUV. Also, he fired without sufficient information about his backdrop and without sufficient concern for crossfire.

He did demonstrate some good decision making. He fired only five rounds, demonstrating control of gunfire and reassessment of the threat. In addition, at some point after he fired, the deputy stated that he did become aware of the potential crossfire issue and yelled "crossfire" to alert his fellow deputies to the situation. As a result of the assessment of his tactics, LASD issued a letter indicating its intent to suspend him for three days.

### Deputy 3

This deputy was involved in the pursuit and in the shooting. LASD and OIR had one primary concern about his performance: that at the termination of the pursuit, instead of following LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy responded to the helicopter's information that the SUV had stopped on Butler Avenue by directly proceeding down Butler Avenue.

He did, however, employ some good tactics. He took a position of cover and stayed behind that cover during the incident. He was aware of the crossfire situation and stated that he specifically checked his line of fire to ensure there were no deputies in it. While there were concerns about the number of rounds he fired, he fired eleven, and whether he accurately assessed his backdrop and the potential for crossfire, LASD determined that given his other tactics, these actions were not sufficient to amount to a Performance to Standards violation for his conduct during the shooting itself and that the appropriate remedy for these concerns would be not discipline, but training. Accordingly, LASD issued discipline in the form of a written reprimand limited to his conduct at the termination of the pursuit.

#### Deputy 4

This deputy was involved in the pursuit and in the shooting. LASD and OIR had several concerns with his performance. First, there was a concern that at the termination of the pursuit, instead of following LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy directly responded to the helicopter's information that the SUV had stopped on Butler Avenue by proceeding down Butler Avenue. In addition, this deputy did not conform to the standards established by LASD in his shooting. For instance, while he had available cover in the form of his radio car, he did not use it effectively and continued to perceive the suspect as a threat to him. Unlike most of the other deputies who had less knowledge of the direness of this deputy's predicament after he stumbled, this deputy did realize that he had only stumbled, could easily get back up, and failed to consider other tactics once he was back upright. Also, this deputy fired without sufficient information about his backdrop and without sufficient concern for crossfire. In addition, he did not adequately reassess the need for continued gunfire or control his bursts of gunfire. This deputy fired sixteen rounds. The evidence indicates that a number of the rounds fired by this deputy struck his own radio car. LASD issued a letter indicating its intent to suspend him for ten days.

#### Deputy 5

This deputy was involved in the pursuit and in the shooting. LASD and OIR had several concerns with his performance. First, there was a concern that at the termination of the pursuit, instead of following LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy responded to the helicopter's information that the SUV had stopped on Butler Avenue by directly proceeding down Butler Avenue. In addition, this deputy did not conform to the standards established by LASD in his shooting. For instance, he did not take a position of cover and did not move to a position of cover during the incident. Rather, he placed himself in a vulnerable position with a fence behind him that limited his ability to escape any potential threat of the suspect driving the SUV. Also, he fired without sufficient information about his backdrop and without sufficient concern for crossfire.

The investigation revealed that this deputy did demonstrate consideration for conservation of ammunition in that he fired only two rounds. LASD issued a letter indicating its intent to suspend him for three days.

#### Deputy 6

This deputy was involved in the pursuit and in the shooting. LASD and OIR had several concerns with his performance. First, he was an unauthorized fifth car in the pursuit and remained in the pursuit despite not receiving authorization to be in it and receiving express directions that he should get out. In addition, there was a concern that at the termination of the pursuit, instead of following the LASD policy and the direction of supervisors to enter surveillance mode and set

up a containment, the deputy responded to the helicopter's information that the SUV had stopped on Butler Avenue by directly proceeding down Butler Avenue. Finally, this deputy did not conform to the standards established by LASD in his shooting. For instance, he did not take a position of cover, but rather stood in a driveway that admittedly provided no cover. Also, he fired without sufficient information about his backdrop and without sufficient concern for crossfire. While he stated that his backdrop was a van, he was unaware of the location of the other deputies that evening. His perceptions at the time of his firing were also inaccurate. In addition, he did not adequately reassess the need for continued gunfire or control his bursts of gunfire. He fired seventeen rounds, reloaded and fired an additional round. The deputy has a prior relevant disciplinary history involving his unauthorized participation in a pursuit. LASD issued a letter indicating its intent to suspend him for fifteen days

#### Deputy 7

This deputy was involved in the shooting, but not the pursuit. LASD and OIR had several concerns with his performance. First, there was a concern that at the termination of the pursuit, instead of following the LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy responded to the helicopter's information that the SUV had stopped on Butler Avenue by directly proceeding down Butler Avenue. In addition, this deputy did not conform to the standards established by LASD in his shooting. For instance, while initially taking a position of cover, he moved to the middle of the street where he had insufficient cover at the time he fired. Also, he fired without sufficient information about his backdrop and without sufficient concern for crossfire. In particular, he fired in defense of the deputy who had slipped, but his shots were fired south on Butler, in the direction of that deputy. This deputy was also not able to accurately depict the movement of the SUV at the time he fired. He did not adequately reassess the need for continued gunfire or control his bursts of gunfire. He fired sixteen rounds. LASD issued a letter indicating its intent to suspend him for five days.

