

LOS ANGELES POLICE COMMISSION

Quarterly Use of Force Report

Second Quarter 2012

Public Report



Conducted by the

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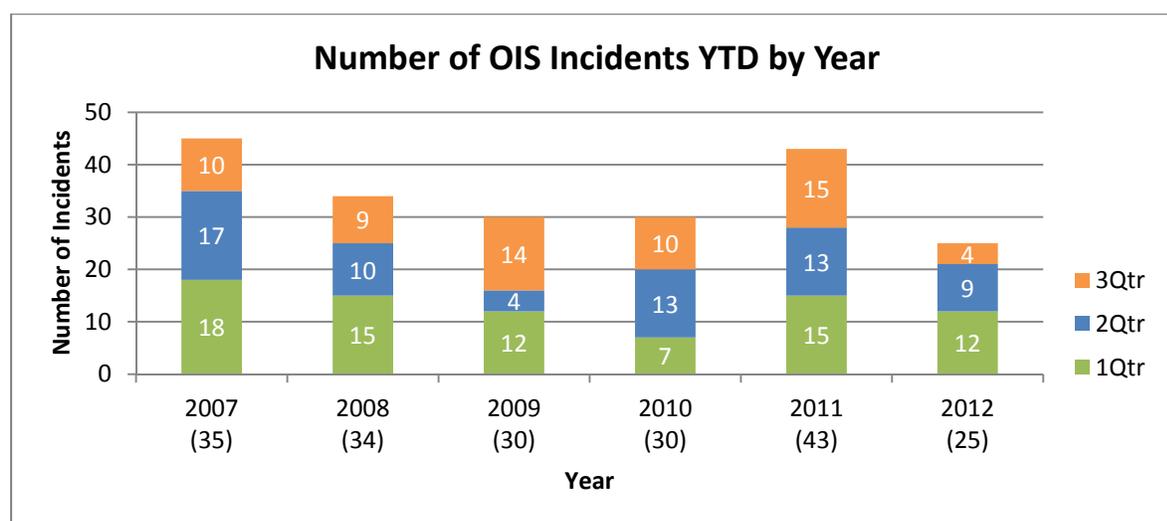
QUARTERLY USE OF FORCE REPORT FOR THE SECOND QUARTER OF 2012

This is the report of the Office of the Inspector General (OIG) on the use of force at the Los Angeles Police Department (LAPD or Department) for the Second Quarter (2Qtr) of 2012. This report reviews the number of shots fired by LAPD officers, focusing specifically on officer-involved shooting (OIS) cases involving a total of more than 20 rounds fired. In examining this issue, the OIG reviewed the basic circumstances of recent incidents, as well as completed analyses of previously adjudicated cases, to identify any commonalities and areas for possible improvement.

I. INTRODUCTION

The OIG's focus on high-round-count incidents was prompted by an apparent increase in such cases in the first half of 2012. Particularly notable were cases involving more than 60 rounds -- there were 3 during the study period, more than in any of the previous 5 full years. Due to the small numbers involved, it is difficult to know whether these incidents represent a meaningful trend or simply a statistical anomaly. Nonetheless, the OIG reviewed high-round-count incidents for the previous 5 years in an effort to identify common tactical concerns.¹ While conducting the analysis, the OIG learned that the Department had been performing a similar analysis and has identified many of the same concerns. As a result, the Department and the OIG have been working jointly to evaluate information about rounds fired and address any pertinent tactical issues. The ensuing findings and next steps are detailed in this report.

While the high volume of fire in the incidents referenced above is a shared concern for the OIG and the Department, such cases should be kept in context. In fact, while the number of high-round-count shootings is up, the overall number of OIS incidents is substantially down.



¹ The incidents that occurred in 2012 have not yet been adjudicated by the Board of Police Commissioners.

The chart above shows that not only did shootings in the first half of 2012 fall to pre-2011 levels, there were just 4 OIS incidents in the 3rd Quarter. That number, the lowest of any quarter since the beginning of 2007, brings the number of OIS incidents year-to-date -- 25 shootings -- lower than that for the equivalent periods of any of the past 5 years.²

The OIG also notes that shootings that occur at the termination of a vehicle pursuit, as was the case in each of the YTD 2012 OIS incidents with more than 60 rounds, are relatively rare events. According to Department records, LAPD officers engaged in 176 vehicle pursuits in the first half of 2012, of which 3 -- 2 percent -- resulted in an OIS.³ Nonetheless, because of the potential dangers of such an operation, the OIG and the Department are evaluating aspects of the relevant policy to determine whether changes may further mitigate some of the risks to the public and involved officers.

