

The Los Angeles County  
**Sheriff's Department**

**30th Semiannual Report**

Special Counsel Merrick J. Bobb and Staff  
and Police Assessment Resource Center (PARC)  
September 2011

# Special Counsel and Staff

## Special Counsel

Merrick J. Bobb

*Police Assessment Resource  
Center (PARC)*

## Staff

Yael Mazar

Brandy Middleton

Camelia Naguib

Tim Shugrue

Charles Tolliver

**MERRICK J. BOBB**  
Post Office Box 27445  
Los Angeles, CA 90027  
(213) 623-5757  
e-mail: merrickbobb@parc.info

September 21, 2011

Sheriff Leroy D. Baca  
Los Angeles County Sheriff's Department  
4700 Ramona Blvd.  
Monterey Park, CA 91754

Dear Sheriff Baca,

Enclosed is the 30th Semiannual Report of Special Counsel to the Board of Supervisors, the LASD, and the general public. This report deals primarily with deputy-involved shootings. As my staff and I note in the introduction to this report, there are few subjects in policing that generate as much heat and controversy as these shootings. Accordingly, we have taken great care to describe the situation as accurately and in as balanced a way as possible when we point to shooting trends that are of concern. We met last week with a group of your executives who had reviewed this report in its entirety and had a number of concerns about it. This letter addresses those critiques.

In this report, we focus on "state of mind" or "perception" shootings where deputies perceive, accurately or not, that a suspect may be armed or going for a gun. We are concerned to see that state of mind shootings rose by 50 percent in the past year. We note that 2010 had the highest proportion of hit shootings in recent years in which the suspect was unarmed. This fact was further reflected in 2010 in the number of "waistband shootings" where the suspect was shot at upon reportedly reaching for his waistband. Waistband shootings are increasing, making up about one-third of all hit and non-hit shooting cases in 2010, whereas in the past, this type of shooting generally constituted about one-fifth. It is too early to tell if 2010 represents an incipient trend or is a statistical anomaly. We also note that we are dealing with relatively small numbers. Therefore, small increases appear magnified when expressed in percentages.

Nonetheless, over the past six years, approximately 61 percent of all state-of-mind shooting suspects were confirmed to be unarmed at the time of the shooting. A little more than half of those suspects were holding an object such as a cell phone or sunglasses that was believed by deputies to be a possible firearm. Over the same six

years, approximately 47 percent of all waistband shooting suspects were confirmed to be unarmed.

Our report describes the race and ethnicity of persons shot by the LASD, a topic that generates strong emotional reactions. Yet race is the elephant in the room in any discussion of American policing and should not be ignored. Your staff has expressed concern that the media may misinterpret this report because of its frank discussion of the race and ethnicity of persons shot by the LASD. It would be a serious error for anyone to conclude from this report that LASD deputies intentionally shot any individual because that individual was black or Latino.

We also point out that analysis and adjudication of perception shootings turn predominantly on the credibility and bona fides of the officer's report of perceived danger. Your staff fears that the media may misinterpret us as implying that LASD deputies routinely make up stories after the fact to justify a shooting. We completely agree with your staff that the media should not do so. Nowhere in our report do we accuse a deputy of lying about his or her perceptions of danger.

Your staff worries that the media will quote from our report by taking statements out of context to make them appear more damning or provocative. They urge us, therefore, to purge our report of any statement that may be seen as critical or damning if taken out of context. We can empathize with the LASD in that the media have not always accurately reflected our findings. But it is impossible to write a 100+ page report in such a way as to eliminate the possibility of media distortion of any statement in or out of context. The LASD's beef should be directed more at the media than at the messenger.

Your staff has forcefully argued that we failed to take into account adequately the extensive number of gang members and gang-related crimes in the East and South Los Angeles areas patrolled by the LASD, where the vast proportion of gang members are African-American or Latino. Your executives point out that if the relevant population pool is nearly all African-American or Latino, it should come as no surprise that nearly all of the shootings are of African-Americans or Latinos. Therefore, they argue, we mislead when we point out more than once in the report that 96 percent of state of mind shootings are of blacks and Latinos. Yet close to half of all state of mind shootings took place outside of the Century, Carson, South Los Angeles, Compton, and East Los Angeles station areas. In retrospect, there should not have been as many repetitions of the 96 percent statistic. It would nonetheless be in error for a reader to conclude thereby that the LASD harbors intentional racial or ethnic bias.

One must also keep in mind, in any event, that the overwhelming majority of persons living in East and South Los Angeles— black, Latino, or otherwise— is law abiding. There is no accurate statistic for the number of gang members in Los Angeles at any one time. Even so, not every gang member (or perceived gang member) is a criminal or engaged in criminal conduct or is an immediate threat to life and limb when in contact with law enforcement.

As pointed out earlier, 61 percent of suspects in state of mind shootings turn out to be unarmed. What troubles us is that an African- American or Latino youth is more likely to be the subject of a mistaken perception of dangerousness than is a white or Asian person. Does this necessarily imply bias? We take great pains in our report not to make that inferential leap.

It is true that LASD deputies are being targeted for more serious assaults in the last six years, where, according to the LASD, seven deputies have been shot, seven have been hit by motor vehicles, and 27 have been fired upon. To our knowledge, none of these assaults resulted in fatalities. Are deputies patrolling south or east Los Angeles neighborhoods more frightened or on higher alert because these are high crime areas with many gang members? Some of your staff theorized that might be the case. Are they therefore prone to react too hastily? We don't know the answer. We acknowledge that these mistaken shootings do not occur in a vacuum. They can be preceded by the suspect not complying with orders, or behaving in a threatening way, or running away. Training in shoot/don't shoot scenarios can sharpen a deputy's skill to distinguish situations where deadly force may be necessary and where it is not.

Your staff pointed out that the number of arrests by the LASD has grown substantially in the last few years. In 2005, the LASD arrested 107,579 persons. In 2010, the LASD arrested 140,785 persons. At the same time, the overall number of deputy-involved shootings has gone down from 50 to 43. Therefore, your staff noted that the LASD has been able to avoid an increase in shootings even though arrests have risen by 30 percent. It is true that the number of arrests has gone up. The increase in arrests is almost entirely misdemeanor arrests, and the more serious felony and Part I arrests have increased by a much smaller margin.

We do know that scenario-based training is very effective at reducing shootings based upon misperception or fear. We have long recommended that each deputy in patrol attend such training annually. The LAPD's Continuing Professional Training policy has been to have each deputy in patrol attend such training at least once every two years. That is not happening uniformly and 29 percent of deputies involved in state of mind

shootings had not received this training in the last two years. Our thesis is that such training may very well curtail the rise in overall numbers of shootings, in the rising proportion of unarmed individuals being shot or shot at by the LASD, and in the high proportion of "waistband" shootings involving unarmed individuals. Although training may not be a panacea, we believe it to be the best insurance the LASD can buy.

Your staff also takes issue with this report because of its discussion that compares the racial and ethnic breakdown of all arrests by the LASD to the racial ethnic and breakdown of the subjects of deputy-involved shootings by the LASD. This is misleading, they contend, because the benchmark is inaccurate. Your staff contends, for example, that in the area patrolled by Century deputies, 84 percent of the population is Latino: Therefore, if Latinos are approximately 61 percent of persons shot in the area, Latinos are underrepresented, not overrepresented.

Our intention in presenting racial disparities is not to suggest bias or racism. Rather, it is to point out that when there is a mistaken shooting of an unarmed individual, he or she has a substantially higher likelihood of being a young black or Latino person than a white or Asian. Knowing that black or Latino men are more likely to be shot or shot at by the LASD, the Sheriff's Department should be doing a better job to reduce as far as possible mistaken shootings of unarmed persons.

We agree with your staff that benchmarking racial disparity is exceptionally difficult. We particularly agree that general demographics are not particularly useful. The most telling benchmark we use, however, does not take race into account but yet has strong explanatory power. We compare instances of the most violent crimes, criminal homicides, to instances of deputy-involved shootings. Homicide rates, though not specifically tied to officer-involved shootings, are a strong indicator of the relative level of violence and danger faced by officers and others in a particular area. In the main, the two statistics rise and fall in tandem, and they have done so over many years in the LASD. In 2009 and 2010, however, they diverged: Criminal homicides fell while deputy-involved shootings rose. It is too early to tell whether this is an anomaly or a trend. Again, our thesis is that mistaken shootings can be controlled and reduced. The ability to distinguish between a real threat and a possible threat can be taught and practiced without compromising deputy safety.

Your senior staff is admirably protective of the LASD and its reputation. Of late, the Department has been the subject of uncommon scrutiny and repeated media coverage of violence in the jails, the participation of LASD Lancaster deputies in Section 8 enforcement, and jurors' disbelieving the testimony of some deputy sheriffs. Therefore

your senior staff fears that this report may be judged by some readers as more bad news. Yet it is not so: Each the problems we describe can be resolved or substantially ameliorated by further training, strict accountability, and focused attention.

Finally, we want to note that our discussions of this report with some of your senior executives were extraordinary. As Marvin Cavanaugh pointed out, we may have heated discussions and disagreements among ourselves, but we do so with mutual respect and trust, like members of a family all wanting the best: In common with your executives, we want the LASD to become and remain the strongest and best run law enforcement agency it can be.

With best regards,

Merrick J. Bobb

cc: Board of Supervisors and Justice Deputies

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## **Introduction**

This is the 30th Semiannual Report on the Los Angeles County Sheriff's Department (LASD) to the Board of Supervisors, the Sheriff, and the general public. This Report is the result of extensive research on shootings by LASD deputies between 1996 and 2010, with particular emphasis on 2006-2010. Over the past 15 years, 178 persons have been shot and killed by LASD personnel; an additional 204 were wounded. One-fifth of all suspects hit over the past six years were unarmed—in 2010, the rate was more than one-third.

No event in American policing is more difficult to approach analytically or more laden with the potential for emotion and ideology than when an individual is shot by the police. No act by sheriff's deputies creates as great a risk of tragic error or potential liability. No event is more disruptive of community trust and cooperation than a police shooting that is perceived as wrongful or unnecessary. Likewise, there is no more traumatic incident in the life of a police officer than when he or she must take a life. Although excellent work continues by the LASD in the investigation and adjudication of officer involved shootings—to the credit of the former Executive Force Review Committee (EFRC) Chair, Commander Eric Smith; the current Chair, Commander Joseph Hartshorne; the EFRC sergeant; and the Office of Independent Review—there are other trends which raise matters of substantial concern, particularly demographics: When arrest statistics are taken into account, blacks and Latinos are significantly more likely to be shot than are whites and other groups such as Asians.

In looking at hit and non-hit shootings of persons, we see significant fluctuations over the years, with a particularly high number of shootings—57—in 2004. The numbers then dropped, but have picked up again in the last two years. There is a

general correlation between the number of officer involved shootings and the homicide rate. In general, shooting statistics rise and fall in tandem with criminal homicide rates. They have diverged, however, in the past two years, with Los Angeles County homicide rates going down as LASD shootings go up.

We have deep concerns about the Century Station, which reported consistently high shooting numbers over the entire 15-year period from 1996, with nearly double the incidents at the next-busiest station, Lennox (recently renamed the South Los Angeles station). Overall, Century personnel were involved in about one-fifth of all deputy-involved hit and non-hit shootings over the past 15 years, a trend that is also true of the past six years. Shooting numbers remain high even as homicide and violent crimes come down. Century Station had the largest number of officers reporting multiple shootings (at the time of their most recent incident), with 29 percent of that group. Century also led the field in terms of the number of prior shootings—six officers had two prior shootings and one had three. In fact, 56 percent of all shootings at Century—including half of all single-officer shooting incidents—involved at least one officer who had been involved in a prior shooting. Century Station also had relatively poor results in terms of how few deputies attended annual or even biannual refresher shoot/don't shoot training utilizing live scenarios. We urge the Department to focus intensely on Century and its performance in this area.

More than half of off-duty shootings involved officers with less than three years on the job, indicating that inexperience or a lack of training may be associated with such incidents. We also found that about one-third of officers involved in an off-duty shooting had not attended tactical firearms training within the past two years, and that the unit responsible for the training is currently training less than

one-third of patrol officers every year. We continue to recommend that the LASD provide this training to all patrol officers no less frequently than once per year.

Finally, we found that the majority of officer-involved shooting cases, about 61 percent, involved Latino suspects. Approximately 29 percent of incidents involved black suspects, and ten percent involved white suspects. When these rates are compared with overall LASD arrest rates, we see that Latinos and blacks are overrepresented and white suspects are underrepresented. African American and Latino suspects were, on average, much younger than white suspects, with an average age of 25 for both groups. White suspects, in comparison, averaged about 35 years old.

We've looked in particular at "state of mind" shootings. These shootings are principally those where officers invoke the justification that they perceived the suspect reaching for his waistband and feared the suspect was armed, or saw an unknown object they feared to be a weapon. We found that all but two of the suspects involved in state of mind shootings were black (34 percent) or Latino (62 percent). As we discuss in this Report, the racial impact of this type of shooting, particularly waistband shootings, has been the subject of controversy in recent months. We are concerned, then, to see that state of mind shootings rose by 50 percent in the past year. We note that the year 2010 had the highest proportion of hit shootings in which the suspect was unarmed, and this fact is further reflected in the number of state of mind shootings, particularly in "waistband shootings" for that year. It is in the Department's best interest to aggressively address the apparent increase of state of mind and waistband shootings, most likely through targeted and more frequent opportunities to role-play such a scenario during tactical firearms training.

We have serious problems with the LASD's record-keeping. It was with great dismay that we discovered that much of the data collected by the Department with regard to shootings is missing, inaccurate, lost, or lacking in basic internal integrity. We also encountered needless compartmentalization of information, confusion about tracking systems and data entry, and an apparent failure on the part of LASD management to audit its own data collection systems or to analyze the data contained therein.

All in all, the Department needs to aggressively respond to the number of avoidable shootings. Century Station once again requires focused attention. What is popular with Century deputies may not serve the Department's or those deputies' true self-interest in the long run. We do not mean to imply thereby that LASD shootings in general or Century shootings in particular violate the criminal law or are otherwise illegal. Nonetheless, beyond their often-tragic nature and troubling racial impact, they expose the County to significant liability.

In our October 2009 **28th Semiannual Report**, we discussed at length concerns about the LASD's involvement in immigration enforcement at the jails. Most recently, the Secure Communities program, which Sheriff Baca strongly supports, has come under attack nationwide, and a number of jurisdictions have declined the program or have sought to opt out. At the federal level, immigration authorities have undertaken an initiative to clarify that the program is intended to catch violent individuals, high-level drug dealers, and other significant criminals. We do not yet know how the LASD and local immigration authorities will respond to the federal initiative to limit the sweep of Secure Communities. We will follow this issue carefully over the next several months.

Recently, LASD personnel have been accused of serious ethical lapses and criminal activity, including mortgage and insurance fraud. On several occasions in these reports, most recently in **the 20th Semiannual Report**, we discussed the advantages and disadvantages of random integrity audits, a fancy way of saying sting operations directed against deputies. Both the LAPD and the NYPD use them. The advantages of such programs include:

- Stings chill police misconduct because police officers never know when they are going to be the subject of a sting.
- It is much easier for a prosecutor to convict a police officer when his or her misconduct is caught on tape and witnessed by other police officers.
- By providing direct evidence of who was lying, it makes prosecutable cases of “he said/she said” that are otherwise difficult to win in court because they turn solely on credibility.
- A sting operation can rehabilitate a police officer who has been falsely accused.
- Sting operations quickly get dirty cops off the streets.

In the past, we have stopped short of recommending random stings except to check whether deputies were acting appropriately when asked to take a citizen's complaint. Our rationale was that law enforcement failed such integrity tests more than 10 percent of the time yet passed other kinds of stings by 95 percent or more. We acknowledge that life skills classes may be useful, but in light of current events, the LASD should consider adding random stings to its arsenal of anticorruption weapons.

Recently, Undersheriff Larry Waldie retired after a long career in the LASD. His successor is Paul Tanaka. Although there were a few bumps in the road early on, over many years our relationship with Larry Waldie has been a good one. We want to acknowledge his long and fruitful career and wish him all the best. We wish Undersheriff Tanaka the best of luck, also.

### **Acknowledgments**

We are very grateful for the assistance and feedback of the following LASD personnel: Commander Joseph Hartshorne, Commander Eric Smith, Commander Karyn Mannis, Commander Stephen Johnson, Captain Joseph Gooden, Lieutenant Liam Gallagher, Lieutenant Judy Gerhardt, Sergeant Roy Pascual, Sergeant Sandra Petrocelli, Sergeant Bob Wiard, Sergeant Terence Johnson, Information Systems Specialist II Donna Pincetich, Unit Supervisor Isabel Stroud, Administrative Services Manager II Lori Douglass, Operations Assistant III Valerie Shivers-White, Operations Assistant III Susan Porreca, Assistant Director Wendy Harn, Intermediate Clerk Don Findling, Intermediate Clerk Greg Baljian, Supervising Operations Assistant I Cecil Johnson, and all the staff at the Tactics and Survival Training Unit.

# **1. Deputy-Involved Shootings: By the Numbers**

## **I. Introduction**

The following three chapters look at shootings by LASD employees—for convenience, “deputy-involved shootings” or “officer-involved shootings”—over the past several years. The study comprises three components: a review of statistics tracked by the Department, discussed in this chapter; an overview of shooting incident trends and dynamics; and a brief assessment of the Department’s record-keeping regarding shootings and serious uses of force.

Since 1996, Special Counsel has provided annual reports on the total number of such shootings, as well as the number of certain types of shootings by unit. This chapter examines those numbers in greater depth and, using information gleaned from the Personnel Performance Index (PPI), it also looks at characteristics of hit and non-hit deputy-involved shootings between 2005 and 2010, including data concerning officers and suspects. We also report on the ultimate results of those incidents—whether shootings were found to be within LASD policy and whether there were related policy violations. Although we report briefly on statistics for other types of firearm-related incidents, the bulk of the study focuses on “hit” and “non-hit” shootings incidents where an LASD employee intentionally fired at a person.

Using the PPI to examine shooting data afforded us the opportunity to assess that database in terms of its integrity and efficacy in providing the Department with accurate, up-to-date information about trends in the use of firearms by its employees. In that respect, we have developed grave concerns about the accuracy of the data entered into the PPI shooting module. Those concerns are discussed in greater detail in Chapter 3 and are noted in the analysis where applicable.

A review of overall shooting numbers show that, with a total of 117 total shootings in 2009 and 119 in 2010, they are at their highest level since we first began tracking them in 1996. It appears, however, that this increase can in great part be attributed to a higher number of animal shootings. In looking just at hit and non-hit shootings of people, we see significant fluctuations over the years, with a particularly high number of shootings—57—in 2004. While the number of incidents then decreased, they have again begun to rise, with 43 in 2010. It is difficult to ascribe these fluctuations to any particular cause. There is no clear correlation between the number of shootings and crime or arrest statistics in general or for Part I crimes in particular. Nonetheless, we found that shooting statistics did rise and fall somewhat in tandem with criminal homicide rates. They diverge, however in the past two years, which show homicide rates going down as shooting rates go up. As we discuss in Chapter 2, a significant proportion of these are perception or “state of mind” shootings. We urge the Department to work to ensure that shootings do not continue to rise by improving frequency of tactical firearms and related training and carefully reviewing incident characteristics for possible areas of intervention.

In terms of units, we found that Century Station, which serves the City of Lynwood as well as portions of unincorporated South Los Angeles, reported consistently high shooting numbers over the entire 15-year period from 1996, with nearly double the incidents at the next-busiest station, Lennox (recently renamed the South Los Angeles station). Overall, Century personnel were involved in about one-fifth of all deputy-involved hit and non-hit shootings over the past 15 years, a trend that is also true of the past six years. We acknowledge that Century deputies patrol a large, high-density area that exhibits some of the highest crime rates, particularly violent crime rates, in Los Angeles County. It is also the largest



station in terms of sworn staff. When taking into account total number of violent crimes or homicides over the study period, the gap among stations is diminished substantially. Nonetheless, Century still has the highest number of shootings when violent crimes are taken into account, and the second highest — after East LA — when homicides only are taken into account.<sup>1</sup> In fact, shooting numbers remain high even as homicide and violent crimes come down. We also found that 56 percent of the shooting incidents at Century involved officers with multiple shootings, which may indicate the need for a further look at whether certain officers are more likely to be involved in a shooting and why. We urge the Department to work to bring down Century’s shooting numbers.

A total of 431 LASD employees were involved in a hit or non-hit shooting between 2005 and 2010. Of those, about four percent were female. Officers were most likely to be involved in a shooting in their thirty-fourth year of age and their eighth year at the LASD, numbers that were independent of each other. About 18 percent of the officers in our study sample had been involved in a prior shooting, with 60 percent of those having fired their weapon more than once during the study period itself. These data may indicate that there are particular officers that are more likely to be involved in a shooting than others.

More than half of off-duty shootings involved officers with less than three years on the job, indicating that inexperience or a lack of training may be associated with such incidents. We also found that about one-third of officers involved in a

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<sup>1</sup> 2005-2009 only. While shootings are not specifically related to homicides, it is reasonable to assume that areas with higher violent crime and homicide rates might report more incidents resulting in a police shooting. Century reported an extremely high number of criminal homicides in 2005—95. All of the years following showed less than half that number, with only 36 such crimes reported in 2009. The unit is to be commended for accomplishing such a drastic reduction in murders. Nevertheless, when that year is excluded from our analysis, Century again jumps to the highest shooting rate per 10 reported homicides.

shooting had not attended tactical firearms training within the past two years, as required by Department policy, and that the unit responsible for the training is currently training less than one-third of patrol officers every year. **We continue to recommend that the LASD provide this training to all patrol officers no less frequently than once per year.**

Finally, we found that the majority of officer-involved shooting cases, about 61 percent, involved Hispanic/Latino suspects. Approximately 29 percent of incidents involved black suspects, and ten percent involved white suspects.<sup>2</sup>

When these rates are compared with overall LASD arrest rates, we see that Latinos are overrepresented and white suspects are underrepresented. We also found that nearly all of the suspects shot at in so-called “perception” or “state of mind” shootings were persons of color, with only two suspects being white. Again, the Department should aggressively intervene to reduce these shootings which, beyond their often-tragic nature and troubling racial impact, expose the County to significant liability.