#### Deputy 8

This deputy was involved in the shooting, but not the pursuit. LASD and OIR had several concerns with his performance. First, there was a concern that at the termination of the pursuit, instead of following the LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy immediately ran north on Butler Avenue from Linsley Street. While he indicated that initially at the termination of the pursuit he was mindful of the need for containment and took two positions with a mind for containing the suspect if he began a foot pursuit, ultimately, he discarded these positions and instead converged on Butler Avenue with the other deputies. In addition, this deputy did not conform to the standards established by LASD in his shooting. For instance, while he stated that he was considering cover that evening, he ran past available cover and placed himself in a vulnerable position with a fence behind him that limited his ability to escape the threat of the suspect driving the SUV. Also, he

fired without sufficient information about his backdrop and without sufficient concern for crossfire. He was not aware of deputies on the other side of the street opposite him until after he stopped shooting to reassess. Finally, he did not adequately reassess the need for continued gunfire or control his bursts of gunfire. He fired twelve rounds at the SUV.

One good tactic that was noted regarding this deputy's performance was that after the threat to himself was over and he stopped shooting, he moved to a position of cover, while other deputies continued to shoot. LASD issued a letter indicating its intent to suspend him for three days.

#### Deputy 9

This deputy was involved in the shooting, but not the pursuit. LASD and OIR had several concerns with his performance. First, there was a concern that at the termination of the pursuit, instead of following the LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy immediately ran north on Butler Avenue from Linsley Street. In addition, this deputy did not conform to the standards established by LASD in his shooting. For instance, he did not utilize available cover, but instead placed himself in front of a tree in a position that he later admitted made him vulnerable to the suspect in the SUV. Also, he fired without sufficient information about his backdrop and without sufficient concern for crossfire. While he stated that his backdrop was a van, he was unaware of the location of the deputies on the east side of the street. In addition, he did not adequately reassess the need for continued gunfire or control his bursts of gunfire. He fired sixteen rounds.

The investigation revealed that this deputy did display some good tactics. He was thoughtful about what side of the street he was on relative to the SUV and to the other deputies. In addition, he did not fire immediately when other deputies were firing because he concluded that he was too distant. LASD issued a letter indicating its intent to suspend him for three days.

#### Deputy 10

This deputy was a trainee with two months of experience at Compton Station at the time of the shooting. He was not involved in the pursuit, but was involved in the shooting. LASD and OIR had several concerns with his performance. First, LASD was concerned that at the termination of the pursuit, instead of following the LASD policy and the direction of supervisors to enter surveillance mode and set up a containment, the deputy immediately ran north on Butler Avenue. Furthermore, LASD was concerned that as a trainee he did not stay with the senior deputy who brought him to the field who took a position of cover and did not immediately run north on Butler Avenue. In addition, this deputy did not conform to the standards established by LASD in his shooting. For instance, while he initially took a position of cover, he did not maintain that position, but moved away from it. Also, he fired without sufficient information about his backdrop and without sufficient concern for crossfire. And, he failed to fire in

controlled bursts of gunfire and properly reassess the need for gunfire. He fired thirteen rounds. The LASD issued a letter indicating its intent to suspend him for seven days.

#### Deputy 11

This deputy did not participate in the pursuit or in the shooting. He was the Watch Deputy who was at the scene of the incident in order to deliver the spike strips. LASD and OIR had the following concerns about his conduct that evening. First, he had transported a trainee to the scene, and knowing the deputy was a trainee, had not exercised sufficient control over him. As the senior deputy, and particularly one to whom Watch Deputy responsibilities have been given, LASD expected that he would have performed better in his supervision of the trainee. In addition, he admitted to using profanity in addressing neighbors. Finally, this deputy waved his gun in the direction of the videographer while instructing the videographer to leave the area. On the other hand, this deputy engaged in some sound tactics. For example, rather than follow all of the other deputies toward the SUV, this deputy took cover and approached the location carefully. LASD issued a letter indicating its intent to suspend him for five days.

#### Deputy 12

The LASD helicopter contained a deputy observer. Pursuant to LASD pursuit policy, MPP 5-09/210.10, this observer is required to broadcast certain information to the Watch Commander when the helicopter arrives over the pursuit. Specifically, the observer is required to notify the Watch Commander of the number of radio cars that are involved in the pursuit. The observer did not do this even though a fifth unauthorized car was in the pursuit. For this policy violation, the observer was served with a written reprimand. OIR concurred in this finding and level of discipline imposed.