Finally, it should be noted that the OIG, in reporting on this issue, is not suggesting that officers -- or groups of officers -- who fire a large number of rounds are necessarily using unreasonable force. Police officers have the authority to defend their lives and the lives of others through the use of lethal force when it is objectively reasonable for them to do so. Additionally, the Board of Police Commissioners (Commission) has determined that the use of deadly force by each officer in the adjudicated cases reviewed for this report was within LAPD policy. An examination of broad trends cannot take into account the complex and specific circumstances that factor into the adjudication of each case.

The focus on high-round-count cases is instead driven by concerns about officer and bystander safety. Some of the safety issues that may be associated with a high volume of fire include rapid, inaccurate shooting that places officers or bystanders at increased risk of being struck by an errant round; difficulty distinguishing officer and suspect fire; and depletion of ammunition. In some incidents, the tactical issues associated with the high number of rounds may also prolong the confrontation with the suspect and the length of time that officers' safety is at risk.

In this report, the OIG presents general statistics on the number of rounds fired, both by incident and by officer, over time. The report then provides an overview of recent trends and, finally, discusses some common tactical issues identified during the review and adjudication of high-round-count cases that occurred between 2007 and 2011.

² Although the 3rd Quarter is not the subject of this report, the overall number of shootings is included in this section in order to provide context. The quarter closed during the writing of the report.

³ Pursuit Review Unit, Oct. 2, 2012.

II. STATISTICAL OVERVIEW

In order to provide an overview of the number of rounds fired by officers over time, the OIG analyzed data about all OIS incidents that occurred between January 1, 2007, and June 30, 2012.⁴ Data regarding adjudicated cases were compiled from OIG and Use of Force Review Division (UOFRD) records, while those regarding unadjudicated cases were obtained from files of open investigations maintained by the Force Investigation Division (FID).⁵

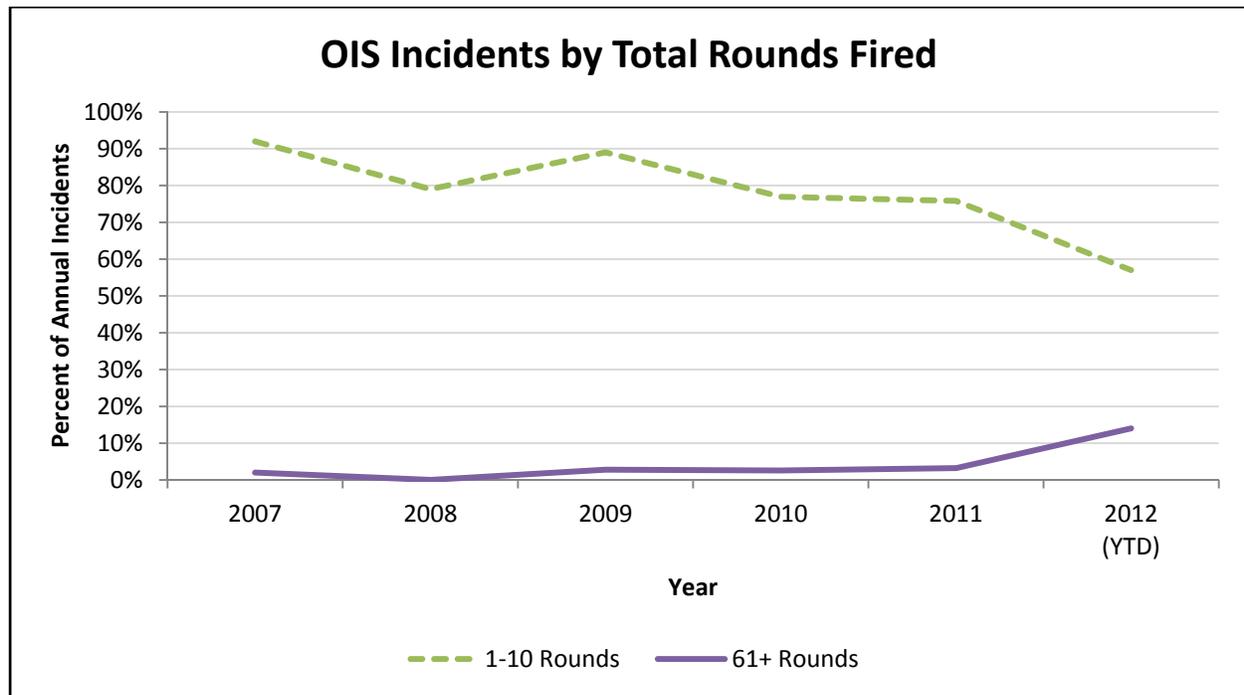
The OIG's analysis found that both 2011 and YTD 2012 reported significant increases over previous years in the average number of shots fired per incident.⁶ The overall volume of fire was particularly high for 2012, which averaged approximately 20 rounds per shooting, primarily due to a rise in high-volume incidents. Because the large number of rounds fired in those incidents can have a disproportionate effect on yearly calculations, it may be more useful to view them in terms of categories. As shown in the table on the following page:

- The proportion of cases involving more than 20 rounds rose from 13 percent in 2010 and 2011 to approximately 24 percent in YTD 2012.
- The proportion of cases involving more than 60 rounds rose from no more than 3 percent for each year between 2007 and 2011 to approximately 14 percent in YTD 2012.
- The proportion of cases involving 10 rounds or less has fallen from 92 percent in 2007 to 57 percent in YTD 2012.

⁴ The term "OIS," as it is used here, refers only to shootings where officers intentionally fired at a human subject, whether or not the person was hit. Unintentional shootings and shootings where an animal was the target are not included in the analysis, nor are warning shots or attempted OIS incidents.

⁵ The count of shots fired by each officer in some cases may not be exact. Counts are determined through a comparison of recovered casings, officer estimates, and other physical evidence. In general, where the number of rounds could not be precisely determined, the most conservative estimate was used.

⁶ For the purposes of this report, the term "YTD" refers to the first two quarters of 2012 only. The OIG also notes that the increased average number of rounds in 2011 includes one incident where officers fired approximately 267 rounds at a suspect who was shooting at them.



Year	2007	2008	2009	2010	2011	2012*
Number of OIS Incidents	50	42	36	39	63	21
% Involving 1-10 Rounds	92%	79%	89%	77%	76%	57%
% Involving 11-20 Rounds	2%	7%	8%	10%	11%	19%
% Involving 21-60 Rounds	4%	14%	0%	10%	10%	10%
% Involving 61+ Rounds	2%	0%	3%	3%	3%	14%

A. Number of Shooting Officers per Incident

One of the possible factors for the higher number of rounds fired in YTD 2012 may be, in at least some cases, more officers firing their weapon during a given incident. Shooting data for the past 5 1/2 years show that:

- Incidents in YTD 2012 included an average of about 3 shooting officers per incident, notably higher than the averages for each year between 2007 and 2011.
- The proportion of incidents involving more than 5 shooters has grown from approximately 6 percent of each year's cases in 2010 and 2011 to 15 percent in YTD 2012.
- Just 62 percent of YTD 2012 cases involved 1 or 2 shooters, significantly down from cases between 2007 and 2011, for which about 87 percent fell in that category.

B. Rounds Fired per Officer

Individual officers in YTD 2012 also appeared to have fired, on average, more rounds than in previous years. Between 2007 to 2012, the percentage of officers who fired a total of 1 or 2 rounds during an OIS incident decreased from 63 percent to 23 percent, whereas the proportion of officers who fired 9 or more rounds rose from 11 percent to 32 percent, as reflected below.

Year	2007	2008	2009	2010	2011	2012 (YTD)
Number of Shooting Officers	63	83	60	74	123	65
% Shooting 1-2 Rounds	63%	39%	48%	35%	35%	23%
% Shooting 3-8 Rounds	25%	48%	42%	51%	46%	45%
% Shooting 9-15 Rounds	6%	10%	7%	8%	11%	23%
% Shooting 16+ Rounds	5%	4%	3%	5%	7%	9%

Overall, it appears that incidents in the first half of 2012, on average, involved both more shooting officers per incident and more rounds fired per officer. As a result, the OIG’s preliminary review of YTD 2012 cases, as well as its more in-depth review of earlier case analyses, focused primarily on tactical issues associated with these two factors.