## **II. Background**

### ***A. Deadly Force Policy***

LASD policy requires that Department employees use “only that force which is objectively reasonable.” The use of deadly force upon a human being by officers is considered reasonable when used “in self-defense or in the defense of others, only when they reasonably believe that death of serious physical injury is about to

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<sup>2</sup> In looking at percentage by all subjects, proportions change only slightly: 61 percent were Latino, 30 percent were African American, and 9 percent were white. One shooting suspect was Filipino. The changes are due to the fact that incidents involving multiple suspects were more likely to involve African American, and to a lesser extent, Latino suspects, than whites.

inflected upon themselves or others.” It may also be used to make "the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the subject represents a significant threat of death or serious physical injury to the member or other person(s).” Officers should, if feasible, identify themselves and “state their intention to shoot” in the latter case. The policy also allows the use of warning shots and cover fire, but only when the use of deadly force is justified and only when warranted by the circumstances.<sup>3</sup>

Officers may not shoot at a moving vehicle except in very narrow circumstances: when “the vehicle or suspect poses an immediate threat of death or serious physical injury to the Department member or another person” AND the officer “has no reasonable alternative course of action to prevent the death or serious physical injury” (i.e., moving out of the vehicle’s path.)<sup>4 5</sup>

### ***B. Response to Officer–Involved Shootings***

Any officer who discharges a weapon, whether on or off duty, accidental or deliberate, must make an immediate verbal report to a supervisor. The Department’s response will then depend on the type of shooting.

When a person has been shot, representatives of the Department’s Homicide Bureau will roll out to the scene and conduct a criminal investigation of the shooting, the results of which are turned over to the District Attorney’s Office.

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<sup>3</sup> LASD Manual of Policy and Procedures 3-01/025.10 “Unreasonable Force” and 3-01/25.30 “Use of Firearms and Deadly Force.”

<sup>4</sup> LASD Manual of Policy and Procedures 03-01/025.40 “Assaults by Moving Vehicles – Firearms Policy.”

<sup>5</sup> The Department also allows the use of firearms to shoot an animal reasonably believed to be imminently dangerous to humans or— under certain circumstances and with advance approval—to euthanize an injured animal. (LASD Manual of Policy and Procedures 3-01/025.35 “Use of Firearms on Animals.”)

That office then decides whether to file criminal charges against any of the involved officers or suspects. All Homicide shooting investigations are then transferred to the Internal Affairs Bureau for review of administrative concerns.

Regardless of the type of shooting, the Watch Commander must immediately notify the on-call Lieutenant at the Internal Affairs Bureau who will decide whether to convene a Force/Shooting Response Team to roll out to the scene. The team will generally be made up of representatives from IAB, Training Bureau, Civil Litigation, Risk Management, and other relevant Departmental units. The team must be activated for all hit and non-hit shootings, warning shots, and any other incident where a person was hit. It may be activated for other types of shootings on a case-by-case basis.<sup>6</sup> Where activated, the team will conduct an administrative review to collect evidence regarding whether the officer or officers violated any Department policy and procedure, whether their tactics were in line with Department training, and any overall risk management concerns. All hit, non-hit, accidental hit, and warning shot incidents are reviewed by IAB. If potential policy violations are uncovered, an official administrative investigation may also be opened.

All shooting reviews or investigations completed by Internal Affairs will be heard and adjudicated by the Executive Force Review Board (EFRC). That board decides whether a shooting was within the Department's firearms policy and whether any other policies were violated, as well as what discipline to assign for founded allegations. An administrative investigation will be opened for all founded cases, with findings and discipline assigned within that system.

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<sup>6</sup> A Force/Shooting Response Team will also be activated or "roll out" to some other categories of non-shooting force incidents as well.

### **III. Overview: Deputy-Involved Shootings 1996-2010**

Since 1996, Special Counsel has reported on the total number of shootings by LASD employees, along with a list of “hit” and “non-hit” Incidents. In the following section, we take a look at what those numbers show, and whether there have been identifiable trends in shootings overall or at specific units.

The chart on the following page shows the total number of firearm discharges by type and by year. The LASD categorizes shootings into the following types:

- Hit shooting: An incident where the officer intentionally fires at and hits a person.
- Non-hit shooting: An incident where the officer intentionally fires at a person but misses.
- Warning shot: An incident where the officer fires a warning shot, including those where a person was hit.
- Accidental shooting: An incident where the officer accidentally fires his or her weapon, including those where a person was hit.
- Animal shooting: An incident where an officer fires at or shoots an animal, including those where a person was hit.
- Other/Tactical: Any other type of incident. For example, this category includes an incident where a deputy fired at a floor board because it was squeaking.

As noted above, because of their seriousness, hit shootings first undergo a criminal investigation by the Homicide Bureau, which submits the case to the District Attorney for a decision as to whether to prosecute, then to the Internal Affairs Bureau (IAB) for an administrative review into whether Department policies or

procedures were violated during the incident.<sup>7</sup> (In 2009, the Department reversed its policy requiring that the administrative portion of the investigation be delayed until the District Attorney has returned a decision.) Non-hit shootings, warning shots, accidental shots in which a person was hit, and “other shootings” are also administratively reviewed by IAB, but do not undergo a criminal review by Homicide. All of these categories of shootings are heard and adjudicated by the Executive Force Review Committee, and all are tracked in the PPI. Other types of shooting incidents not resulting in a hit to a human being are reviewed at the unit level.

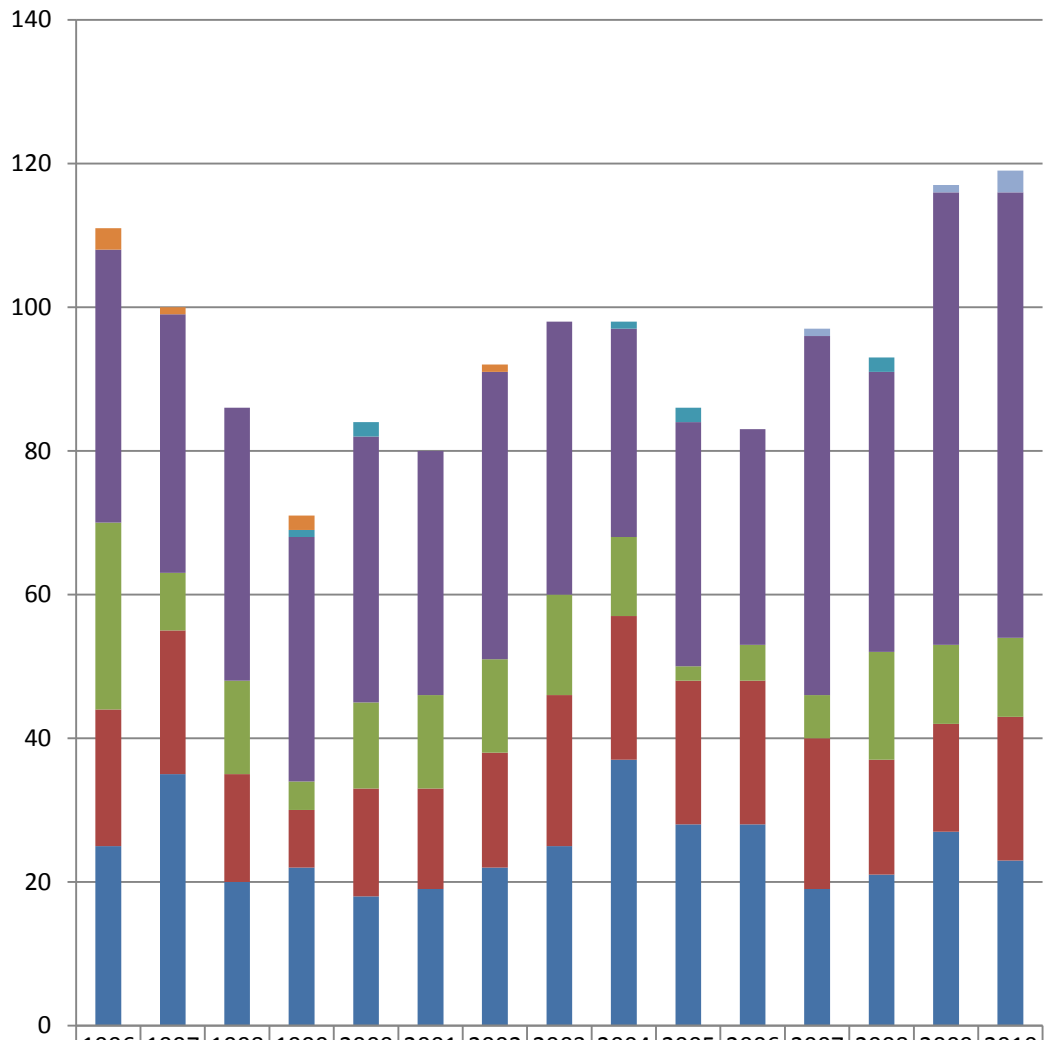
The data show that, overall, firearm discharges are at their highest level since we first began tracking them in 1996, with a total of 119 for 2010 and 117 for 2009, a 24-incident jump from 2008. Interestingly, as the next chart shows, the recent growth in discharges seems to stem primarily from shootings of animals, which have more than doubled since their low in 2004.

It is not clear whether there have been changes in tracking of this type of shootings over the past couple of years, or whether more animals are simply being shot. A quick review of the most recent month tracked for this study, December 2010, shows that all of the animals shot were dogs; about half were killed.

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<sup>7</sup> The LASD does not categorize these reviews as “investigations,” which refer to cases where allegations of misconduct or policy violations have been made, and are tracked in the subject officer’s PPI records regardless of the result. A shooting will generally only result in an administrative investigation if there are founded allegations that the officer violated policy. In a few cases, an administrative investigation will be opened up at the beginning of the process due to early concerns about policy violations or for certain high profile cases where a full investigation is necessary. These investigations will remain in the officer’s PPI record even if the results are unfounded or unresolved, although it will not appear in the PPI Profile Report used by unit-level supervisors.

## Total Firearm Discharges by Year and Type 1996-2010

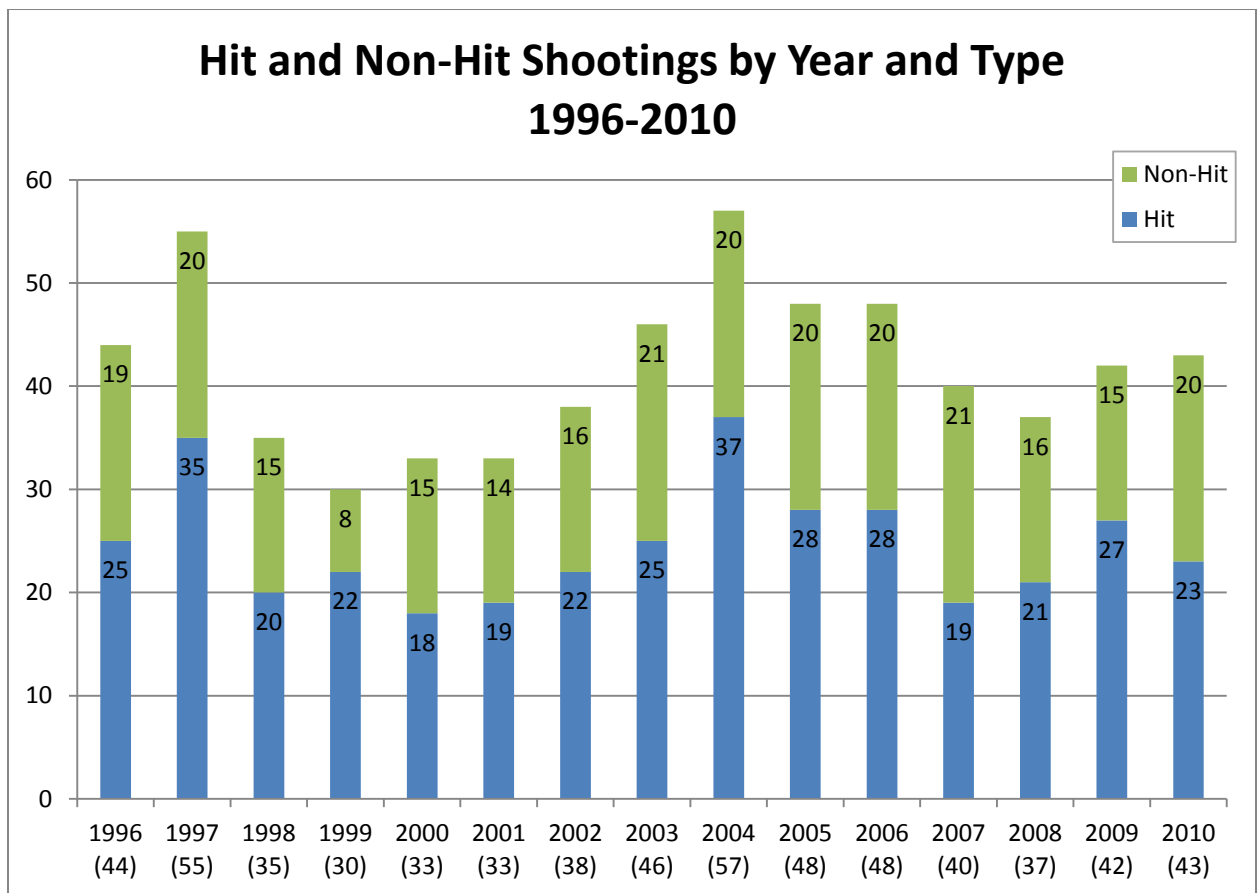


	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Other	0	0	0	0	0	0	0	0	0	0	0	1	0	1	3
Tactical Shootings	3	1	0	2	0	0	1	0	0	0	0	0	0	0	0
Warning Shots	0	0	0	1	2	0	0	0	1	2	0	0	2	0	0
Animal	38	36	38	34	37	34	40	38	29	34	30	50	39	63	62
Accidental	26	8	13	4	12	13	13	14	11	2	5	6	15	11	11
Non-Hit	19	20	15	8	15	14	16	21	20	20	20	21	16	15	20
Hit	25	35	20	22	18	19	22	25	37	28	28	19	21	27	23

■ Hit   
 ■ Non-Hit   
 ■ Accidental   
 ■ Animal   
 ■ Warning Shots   
 ■ Tactical Shootings   
 ■ Other

### A. Hit and Non-Hit Shootings

Because they involve a deputy deliberately shooting at a suspect, hit and non-hit shootings are the most serious type of shooting and receive the most attention from the Department and in this Report. The difference between the two types is, of course, mainly a matter of marksmanship, but because hit shootings result in injury or even death, they are afforded the greatest amount of scrutiny. On the other hand, a non-hit shooting may be an indication of poor aim or tactics, wild shooting, or ill-advised environmental conditions and should also be taken seriously. The following chart looks at just hit and non-hit shootings by LASD deputies over the past 15 years.



The data show a significant drop between 1997 and 2001, after which shootings begin to rise again to their peak in 2004, with 57 shootings, nearly double the



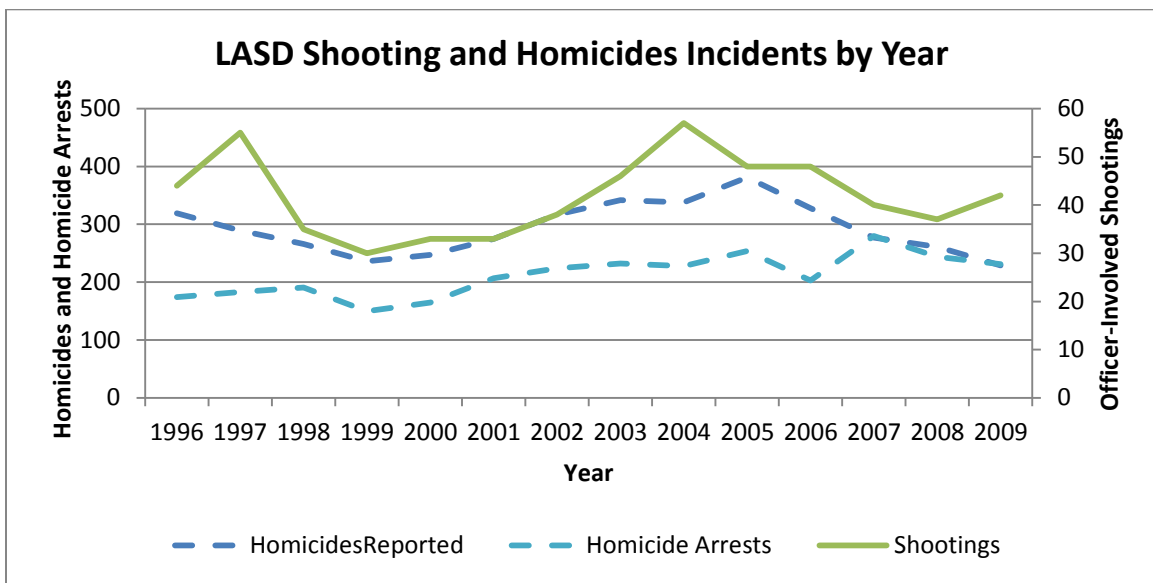
number from just five years before. We are pleased to see that the shootings in 2005 again began to fall. We look forward to the day when total hit and non-hit shootings are once again in the low 30s or below.

It is not wholly clear why hit and non-hit shootings rose so precipitously in 2004. One likely factor in the growth of shootings after 2001 is the addition of the Compton station area, which posted some of the highest shooting numbers over the years. The City of Compton began contracting with the LASD for patrol services starting in 2001, before which time it maintained its own police department. When Compton shootings are removed from the total number of incidents over the past ten years, we do find that the changes in shootings are less pronounced, but continue to peak in 2004, then rise in 2009.



To try to provide additional context for these numbers we looked at overall crime and arrest rates for the Department over those years, along with rates of homicides

and Part I Crimes.<sup>8</sup> We find that arrest numbers, in particular, often provide a good proxy for crime rate, sworn size, and activity. There appear to be no major anomalies in 2004, however; we found no notable similarities between shooting trends and numbers of arrests or incidents, either overall or for Part I crimes. The closest pattern we could find in terms of other statistics was that of criminal homicides, which rose and fell in many of the same patterns as LASD shootings (although there was no spike in either 1997 or 2004), as shown in the below chart.<sup>9</sup>



Criminal homicides are likely the crime indicator most closely related to officer-involved shootings, as many such incidents result from incidents where a person is using or threatening to use a firearm or other serious weapon. As such, one might expect officer-involved shootings to rise in tandem with such crimes, as can be seen in the above chart. We note, however, that 2009 saw a rise in shootings that

<sup>8</sup> Part I crimes consist of the most serious crimes and those that would more likely be associated with Include criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, grand theft auto, and arson.

<sup>9</sup> The addition of Compton is reflected in all three variables.

contrasts with a decrease in murders and homicide arrests. Although final 2010 homicide numbers have not yet been released, we expect this trend to continue and the gap to widen.

Overall, we commend the Department for bringing shootings down over the past five years, although they have begun to rise again in recent days, particularly in terms of waistband and other “perception” shootings. We urge the Department to take aggressive action, including ensuring regular scenario-oriented simulation training, to work to bring those numbers down again.

### ***B. Numbers Killed or Wounded***

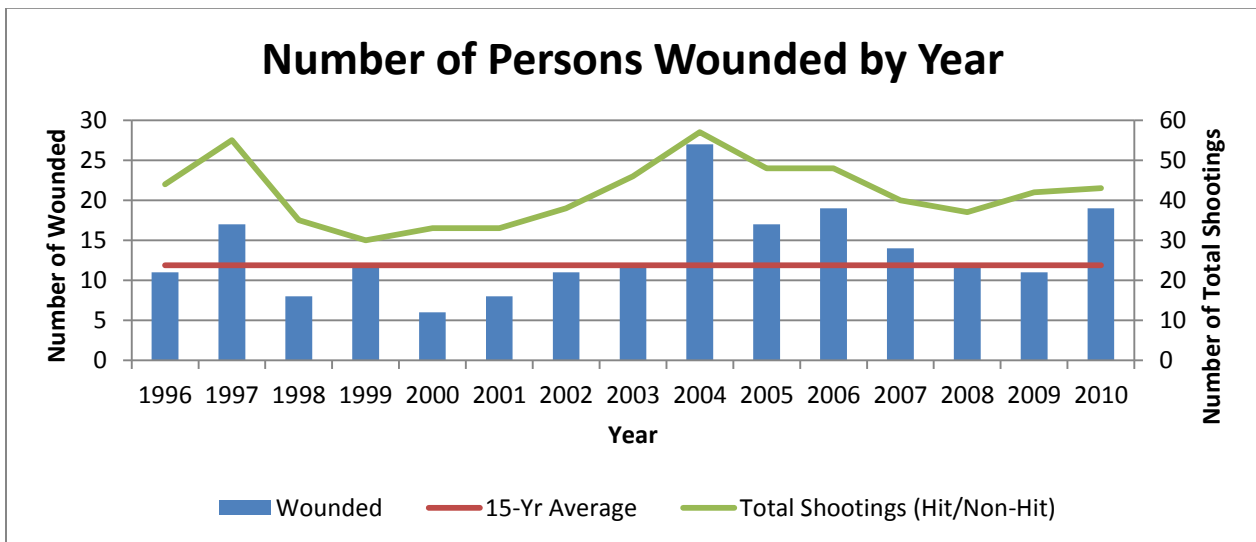
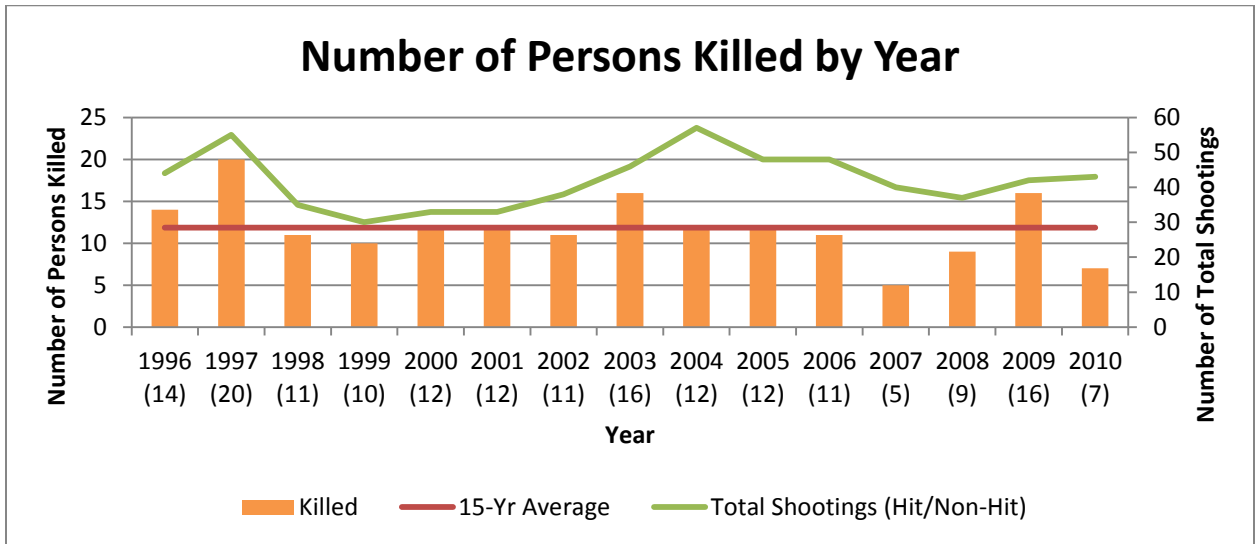
Over the past 15 years, 178 persons, not counting deputies, have been shot and killed by LASD personnel; an additional 204 were wounded. The vast majority of these were deliberately fired upon. (Although we did not review the details of each incident individually over the entire 15-year period, we did do so for the past six years. An in-depth analysis of that period appears later in this chapter.)