### **Supervisory Personnel**

#### Sergeant

The conduct of the field Sergeant who joined the pursuit was also examined. LASD found that the Sergeant did not exercise sufficient control over the deputy personnel when the pursuit first terminated, and before they entered Butler Avenue for the final time. It was also determined that he should have recognized that there was an authorized fifth car in the pursuit rolling Code 3 behind him, and the fact that he claimed not to have seen it nor took any action to remove that deputy from the pursuit was seen as performance below the level expected of a supervisor. The panel did recognize that once on Butler Avenue the Sergeant did attempt, although unsuccessfully because of ambient sound and deputy focus on the suspect and the SUV, to exert some control over the deputies. The sergeant received a ten day suspension for his performance failures. OIR concurred with this finding. In addition, the Sergeant will attend Field Operations School, a forty

hour course that reviews critical incident management, tactics, pursuits, force, deadly force, and E.V.O.C. (Emergency Vehicles Operations Center).

#### Lieutenant

The Lieutenant's conduct was found to be within policy and to conform to the standards of performance expected. OIR concurred with this finding. Specifically, EFRC examined his approval of the pursuit, his decisions to allow it to continue, and his decision to terminate it. It also considered his radio traffic. The handling of the pursuit was determined to be within the discretion allowed by the policy. It was also recognized that he did attempt to have the deputies set up a perimeter or containment.

### **INTERNAL ADMINISTRATIVE INVESTIGATION**

The above-described discipline was imposed as a result of the internal administrative investigation of the incident. Personnel assigned to IAB performed the investigation. It was then presented to the Executive Force Review Committee for a recommendation. That recommendation was presented to the Chief for Field Operations Region II, which encompasses the Compton Station, who rendered LASD's final decisions regarding administrative discipline and training matters.

A copy of each of the LASD policy provisions that were used to assess each employee's conduct in the Compton shooting is attached to this Report at Appendix 1.

#### Completion of Investigation Within One Month

Immediately after this shooting, Sheriff Baca indicated to the community his goal that the LASD administrative investigation be completed within one month. This was an unprecedented time line. Under current practice, a shooting like this one, where the suspect had been hit by the gunfire, could take more than a year before the Department would review the matter for potential discipline or training. This is because under current protocols, a hit shooting is first investigated by the Homicide Bureau, which then submits its findings to the District Attorney. The District Attorney assesses whether the shooting is legally justified under the Penal Code. Under existing practice, LASD does not proceed with its administrative review until the District Attorney renders a written opinion on whether the shooting violated the state penal code. At that time, additional investigation often is required in order to assess whether the shooting violated LASD policies.

In this case, LASD decided to not await the District Attorney's decision on whether the shooting violated the penal code statutes before commencing the administrative investigation. Rather, the Sheriff decided to move almost immediately to address the potential administrative issues presented by the

shooting and requested that the investigation be completed in thirty days. Only through the extraordinary efforts of IAB personnel and the cooperation of the involved employees was LASD able to meet this unique deadline.

The Sheriff's decision to expedite the internal affairs investigation in this case suggested a unique approach to the timing and completion of such inquiries with a number of potentially beneficial consequences. First, by communicating a public intent to conclude the investigation quickly and take any appropriate administrative action coming out of that investigation, LASD showed a commitment to the community of Compton that it considered the shooting as a significant event and the Department's willingness to address performance issues with dispatch. Second, the fact gathering process is improved by an investigation in which witnesses are asked about their observations and actions within days of the event rather than months or years later. Third, the imposition of discipline and training that might emanate from the investigative review is ordered close in time to the event so that the remedial and punitive impact of such action is more directly connected to the event and meaningful. Finally, a speedy investigation benefits the employee by eliminating the specter of an investigation from hanging over the head of that employee for months or years. Oftentimes, employee promotions or reassessments are delayed during the time a pendant investigation concludes – a speedy investigation and administrative decision brings closure to the matter and allows the Department, the employee, and the community alike to move on.

### **Expedited Administrative Investigations in Deputy- Involved Shootings: Legal Considerations**

In examining the feasibility of conducting an internal affairs investigation prior to receiving an evaluation from the District Attorney, it was important for LASD and OIR to consider certain legal issues that might be impacted by such a course of action. There are two legal considerations that have caused LASD to develop its current practice of awaiting the District Attorney's decision regarding potential violations of the penal code before completing the administrative investigation.

Both United States and California Supreme Court decisions have long held that a public employee may be compelled to provide information about events by their employer, but any information obtained as a result of that compulsion may not be used to support a criminal prosecution against that employee. As a result, if a police agency compels a statement from an employee, it must take care that the compelled statement is not used by a prosecutor, such as a District Attorney. If the police agency waits until the District Attorney completes his review of the shooting before compelling its employees to provide information about the incident, it can ensure that the District Attorney is not exposed to any compelled statements in making his decision, since no compelled statements would exist.