III. YTD 2012 TRENDS

There were 21 reported OIS incidents in the first two quarters of 2012, 16 of which resulted in a person being hit.⁷ The OIG reviewed the preliminary circumstances of each of the cases with more than 20 rounds fired during the first half of 2012 and found that they fell into two major categories, as described in the following sections.

A. Cases Involving More than 60 Rounds: Termination of a Vehicle Pursuit

1. YTD 2012

Three of the 21 shootings in the first half 2012 involved a significantly high number of rounds – more than 60 – being fired. As shown in the chart on page 4, this is a substantial increase in such cases over previous years. The OIG found that in all of those 3 cases, the shooting occurred at the termination of a vehicle pursuit.

Although none of these incidents has been fully investigated or adjudicated, their preliminary investigation indicates that, in each case: 1) more than 7 officers fired their weapons, and 2) several officers fired 10 or more rounds, with individual officers firing up to 16 rounds.

⁷ In one case, the person hit was a bystander, not the suspect.

2. *Earlier Incidents with More Than 60 Rounds: 2007-2011*

A total of 5 cases between 2007 and 2011 involved more than 60 rounds fired. Of these earlier cases, 2 -- one in 2007 and one in 2009 -- occurred at the termination of a vehicle pursuit. A third, in 2011, occurred at the end of a vehicle "following."⁸ While these cases also had very high round counts, however, not all involved a large number of officers. In the 2007 case, just two officers fired their weapons.

In total, when those cases are combined with cases in 2012, it appears that incidents occurring at the termination of a vehicle pursuit or following constituted 6 of the 8 cases involving more than 60 rounds over the past 5 1/2 years.⁹

3. *LAPD Vehicle Pursuit Policy*

Due to a potential nexus between a high volume of rounds and vehicle pursuit terminations, particularly in recent months, the OIG subsequently examined the Department's current pursuit policies for possible applications to this issue. Based on its review of preliminary data, the OIG identified two pursuit-related factors that could be associated with the number of rounds fired during a subsequent OIS: a) post-pursuit tactics and coordination, and b) the number of officers involved in the pursuit. The policies related to those factors are discussed below.

a. Post-Pursuit Policy

Each of the YTD 2012 cases with more than 60 rounds fired occurred closely after the termination of a pursuit and involved more than 2 units. LAPD policy regarding post-pursuit discipline states:

Safety is critical at the termination of a pursuit, therefore, the need for decisive action, self-control, and strict personal discipline is essential. The responsibility for maintaining control and directing activities at the termination point of a vehicle pursuit must remain with the senior officer in the primary unit unless relieved by a supervisor. The officers in the secondary unit shall be responsible for backing up the primary unit and broadcasting pertinent information at the termination of the

⁸ A following differs from a pursuit in that involved officers are not trying to apprehend a fleeing suspect and are not exempt from the rules of the road. According to LAPD policy, however, a following has the same "liability and potential danger" as a pursuit.

⁹The OIG also noted 5 previous pursuit-related shooting incidents -- all of which occurred between 2007 and 2011 -- that involved fewer rounds fired. In all but one of those cases, officers fired fewer than 20 rounds total.

pursuit. Unless summoned to the scene, officers in all other units shall remain **clear** of the pursuit termination point. [Emphasis in original.]¹⁰

The policy states that “officers shall rely on Department approved tactics and training in taking the suspect(s) into custody and shall abide by the Department’s Use of Force Policy [...]”¹¹

The OIS adjudication process will consider whether the post-pursuit tactics in these cases complied with Department training and policy. As described in the following section, the review will include consideration of, in particular, whether incident commanders properly assumed command and control of the scene, as well as the extent to which officers exercised fire control.

b. Number of Involved Units in the Pursuit

The LAPD’s policy on vehicle pursuits designates and defines three core participating roles for each pursuit, as described below:¹²

- Primary Unit: Generally, this is the unit that makes the determination to initiate the vehicle pursuit, unless replaced by another unit. It is the primary unit’s responsibility to apprehend the suspect. The senior officer of that unit acts as the Incident Commander until the arrival of a supervisor. In that role, the officer’s responsibilities include deciding whether to initiate a pursuit, “**whether more than two units should join the pursuit,**” and whether a pursuit should be terminated [emphasis added].
- Secondary Unit: The secondary, or back-up unit, is requested by Communications Division at the initiation of the pursuit.¹³ It is the secondary unit’s responsibility to back up the primary unit and to broadcast, upon termination of the pursuit, any necessary information.
- Supervisor: Upon assignment, a supervisor is to respond to the pursuit and take over as Incident Commander upon arrival. The supervisor is authorized to go “Code Three.”