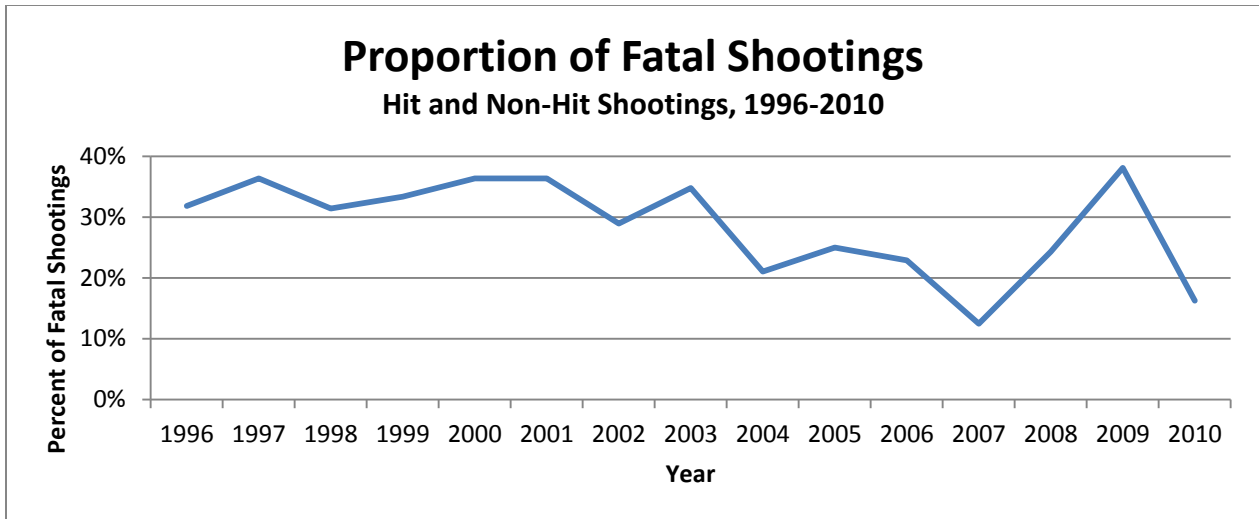
The charts below show the number of persons killed or wounded by year between 1996 and 2010. Both overall average—as can be seen on the chart—and median number of deaths during that period were approximately 12. With the notable exception of 2009, during which there were 16 shooting deaths, there has been a distinct decrease in fatalities since 2006. In general, we find that trends in fatal shootings by year largely follow overall trends in shootings, as shown by the green line on the chart below.<sup>10</sup> Interestingly, however, with the notable exception of

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<sup>10</sup> Note that the scales for number killed and number of total shootings are different and should not be considered proportions. Also, as noted earlier, for the purposes of convenience, the term “shootings” in this chapter refers only to hit and non-hit shootings—incidents where the deputy deliberately shoots at a person—unless otherwise noted.

2009, the proportion of suspects who were killed upon being shot at has decreased over the years, particularly since 2003. One possible reason for this decrease may be improved medical care or response time.



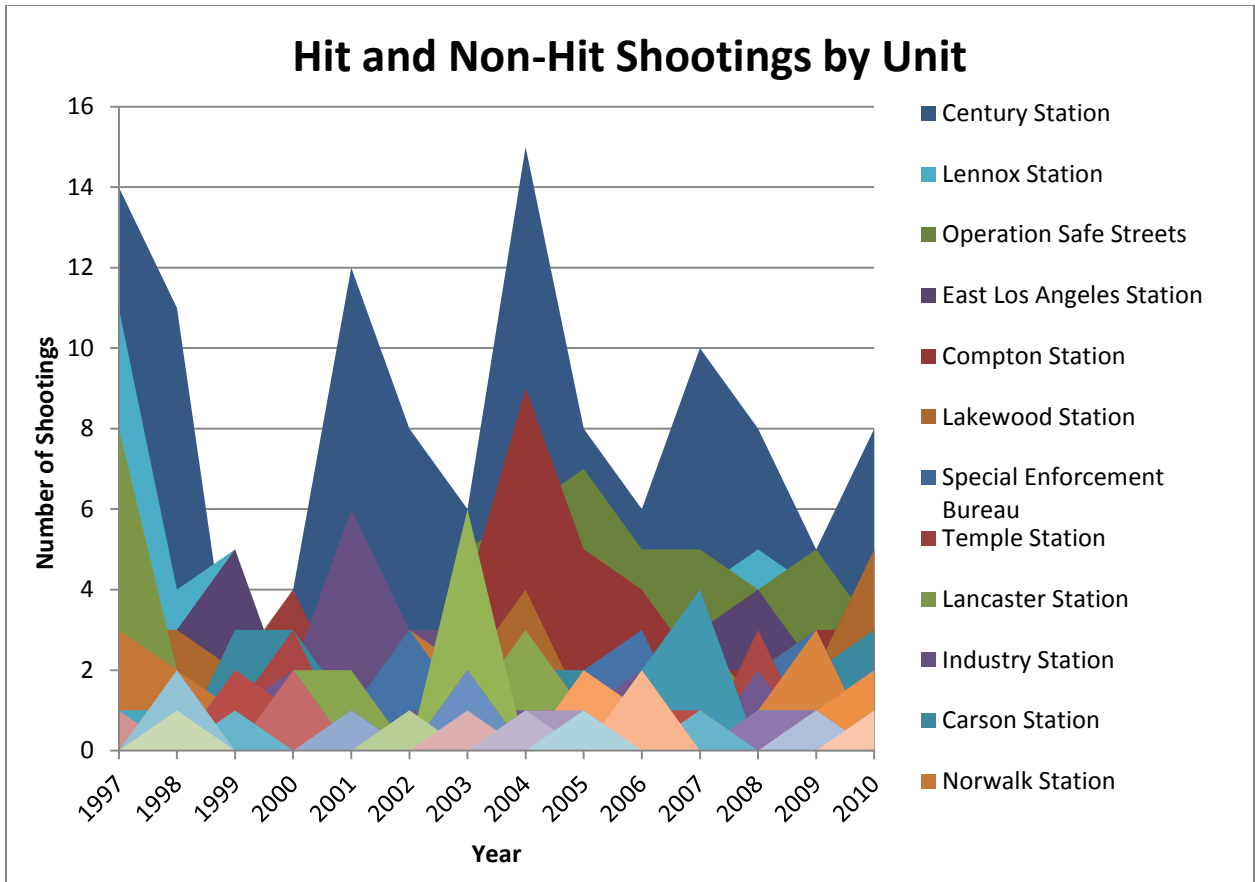


### **C. Shootings by Unit**

The figure below represents shootings by year and unit. A quick glance at these data shows that Century Station dominates the shootings statistics for almost every year since 1997, often dwarfing every other station. In all, Century Station contributed 19 percent of all such shootings, more than double that of the next busiest station, South Los Angeles (formerly Lennox).<sup>11</sup> We discuss shootings by unit in greater detail in the following section, including possible local trends that are associated with a high number of officer-involved shootings. The chart also shows that, with the exception of a few stations, officer-involved shootings are a very rare occurrence for most units, with an average of less than one shooting per year over the 15-year period.

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<sup>11</sup> There have been several jurisdictional changes over the years that may affect these numbers, including the fact that Compton did not contract with the LASD until 2001.



In the following sections, we take a detailed look at statistics—in terms of incidents, employees, and suspects—over the past six years.

#### IV. Detailed Analysis: Deputy-Involved Shootings 2006-2010

The LASD reported a total of 260 hit and non-hit shooting incidents between 2005 and 2010, for an average of approximately 43.3 shootings per year. Approximately 57 percent (147 incidents) of those resulted in at least one person being hit, with the remaining 43 percent (113 incidents) resulting in no one being hit. In the following analysis, we focus specifically on shootings where the officer or officers fire intentionally at a person—either hit or non-hit. For the purposes of this chapter and the next, the term “shooting” or “shooting incident,” unless otherwise noted, will refer exclusively to these types of incidents.

The majority of the data used for the analyses found here come from the Personnel Performance Index (PPI), which tracks all shootings investigated by the Internal Affairs Bureau: hit shootings, non-hit shootings, warning shots, and any other type of shooting (such as accidental) that resulted in a person being hit. We also received data from the Executive Force Review Board (EFRC), which is charged with reviewing and adjudicating each incident. That Board maintains its own set of data, which includes the ultimate categorization of each incident, some incident characteristics (such as if the person was armed), and—ostensibly—how the case was adjudicated. A discussion of some of the record-keeping issues we found in using data from these sources is included in Chapter 3.

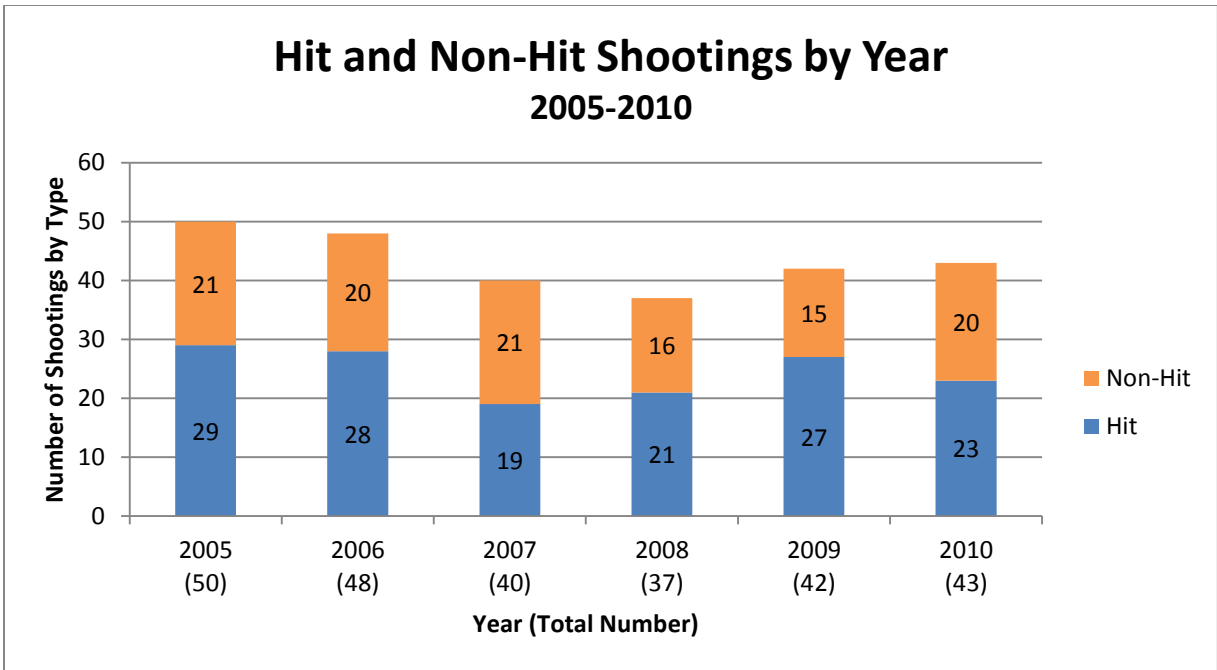
### **A. Shooting Rates**

As discussed in the previous section, overall shootings show a significant drop during the period beginning in 2007, although they appear to have begun rising again since 2008. On average, a person was hit in approximately 57 percent—a bit more than half—of incidents where an officer was aiming at a person.<sup>12 13</sup>

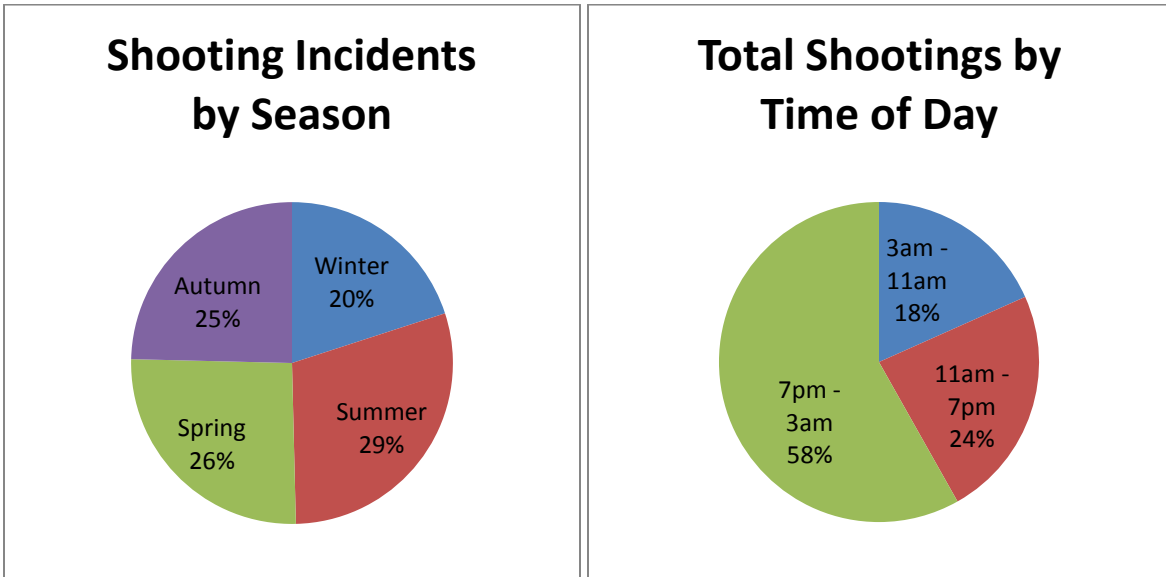
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<sup>12</sup> Many departments, if they make public reports at all, only report statistics for hit shootings. As compared to the LASD, which reported a total of approximately 24.1 hit shootings per 1 million people between 2008 and 2010, the Chicago Police Department reported 56, the Metropolitan (Washington, DC) Police Department reported 35, the New York Police Department reported 11, and the San Jose Police Department reported 8.5.

<sup>13</sup> Data for this section gleaned from the PPI and EFRC memos and includes two additional cases for 2005, likely due to differences in classification.



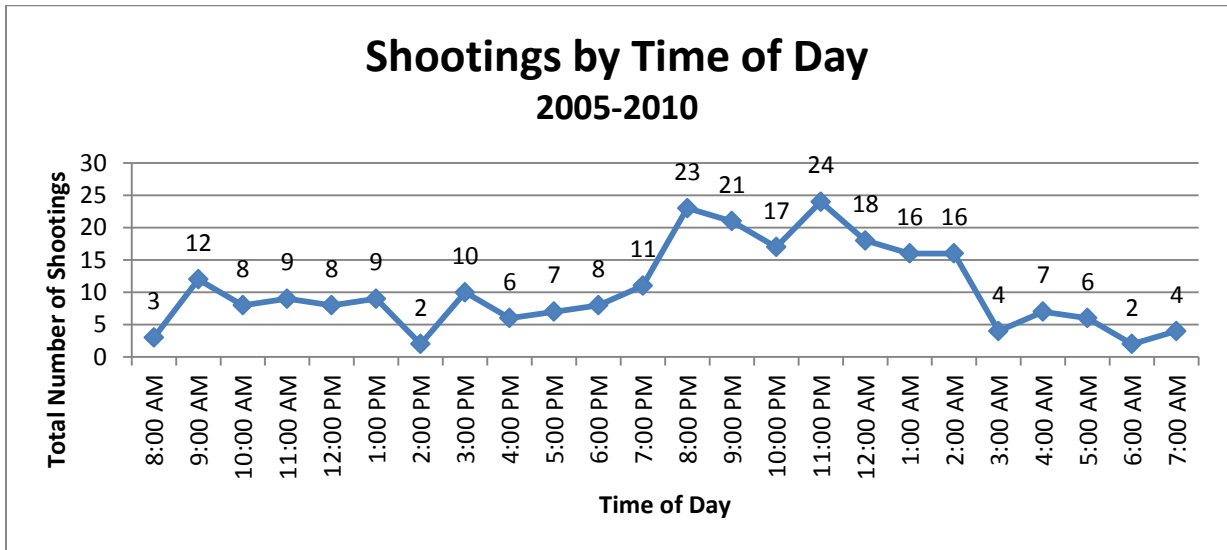
**B. Shootings by Date and Time**



Not surprisingly, the greatest proportion of shootings occurred in the summer, with the lowest percentage in the winter. Incidents were otherwise fairly evenly distributed by season. In terms of time of day, officer-involved shootings were



significantly more likely to occur at night, with approximately 58 percent occurring between the hours of 7 pm and 3 am, particularly after 8 pm.<sup>14</sup> The chart below shows the total number of shootings by one-hour increments.

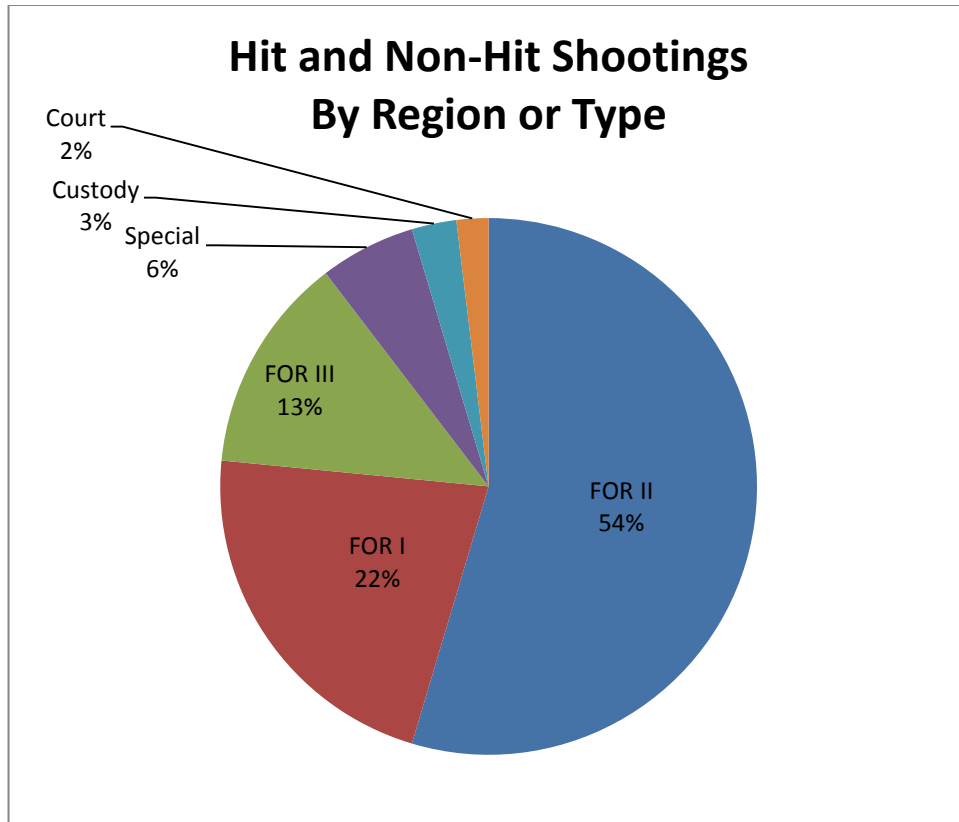


**C. Shooting Incidents by Unit**

The LASD’s patrol operations are divided into three geographic regions, known as Field Operations Regions or FORs. Region I encompasses much of the northern part of the County, including all of Antelope Valley, as well as East Los Angeles and Malibu/Lost Hills. Region II comprises those LASD areas that fall in central and southern Los Angeles County, as well as non-station units such as Operation Safe Streets, Transit Services, and COPS. Region III includes LASD territories in the southeastern portion of the County. The chart below shows the breakdown of shootings by region.

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<sup>14</sup> Data from 251 cases; nine cases were missing time information in the PPI.



FOR II contributed more than half of all of shootings by LASD deputies, with 142 hit and non-hit shootings over the past six years. As we discuss in the following section, more than one-third of those shootings involved personnel from Century Station, which has by far the most shootings of any unit. Other units in the South Los Angeles area, which make up the core of Region II, also reported high statistics, particularly Compton and South Los Angeles (formerly Lennox) Stations.

The chart on the next page shows total shooting incidents by unit, ranked by most to least number of incidents. Units in bold are specialized units or bureaus that do not patrol a single geographic area, although they may be assigned to particular stations or regions. Those in italics are custody facilities, and the rest are patrol stations.

As in earlier years, Century Station has far and above the highest number of shooting incidents. With 49 shootings, its personnel were involved in 19 percent of all incidents department-wide, nearly twice that of the next unit. It is followed—though not closely—by Operation Safe Streets, the LASD’s specialized gang unit. That unit, which reported 25 shootings, works with other stations to share information and promote “aggressive enforcement” of gang crimes. Compton, East Los Angeles, and South Los Angeles (formerly Lennox) Stations, with 20 incidents each, also show relatively high rates of shooting incidents.

The data show a clear concentration of shootings among just a few units. These first five units, driven in great part by Century Station, contributed more than half of all shootings department-wide. Other than East LA, all of the patrol stations are located in the South Los Angeles area; all of the stations are known to have relatively high crime rates, particularly in terms of gang crime. A review of shootings by OSS and the LASD's SWAT team (SEB) which do not have particular regional jurisdictions, shows that most of their shootings occurred in these same areas.