While the above approach ensures no contamination of the District Attorney's determination through exposure to compelled statements, there do exist other mechanisms to shield the District Attorney from access to such statements. For

example, if the investigative report provided to the District Attorney for review does not include any compelled statements of the shooter deputies, he is able to complete his review without running afoul of the line of jurisprudence noted above. This is particularly true in LASD deputy-involved shootings where shooter deputies have acceded to voluntary non-compelled interviews by the Homicide Bureau immediately after the incident. While such a procedure does not ensure a foolproof District Attorney review free from taint of compelled statements, it does minimize the likelihood of such taint and permits the administrative inquiry to begin apace without the need to await a prosecutorial determination. In other words, through careful avoidance of exposure to any compelled statements from shooter deputies generated by the administrative investigation, the District Attorney's review can occur unaffected by the administrative inquiry and the District Attorney and administrative review of shootings can then run on concurrent parallel tracks. Accordingly, the beneficial consequences of a speedy administrative determination, as detailed above, can be achieved without significantly impacting on the District Attorney's evaluation.

Another legal issue unique to LASD is the existence of a settlement agreement known as the Gates and Johnson agreement that was entered into between the Department and ALADS, one of the unions that represents deputies. That 1991 agreement resolved a lawsuit filed on behalf of an employee and states in pertinent part:

when a deputy sheriff is concurrently the subject of a criminal investigation and an administrative investigation arising from the same incident, act, or omission... the Department shall not require or compel said deputy sheriff to submit to an interview in that administrative investigation until one of the following occurs:

1. LASD ... determines that criminal charges will not be sought against said deputy sheriff ...
2. The prosecuting attorney's office rejects (declines to file) a criminal complaint against said deputy sheriff...

While it is arguable whether the Gates and Johnson agreement was intended to apply to deputy-involved shootings, there certainly existed the possibility of a legal challenge being raised by the shooter deputies in this incident that the agreement did shield them from having to submit to an interview until the District Attorney declined to file a criminal complaint in the matter.

### **Deputy Cooperation**

That said, in this case, the ten shooter deputies decided, with advice of counsel, not to rely on any possible legal challenge they might be able to mount to delay their administrative interviews for several months or even years and instead agreed to submit to compelled interviews before the District Attorney issued an opinion letter. The deputies' decision to allow the internal affairs interviews to proceed within days of the incident was important in ensuring the completion of

the investigation in the promised time period. Nine of the ten deputies who discharged their weapons were represented by LASPA and readily agreed to the Department's request for speedy scheduling and completion of their internal affairs interviews. Shortly thereafter, the lone shooter deputy represented by ALADS acceded to the Department's request as well. The degree of cooperation provided by the involved deputies with regard to the scheduling of their interviews is remarkable.

In addition, the ten deputies represented by LASPA (nine shooter deputies and one on-scene non-shooter deputy) did not object to attorneys from OIR observing and participating in their internal affairs interviews. As a practical matter, this meant that the OIR attorney observed the interview, and at its completion asked a brief series of questions to further clarify the deputy responses. This process contributed greatly to ensuring that the investigation would be completed within the targeted time line. If OIR had not participated in the interviews, OIR would have needed to review the interview audiotapes and if there were areas of additional inquiry that OIR was interested in, OIR would have requested that IAB conduct a second, follow-up interview. This process would likely have added several days to the time needed to complete the investigation. The LASPA-represented deputies' agreement to have OIR sit in and participate in the interviews helped ensure that a complete interview was accomplished in one sitting.

In addition to assisting in the speedy resolution of the investigation, OIR found that being able to participate in the majority of the shooter deputy interviews was also substantively beneficial. First, the mere ability to physically be present during questioning provides contextual non-verbal cues to the observer that may not be available through review of audiotapes. Second, OIR's ability to request contemporaneous explication of the deputies' explanations of their actions assisted OIR's ability to clarify specific issues that benefited the EFRC's understanding of the deputy's conduct, and the deputy in terms of the outcome of the review.

### **IAB Responsiveness to Timeline**

IAB performed a Herculean task in completing the investigation in the time frame envisioned. This required many hours of overtime by the involved investigators and assistance from additional investigators who helped process the information that was being rapidly gathered. The targeted timeframe placed upon the completion of the investigation required a commitment from the entire IAB.

The IAB investigators began the night of the shooting. They were present at the scene of the shooting. That evening, as Homicide Bureau began its investigation, IAB was present for interviews of all witnesses who did not shoot. IAB then began to gather any physical evidence needed for the review, such as recordings of radio traffic, computer messages, tapes of the interviews performed by Homicide, crime scene photographs, the videotapes of the incident, and crime

scene drawings. The IAB investigators and OIR attorneys met repeatedly to review IAB's investigative plan and ensure its completeness.

The shortened timeline added a complication because IAB's investigation was proceeding at the same time as Homicide's investigation. Therefore, Bureaus that were accustomed to working primarily with Homicide, were called upon to work with IAB simultaneously. For instance, the LASD Crime Lab, responsible for processing the evidence and creating a crime scene drawing was required to accommodate IAB's requests for a "to scale drawing" more quickly than Homicide would ordinarily require.