The document further notes that “once all authorized units have joined the pursuit,” all other units should stay clear. Beyond designating who should make the decision, however, the policy does not provide parameters for determining the circumstances under which more than 2 units should be

¹⁰ “Post-Pursuit Discipline.” LAPD Manual 4/205.35, 2nd Quarter, 2012.

¹¹ “Apprehension of the Suspect at Pursuit Termination.” LAPD Manual 4/205.40, 2nd Quarter, 2012.

¹² “Control of a Vehicle Pursuit.” LAPD Manual 4/205.10, 2nd Quarter, 2012.

¹³ As of July 2012. Previously, it was the pursuing unit’s responsibility to request back-up. Special Order 15. “Responsibility for Requesting Additional Units for a Vehicle Pursuit -- Revised.” July 11, 2012.

authorized. While other units are to remain aware of the location and progress of the pursuit, they are not permitted to “parallel” the operation.¹⁴

A preliminary review of the 3 OIS-related pursuits in YTD 2012 indicates that in each case, more than 2 units were authorized to participate in the pursuit. It appears that in at least one incident, additional units paralleled the pursuit as well. The Department’s written pursuit review for that incident, however, did not fully address the issue of units that paralleled the operation.¹⁵

c. Recommendations and Next Steps

The Department has engaged researchers from Northwestern University to analyze OIS data to determine whether there is a correlation between the number of officers involved in an incident and the number of rounds fired by an individual officer. The study will also determine whether there are particular police activities, such as vehicle or foot pursuits, that are statistically associated with multiple-officer/multiple-round incidents. The OIG recommends that the study also consider whether the apparent increase in such incidents in 2012 is statistically meaningful, and that it include an analysis of whether a suspect’s actions -- specifically, whether or not he or she discharged a weapon during the incident -- is associated with the number of rounds fired or with the type of police activity.¹⁶

At the OIG’s request, the Department is also reviewing its written vehicle pursuit policy to determine whether it is inconsistent with Department practice and expectations. In particular, the review will consider whether it:

- Sufficiently defines the conditions under which additional units may be authorized
- Sets appropriate parameters for non-authorized units
- Provides adequate guidance on post-pursuit procedures and tactics in cases where deadly force may be warranted

In consultation with the OIG, the Department will then develop a revised policy or procedure that incorporates any changes.

¹⁴ Paralleling is defined as “any law enforcement vehicle positioned alongside a pursued or pursuing vehicle, or along an adjacent street so as to be parallel to the suspect’s or pursuing vehicle’s position.” “Vehicle Pursuit Driving Tactics.” LAPD Manual 4/205.19, 2nd Quarter, 2012.

¹⁵ At the time of writing, the pursuit review process for the other 2 referenced cases had not yet been completed.

¹⁶ “Officer Involved Shooting 2008-2011, General Data Overview.” Use of Force Review Division, 2012.

B. Other Cases Involving More Than 20 Rounds

A smaller subset -- 2 cases -- of high-round-count cases in the first half of 2012 resulted in officers firing between 21 and 60 rounds. As shown in the table on page 4, the proportion of such cases is generally consistent with previous years.

A review of the cases in this category since 2007 found that, although there was wide variation in the circumstances of each shooting, they generally involved more officers than did low-round-count incidents. Each incident also included at least one officer who fired a higher-than-average number of rounds. Finally, the written analyses for these cases revealed some common tactical issues that were also identified in cases with more than 60 rounds fired. These are discussed in detail in the following section.