Unit	Total	Percent of	Cumulative
Century Station (II)	49	19%	19%
Operation Safe Streets (II)	25	10%	28%
Compton Station (II)	20	8%	36%
East Los Angeles Station (I)	20	8%	44%
South Los Angeles Station (II)	20	8%	52%
Lakewood Station (III)	13	5%	57%
Palmdale Station (I)	10	4%	60%
Lancaster Station (I)	9	3%	64%
Special Enforcement Bureau	9	3%	67%
Carson Station (II)	8	3%	70%
COPS Bureau	8	3%	73%
Norwalk Station (III)	6	2%	76%
Santa Clarita Valley Station	6	2%	78%
Temple Station (I)	7	3%	81%
Transit Services Bureau (II)	6	2%	83%
Court Services	6	2%	85%
Industry Station (III)	5	2%	87%
Pico Rivera Station (III)	5	2%	89%
West Hollywood Station (II)	4	2%	91%
Altadena Station (I)	3	1%	92%
Narcotics	3	1%	93%
Homicide Task Force	2	1%	94%
Lomita Station (II)	2	1%	95%
Men's Central Jail	2	1%	95%
North County Correctional	2	1%	96%
San Dimas Station (III)	2	1%	97%
Twin Towers Correctional	2	1%	98%
Walnut Station (III)	2	1%	98%
Major Crime Bureau	2	1%	99%
Cerritos Station (III)	1	0%	100%
Community College Station	1	0%	100%
Inmate Reception Center	1	0%	100%
Malibu/Lost Hills Station (I)	1	0%	101%
Pitchess Detention Center	1	0%	101%

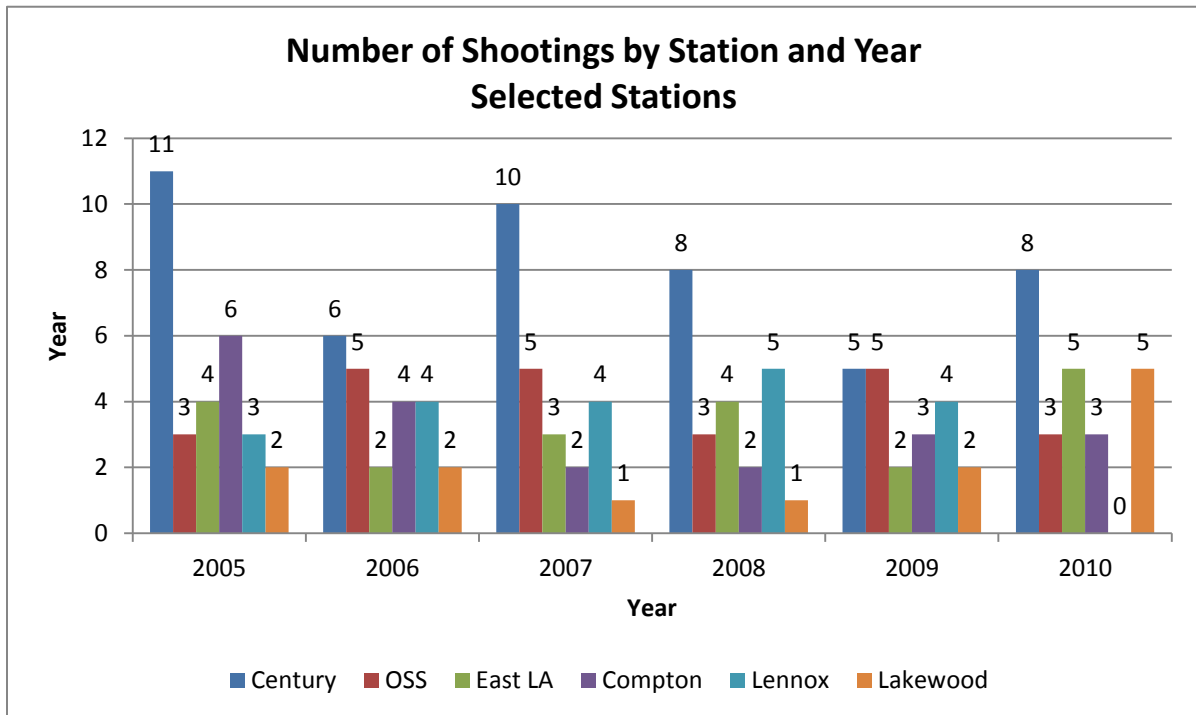
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<sup>15</sup> Deputies from more than one unit may be involved in a single shooting. As such, the percentages add up to more than 100 percent.

<sup>16</sup> Formerly Lennox Station.

## 1. Century Station

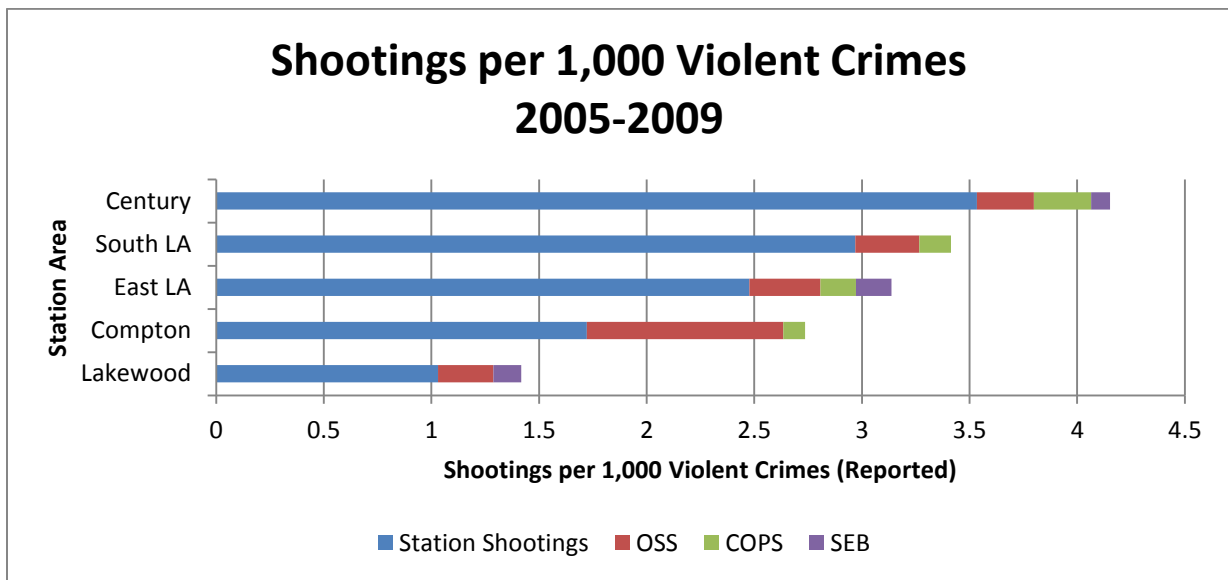
We find Century's consistently high shooting numbers to be a cause for concern. The chart below shows yearly shooting totals (hit and non-hit) for all units averaging more than one shooting per year—just six units. While the other units fluctuate annually, Century regularly posts high numbers, with an average of eight shootings per year over the past six years. At no time did the number of shootings dip below five, the highest number for any other station.



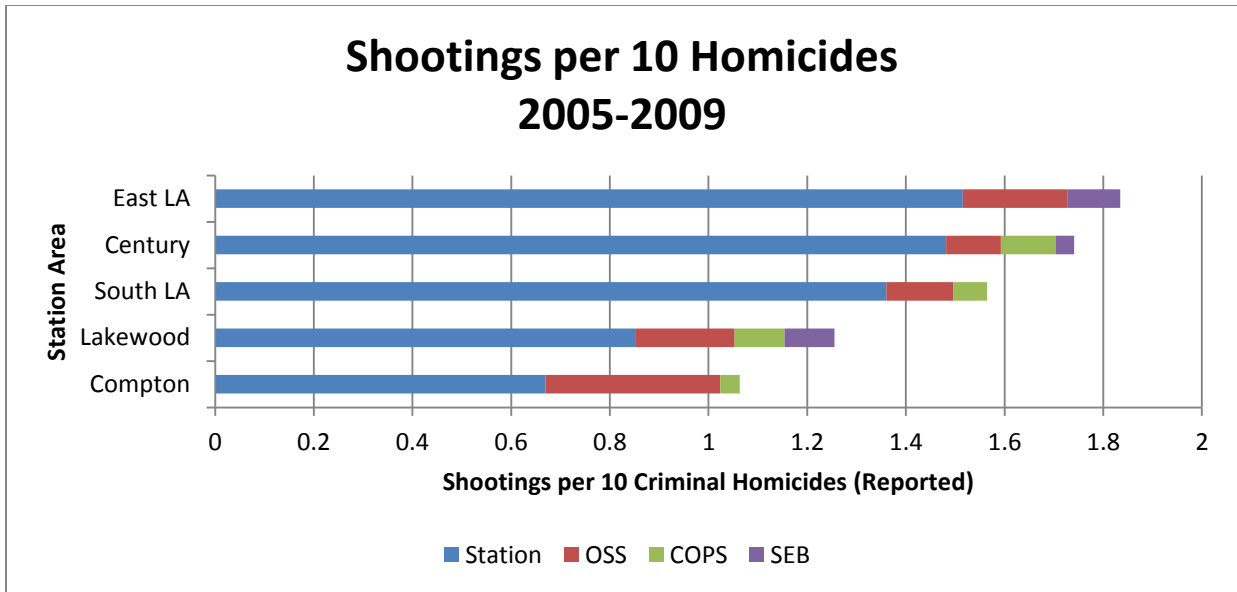
There is no doubt that Century, as the LASD's largest patrol station, patrols one of the highest-crime areas of Los Angeles County and faces more gang crime than personnel at most other units. Yet size alone—Century makes up about eight percent of sworn patrol station staff Department-wide—does not explain its high shooting rates, and neither do other common indicators of size and crime activity such as arrests or reported crimes. In fact, some stations, such as Lancaster (all crimes) or Lakewood (Part I crimes), reported higher arrest rates than Century in recent years. Yet when looking just at violent crimes and criminal homicides,

which may better correspond to the types of contacts more likely to involve a shooting, Century does lead the field. For the period between 2005 and 2009, that station reported 11,317 violent crimes, followed by 9,869 in Compton, 6,056 in East LA, 7,764 in Lakewood, and 6,736 in South LA/Lennox. Century also reported a total of 270 criminal homicides during that period, followed by 254 in Compton, 147 in South LA, 99 in East LA, and 94 in Lakewood.

The charts below show shootings per 1,000 violent crimes and per 10 homicides. Because they operate in the same areas, shootings by OSS, COPS, and SEB are also included in the calculation for each station. Even with the inclusion of these numbers, though, Century continues to report the highest number of shootings per violent crime of any station, and the second highest per homicide. And when 2005, a year when Century reported a staggering 95 criminal homicides, is excluded, Century again rises to the top of the pack.<sup>17</sup>



<sup>17</sup> Between 2006 and 2009, the number of homicides reported at Century did not exceed 54, and was just 36 in 2009. Assuming these numbers are correct, the unit is to be commended for accomplishing such a drastic reduction in murders. Nevertheless, when that year is excluded from our analysis, Century again jumps to the highest shooting rate per 10 reported homicides



Beyond simply reporting the highest number of shootings, the Century station also shows a high proportion of officers involved in multiple shootings, and made a relatively poor showing in terms of the proportion of deputies who had been trained in firearms tactics in the two years immediately preceding a shooting incident. These issues are discussed in the following sections. While they do not explain Century’s anomalous numbers, they may indicate possible strategies for decreasing shooting incidents at the station.

#### ***D. Employees***

The PPI tracks data about each officer who fired a weapon during each shooting--including demographic, employment, and incident information. In our review of the PPI information, we found that—with the exception of age—demographic and employment information was regularly complete, while information about the specific incident was less likely to be filled in.

##### **1. Demographic Data**

A total of 431 LASD employees fired their weapon during a hit or non-hit shooting between 2005 and 2010 (officers involved in multiple shootings are counted once

for each shooting). Of those, 18—about 4 percent—were female. Because approximately 17 percent of sworn officers are women, this means that female officers are much less likely to fire a weapon than are their male counterparts.

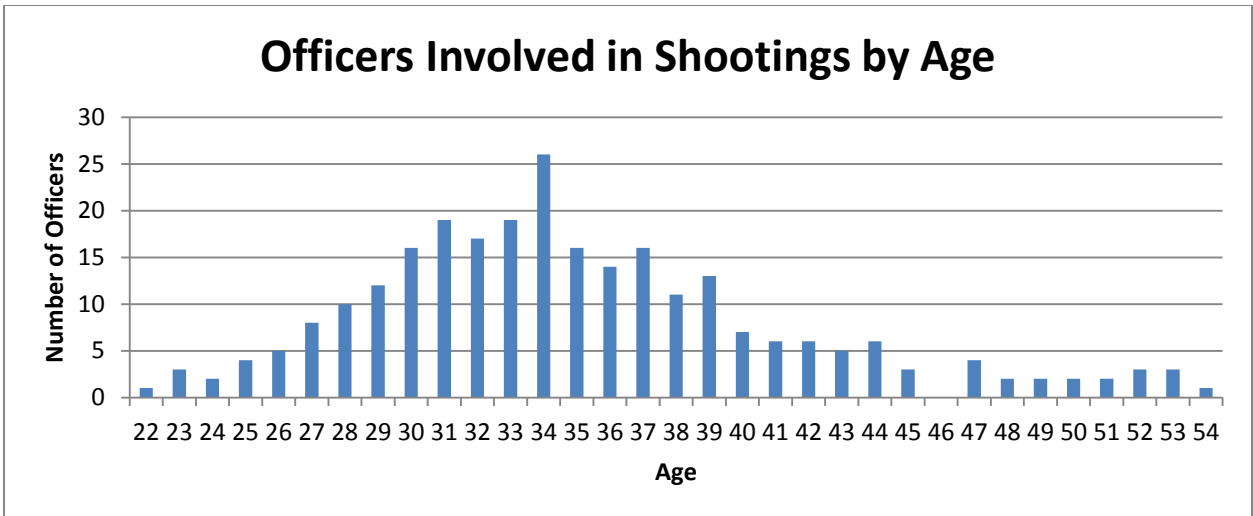
Approximately 47 percent of officers involved in a shooting were Hispanic/Latino; an additional 42 percent were white and 7 percent were African American/black. One officer was of Native American descent, and 12 officers—about two percent—were Asian American/Filipino.

In terms of age, the shooters spanned a wide range, with the youngest being 22 years old and the oldest 54 years old.<sup>18</sup> The trend is fairly normal; the likelihood of being involved in a shooting appears to increase steadily until about the age of 35, when shooting begins to decrease again. The thirties appear to be the period when officers are most likely to be involved in a shooting, probably the result of a combination of age, experience, and assignment, with approximately 63 percent of shooters falling between the ages of 30 and 39. (Interestingly, as we discuss in the next section, while age and experience at the LASD are roughly correlated, they do not correspond exactly.) And an officer's thirty-fourth year is the year he (or rarely, she) is mostly like to fire a weapon, with a full 10 percent of shooters falling into that age category.

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<sup>18</sup> Age information was filled in for only 266 officers, with an additional 165 (38 percent) missing that data.





## 2. Employment Data

The vast majority of shooters held the rank of Deputy Sheriff—about 415 officers, or 96 percent.<sup>19</sup> One held the rank of Security Officer, and the remainder—15 officers—were sergeants. No supervisors above the rank of Sergeant reported being involved in a hit or non-hit shooting, either on- or off-duty.

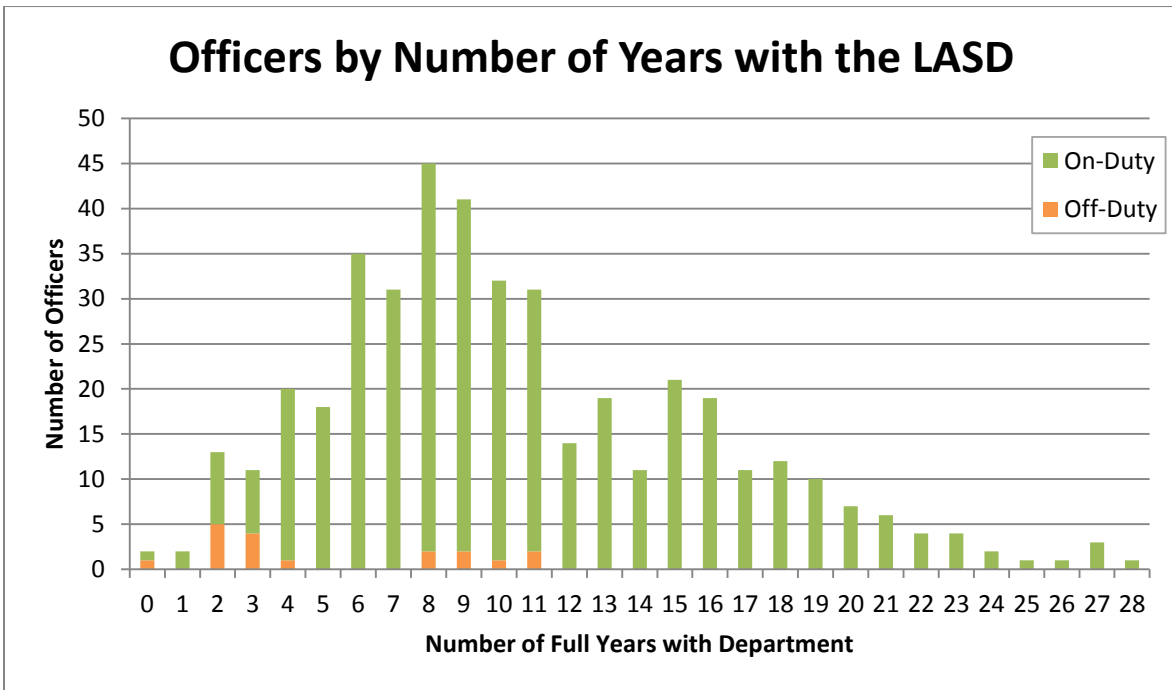
### a. *Years of Experience*

The chart on the following page shows officers involved in a shooting by number of full years with the Department. This was calculated by looking at the difference between the date of hire as captured in the PPI and the date of the shooting. Incomplete years were rounded down. Like age, time in the Department breaks down in a fairly normal pattern, with a slight skewing toward longer-term employees. This likely is due to the constraints in the number of years an officer can serve at the LASD. Officers are most likely to be involved in a shooting during their ninth year at the Department, with approximately 10.5 percent of shootings during the study period occurring during that year. Interestingly, although the

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<sup>19</sup> One of these was held a Bonus Deputy rank, while another was an hourly Deputy Sheriff.

curves for age and experience with the Department appear similar, they do not represent an exact correlation. For example, of the 26 34-yr-old officers involved in a shooting, only three had been with the Department for exactly eight years.<sup>20</sup> In fact, according to data in the PPI, shooters in that age group had been with the Department from anywhere between 3 and 16 years. The largest proportions in that age group (with 15 percent each) had been with the LASD for seven, ten, or 15 years—not eight.<sup>21</sup> As such, it appears that both age and years with the Department are independently correlated with shootings.



As we have discussed in previous Semiannual Reports, new sworn hires at the LASD begin their career by spending several years—usually about three to five—working in the Los Angeles County Jail system. This may explain, to some degree,

<sup>20</sup> Does not include approximately 38 percent of shooters for which there was no age listed.

<sup>21</sup> A review of the age and hire date data showed that two officers would have been under the age of 18 at the time of their hire. This is likely due to error; those officers were removed from this analysis.

the relatively low number of recent hires involved in a shooting; officers who are not out on patrol have fewer opportunities to become involved in such an incident unless it is off-duty. Interestingly, however, only about 14 percent of shooters with less than five years were assigned to the Custody Division; another seven had a court assignment, and the remainder were on patrol. Due to the fact that many of the officers were significantly older than might be expected, it appears that at least some may have transferred from other agencies.

More notable is the fact that, of those shooters that had three or fewer years' experience with the Department, approximately one-third of incidents occurred off-duty, mostly involving officers working to Custody or Court assignments. In general, although off-duty incidents are rare, they appear most likely to occur during an officer's first few years with the Department, when he or she has less experience. Although they also occurred with some officers who had been with the LASD longer, no off-duty incidents involved deputies with more than 11 full years at the Department. Off-duty incidents are discussed in greater detail later in the report.

There were no meaningful differences in average years with the Department by whether the suspect was hit or whether the shooting was fatal.

*b. Tactical Firearms Training*

As part of its Continuing Professional Training (CPT) program, the LASD requires each patrol officer to attend eight hours of tactical firearms training, provided by the Tactics and Survival Training Unit (TAS) at "Laser Village" every two years.<sup>22</sup>

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<sup>22</sup> This exceeds requirements set by POST, the California Commission on Peace Officers Standards and Training, which California peace officers to complete 24 hours of CPT every two years. Fourteen of those

The training regimen includes four hours of classroom instruction and four hours of role-playing instruction using realistic paintball “Simunitions.” (The name Laser Village refers to older versions of the training that used lasers, and the term has stuck. For the purposes of this report, we use the terms “TAS” or “Laser Village” interchangeably.)<sup>23</sup>

Special Counsel has long recommended that LASD increase the frequency of refresher tactical firearms training. In our **Sixteenth Semiannual Report**, we recommended, based on our observation that many deputies exhibited “rusty” tactical skills during the training, that all officers receive a refresher once a year, as is done at some smaller agencies such as the Santa Monica, Burbank, and Anaheim Departments. At that time, we noted that the “instruction plays a key role in effective risk management by teaching deputies not only when and how to shoot, but also when and how to hold their fire.” In our later **Eighteenth Semiannual Report**, we noted that although capacity had been increased, the frequency of refresher training continued to average at least three years. We also found that “[d]uring the training exercises, officers who had some form of Laser Village training within the past six or eight months nearly always performed much better than their classmates. Frequent tactical training makes a noticeable difference.” And in our most recent examination of the topic—in our **Twenty-First Semiannual Report**— we noted, “We remain impressed with the quality of the instruction at the Tactics and Survival Training Unit and with the ability of the

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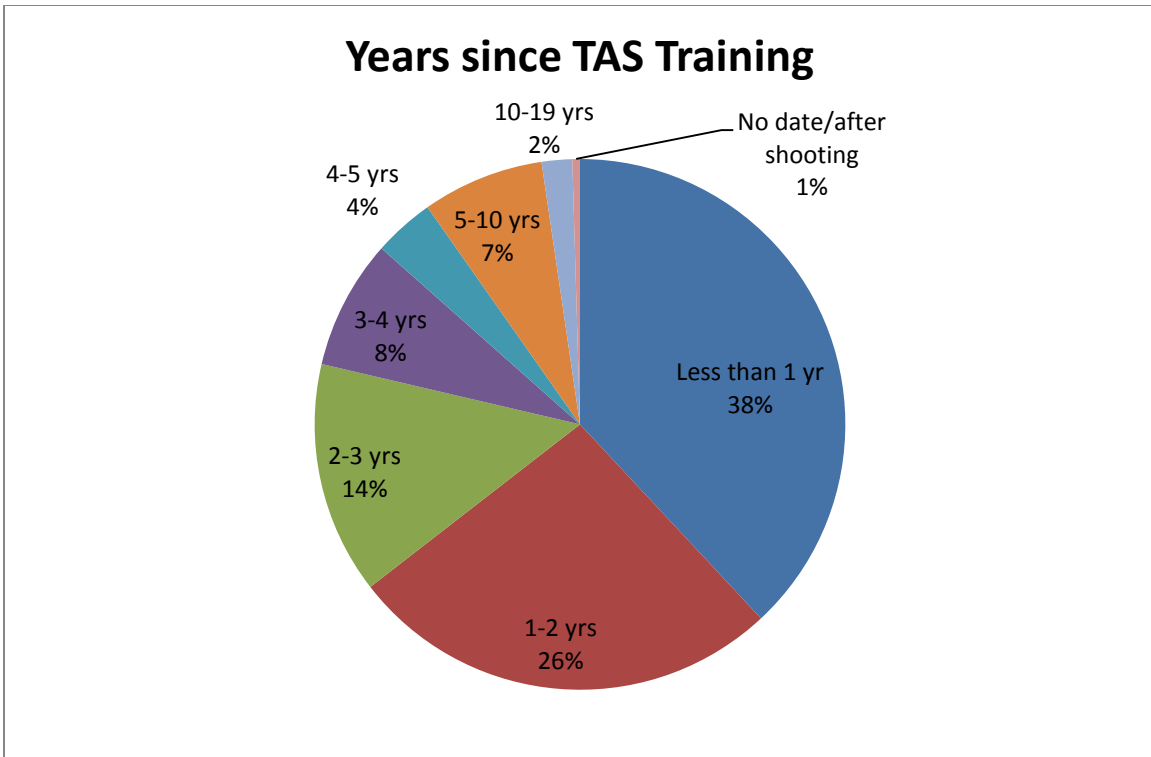
must consist of some combination of training in perishable skills such as use of force, use of firearms, vehicle operation, and tactical communication.