In addition, when there was evidence to be gathered, such as a second videotape of the incident shot by another professional videographer, IAB had to request that Homicide obtain the videotape so that it would be handled in a manner consistent with the Homicide investigation.

IAB needed to interview fourteen involved employees in a very short period of time in order to complete the investigation. Under normal conditions, it often takes weeks to schedule and complete that many interviews. In this case, with the cooperation of the employees and their attorneys, IAB was able to complete the interviews on an expedited basis. This included IAB conducting interviews at Compton Station during most of the deputies' normal early morning shift, which runs from late in the evening through the night to the morning. IAB scheduled interviews of most of the involved deputies for two consecutive evenings. Additional IAB investigators then took the tapes of those interviews and provided expedited summaries of the interviews, while a transcribing service transcribed them.

### **Executive Force Review Presentation**

In order to comply with Sheriff Baca's targeted time frame, a special meeting of the EFRC was convened. Because of the shortened timeframe, the panel received the investigation in parts as it was completed. The IAB investigators created a multimedia presentation to provide the results of the investigation. The presentation included the relevant videotape clips for each of the employees.

The EFRC panel led a thorough, detailed, and individualized discussion of the events and the conduct of each employee that took several hours. Consistent with a standard EFRC meeting, the panel heard the investigation results from IAB, then requested input from the personnel in the Training Bureau, and the Compton Station and its command staff. OIR was present for this presentation and discussion and provided its opinions regarding the incident. After a discussion of all of the issues, the EFRC made its recommendation to Chief Williams regarding policy violations and discipline.

The EFRC discussion was very thorough and deliberate. This case was unusual not only for the time frame, but also because it involved a large number of

participants. The EFRC panel did an admirable job examining the conduct of each employee individually and not cutting corners on their analysis of the issues.

### **Region II Review of EFRC Recommendations**

Normally, the EFRC would forward its recommendations to the relevant Chief, and that Chief might take several days to decide the final outcome for the investigation. Because of the timeline of this investigation, the Chief reviewed the recommendations immediately after the EFRC meeting. Arrangements were made for personnel from Field Operations Region II, the Region for Compton Station, to attend EFRC to ensure they were apprised of all the information that was considered by EFRC.

The Chief of Region II convened a meeting of his staff to review the EFRC recommendations and make his decision on the outcome. The Chief thoughtfully considered each recommendation in reaching his decision. As part of his decision on the remedial plan for each employee, he also considered relevant LASD training and identified the particular training that each employee would be required to attend. OIR was present at this meeting in order to provide its recommendations.

### **The Quality of the Investigation**

OIR was concerned at several points in time that the short timeframe for completion of the investigation might compromise the thoroughness of the investigation. Indeed, up to the presentation of the investigation, OIR was skeptical that the investigation would be thorough. This skepticism was misplaced. LASD, and specifically the assigned IAB investigators, were able to perform a complete and thorough investigation that was not compromised in its thoroughness by the expedited time line.

OIR was involved in numerous discussions with LASD managers and executives, as well as the investigators, to identify what information would be needed for a complete investigation. OIR then worked to maintain those standards through the internal investigation. When questions arose about whether the deputies should be questioned by IAB at this time – contrary to the normal practice of waiting until the completion of the District Attorney's evaluation of the legality of the shooting – OIR explained the necessity of those interviews for the fair evaluation of the deputies' conduct. OIR emphasized that the videotape itself was insufficient to evaluate the conduct of the deputies and their supervisors. In addition, because the focus of the Homicide investigation was the legality of the shooting and the criminal conduct of the suspect, it is much narrower than the focus of the IAB investigation, and therefore the Homicide interviews did not address all the questions necessary to administratively evaluate the employees' conduct. Indeed, OIR's insistence on complete interviews of the deputies and their supervisors was essential in fairly evaluating their conduct. Those interviews provided important insight to explain what the videotape depicted as well as actions not captured on the videotape. In some instances this information

explained the deputies' conduct and excused alleged misconduct, in others it substantiated the alleged misconduct.

OIR either personally witnessed or reviewed the tapes of all of the interviews. Those interviews were thorough, some after input from an OIR attorney. IAB gathered the appropriate evidence. IAB processed the video and audio recordings as appropriate to gather as much information as possible from them. In short, IAB did a very thorough investigation in a very short period of time.