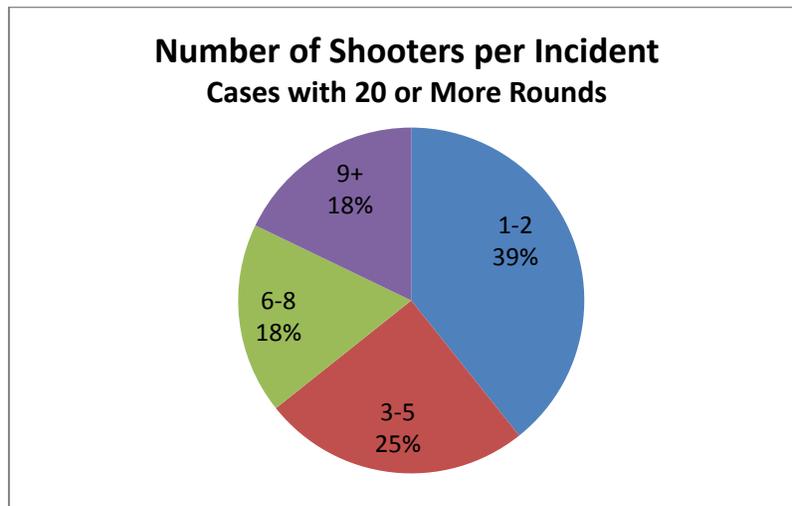
IV. COMMON TACTICAL ISSUES ASSOCIATED WITH HIGH-ROUND-COUNT SHOOTINGS

In order to identify common tactical issues among high-round-count incidents, defined in this case as any case with more than 20 total rounds fired, the OIG reviewed all such cases that occurred between 2007 and 2011. Only those cases that had been adjudicated at the time of writing were reviewed, encompassing a total of 17 cases overall. The tactical issues discussed in this section were identified during the Department's internal review process for each case and in the associated findings adopted by the Commission.

The incidents reviewed for this report are unique and complex. While their analysis revealed a number of common tactical issues, these issues were not necessarily identified in every case, and did not necessarily cause the high number of rounds fired during those incidents. .

A. Tactical Coordination of Multiple Officers

Approximately 61 percent of the high-round-count cases reviewed by the OIG involved more than 2 shooting officers, ranging from 3 officers to 15. In many of those cases, additional, non-shooting officers were present as well.



Not surprisingly, more shooters often -- though not always -- resulted in a higher total number of shots fired. Interestingly, while these high totals were primarily due to the number of shooters, it also appeared that officers involved in a multiple-shooter incident were individually more likely to fire a greater number of rounds. The OIG's review found that 24 percent of officers involved in a multiple-shooter incident fired more than 8 rounds.¹⁷ In contrast, just 11 percent of officers involved in a 1- or 2-shooter incident did so, with nearly half firing no more than 2 shots.

Given the dynamic and stressful nature of an OIS incident, tactical coordination of multiple officers -- or even just two officers -- is of paramount importance. In 12 of the 17 high-round-count cases reviewed by the OIG, the incident analysis noted concerns relating to tactical planning or coordination, either prior to the incident or at the scene. As discussed below, these concerns, as identified by both the OIG and the Department, fell into two broad, often overlapping, categories: 1) command and control; 2) officer communication and situational awareness.

1. Command and Control

Department operations during a critical incident may be directed and managed by an on-scene incident commander, charged with coordinating effective tactics. Incident commander responsibility is generally assumed by the highest-ranking supervisor at the scene, but may also fall to the primary or senior officer during incidents where a supervisor has not assumed command.

¹⁷ Multiple-shooter incidents are defined, for this report, as incidents involving more than 2 shooting officers.

The OIG reviewed 7 analyses of high-round-count cases that noted concerns related to command and control by a supervisor or other officer. For example:

- Supervisors at a multiple-officer scene exercised limited command and control, leaving officers insufficiently prepared to deal with the suspect.
- Officers who were first on a scene to which multiple officers were responding did not form, to the extent possible, a tactical plan and/or communicating it to responding officers. Issues to be considered in the plan might have included the suspect's potential access to weapons, the presence of bystanders, and an assessment of the geographic area.
- Officers first on a scene did not provide guidance to responding officers about their direction of approach.

2. Tactical Communication and Situational Awareness

In several of the incidents noted in the previous section, the incident analysis also noted issues pertaining to communication or situational awareness among officers beyond those relating to command and control. In some of these cases, the lack of coordination or communication was associated with crossfire, foreground, or background issues, or with causing officers to mistake others' gunfire for that of the suspect. For example, in one case, an officer's lack of communication with other officers while he was engaged in a foot pursuit, along with a lack of situational awareness, was associated with his shooting in the direction of fellow officers. Some of his fellow officers thus believed that the suspect was firing at them. In another, several officers failed to inform others when they moved into their foreground, and some officers were found to have fired with others potentially in their foreground. Similar issues appeared in other cases as well.