<sup>23</sup> Most officers undergo the “TAS I” or CPT training. An advanced course, TAS II, is available to detectives and focuses primarily on building entry.

trainers to offer constructive criticism, yet we remain concerned that this instruction is being disseminated neither frequently nor widely enough.”

As part of this review, then, we were interested to see whether the frequency of the tactical firearms training had improved and whether the length of time since the training had any measurable effects on shooting outcomes. The PPI, which collects data on the most recent TAS training attended by each officer involved in a shooting, is designed to allow for such analysis. We found, however, that data entry for this field was woefully lacking, with only 130 out of 431 officer records containing the date of the last training. To remedy this issue, we requested and received TAS training data directly from the Education and Training Records Unit for employees involved in our study sample who had missing dates or dates over two years old. We also requested training dates for the officers’ Patrol School training as well as hire dates, as employees undergo a version of the TAS I training in both Patrol School and the Academy. We found many cases where the officer had not yet had an opportunity to attend TAS training through CPT, but had recently attended one of the other courses.

Overall, we found that, according to their training records, just 38 percent of officers involved in a shooting had attended tactical firearms training within the past year. A total of 65 percent—about two-thirds—had attended within the past two years as required by the Department. Thirty-five percent showed a period of more than two years since their last training, up to about 19 years, although about 98 percent had been trained within the past 10 years .



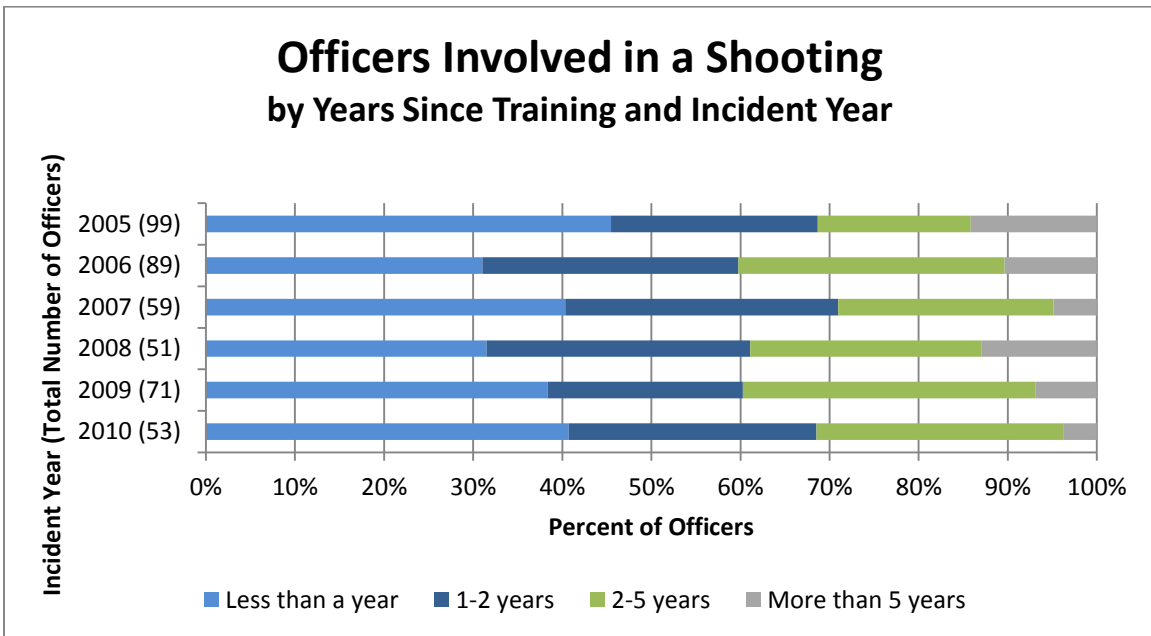
According to these data, the Department does not appear to be in compliance with its own mandate for tactical firearms training. A review of the overall number of officers trained by TAS over the past five years shows an average of 1,313 officers trained per year, with a high of 1,543 in 2008 and a low of 1,124 in the most recent year, 2010. While actual numbers may fluctuate, the LASD had at that time a budgeted strength of 3,416 sworn officers assigned just to the three Field Operations Regions.<sup>24</sup> At the rate that it is conducting trainings, the Department simply cannot train all of its patrol officers every two years.

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<sup>24</sup> As of July 1, 2010.

Due to “carping” obligations (see below), the unit can conduct training just three days a week, and can accommodate an average of 20-25 officers per class.<sup>25</sup>

During our visit, however, there were only six deputies participating in that day’s training. While it may be unreasonable to expect attendance to reach full capacity, an average of 1,313 falls far below the target. And unfortunately, with the lowest number of trainings in five years occurring in 2010, outcomes do not seem to be improving. The chart below shows the percentage of officers involved in a shooting by their time since training and the year they were involved in a shooting.



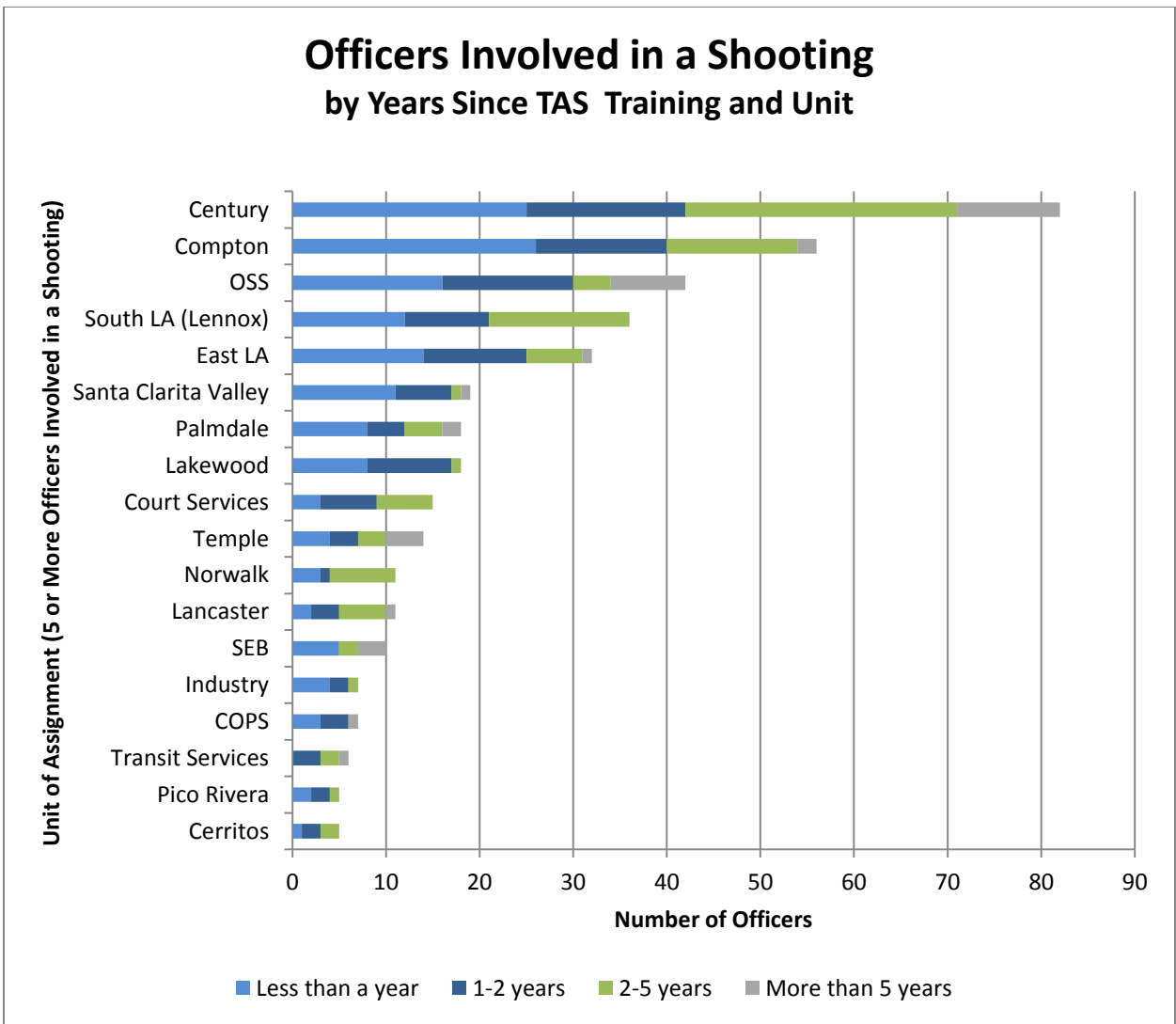
It is the responsibility of each unit to schedule trainings for its officers. We acknowledge the particular difficulties the Department has had in recent years, particularly in 2009 and 2010 when, due to the recession, it has had to significantly

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<sup>25</sup> The unit runs several courses. TAS trainings do not run every day.

reduce staffing and engage in what is known as “carping.” Carping, devised from the term “cadre of administrative reserve personnel” involves assigning administrative staff to work in patrol or other non-administrative assignments one or more days a week in order to alleviate understaffing. In our **Twenty-First Semiannual Report**, we discussed some of the difficulties faced by understaffed units in scheduling their staff for training. Notwithstanding these challenges, however, the fact that only two-thirds of officers actually involved in shootings had been trained in essential firearms tactics within one or even two years is of concern. Even more troubling is the fact that some “fast stations” such as Century and Lennox/South Los Angeles showed such poor outcomes in terms of training frequency, with 51 percent and 58 percent having been trained within the past two years, respectively.





Again, while we understand the challenges of busy stations in meeting their training requirements, we find it very troubling that these units, whose employees are much more likely to be involved in an officer-involved shooting than employees from other units, do not appear to be in compliance with the two-year mandate, much less the one-year refresher frequency we have long recommended.

The Department must do a better job in ensuring that its officers, particularly those on patrol in high-crime, high-risk units, undergo regular refresher training in firearms tactics. As we discuss in the next chapter, such trainings are likely the most effective tool in reducing shootings that, while they might be found

reasonable, might ultimately have been avoided through better preparedness and tactics.

### 3. Prior Shootings

Of the 383 unique officers who were involved in a hit or non-hit shooting between 2005 and 2010, 69, or 18 percent, had been involved in at least one prior shooting. Of those, 42 were involved with more than one shooting during the study period itself.<sup>26</sup> Forty-nine had one prior shooting, 14 had two prior shootings, five officers had three prior shootings, and one officer had four. Officers involved in multiple shootings had a slightly different profile than those involved in just one. All were male, and about 50 percent were Latino/Hispanic. Thirty-nine percent were white, six percent were African American, and four percent were Asian/Pacific Islander.

Century Station had the largest number of officers reporting multiple shootings (at the time of their most recent incident), representing 29 percent of that group. It was followed by OSS (Operation Safe Streets, the LASD's gang unit) with 17 percent and Compton Station with 12 percent. Century also led the field in terms of the number of prior shootings—six officers had two prior shootings and one had three. In fact, 56 percent of all shootings at Century—including half of all single-officer shooting incidents—involved at least one officer who had been involved in a prior shooting. As is to be expected for those specialized units, OSS had five officers with more than one prior shootings; SEB had four.

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<sup>26</sup> In 12 cases, the PPI field designating whether the officer had been involved with a prior shooting was blank, even though data showed that the person had been involved in a shooting within the past five years.

#### 4. Incident-Specific Characteristics

The PPI is supposed to collect information about other pieces of data related to an officer's involvement in a shooting, including the number of hours slept the night before, the number of shots fired, and the number of hours on duty before firing the weapon. Unfortunately, poor or inaccurate data entry for these fields, as described in Chapter 3, made analysis of these variables meaningless. We strongly urge the LASD to improve results in these areas so as to make such analysis a possibility.

#### ***E. Suspect Demographics***

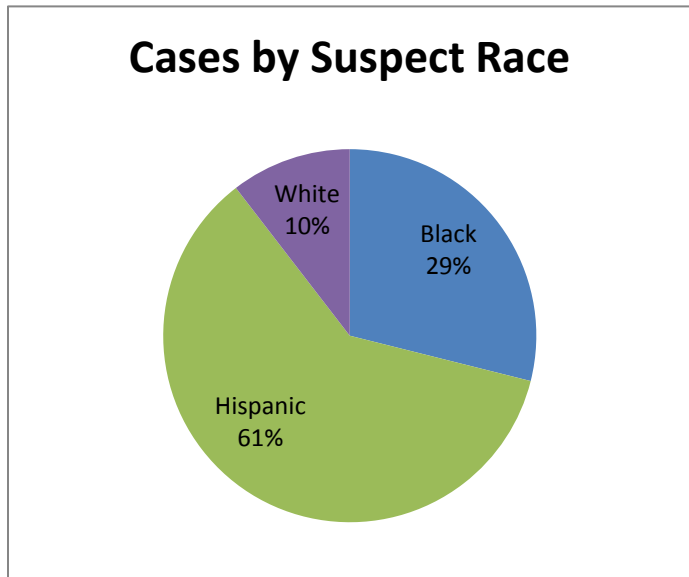
Three hundred and twenty persons—for convenience, “suspects”—were involved in an LASD hit or non-hit shooting incident between 2005 and 2010.<sup>27</sup> The majority of incidents—209 or 82 percent—included just one suspect. Of the remaining incidents, 32 involved two suspects, 11 involved three suspects, two involved four suspects, and one involved six suspects. In cases where there were multiple suspects, it was not always the case that all were deliberately fired upon by LASD personnel, although secondary suspects were often in the same vehicle or vicinity. In most cases, suspects involved in the same incident were of a similar age and race/ethnicity. For the purposes of this study, most analyses will use case-based statistics (one record per incident) rather than suspect-based statistics, for a more meaningful interpretation of trends and patterns.

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<sup>27</sup> For 255 cases. Five cases did not include any suspect information.

## 1. Race/Ethnicity

The chart shows the proportion of cases involving a person of each major group. The majority of cases, about 61 percent, involved Hispanic/Latino suspects, followed by black suspects, with 29 percent of cases.<sup>28</sup> Ten percent of cases involved white suspects.

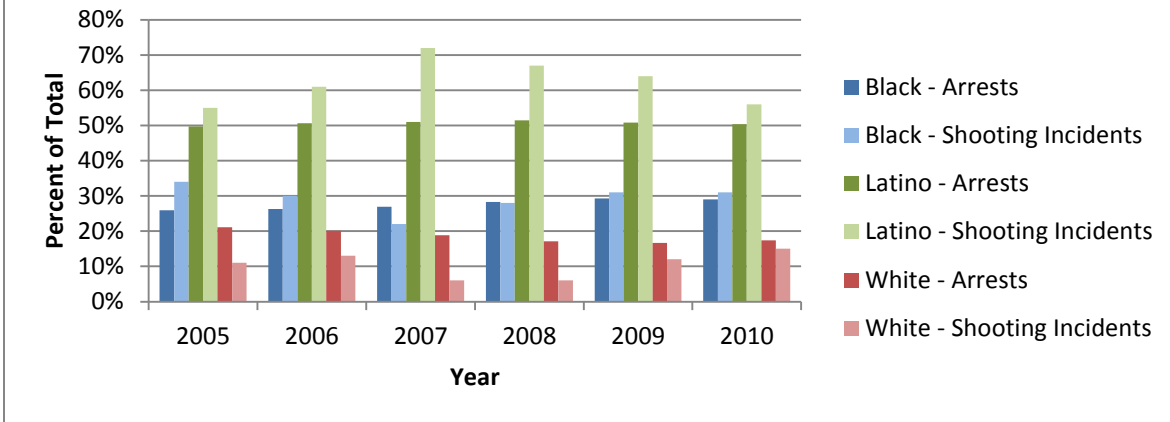


A quick review of LASD arrest statistics, below, show that while the differences fluctuated over time, Latinos appear to be significantly overrepresented in shooting incidents in comparison to their overall arrest rates, while white suspects are underrepresented. The disproportion is particularly stark in the year 2007, when a full 72 percent of all shootings Department-wide involved Latinos. Shootings of African Americans by LASD personnel appeared more proportionate to the overall arrest rate than that of other groups.

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<sup>28</sup> In looking at percentage by all subjects, proportions change only slightly: 61 percent were Latino, 30 percent were African American, and 9 percent were white. One shooting suspect was Filipino. The changes are due to the fact that incidents involving multiple suspects were more likely to involve African American, and to a lesser extent, Latino suspects, than whites. N = 249 cases.

## Comparison of Shooting and Arrest Rates by Race and Year

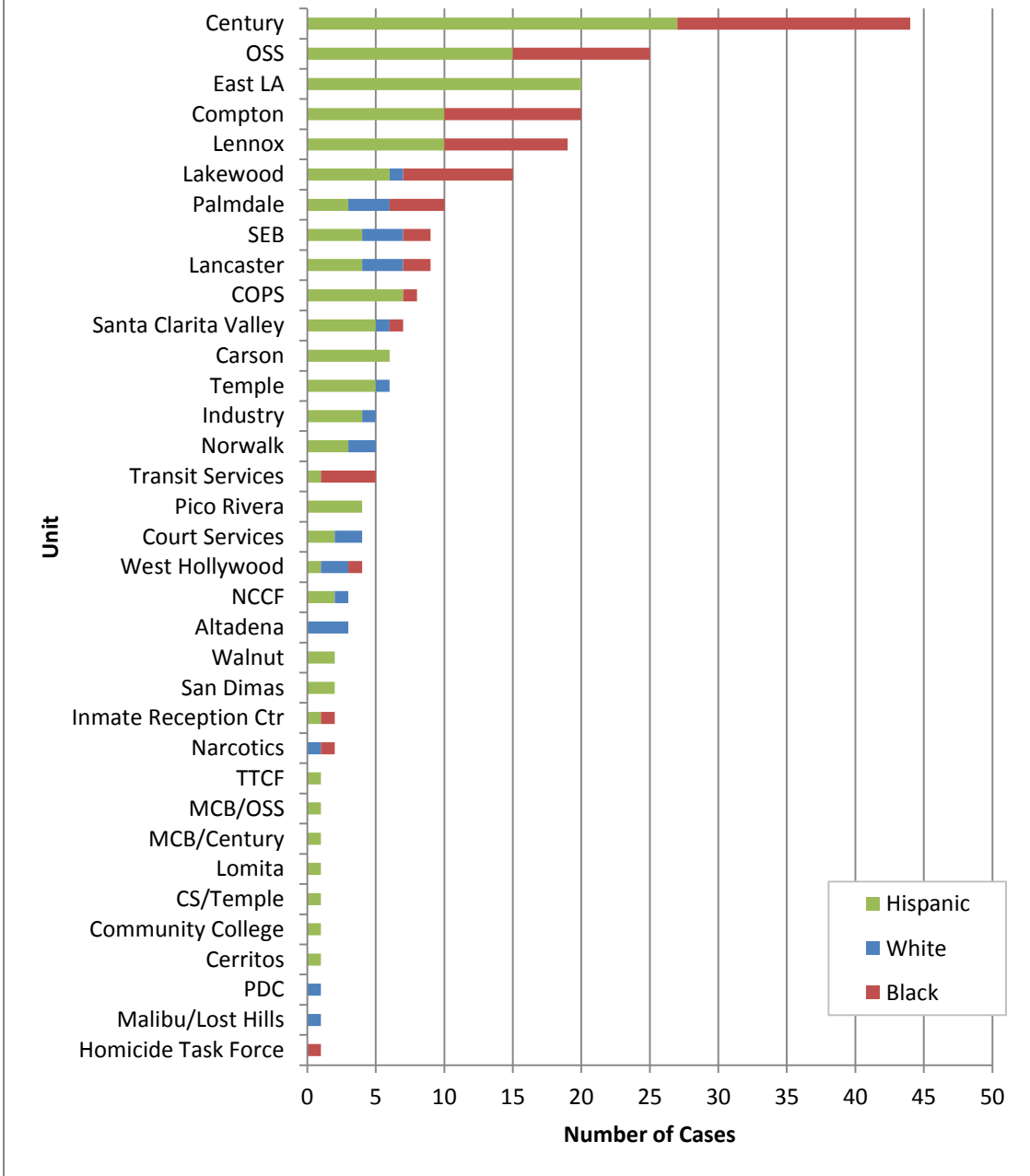


Because shootings are such a rare occurrence, it is difficult to draw conclusions from these data. Nonetheless, it is clear that shootings are significantly more likely to involve Latino suspects than black or white suspects, even when compared to overall arrest rates. A very small proportion of shootings involve white suspects, and almost none involve suspects of other races.

The breakdown of shootings by race for each unit is below. Again, because of the small numbers involved, it is difficult to make comparisons. It generally appears, however, that shooting rates reflect overall arrest demographics—areas with larger white populations such as Palmdale, Lancaster, West Hollywood, and Malibu reported a few shootings of white suspects, while areas with smaller white populations, such as the Compton or Century areas, report none.