### **The Propriety of the Outcome of the Investigation**

Prior to attending the EFRC presentation, OIR attorneys met to discuss the facts of each employee's involvement in the incident. OIR was mindful that this incident should be evaluated using the same standards applied to other, less-publicized shootings. In those shootings, when there are concerns about the tactics used by deputies or the supervision provided by supervisors, LASD must decide whether the deviations from policy and training are so significant that they rise to the level of a violation of the Performance to Standards policy and discipline, or whether they should not be considered policy violations but can be addressed solely by remedial training. To address this need for consistency, all OIR attorneys were consulted because each shooting OIR has reviewed has an assigned attorney who is particularly familiar with the facts of the shooting. This knowledge was used to evaluate the conduct of employees in this shooting relative to employees in other shootings and then to compare the outcomes of the other shootings with OIR's recommendations for this shooting.

With the review completed, OIR agrees with LASD's decisions on disposition of charges and levels of discipline to be imposed. While OIR recommended that the decision to shoot be found out of policy with regard to one deputy, it determined that the Department's decision of unresolved on that charge was not unreasonable and agreed to disagree with the Department on that one outcome.

### **POLICY REVIEW**

Prior to this shooting, and as set out in our Third Annual Report, OIR had been discussing with LASD the advisability of a revised policy instructing and governing when deputies could shoot at cars. We reported that we had analyzed fifteen incidents where deputies shot at a vehicle driver solely because of the movements of the vehicle and our review had shown that such shootings were usually ineffectual in that the shooting did not change the movement of the vehicle or decrease the danger to the deputy. It also appeared that in a majority of those incidents, the deputy had a tactically reasonable and safer alternative to shooting.

OIR had concluded that while LASD's current policy governing when a deputy could shoot at a suspect in a car, as written, was quite good, it could be refined to better educate deputies about how to safely react when faced with these tactical

decisions and to hold deputies accountable when deputies decided not to consider these tactical issues. As a result of this incident and Sheriff Baca's concerns, the idea of refining current policy was pushed to the forefront.

OIR had previously reviewed various policies at other departments nationwide, including the Boston, Miami, and Los Angeles Police Departments. As a result of that review, OIR had determined that it would recommend that LASD limit shooting at cars to exceptional circumstances, and specifically identify what those exceptional circumstances are. OIR also determined that in many instances, while the shooting itself was lawful and justified, the conduct of deputies before the shooting included poor tactics that substantially contributed to the eventual need to use deadly force. Thus, OIR saw examples where deputies ignored the need for cover, or placed themselves in vulnerable positions in the path of cars. OIR therefore recommended that any new policy educate deputies regarding the expected tactics and expressly inform them that they would be held accountable for any tactical failures that preceded a shooting.

Within a week of the Compton shooting incident, OIR took its ideas for the new policy directly to the Sheriff. The Sheriff was receptive to OIR's suggestions and requested that OIR and LASD executives gather and hammer out an improved policy. Within days of the event, a meeting was held and it was discovered that there was basic agreement on the central message to be made in the policy, but substantial discussion about how to present it and what elements to emphasize. A collaborative effort began, with Department executives and experts in training and OIR participating in the discussion and redrafting of the policy. In a remarkably brief period of time, a consensus was reached on the policy language.

The new policy has several critical attributes. First, where the sole deadly threat is from the vehicle itself, it prohibits shooting unless there is no reasonable alternative. This provides two key concepts. First, it does not prohibit all shots fired in response to a threat from the assaultive vehicle. Neither OIR nor LASD was convinced a complete ban on firing at assaultive vehicles would be appropriate, or enforceable. It was decided that there needed to be a narrow and well-delineated exception in the extremely rare situation where a deputy has no other option to protect himself or others.

The policy teaches the narrowness of the exception by its express statement that it will only be available as a "last resort", when there is no alternative. This concept was further emphasized by the addition of language to the policy regarding the reverence for human life, and the expectation that deputies will not place themselves in, and will remove themselves from, the path of moving cars.

Second, the policy specifically identifies the tactical principles that will be used to evaluate the conduct of all department employees – not just those who shoot – who are on scene when a shooting occurs. This again serves two purposes. It provides fair notice and educates the deputies regarding the standards to be applied to their conduct. Also, it provides the command staff reviewing these shootings, and in particular the EFRC, with a list of criteria that can be applied consistently.

In addition to modifications to the policy governing shooting at vehicles, two other significant modifications were made to LASD policy. First, the policy regarding use of deadly force in general was modified to emphasize the need for each department member to individually assess the threat and the principle that they cannot fire their weapons simply because other deputies are firing. Second, the pursuit policy was modified to instruct deputies that if a suspect is noncompliant at the termination of a pursuit and refuses to exit his vehicle, he shall be treated as a barricaded suspect, and if armed, an appropriate special weapons team response should be requested. The three significant policy modifications described herein are found in their entirety in Appendix 2 to this Report.

The policy changes that were ultimately adopted by LASD were greatly improved by the collaborative process used to create them. Input was provided by both OIR and LASD. Everyone involved was given an opportunity to explain their comments, and ultimately a consensus was reached not only on the standard to be included in the policy, but also the specific language to be used to implement it.