The OIG's review of the findings in these cases also identified other common issues associated with communication and situational awareness. These included not accurately broadcasting a status, location, or activity; not requesting backup or additional units; officers leaving behind or dropping their radios; and the utilization of a non-repeater, Simplex frequency.

3. Recommendations and Next Steps

The Department conducted an analysis of the proportion of OIS incidents where a supervisor fired his or her weapon, thereby becoming involved in the incident rather than maintaining a command and control role. The Department found that, between 2008 and 2011, the proportion of such cases appears to have decreased, indicating that supervisors involving themselves in OIS incidents might

not be an increasing matter of concern. Further review of dynamics related to command and control issues at field incidents is planned.¹⁸

As a result of the issues identified by the Use of Force Review Board in cases over the past several years, however, the Department has also already taken several steps to improve supervisory performance in the area of command and control. These include:

- The development of a four-day Supervisory Leadership Command and Control course, to be implemented starting in November of 2012. Tenured supervisors will be required to attend the course every 3 to 5 years. Designed by Training Division, the course will incorporate leadership lessons for field incidents, including scenario-based training on vehicle pursuits, OIS incidents, and other uses of force. These scenarios will be based on needs identified through the force review process and will be adapted as trends are identified in the future.
- A targeted Chief's Message for August 2012 that reminds officers about general expectations for command and control at critical incidents. The message notes that assessment of performance in this area will be part of the Department's evaluation of such incidents.
- A TacOps (Tactical Operations) Newsletter, created by the Use of Force Review Division, primarily focused on the issue of command and control. The July 2012 edition reminds officers, particularly supervisors, of their responsibilities in terms of supervision and tactical coordination of a critical incident. The document also reiterates Department policies related to this issue and provides practical considerations for the management of a police operation.
- The potential development of specific questions regarding command and control as part of promotional interviews for supervisors in order to encourage candidates to study the issue and to test for knowledge.

The OIG will follow the progress of these initiatives, including the new Supervisory Leadership Command and Control course, and report on them in an upcoming report.

¹⁸ "Officer Involved Shooting 2008-2011, General Data Overview." Use of Force Review Division, 2012.

B. Fire Control and Assessment

The OIG's review determined that, of the 150 officers who fired during a high-round incident since 2007, about half fired 8 or more times, with individual counts ranging up to 72 rounds. These counts are significantly higher than the overall median of 3 rounds fired per officer, and appear to be associated with a high total number of rounds being fired during an incident. In 8 cases, more than 20 rounds were fired by one officer alone.

Current Department training encourages officers to learn to balance speed with accuracy and to fire at a speed that allows the use of proper shooting technique. In particular, the Department's Basic Firearms Manual notes that officers firing in a controlled manner will be able to improve their marksmanship, and that each officer must be able to articulate the need for firing every shot.¹⁹

Not all of the officers noted above fired their rounds all at once; in some cases, the officer may have discharged several separate volleys of rounds and fired all rounds with an appropriate degree of fire control. In at least 5 adjudicated high-round cases, however, analysis of the incident explicitly identified concerns about fire control and/or assessment; namely, that the officer may have fired multiple shots in an insufficiently controlled manner, without properly obtaining a sight picture, assessing the target's location or actions, and/or managing available ammunition.

Recommendations and Next Steps

In its own analysis of OIS incidents between 2008 and 2011, the Department found that 53 percent of incidents where at least one officer fired 8 or more rounds in 2011 involved a suspect who discharged a firearm during the event. According to that analysis, this is slightly greater than the average proportion for the three previous years, indicating that officers in the 2011 incidents experienced, overall, a higher rate of violence. The Department's analysis also indicated that 77th Street and Southeast Areas reported a higher number of cases where at least one officer fired 8 or more rounds than did other Areas.²⁰

The Department has indicated to the OIG that it is reviewing those incidents to identify potential training issues, including possible concerns about fire control and accuracy. The OIG recommends that this review include cases across the Department, including in 2012, and consider whether the suspect in each case discharged a weapon. In reviewing these incidents, the Department has indicated that it will reexamine its training standards related to fire control, assessment, and target acquisition to determine whether any revisions or retraining may address any identified concerns.

¹⁹ "Los Angeles Police Department Basic Firearms Manual," July 2011, Pages 17-19.

²⁰ "Officer Involved Shooting 2008-2011, General Data Overview." Use of Force Review Division, 2012.