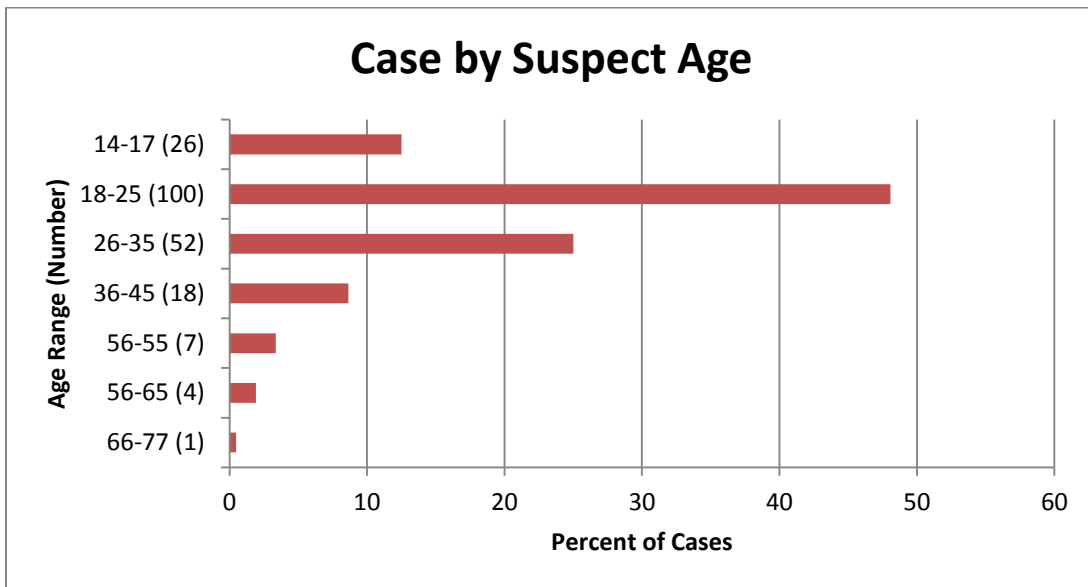
We did not find significant differences in the number of suspects killed or wounded by race.

## Hit and Non-Hit Shootings by Race and Unit, 2006-2010



## 2. Age

Most of the cases, about 59 percent, involved suspects who were 25 years of age or younger. About one-fifth of those were under the age of 18.<sup>29</sup> The chart below shows the breakdown of suspects involved in an OIS by age.

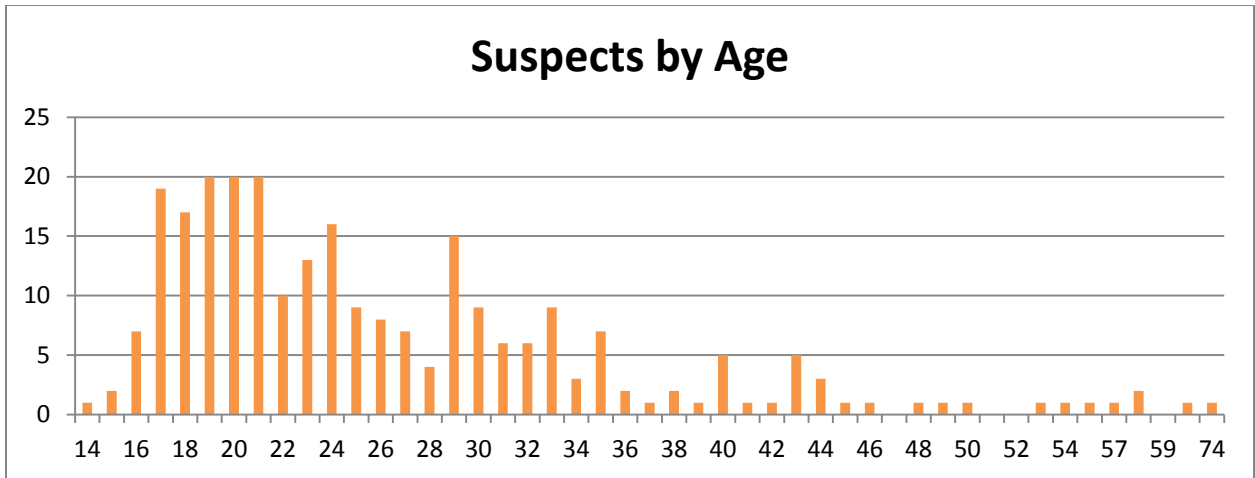


The following chart shows distribution for all suspects involved in a shooting incident, ranging from from 14 to 74 years of age.<sup>30</sup> The most common age range for suspects was 19-21, after which the rate began falling again.

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<sup>29</sup> N = 208 cases. Where a case involving suspects of different age range occurred, the youngest age range was used.

<sup>30</sup> N = 266 suspects.



In terms of race, African American and Latino suspects were, on average, much younger than white suspects, with an average age of 25 for both groups. White suspects, in comparison, averaged about 35 years old. These differences were statistically significant. Interestingly, however, white suspects were more likely to be under the age of 18 than were Latino suspects, with 13 and seven percent, respectively. Eighteen percent of black suspects were minors.

We were pleased to find that shootings involving minors, despite making up a substantial proportion of all incidents, were less likely to be fatal than were those involving other suspects. Just eight percent of shootings involving minors resulted in a fatality, compared to 27 percent for the 18-25 group and 40 percent for those 26-35 and 36-45.<sup>31</sup> The difference in fatality rate between incidents involving minors and those involving suspects aged 36-45 is statistically significant; others were not. Conversely, minors were more likely to be wounded than were those in other groups, but these results were not statistically significant.

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<sup>31</sup> Years 2006 through 2010 only, N = 177.



In the following chapter, we review characteristics about the incident and involved suspects.



## 2. Characteristics of Deputy-Involved Shootings

### I. Introduction

In this chapter, we look at 260 deputy-involved hit and non-hit shooting incidents between 2005 and 2010 to assess overall patterns and trends. We use data collected by the Department in its Personnel Performance Index (PPI) and other databases.

About 59 percent of the 260 shootings during those six years involved at least one suspect who was using or brandishing a firearm (52 percent) or other weapon (seven percent).<sup>32</sup> An additional two percent of cases involved suspects who were actively assaulting the officer or another person. Fifty-three shootings (approximately 21 percent of the shootings over six years) comprised what are termed “state of mind” or “perception” incidents: ones in which the suspects were perceived to be reaching for or holding a firearm, but were not confirmed to be holding a weapon at the time the shooting occurred.<sup>33</sup> All but two of the 53 state of mind shootings involved black and Latino suspects.

It is troubling that state of mind shootings—particularly the subset of cases known as “waistband shootings,” where the suspect is shot upon reportedly reaching for his waistband—appear to be increasing, making up about one-third of all hit and non-hit shooting cases in 2010. Waistband and other state of mind shootings are

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<sup>32</sup> In one case, we did not receive enough information about the case to determine type. About eight percent of cases fell into an “other” category, which included actions such as attempting to grab the deputy’s gun, startling the deputy, shooting at the deputy with paintballs, and holding a person hostage.

<sup>33</sup> Some suspects in perception shootings may have been, in fact, “armed” with a handgun but had not drawn it upon being shot at.

vulnerable to abuse because the justification for the shooting can be fabricated after the fact. It is challenging to prove or disprove what a police officer claims he or she saw. It is nonetheless tragic when an unarmed person is shot or killed based upon an officer's misperception.

The Department must train its employees to avoid such incidents to the best of their ability, which it does by training deputies to seek cover and distance when approaching suspects in order to allow time to assess whether the suspect is armed. In the past, the LASD has also included waistband- or unknown-object-related scenarios in its Tactics and Survival (TAS) training program. We found, however, that contrary to our recommendation that all patrol officers undergo refresher TAS training every year, only about 38 percent of all officers involved in a shooting, as well as 40 percent of those involved in a state of mind shooting, had documentation of having attended the training within the past year.<sup>34</sup> An additional 27 percent of officers had attended the training within the past two years as required by the Department. **While acknowledging the challenges faced by units trying to schedule officers for training while short-staffed, we urge the LASD to ensure that all patrol officers, particularly those in “fast” stations, receive frequent refresher training in this area.**

Eleven percent of the 260 cases involved suspects who were shot when deputies perceived that they were driving their vehicles in a threatening or assaultive manner. In about a fourth of those cases, the suspect was shot at while driving towards the deputies; in most of the other cases, the suspect was actively ramming or trying to hit the deputies involved. The LASD has a strict policy involving

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<sup>34</sup> Based on TAS, Patrol School, and hire dates as provided by the LASD.

shooting at moving vehicles, implemented as the result of a controversial shooting in Compton in 2005, which requires officers to move out of the path of oncoming vehicles rather than fire their weapon. Where the vehicle is the only threat, officers may only fire where there is no alternative to preventing loss of life or serious injury. In the six years since the policy was implemented, 37 additional incidents have involved shooting at moving vehicles, averaging about six incidents per year. Of these, 24 percent resulted in discipline for at least one officer, including two for violations of the moving vehicle policy, for a total of 21 officers disciplined.<sup>35</sup> We commend the Department for taking such shootings seriously, but again recommend that it reduce them by increasing the frequency of tactical firearms training, which includes a section on shooting at moving vehicles.

About 27 percent of shooting incidents where the suspect threatened the officer(s) or others with a gun occurred following a foot pursuit, and about one-third of those—13 cases—followed a single-officer pursuit. Thirty percent of state of mind shooting incidents also involved a foot pursuit. We have long argued that foot pursuits—particularly split- or single-officer pursuits—are dangerous and increase the likelihood of an officer-involved shooting, and our review found that over the six-year period, cases involving foot pursuits made up one-fourth (23 percent) of all shootings, on average. The Department’s policies on pursuits emphasize this inherent danger and set some “common sense” guidelines for single-officer foot pursuits, ostensibly to prevent them from occurring. Yet 19 shootings over this period, according to the PPI, involved a single-officer foot pursuit. We continue to

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<sup>35</sup> Not all 2010 cases had been completed or adjudicated at the time of the report and were excluded from the analysis of disciplinary results.

recommend that the policy be further tightened to all but disallow solo foot pursuits.

We also found that the LASD could be doing a better job in tracking important characteristics about shootings, including information about the suspect's weapons status and mental health status. Although we saw no evidence that any of the shooting incidents during this period involved a callout for the Department's mental health team, some of the synopses we reviewed—particularly in cases where the suspect brandished or used a non-firearm weapon—seemed to indicate that the suspect may have been mentally or developmentally impaired. Better tracking of such cases might help the Department assess whether there are particular types of cases whose outcomes might be improved through better training of patrol officers or deployment of specialized personnel. Finally, our findings, as listed in the previous chapter, that off-duty shootings primarily involved less-experienced deputies may indicate the need for clearer guidelines regarding the circumstances and manner in which an officer should handle an off-duty confrontation or crime in progress.

As we have mentioned earlier and we detail in the following chapter, we found substantial issues with the shooting data collected by the Department in its main risk-management database, the PPI. To the extent possible, we verified each piece of data used for analysis, and in some cases, recoded it altogether. Nonetheless, some cases were excluded from some of our analyses due to pervasive data integrity issues, as noted.

## II. Suspect Weapon

### A. *Weapon Status*

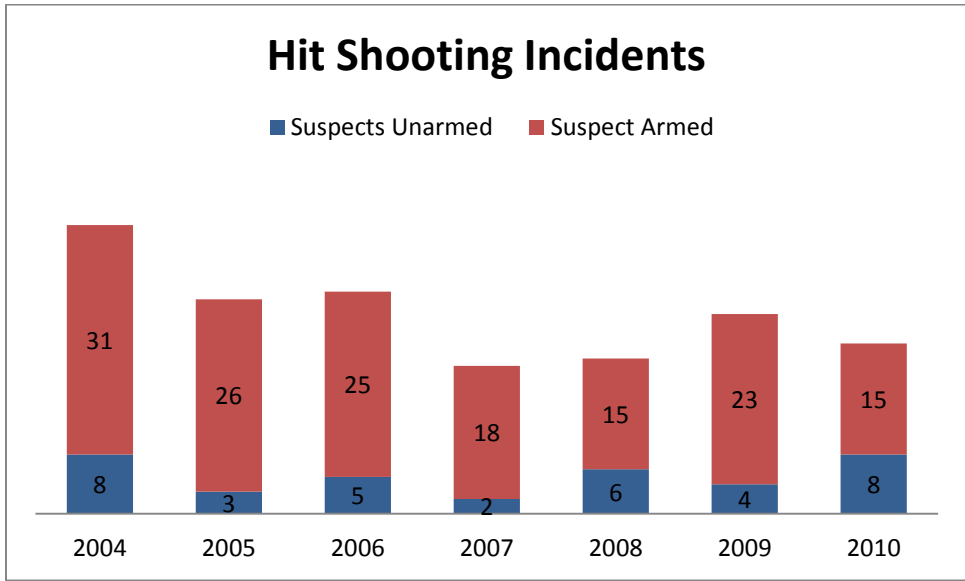
Whether a suspect is armed is one of the most important factors in determining if a shooting is within policy and whether it could have or should have been avoided. Honest mistakes, of course, happen. Yet a shooting—particularly a fatal shooting—of an unarmed person is tragic and more likely to result in problems with the community and substantial financial liability.

We found it troubling then, that the PPI—the Department’s risk management database—does such a poor job of tracking whether a suspect in a deputy-involved shooting incident was armed, and, if so, with what. We found many cases where the suspect was clearly armed—even some where he shot at an officer—but was designated in the PPI as "unarmed." The Executive Force Review Committee (EFRC) maintains an accurate ongoing tally of suspects in hit shootings and whether they were armed, along with the type of weapon used. EFRC, however, does not track similar data for non-hit shootings. Often, the difference between a hit and non-hit shooting is a matter only of marksmanship.

**Accordingly, we strongly recommend EFRC track these characteristics for both hit and non-hit shootings. The Department must also ensure the accuracy and integrity of that data in the PPI, a much more powerful tool, by implementing better quality control measures, as described in Chapter 3.**

According to EFRC data, most suspects involved in hit shootings are armed, as illustrated by the chart below. In 2010, for example, of the 23 hit shootings that occurred, 15 of the suspects were armed. This translates into 65% of armed suspects being involved in hit shootings. Of all the years, 2010 had the largest proportion of unarmed hit suspects, representing 35%, followed by 2008 (29%),

then 2004 (22%). In 2009, although the overall number of shootings was higher than both 2010 and 2008, nearly all of the suspects—85 percent—were armed.

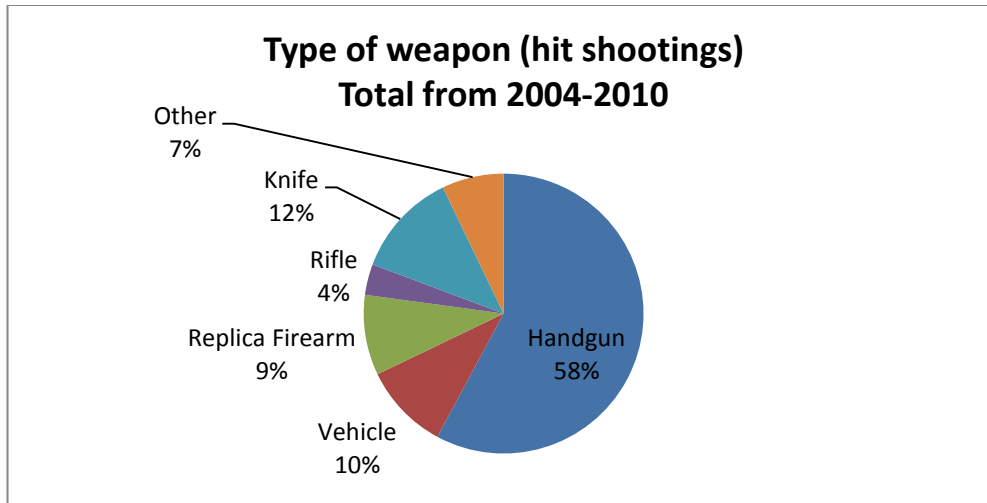


In all, one-fifth of all suspects hit over the past six years were unarmed—in 2010, the rate was more than one-third. The chart below, also based on EFRC data, shows that handguns made up the bulk of the weapons suspects used in hit shootings at 58%, followed by a knife (12%), a vehicle (10%), a replica firearm (9%), other (7%), and then a rifle (4%).<sup>36</sup> “Other” weapons included such items as a concrete ashtray, metal stake, and a machete.

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<sup>36</sup> EFRC provided us with data from 2004 to 2010.





The statistics related above concern hit shootings in which a weapon linked to the suspect was or was not found. We also considered what behavior by the suspect, as reported by the officer, led to a shooting, hit or non-hit alike. Our review of suspect behavior for all shootings found that the suspect reportedly:

- Used or threatened to use a firearm in 52 percent of cases;<sup>37</sup>
- Used or threatened to use another weapon in 7 percent of cases;
- Used or threatened to use a vehicle as a weapon against deputies in 11 percent of cases;
- Assaulted deputies or other persons in 2 percent of cases; and
- Took other threatening action in 7 percent of cases.

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<sup>37</sup> According to involved deputies. Although the weapon was not always found, these are so categorized because the deputies described seeing a gun, rather than an object that they believed to be a gun. Some changes in incident types over time may be due to differences in how the incident is described.

## ***B. State of Mind Shootings***

An additional 21 percent of all hit and non-hit shootings were “state of mind” or “perception” shootings. These incidents differ from other types of shootings because although the involved deputies claimed they believed that the suspects were armed or arming themselves, they had not verified that the suspect was armed before the shooting occurred. In most cases, the suspect was ultimately not found to be carrying a weapon. The law and LASD policy require only that officers involved have an objectively reasonable belief that the suspect is about to kill or cause serious injury to others; as such, none of the employees involved in shootings in this category were disciplined for violating the Department’s firearms policy, although some were disciplined for violating other policies or exhibiting poor performance in terms of tactics. Nonetheless, this category of shooting is particularly problematic. It should—and does—receive special scrutiny from the EFRC, and the Department must always be working to train its employees to avoid such incidents to the best of their ability.

We are concerned, then, to see that state of mind incidents appear to have risen by more than 50 percent in the past year. We have previously noted that the year 2010 had the highest proportion of hit shootings in which the suspect was unarmed, and this fact is further reflected in the number of perception shootings, particularly in “waistband shootings” for that year. In all:

- 61 percent of state of mind shooting suspects were confirmed to be unarmed at the time of their shooting. Of those, a little more than half were holding an object such as a cell phone or sunglasses that was believed by officers to be a possible firearm.

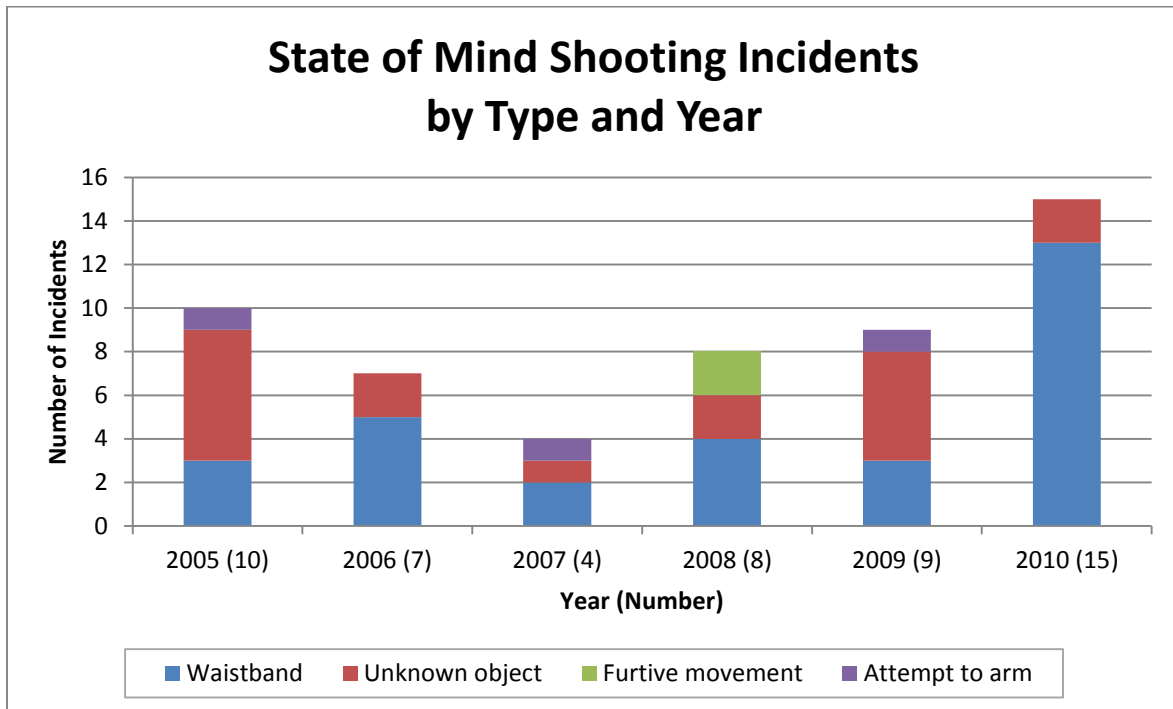
- 13 percent of state of mind shootings suspects escaped initial apprehension and were unarmed at the time of their later arrest, with no weapon found in the area.
- Nine percent were unarmed at the time of their apprehension, but a firearm—or in one case, a water gun—was found nearby.
- Four percent were found to be unarmed at the time of the shooting, but had previously discarded a weapon. One suspect (two percent) had simulated a weapon in a robbery prior to the shooting.
- Four percent were carrying a weapon at the time of their shooting.
- Eight percent were not apprehended and their status could not be determined.

About 57 percent of the shootings in this category—30 cases—were “waistband shootings,” incidents where the officers fired because they reportedly saw the suspect reaching for their waistband (or in a couple of cases, their lower back or pocket) and believed that they were arming themselves with a firearm. Three additional cases (six percent) involved suspects reaching into their waistbands and grasping an object believed to be a gun, but not fully arming themselves before the officer fired. Another 34 percent, or 18 cases, resulted from the deputies feeling threatened by an unknown object that the suspect was pointing or holding.<sup>38</sup> Two cases involved furtive movements such as reaching underneath a car seat. The

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<sup>38</sup> Several cases involved both a waistband movement and an unknown object. These were categorized according to the apparent primary rationale as stated in the investigation.

chart below shows the total number of each type of state of mind shooting for each year.



### 1. Waistband Shootings

As the chart shows, waistband shootings make up a large proportion of all state of mind shootings each year, and appear to have risen significantly during 2010.