After LASD had agreed to the proposed policy, it was presented to the employee unions on an expedited basis for “meet and confer” sessions. Unlike other policies that have become slowed for months or even years by this process of meeting with the unions, the union representatives agreed to promptly “meet and confer” with Departmental representatives and suggested minor modifications to the policy. The suggested modifications were acceptable to the Department and OIR did not register any objections to the modifications proposed by the unions, which were then incorporated into the revised policies.

The rapidity and efficiency with which these policy improvements were implemented is again remarkable. The Sheriff must be credited with his insistence that change occur and that such change not get bogged down bureaucratically. The Department’s executives and training experts took the Sheriff’s words to heart and worked quickly with OIR to develop improved policies on these critical areas. And the ALADS and PPOA unions must also be credited with participating in a timely “meet and confer” process, offering suggestions, and keeping the implementation process on pace. Within a month of the Compton shooting incident, the policy changes described here were implemented and promulgated to LASD deputies.

## **TRAINING REVIEW**

### **Past Training**

One of the issues identified in the investigation is the training, or lack thereof, of the involved personnel. A review of training records revealed that five of the ten shooting deputies had not attended LASD’s Continual Patrol Training (“CPT”) in

the past 2 years. CPT is intended to refresh deputies on all their perishable skills, including providing weapons tactical training. It is LASD's goal that every deputy attend CPT once every two years. However, this incident revealed that that goal is far from being reached. A review of the Compton station prompted by this incident similarly found deficiencies in the amount of training provided to all deputies assigned there as well as a lagging training regimen in other LASD stations. For example, it was reported that in 2003, only one deputy assigned to the Compton station attended CPT training.

The training deficiencies stem from the County's budgetary issues commencing in 2003. Unfortunately, at LASD, consistent with most other law enforcement agencies, whenever a budgetary crisis is encountered, one of the first programs to suffer is training. To cut the training budget in times of fiscal crisis, while understandable, is shortsighted and places the Department in jeopardy in terms of officer-safety and risk management. While extremely difficult to assess how much the lack of timely recurrent training to half of the deputies involved in this shooting incident may have contributed to the performance issues identified in this report, the Department's own recognition that these critical and perishable skills should be provided at least every two years to each patrol deputy is some indicia that the lack of consistently ensuring such a training regimen in this case could well have been a factor in the outcome.

To LASD's credit, as a result of this shooting incident, training was almost immediately directed to redouble its efforts on the issues raised by the shooting and devise ways to more readily provide this training at Compton station. As detailed above, specific to the ten deputies involved in this incident, an individualized training regimen has been created for each of them. In addition, creative ways are being devised to ensure more frequent training of these perishable skills by bringing the training directly to the LASD patrol stations. For instance, within days of the shooting, LASD placed at Compton station a trailer used to train deputies on appropriate tactical responses to simulated scenarios that may involve shootings. This trailer remained at the station for several weeks. OIR has attended much of the training provided by the training experts and has been impressed with the dedication of those professionals and the quality of the training provided.

OIR's concern is that, while commendable, the push for increased training in reaction to this event may dissipate when LASD is faced with its next situational or budgetary issue. Accordingly, to ensure the safety of its own deputies, ensure top performance, reduce risk management issues, provide a preventive regimen rather than having to deal with performance issues solely through the disciplinary system, and retain the Department's reputation as having some of the best trained deputies in the country, OIR recommends that the Department consider ways in which to ensure that the training budget is better insulated from the ebbs and flows of budgetary concerns and there is better resolve by LASD to operate a comprehensive training regimen through both good and bad economic times.

### **Changes to Current Training**

As a result of this incident, and some preexisting attention that had been focused on issues of shooting at suspects in vehicles, LASD has modified some of its training. For instance, in May 2005, LASD's "Use of Force and Tactics" training added a segment on shooting at vehicles. In addition, to address the issue of potential contagious fire, there have been proposals to modify training so that deputies are not always shooting at the same time as other deputies. It is hoped this will help train deputies on their need to make individual decisions regarding when to fire their weapons.

## **Training on the Policy Changes**

As LASD and other law enforcement departments have learned in the past, announcing a new policy, without accompanying training on that policy, often proves ineffective. LASD therefore is creating a training video to be used to introduce the revised policy to all Department personnel.

LASD Training Bureau personnel took the lead on creating this video on an expedited basis. OIR worked with them to hone the message and insure its consistency with the revised policy and Sheriff Baca's statements regarding the intent of that policy. OIR also advocated that the training video not merely emphasize what deputies are prohibited from doing, but also let them know what is permitted and what they should do. OIR has already reviewed the script and seen portions of the video and is expectant that it will comprehensively educate LASD personnel on the new policies.

## **EQUIPMENT REVIEW**

One of the issues that became apparent from the IAB review of the incident was the lack of spike strips deployed by Compton in the field and the strip's malfunction. LASD policy requires that each station keep logs of maintenance of the spike strips and ensure that at least one set of spike strips be kept out in the field for deployment at all times.