According to the investigative files, none of the suspects in 2010 were confirmed to be armed, although officers in three cases believed they saw a firearm that was discarded before apprehension (in five 2010 waistband cases, the suspect had time to discard a weapon before apprehension, but no gun was found).<sup>39</sup> In two cases, the suspects were holding or had in their waistband another object—a screwdriver and (likely) a wallet. During the six-year period, 15 waistband-shooting suspects were hit; four—about 13 percent—were killed.

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<sup>39</sup> Armed status based on a review of investigative files.

- Deputies responded to call of a petty theft and attempted to detain the suspect, a 21-year-old Latino male, who refused to stop and raised his hands. He then reached into his waistband and lifted his shirt. One of the deputies fired and hit the suspect in the foot, after which he surrendered. The suspect turned out to be unarmed.
- Two deputies were patrolling and saw two people engaged in what they believed was a narcotics transaction—a man handing a woman “small items.” Upon seeing the deputies, the woman ran out of view, leaving the man, a 43-year-old Latino, on the sidewalk. As the deputies walked toward him, he reached into his pants pocket and “stiffened his arm while walking in their direction.” He was ordered to stop and show his hands, but turned to climb a fence, using only one hand. Unable to climb, he came down, keeping his hand in his pocket, and turned toward the deputies. A deputy fired at him, hitting him in the neck, but not killing him. He was taken into custody; no weapons or drugs were found on his person.
- Deputies responding to a “shots fired” call were directed toward two suspects at the rear of the location. One of the deputies drove the patrol car to the rear parking area and confronted the two men. When ordered at gunpoint to show their hands, the witness complied, but the suspect, who was carrying a beer in one hand, approached the radio car. He reached for his waistband, but when told to raise his hands he complied. He then placed his beer on the hood of the patrol car and moved his other hand to the back of his waistband. The deputy fired one round at him, hitting and killing him. He was unarmed.

- An off-duty deputy noticed two people behaving in a suspicious manner at his apartment complex. He approached them in his car and identified himself as a deputy, but one of the suspects, a 25-year-old Latino male, began walking to the back of the deputy's car. The officer backed up, armed himself, and told the suspect to show his hands, but instead he reached for his waistband. The deputy fired one round through the passenger side of his vehicle, striking and killing the man, who was found to have a screwdriver in his waistband.

A review of the suspects in "waistband shooting" cases reveals that of the 30 suspects shot at after reportedly reaching for their waistband, only two were white; in comparison, 16 were Latino and 12 were black.

Although only four suspects were killed in a waistband shooting (three of them unarmed), 11 others were hit and wounded. It is troubling that all but two of these suspects were people of color, and even more so that about a third were initially approached due primarily to suspicious behavior, rather than knowledge of a serious crime.

Waistband shootings have long been the subject of controversy. Most recently, in December 2010, the NAACP held a public rally to demand that police agencies take action to stop such incidents, particularly of black men. Then, in an unusual move, the Los Angeles Police Commission, in March 2011, overrode the LAPD Chief of Police's decision and found that a waistband shooting of an autistic man armed only with a cell phone was out of policy. We, too, recommend that the LASD look at why its own number of such incidents has risen and look for solutions. The Department already has an accelerated process for reviewing and adjudicating state of mind shootings and has been more actively taking into

account training and policy considerations in such cases, even if the incident itself is determined to be in-policy, as nearly all shootings considered by EFRC are.

Experience at the LASD over the past six years demonstrates that in nearly two-thirds of cases where the deputy acted on a waistband movement without seeing a weapon, the suspect had no weapon and thus must have been doing something other than arming himself. Whether the subject is actually trying to reach for something or just pulling up his pants is often not clear. According to LASD personnel and a review of the files, suspects often say they were trying to keep their pants up while running, or that they were trying to ensure that identifying effects such as their cell phone or wallet did not fall out of their pocket. We came across one case where the suspect stated that he was lifting his shirt to show that he was not armed. (In some cases, the suspect may even be trying to insinuate that he or she is armed by making such motions, although the rationale for such an action is hard to understand.)

Indeed, the uncertainty inherent in such a situation has been part of the LASD's own Tactics and Survival (TAS) training at Laser Village, as described in our **Sixteenth Semiannual Report**. At that time, the training included simulations where the suspect was reaching for the waistband or making other furtive movements. In one such case, we noted:

*None of the officers fired prematurely, and of the 14 officers presented with Variation 2, where the suspect produces a wallet from pocket despite making vague verbal threats, all 14 judiciously held their fire until they could see what the suspect was holding.*

We found that training had a measurable impact even during our observation period, with officers performing much better during later simulation sessions. A

trainer also addressed another tactical concern in dealing with suspects who are potentially arming themselves:

*“You guys do so many traffic stops that you are on automatic pilot with this, ‘Show me your hands!’ business. In this one [a video not involving a traffic stop] you told him [the suspect, who was reaching in his back pocket or waistband] to show his hands. So now what are you forced to do? Well, now you have to wait until his hand comes back up front before you know whether he’s compliant. And if that hand sweeps back with a gun, you’ve just lost a fraction of a second you cannot afford to give away. You’ve just seen him commit a 211 [robbery], so we know he’s a bad guy.*

*What might you do instead? If you think that guy there [the robbery suspect] might be reaching for something, try yelling “Freeze.” That way, if he keeps reaching back, you know right away what? Right. He’s being noncompliant. But he isn’t yet pointing a gun at you. So now you can take that extra moment to take cover or get ready to [fire].”*

As part of this review, we revisited Laser Village and observed the role-playing portion of the TAS I training. Although none of the current scenarios deal specifically with state of mind-type shootings, the deputies were trained in tactics, particularly the use of cover, designed to reduce the risk to deputies as they approach a suspect or unknown situation. None of the deputies involved in the training fired upon a “suspect” before verifying that he was armed. The classroom portion of the training also touches upon state of mind shootings, noting that deputies will be equipped to “make better tactical decisions during a life threatening or perceived life threatening situation” if they continuously assess available cover, plan the angle of approach, communicate with precision to both one’s partner and the suspect, carry an effective flashlight, and constantly train with their firearms, force options, and tactics. Trainees are also instructed to



rehearse mentally for such situations while practicing their technical skills, preferably in a stressful environment such as during the TAS training.

In the last chapter, we described at length our concerns that a large proportion of LASD patrol officers involved in a shooting, including those at “fast” stations, had not attended TAS training within the two years preceding the shooting, much less the one year we have repeatedly recommended. This is also true of perception shootings: Only 40 percent of officers involved in such shootings had attended the training within one year, and a total of 71 percent had attended within two years.

**We continue to advocate that officers regularly—once a year, if possible—attend such refresher trainings to sharpen their skills and practice challenging scenarios. Data about the training must also be entered into the PPI completely and accurately to allow managers to assess the extent to which a lack of training is correlated with this type of shooting.**

## 2. Furtive Movements

Two cases involved suspects making furtive movements—in this case, reaching underneath their seats. Both suspects were Latino men.

- Two deputies observed a 21-year old man vandalizing a wall and then, as the officers approached, get into a car. The deputies exited the patrol car and walked to the vehicle. Two of the three occupants of the car complied with orders to show their hands, but the suspect refused to comply and reached under the right passenger seat. One of the officers fired one round but missed the suspect; the suspect and two others were then detained. No weapon was found, although a claw hammer was found protruding from under the seat.

- Deputies decided to contact a narcotics suspect who was sitting in his car in front of his house. When the 35-year-old suspect saw the deputies approaching, he lay across the seat and appeared to be reaching under his seat. One of the deputies stated that he saw the suspect holding an object, believed to be a gun, that was covered by a piece of cloth, which he was trying to remove. The suspect began to sit up and turn toward the deputy, holding the object to his chest. At that time, the deputy shot him, hitting him in the torso and killing him. No weapons or narcotics were found; a pair of jeans was found in the car. The County settled a lawsuit with the family for \$750,000.

### 3. Unknown Object

Eighteen cases involved a suspect who was shot after reportedly drawing, displaying, or holding an object that deputies believed was a handgun. In six cases, the suspect simply held the object; in seven, he or she pointed or raised it; and in five he picked up or retrieved it.

- Deputies observed a suspect fire at another victim. When he saw the radio car, he fled, tossing his handgun as he ran; then, as they drove after him, he turned toward the vehicle holding a dark object. One of the deputies, who reported that he did not see the suspect discard his weapon, fired, missing him. The object turned out to be a black glove.
- Two deputies riding in a patrol car observed a man who they believed was acting suspiciously in front of a restaurant. Believing that a robbery might be taking place, as there had been many in the area, the deputies drove to the side of the restaurant and stopped. They got out and saw the suspect walking toward them, but when he saw them, he stopped. They told him to

remain where he was and show his hands. The suspect then fled and was chased by the deputies who continued to order him to stop and show his hands. While running he was holding his back pocket with one hand; at the intersection, he reportedly began to turn toward the officers while pulling an object out of his pocket. Fearing it was a handgun, one of the officers shot the suspect, causing him to be partially paralyzed. It turned out that the object in question was likely a wallet; no weapons were found on or near the suspect. The case, a high-profile incident, resulted in a \$2.2 million dollar settlement for the man shot.

Some of the shooting incidents involving reported unknown objects have, in recent years, caused a great deal of controversy. All of the suspects have been persons of color—six black, 12 Latino. In 2009, in particular, there was a series of high profile cases in which a suspect was killed or seriously injured during incidents where officers believed they saw a handgun or similar object, but no lethal weapon was found. In three such instances, the suspect was killed.

Some of these suspects may have been, in fact, armed; in one case, a weapon was found nearby, and in another, the suspect was not apprehended. In most cases, however, the object was found to be something more mundane, such as a wallet, cell phone, shoe, sunglasses, t-shirt, or even spray paint.<sup>40</sup> We found that, while this information was available in the investigative file, the PPI did not do an adequate job of consistently providing information about what the object turned out to be, or whether it simply was never identified.

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<sup>40</sup> Cases where the deputy identified the object as a gun in the person's waistband were categorized as waistband shootings, even if the gun was not found.

Along with improving scenario training frequency, we recommend that the LASD do a better job of tracking state of mind shootings in the PPI to allow for better analysis of possible factors. **We recommend that all synopses be required to describe any weapon that was discovered, or the lack thereof. We also recommend that the LASD modify the binary “armed” category in the PPI to reflect a more sophisticated set of options that differentiates between whether a weapon was verified or reported.** For example, in its annual use of force report, the Los Angeles Police Department (LAPD) categorizes shootings by the following types: “suspect verified with firearm –fired at officer or 3<sup>rd</sup> party,” “suspect verified with firearm – firearm in hand or position to fire, but did not fire,” “perception shooting—firearm present but not drawn,” “perception shooting – no firearm found,” and “shooting of person armed with weapon other.” A set of similar criteria would be more meaningful than the simple yes/no field currently in use. **While the EFRC already does this in a limited manner, expanding it to the PPI would allow for more robust, complex analysis of trends over time.**

### **III. Shooting at a Moving Vehicle**

Vehicles were reportedly used in a threatening or assaultive manner in about 11 percent of shooting cases. All of the cases in this category involved officers shooting at a moving vehicle, an action that is subject to a detailed policy on the subject.<sup>41</sup> According to the current LASD policy, implemented in 2005:

*A Department member shall not discharge a firearm at a motor vehicle or its occupant(s) in response to a threat posed solely by the vehicle unless the member has an objectively reasonable belief that:*

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<sup>41</sup> Deputies in three other cases also fired at a moving vehicle, but the suspects in those cases did not use the car as a weapon.

- *The vehicle or suspect poses an immediate threat of death or serious physical injury to the Department member or another person, AND*
- *The Department member has no reasonable alternative course of action to prevent the death or serious physical injury.*

The policy also instructs that employees “threatened by an oncoming motor vehicle shall move out of its path instead of discharging a firearm at it or its occupant(s), allow the vehicle to pass, and utilize other tactical or investigative means to apprehend the suspect.”<sup>42</sup>

This policy was implemented in the immediate wake of a controversial May 2005 shooting in Compton, included in this sample, where 120 rounds were fired by 10 officers at an unarmed suspect, hitting several homes in the area and wounding the suspect and one of the deputies.<sup>43</sup> The new policy was adopted in consultation with and at the insistence of the Los Angeles Office of Independent Review (OIR). At the time, we applauded the new policy and noted that “time will tell whether adequate steps have been taken to avoid future such incidents.” Six years has now elapsed since that time and, during the period between 2005 and 2010, 37 additional incidents have involved shooting at moving vehicles, averaging about six incidents per year. Over that time period, eight of the cases involved suspects who used or threatened to use a gun against the officer, and 15 used the vehicle as a weapon by hitting or dragging deputies.<sup>44 45</sup> Most of those shootings occurred

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<sup>42</sup> “3-01/025.40 ASSAULTS BY MOVING VEHICLES - FIREARMS POLICY.”

<sup>43</sup> This case is discussed in greater detail in our 20<sup>th</sup> Semiannual Report. The issue of shooting at moving vehicles was revisited recently as a result of the controversial shooting of Sean Bell by the New York Police Department.

<sup>44</sup> An additional deputy alleged that he had been dragged by a car following an off-duty confrontation, but his statement was contradicted by video evidence.

while the suspect was actively assaulting officers with a car, but at least two occurred afterwards.

- Deputies engaged in a three-mile pursuit of a drunken driving suspect, who, at the end of the pursuit, repeatedly rammed two patrol cars by driving back and forth at a relatively slow speed, trapping two deputies who were attempting to get out of their vehicle. He was also reported to have been moving around in his car and possibly trying to reach for the floorboard. Six deputies, believing their lives or the lives of other deputies were in danger, fired at him, hitting him 18 times. He later died of his wounds. A pistol was found in his vehicle.
- Two officers (one a non-LASD peace officer) discovered through a license plate check that a car was stolen. They followed the suspect as he parked in a strip mall and exited the car; when the deputy approached him he got back into the vehicle. As the other officer approached to assist, the deputy directed the suspect to get out of the car at gunpoint. The suspect then placed the vehicle in reverse, dragging the deputy, who was thrown on the hood of the car. He fired three rounds at the suspect, who was hit in the abdomen and wounded.

In ten cases, the suspect was shot while driving towards the deputies or others, but not hitting them. It is these cases that are most closely tied to the policy referenced above, but it was difficult to ascertain whether the deputies could have gotten out

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<sup>45</sup> In another case, the suspect or suspects fired a paintball out of a moving car and the officer believed they were firing live rounds.

of the way; it seems particularly unlikely in cases where the suspect was actively trying to hit the deputy.

- Deputies were setting up a crime-scene containment after midnight using their patrol car to prevent access by pedestrian and vehicles. As at least two cars approached, the deputies used flashlights to warn them off. One of the oncoming vehicles made a U-turn, but the other, after waiting for the first car to turn, accelerated toward the deputies. They waved their flashlights and began to run; one of the deputies, apparently afraid that the other would be hit, fired three rounds at the suspect's car, hitting it. The suspect barely missed hitting the deputy and hit the radio car, and was arrested without further incident.

Nonetheless, in three (one-third) of those cases, at least one deputy was disciplined for violating a Department policy. In all, of the cases involving shooting at a moving vehicle between 2005 and 2009, seven cases—about 24 percent—resulted in discipline for at least one officer, for a total of 21 officers disciplined.<sup>46</sup> Only two shootings were found to have involved a violation of the policy on shooting at moving vehicles. Another case resulting in an investigation for violation of the shooting policy was adjudicated as unfounded.

At the time of the Compton shooting, OIR found that half of the deputies involved had not attended TAS or other tactical training within the past two years, as required by the LASD. The percentages have changed little since then; only 56

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<sup>46</sup> Not all 2010 cases had been completed or adjudicated at the time of our analysis and were excluded from disciplinary results.

percent of officers involved in vehicle shootings had attended TAS training within the past two years.



#### IV. Foot Pursuits

About 27 percent of cases where a suspect was fired upon after drawing or shooting a firearm occurred following a foot pursuit, and about one-third of those—13 cases—followed a single-officer pursuit.

We have long argued that foot pursuits—particularly split- or single-officer pursuits are dangerous and increase the likelihood of an officer-involved shooting. The Department agrees, noting in its policy:<sup>47</sup>

*Foot pursuits are inherently dangerous and require heightened officer safety awareness, keen perception, common sense, and sound tactics. It is the Department's position that, barring extenuating circumstances, surveillance and containment are the safest tactics for apprehending fleeing persons. Therefore, Deputies must initiate a radio broadcast with appropriate information within the first few seconds upon initiating a foot pursuit to ensure that adequate resources are coordinated and deployed to assist and manage the operation to a safe conclusion. The safety of Department personnel and the public is paramount and shall be the overriding consideration in determining whether or not a foot pursuit will be initiated or continued. Any doubt by participating Deputies or their supervisors regarding the overall safety of any foot pursuit shall be decided in favor of communication, coordination, surveillance, and containment.*

The policy requires that officers broadcast all pursuits, and terminate the pursuit if they cannot maintain contact with the Sheriff's Communication Center at all times. It also sets forth guidelines for one-officer pursuits, which must be terminated if communication with the Sheriff's Communication Center is lost or a containment is established. It instructs lone officers not to:

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<sup>47</sup> See MPP 5-09/220.50: FOOT PURSUITS.

- Attempt to close and apprehend, just to maintain visual contact
- Continue to pursue if visual confirmation is compromised
- Follow a suspect into a building

Despite these guidelines, according to the PPI, 60 shooting cases involved a foot pursuit; 19 included a single-officer pursuit. For example:

- A deputy chased a suspect, a Latino male, down an alley; as they were running, the suspect turned toward him holding a gun in his hand. The deputy fired nine times, missing the suspect.
- Deputies attempted to conduct a traffic stop for a license plate violation. The driver and passenger ran from the car, and one of the deputies chased the driver, a 17-year-old Latino male, down a driveway. The other deputy briefly chased the other suspect, then followed the first deputy, approximately 20 feet behind. At the rear of the property, the suspect pointed a handgun at the first deputy. The deputy fired five shots, missing the suspect, who ran from the location but was arrested a few hours later. No handgun was found at that time.
- Several deputies responded to a report of gunfire. On their arrival, the suspects ran from the car and were pursued by deputies. One of the suspects hid in the shrubbery. As one of the officers began to climb a wall, the suspect stood up with an apparent weapon extended. Another deputy fired at the suspect three times, hitting him once. The suspect lay down on the ground and was taken into custody. No weapon or other shiny object was found on his person, although a gun was found in his vehicle and another with the other suspect.

The above examples and many more illustrate the dangers inherent in chasing a suspect into an unknown area. Doing so alone, with no backup, as in the first two examples, is even more dangerous. Should a cornered suspect turn with a handgun or even an unknown object in his hand, the deputy is left with little choice but to fire. At the time the current foot pursuit policy was implemented—in November 2004—we praised the changes but criticized them for not going far enough to prohibit solo foot pursuits. The policy sets guidelines, not rules, and emphasizes “common sense” over clear restrictions.

Over the six-year period, cases involving foot pursuits made up about one-fourth (23 percent) of all shootings, on average.<sup>48</sup> On the other hand, the proportion of cases involving such actions has decreased since 2005 from about 25 percent to approximately 21 percent, as have real numbers. The Department does take such cases seriously: Of the 49 closed cases, 12 resulted in discipline for at least one officer, six for a foot pursuit violation. Better yet, the number of shootings involving solo foot pursuits has fallen from a high of eight in 2005 to no more than two in every other year, for which the LASD is to be commended. Nonetheless, we continue to recommend that the policy be further tightened to all but disallow solo foot pursuits.

## **V. Tracking of Suspect Impairment**

Seven percent of the incidents involved a suspect who used or threatened to use a non-firearm weapon, most commonly a knife or other edged weapon. In six

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<sup>48</sup> We acknowledge that the fact that a substantial proportion of shootings involve a foot pursuit does not mean that the inverse is true—that a substantial proportion of foot pursuits end in shootings. Officer-involved shootings are quite rare, and thus likely make up a very small proportion of all foot pursuits. Because of the high cost of shootings, however, the Department should look for ways to reduce their incidence by constraining the use of foot pursuits in high-risk situations.

percent of cases, the subject threatened to use the weapon, generally by brandishing it, attempting to throw it, or advancing on the officers while holding or waving it. The suspect actively attacked the officer or other person in an additional approximately one percent of cases, generally by charging while swinging or wielding the object.

- Deputies responded to a call that a 50-year-old man was deliberately ramming his car into other vehicles and a residence. He then entered one of the residences and invited the deputies inside. As they were talking, however, he began to throw knives at the deputies, hitting one of the officers in the shoulder; luckily the deputy he did not incur a wound. At that point, the suspect advanced toward the officers with another knife raised above his head. Both officers fired once, wounding him in the neck. He later passed away. According to the investigation, the suspect was being treated for depression and schizophrenia.
- When an officer attempted to talk to the suspect, the 30-year-old Latino man began throwing chunks of concrete at him. The officer went into the building and brought his partner outside, at which point the suspect threw more concrete at them. Following an unsuccessful attempt to control him with a Taser, one of the officers fell to the ground and momentarily dropped his weapon. When he retrieved it and got up, he saw that the suspect had picked up a concrete ashtray and was holding it above his head, refusing orders to put it down. The officer fired at the suspect, hitting and wounding him multiple times. When investigators from Homicide later attempted to interview the suspect, they found him too incoherent to continue the interview.

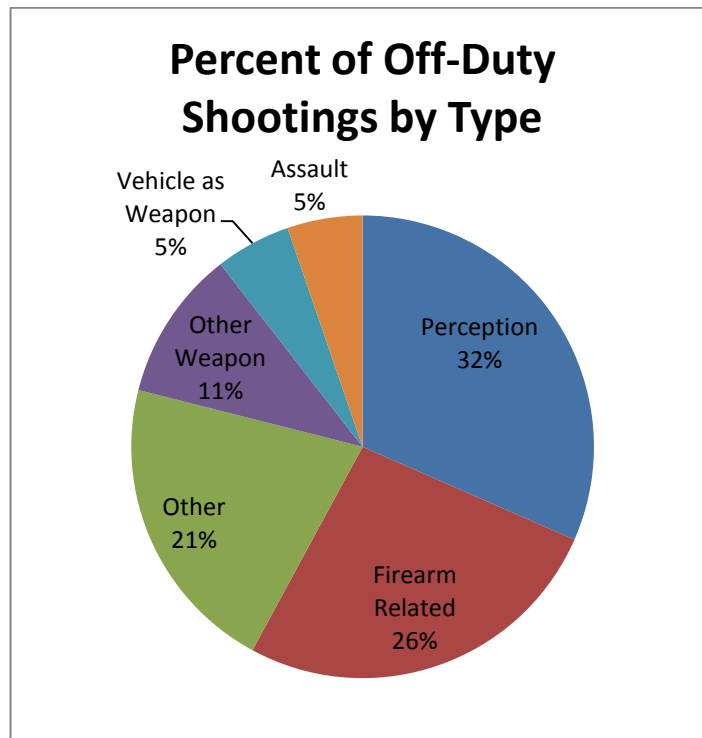
- Deputies responded to reports of a suspect assaulting several people and found him at home. He initially threatened the deputies with a metal pipe, then a toy gun, but they held their fire. He then grabbed and held his mother at knife point, making stabbing motions. Two deputies fired—one a stunbag, the other a firearm. The suspect subsequently threw his butcher knife at one of the deputies, another deputy also fired at him. He then retreated to his house but eventually surrendered to SEB.
- In responding to a report of a person trying to stab someone, deputies came upon the suspect attempting to stab a vehicle and struggling with another person who was trying to pull him away. He refused an order to drop the knife, demanding to be shot, and stepped toward the deputies, at which time one of the deputies fired one round, wounding him. The suspect had been released from a psychiatric hospital earlier in the day.