The inquiry into this shooting showed that Compton station had not conformed to these requirements. When this incident unfolded there were no available spike strips in the field. All three Compton strips were in the armory at the station. In addition, when the Watch Deputy did bring a spike strip to the field, it did not function properly. In fact, when the three Compton Station spike strips were later tested, it was determined that none was in good working order. The fact that the strips were not functioning, however, was not universally known, which led to the Watch Deputy attempting to deploy one of the Compton spike strips.

A Department-wide review of this matter was requested. It appears that there are Department-wide deficiencies in the maintenance and deployment of spike strips. This situation has been exacerbated, in part, by litigation involving the company that supplied the spike strips to LASD. The judge presiding over the lawsuit has prohibited LASD's supplier from selling new spike strips to LASD or repairing existing ones. This has meant LASD has been repairing broken spike strips on its own without replacement parts. In addition, not all stations were following policy requiring that spike strips be deployed on every shift and that a log be maintained of their condition.

Compton has followed up on this issue and currently has at least one working spike strip, which is available to be deployed on most shifts. However, it cannot be deployed on all shifts because it needs to be recharged on occasion.

LASD is also exploring the possibility of obtaining spike strips from another vendor. LASD has identified a couple of potential vendors, including one that has supplied spike strips to LAPD.

The lack of this equipment being available in this incident clearly could have impacted on the eventual results. If the spike strip had been functional it could well have resulted in a different scenario than the one described in this Report. More fundamentally, the Compton personnel that responded to the location clearly were relying on the spike strips being in working order and there was not clear recognition among deputies that the spike strips were not functional. Thus, the tool that Compton deputies thought they had to assist in this incident was illusory.

### **RESPONSE TO THE COMMUNITY'S CONCERNS ABOUT THE SHOOTING**

This incident was certainly unique in the outreach to the community by Sheriff Baca, the involved deputies, and OIR.

#### **Sheriff Baca**

Within days of the shooting, LASD personnel began to meet with Compton City officials to answer questions. In addition, Sheriff Baca attended three town hall meetings open to all residents served by the Compton station. At those meetings the Sheriff sat and listened to concerns raised by the Compton community about the shootings, deputy conduct on a broader scale, and other law-enforcement related issues impacting on the community.

The Sheriff also walked Butler Avenue to hear from the residents themselves and view the damage caused by the bullets the deputies fired. LASD, as is standard practice, made available its Civil Litigation personnel to expedite claims to repair damage to any of the residences on Butler Avenue. The LASD personnel had a checkbook with them to write checks on the spot.

#### **OIR**

OIR attended each of the town hall meetings. OIR made itself available to answer questions about its role in monitoring LASD's investigation for thoroughness, fairness, and a proper outcome. OIR also talked with Compton city officials and made itself available to provide procedural updates during the course of the investigation. OIR also listened to community member complaints about other deputy conduct in the City of Compton.

#### **The Involved Deputies**

Throughout this country, after controversial shootings, the public often hears the head of the involved law enforcement agency immediately defend the involved

officers and not provide information about the facts of the incident except to issue a blanket statement of support for the law enforcement officers involved in the incident. This orchestrated approach has often left members of the community unsatisfied and not confident in the department's investigative conclusions. However, more recently, there has been an increase in the number of law enforcement heads who have been willing to carefully listen to the concerns of the community and, when appropriate, readily admit that their personnel could have done better.

What is unprecedented in this case is that nine of the ten involved deputies also came forward and recognized that the concerns of the community were valid and that the deputies regretted that the community was subjected to the 120 rounds fired during the incident.

This unprecedented act by those nine deputies attests to their good character and personal strength, and courage. Moral character can be nurtured, but it cannot be created by mandate. The deputies' willingness to make this public statement convinced many members of the Compton community they are precisely the types of deputies who should be patrolling Compton. While the performance issues in this case were significant, OIR also concurs that the discipline imposed, the remedial training provided, and the deputies' acceptance of responsibility is a sufficient response to the incident. The deputies' act of contrition in this case cannot be overemphasized as exemplary of a forward-thinking culture shift among law enforcement.

## **CONCLUSION**

This was an exceptional incident in many respects: the number of personnel involved, the number of rounds fired, the speed with which it was investigated, the cooperation of the involved personnel in the investigation, and the outreach to the community by most of the involved deputies. Nonetheless, LASD was able to thoroughly and fairly evaluate the incident within one month. That evaluation was not limited to the conduct of the involved deputies and supervisors, but also critiqued the training that got them there, the equipment that malfunctioned, and the policies in place at the time. LASD has responded promptly not just to discipline the involved employees, but also to improve training for these employees and others, and to modify policy. OIR is hopeful that this three-pronged approach, careful analysis of the incident for the involved deputies, a renewed emphasis on training, and refinement of policy will significantly reduce the likelihood that this type of incident will recur in the future.