A review of these and other non-firearm-related cases reveal a substantial proportion for which the suspect’s behavior appears to indicate a possible mental health or substance-related impairment, but only two cases are marked as “mental health” and none are marked as being under the influence. We also found three cases where the suspect apparently committed suicide, having shot themselves before or during a confrontation with the police. It may be difficult for the Department to obtain a mental health diagnosis after the fact, particularly in cases where the suspect was not apprehended or was killed. Nonetheless, it might be helpful for investigators to determine and mark whether there is a suspected or verified mental health issue, for the purposes of internal analysis. **While it may not have been possible for officers to respond differently in these particular cases due to exigent circumstances—and indeed, we found no cases where an officer was disciplined for his or her actions in this category—we urge the**

department to track impairment data in a meaningful way. Doing so would allow managers to spot trends in the Department's response to incidents where there is an indication that a suspect with a mental health issue might best be handled by personnel with relevant training.

## VI. Off-Duty Shootings

Nineteen deputy-involved shootings occurred while the officers were off-duty, of which state of mind shootings made up about one-third. Seven incidents involved a suspect with a firearm or other weapon, one involved an assault, one involved a person using their vehicle as a weapon, and the others involved incidents that do not fall into this category, such as a deputy who believed she was firing at an intruder but shot her significant other instead.



Of the 13 cases that were closed at the time of our analysis, just one resulted in discipline and involved two deputies who got out of their car to engage in a

firefight with suspects who had already shot at them. Another deputy was terminated after his statement was contradicted by video evidence and he refused to cooperate with the investigation.

In general, we advocate that off-duty officers who are the victim of a crime or who witness a crime call the police rather than engaging the suspect unless absolutely necessary. According to Department policy, off-duty officers should handle police matters with “appropriate action,” which, “depending on the circumstances, may require only accurate observation and becoming an effective witness or informant.”<sup>49</sup> The policy further notes:

*The Penal Code gives specified law enforcement officers peace officer authority anywhere in the state as to a “public offense committed or which there is probable cause to believe has been committed in his presence and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.” Therefore, unless the off-duty officer has observed the commission of a crime and there is an immediate danger to person or property, or he has received prior approval from the chief law enforcement officer of that jurisdiction, he should not take police action in the capacity of a peace officer, when he is outside the jurisdiction of this Department. He should notify the police agency having jurisdiction.*

In most of these cases, we are satisfied that the officer involved or another person was being actively threatened at the time of the shooting and that the officer did not assertively seek out a confrontation. In the case noted above, however, a deputy whose car had been hit by another person in the parking lot of a restaurant claimed that he fired his weapon at the man’s car while he was being dragged by the vehicle. Video footage, however, revealed that this was not the case, and that

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<sup>49</sup> See MPP 3-01/050.30 “OFF-DUTY INCIDENTS.”

he shot at him when the man began to drive away following an argument over whether to call the police. We also found two other cases where the officer or officers might also have chosen not to confront the suspect:

- An off-duty deputy was going through a drive-through window when he was struck from behind by another car. The car then hit his vehicle a second time, and the driver reportedly began yelling in a confrontational manner. The deputy got out of his vehicle to check it and speak to the suspect, who continued to “berate” him, then withdrew a pocket knife and began waving it. The deputy drew his duty weapon and badge, and told the suspect to stay in his car while asking the window attendant to call 911. He also asked another woman to leave the location; she contacted officers from another agency. The confrontation between the two men continued, and the suspect ultimately put one foot outside the car and reached his hands toward his waistband, out of sight. The deputy fired at him, wounding him.
- An off-duty deputy was sitting in his car after midnight with a female companion when a man began to urinate in front of the vehicle. When told to move away, the suspect said he was a member of a local street gang and it was his neighborhood. The deputy then got out of his car, prompting the suspect to say he was going to get his “strap” (gun) and leave. The suspect then returned with a gun and fired a round at the deputy from 75 feet away, missing him. The deputy returned fire, but also missed, penetrating instead the front window of a nearby apartment and lodging in a television in the living room. Fortunately no one in the apartment was injured, although it was occupied. The suspect fled, but was apprehended later. Although



witnesses corroborated that he was armed, no weapon or bullet casings from the suspect's gun were found.

As noted in the last chapter, deputies involved in off-duty shootings tended to have less experience on the job, with over half having been with the Department for fewer than five years. None of the deputies had been with the Department for more than 11 years. We also found that just two of the deputies had attended tactical, scenario-oriented training and TAS in the past two years. This may indicate that a lack of experience or training may contribute to off-duty shootings. More frequent training, with a particular emphasis on how to handle incidents off-duty, might help to reduce off-duty shootings.

## **VII. Conclusion**

Overall, the LASD did not act unreasonably in finding that most deputy-involved shootings were the result of unambiguous, aggressive actions on the part of suspects immediately preceding a shooting. Yet 21 percent of all shootings—and 37 percent of shootings in 2010—were “state of mind” shootings such as waistband shootings. In many cases, the suspect was unarmed. It is alarming that such incidents appear to have jumped by over 50 percent in 2010, as is the fact that more than half of those were hit shootings. While relatively few of the suspects in these cases were killed, it is also troubling that the vast majority—all but two of the 53 suspects shot at in a state of mind shooting—involved persons of color. It goes without saying that such incidents, particularly where the victim turns out to be unarmed, carry the potential for great tragedy. They also present a risk of significant liability to the County and may make the work of LASD deputies more difficult by fomenting distrust among the population they serve.

**The Department must take steps to reduce such shooting incidents by requiring that officers continuously maintain tactical skills that provide them with the time and confidence to ensure that a perceived threat is real before using deadly force. We urge the Department to carefully review its training scenarios to ensure that they are appropriate to the types of incidents officers face, and to ensure that deputies get regular frequent refresher courses to prepare for those situations. The LASD must also do a better job with tracking training and other information for officers involved in shootings. As of now, despite the fact that the PPI was set up to allow for this data to be collected and analyzed, much of the data entry is so poor that to do so is meaningless.**

We found that while cases involving shooting at moving vehicles continue to occur, only two cases have been found to violate the new policy governing shooting at moving vehicles. Nonetheless, about one-fourth of shootings involving moving vehicles were found to have violated at least one Department policy, suggesting that there is still room for improvement in that area. About one-fourth of shootings involved foot pursuits, and more than a quarter of those resulted in discipline. **While foot pursuits have long been considered a staple action of police, we continue to urge the Department to carefully constrain the use of foot pursuits to ensure the safety of officers, suspects, and bystanders. And again, regular refresher training at Laser Village— which currently focuses on tactical considerations when deciding to initiate a foot pursuit and carefully emphasizes the Department’s rules relating to single-officer pursuits and partner-splitting— should also play a role in reducing the number of situations where a deputy is compelled to use deadly force at the termination of a pursuit.**

Finally, the Department does a poor job in providing the PPI with the information it needs to properly analyze the circumstances of a shootings—from distance and

officer training to type of shooting. A substantial proportion of its synopses also lack information that can be used to analyze information over a large amount of cases without having to look up the original file. **We recommend that the Department take a serious look at the type of information it deems important for the purposes of analysis and ensure that the database is properly set up to receive that information. It must also do a better job in auditing the database to ensure that all fields are filled in accurately. We also suggest that it provide a clear template to investigators for the development of a brief but complete synopsis that covers all of the important bases, and a process for ensuring that the synopsis, initially entered at the beginning of the investigative process, reflects accurate information at completion.** These recommendations, and the findings prompting them, are described in greater detail in **Chapter 3**.

### **3. Data and Record-Keeping**

#### **I. Introduction**

This project did not initially begin as an examination of the LASD's record-keeping systems. While we regularly assess the efficacy and accuracy of the Department's databases and paper documentation in the course of our review of them, this study of use of force and shooting statistics was intended primarily as a review of the substantive performance and outcomes in those areas. It was with great dismay, then, that we discovered that many of the data collected by the Department with regard to shootings are missing, inaccurate, lost, or lack basic internal integrity. We also encountered needless compartmentalization of information, confusion about tracking systems and data entry, and an apparent failure on the part of LASD management to audit its own data collection systems or to analyze the data contained therein.

For force, we found that important information about force incidents is added to the record long after the case has been completed, and in a form that makes querying difficult. The Department recently added several fields which, if used as we recommend, should greatly improve the ease, accuracy, and timeliness of force reporting. Other areas of concern include apparent accuracy issues with CARS, the LASD's main up-to-date statistical reporting mechanism, which appears to undercount incidents in every area as compared to the PPI and simply fails to report on two entire units.

It should be noted, as we describe in the final section of this chapter, that our criticism of record-keeping with regard to these serious incidents does not extend to the investigation of individual cases or the use of data for the purposes of basic incident tracking by officer. Although those were not the subject of our review, we

have found these processes to be generally thorough and careful. Nonetheless, the lack of accurate, timely data seriously impacts the Department's ability to conduct detailed analysis and risk-management activities using cases over significant period of time, and to provide detailed and accurate reporting on its own performance.

## **II. The PPI**

As we have exhaustively described in our 27th Semiannual Report and others, the Personnel Performance Index, or PPI, is the LASD's relational database. It works by connecting incidents in several modules—service comments (complaints or commendations), administrative investigations, uses of force, shootings, lawsuits, and claims—to each of the officers involved or named in the incident, and to each other. The database also ostensibly acts a repository for the primary investigative file associated with a given incident, which is to be scanned in and attached to the record. Although the paper file might ultimately be destroyed according to LASD policy, the scanned version should remain in the PPI indefinitely. The LASD primarily uses the PPI to conduct performance- or risk-management-related activities for individual employees. The depth and breadth of the data collected by the database, however, is designed to go further by providing detailed incident information for the purposes of reporting and unit- or department-wide analysis.

### **A. *The Shooting Module***

Each shooting handled by the Internal Affairs Bureau (IA) should be entered into the PPI's shooting module. This includes hit, non-hit, and warning shot incidents, as well as accidental shootings in which a person was hit. It may also include tactical or "other" shootings where an officer deliberately shoots at an object. Unlike modules such as those containing force incidents or Service Comment

Reports, there is no preliminary data entry done at the unit. Instead, the IA investigator fills out the Officer Involved Shooting form once the basic information about the case has been gathered, which mirrors the PPI's shooting module.<sup>50</sup>

For our analysis, we printed out two types of pre-set reports from the PPI for the time period that we were looking at (2005-2010). Each of these cases was individually reviewed, coded, and entered into a database that we created to capture incident data not coded in the PPI.<sup>51</sup> We also requested and received, in the form of PPI datasets, data from 33 incident-, employee-, and suspect-related fields. These data, unmodified, were used as a basis for most of the charts and tables in Chapter 1.

Overall, we found that certain basic fields in the PPI—date/time, unit, core information about involved employees, and identifying and demographic information about suspects—were almost always filled out and usually appeared correct. Others, however, were often blank or, worse, inaccurate. Many of these deficiencies were obvious. For example:

- 30 (12 percent) of 230 cases are missing information about the total number of shots fired by deputies.
- 132 (51 percent) of 230 cases are missing information about the distance from which shots were fired.

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<sup>50</sup> The Homicide Bureau conducts the criminal investigation of all shootings where a person was hit, which is then passed on to IA for an administrative review. Non-hit shootings are reviewed exclusively by IA.

<sup>51</sup> Major fields coded for the study include officer rationale, weapon information, type of shooting (hit/non-hit/accidental/etc.), suspect's precipitating action, EFRC data, lawsuit information, data entry assessment, and number of suspects killed or wounded. Information was gathered from a variety of sources, including the PPI synopsis or other fields, investigative files, and EFRC memos.

- 225 (52 percent) of 440 involved employee records are missing the range qualification date.
- 100 (32 percent) of 310 involved employee records show zero shots fired by the employee.<sup>52</sup>
- 39 suspects in single-suspect cases marked “Armed Person” are listed in a separate field as being unarmed. Additionally, there are one three-person case and eight two-person cases so marked, where all of the suspects were listed as unarmed.

Many records, when reviewed as a whole, were very difficult to make sense of and, in some cases, bordered on nonsensical. For example, an incident involving an armed subject who was shot and killed was reported as a non-hit shooting of an unarmed subject. Missing data also made it appear as though shooting officers in many cases were not certified to use their weapon, fired zero shots, or exhibited other obvious problems.

As most shooting investigative files are not currently attached to the PPI, the simplest way to clarify the facts or context of any given incident while using the PPI is by consulting the included PPI incident synopsis (“Nature of Incident”). We have previously touched on this area and our finding that, in many force cases, it provides inadequate information about the case.<sup>53</sup> Without going into great detail in this Report, we note only that we found similar problems with several shooting synopses. Many records, particularly those from earlier years, contained synopses

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<sup>52</sup> This is separate from 130 cases where the number of shots fired was missing; that field was not included on the data collection form until 2007. Closed cases only.

<sup>53</sup> See our 29<sup>th</sup> Semiannual Report for earlier discussion of this issue.

that failed to include information about the initial suspect contact, suspect and officer actions, the shooting itself, and/or the ultimate result. In 14 cases, the synopsis stated only: “Officer-involved hit shooting” or “Officer-involved non-hit shooting.” We acknowledge that officer-involved shooting incidents and attendant investigations are very complex, and that a short synopsis cannot capture all of the factors of each case. **Yet we reiterate our recommendation that the LASD require that synopses contain—in brief—an accurate description of each of the areas listed above including, for shootings, whether the suspect was hit, how he or she was wounded, and whether a weapon was found at the scene. We also repeat our recommendation that the synopsis be revised at the close of each case to reflect the final facts as understood at that time.**

We do note a marked improvement in synopsis quality beginning in about 2009, with most descriptions after that time including an impressive amount of detail. Unfortunately, however, some of these descriptions appeared too detailed for the PPI and were cut short, leaving the reader hanging as to how the confrontation was resolved. Taken as a whole, the quality of data entry for 2005 was particularly poor. While there were some cases that were properly filled out, the majority had at least a few missing fields or inaccuracies.<sup>54</sup> In contrast, 2009 showed far fewer cases that exhibited widespread or obvious deficiencies in data entry. We commend IA on its improved results, but it must ensure that every record is complete and accurate.

To get a sense of the origin of the data integrity issues, we reviewed the paper files of 15 cases that exhibited one or more deficiencies. We found that, with a few

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<sup>54</sup> Only one field—detailing the number of shots fired by each officer—was added between these dates.



exceptions, the deficiencies stemmed not from the paper forms, which were meticulously filled out by the investigator, but from the PPI data entry. In comparing the cases, we found numerous instances where the person entering the information seemingly did not bother to transfer the information to the database, transferred the information inaccurately, or was working off a different iteration of the form.

The persistence of these widespread issues is difficult to understand. Unlike other, more common types of risk-related events, officer-involved shootings are rare, numbering an average of just 43 incidents (hit and non-hit) per year during our study period. Each incident is exhaustively reviewed by investigators at IA (and often Homicide), Training, the EFRC, and the Office of Independent Review, generating reams of reporting, analysis, and evidence. Investigators are charged with examining and documenting every aspect of the shooting to ensure that, to the extent possible, every detail of the incident can be understood and placed into context. How then is so little attention paid to the ultimate documentation of the case in the LASD's primary incident-tracking database? It is difficult to imagine that, in its current state, the PPI shooting data has been carefully inspected or used for analysis of any significant depth. **We strongly recommend that the Department develop a quality assurance system for these data, which should involve a final review of the PPI record by an IA or EFRC staff member familiar with the details of the case, as well as regular audits. We are pleased to report that, as of this writing, the Department has committed to implementing our recommendation by ensuring that the assigned IA investigator validates data entry into the PPI prior to the case being processed.**

We also urge LASD management to begin using the data as it was intended, to get a better sense of shooting trends and possible areas for improvement. If the data

captured by the PPI is not sufficient for these purposes, it should consider ways to revise the system.

In addition to the simple and apparently systemic failure to fully fill out the PPI record, we uncovered several database issues that likely contribute to inaccurate data in the system. These include issues—detailed in an addendum to this report that we will provide to the Department—such as the use of default values, data mismatches, or confusion about the meaning of a field. Again, we point out that these issues should have been uncovered a long time ago by LASD management.

**We thus reiterate our recommendation that the Department take immediate steps to ensure the integrity of the PPI through regular auditing and analysis of its data.**

In general, despite the issues listed above, the PPI Shooting Module is an extremely robust and sophisticated tool for the tracking and analysis of officer-involved shootings. There are, however, a few areas where the database could be modified to facilitate reporting and analysis by modifying or adding certain fields. As we discuss in the following section, some of these are already tracked by the EFRC, either in their monthly reports or in the incident database. **We suggest, for ease of analysis and because of concerns about the reliability of the EFRC database, that they be included in the PPI as well, in a more straightforward manner than they currently exist. These include: shooting type (hit/non-hit/accidental hit/warning shot/other), shooting result, and weapons information. The Department should also attach a scanned copy of the IA investigation to every record, whether or not the review resulted in an administrative investigation or discipline.**

## **B. The Force Module**

Unlike shootings, our review of the Force Module for this Report was limited to retrieving basic statistics on the number of times a particular type of force was used by employees of the Department as a whole, as well as by those in each unit. These statistics are included in the Appendix. Because of backlogs at the Discovery Unit, however, which at the time of our review stretched to a little less than a year, detailed information about the methods of force used by each officer for a given incident was not available for most of 2010. This is because that information is not entered in the initial “Preliminary Data Entry” (PDE) stage—completed by staff at the unit within a day or two of the incident—but by the Discovery Unit, which enters information only after a case has been closed. Thus, while basic information about the officers and suspects involved is entered during PDE, the type of force and injury is not, and was missing for much of 2010 at the time of our review. Even where that information was entered, it was difficult to query due to the inclusion of suspect force and the proliferation of multiple options for each type of force.

We were very pleased to see that the Department has recently implemented a set of new check-box fields for each incident which provides exactly the type of simplified summary information that would be useful to a user conducting a query such as ours, including: major categories of force used, deputy and suspect injury, call/observation/detail, vehicle or foot pursuit, and IAB rollout. **We recommend that these fields be part of the PDE process to provide up-to-date, simplified force statistics for managers.<sup>55</sup> The Department should also ensure**

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<sup>55</sup> Supervisors may not have all the facts about a case at the beginning of the review process, including the exact methods of force used. The simplified fields, however, include only general categories of force used,

**that the “start dates” for the use of this and other new fields are clear, perhaps built in as an information link in the PPI itself, so that users can be assured that their searches are based on complete information.<sup>56</sup>**

We did eventually get the statistics that we wanted from the Data Systems Bureau, whose staff was extremely helpful in developing and creating summary force statistics (not including 2010 data). **The Department should consider creating an automatic summary statistics report in the PPI, similar to reports created for the Lawsuits Module and those in Command Accountability Reporting System (CARS – discussed later in this chapter).** Such a report could be compared to information in the latter to ensure accuracy.

### **III. The Executive Force Review Committee**

The Executive Force Review Committee (EFRC) and its staff have overall responsibility for the tracking of officer-involved shootings and serious uses of force, including developing monthly reports, tracking the investigation and review process, and maintaining information about each case in the form of short summaries and a database system. The Committee is also responsible for the review and adjudication of each case, determining whether the shooting was within Department policy, as well as whether other policy violations occurred.<sup>57</sup>

We found that although the unit and its assigned staff sergeant do an excellent job

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which should be reported at the time of the force report. If this information is later found to be inaccurate, it should be revised.

<sup>56</sup> Start dates should generally be based on an incident date, not a data entry date.

<sup>57</sup> The structure of the EFRC has recently been changed. The Committee, along with IAB and the Internal Criminal Investigations Bureau (ICIB) have been brought into the Office of the Undersheriff. The Committee itself will no longer be made up of three permanent members, but rather of the Chair, Commander Joseph Hartshorne, and two rotating member from a panel of commanders.

in tracking shootings, record-keeping procedures regarding case findings need to be clarified and streamlined.

### ***A. Monthly and Annual Reporting***

PARC has long relied on annual reports provided by EFRC staff that describe the number of each type of shooting per year, as well as information about hit and non-hit incidents such as the date, units involved, and number of suspects killed or wounded. These data are reported annually in our Semiannual Reports, and formed the basis for this study. We have determined the quality and accuracy of these reports are excellent. The EFRC has also, in recent years, begun generating a very useful monthly report of all types of shootings, which includes basic information about each case, including the result and whether the suspect was armed, as well as cumulative summary statistics about officer injuries, weapons used, and suspects killed or wounded. Again, we have found this information to be thorough and accurate, and helpful in identifying inaccuracies in the PPI. As good as the reports are, however, their potential for further analysis is limited in a way that similar PPI data would not be, as they cannot be used for cross-tabulations or statistical reporting beyond what has already been conducted. In addition, the unit's standalone database, described below, has proved unusable due to severe corruption and data loss. **We urge the Department to ensure that the information in the PPI exactly matches that in the EFRC reports to facilitate more robust analysis of these data.**

### ***B. Case Findings***

The sergeant assigned to EFRC maintains an Access database of all shooting and serious force incidents that includes detailed information about the case, much of it duplicated in the PPI. It is meant to include information about the findings for each case, along with general topics of discussion for each meeting. Unfortunately,

the database was recently severely corrupted and much of its data were irretrievably lost. When we attempted to review the information contained therein, we found a confusing hodgepodge of information about the findings, with random data missing. We are thus unable to comment on the database's effectiveness beyond the fact that it appears to needlessly duplicate much of the information in the PPI and that it has failed to provide any valuable information whatsoever.

To make matters more challenging, the EFRC memo which identifies founded policy violations for a given case is developed not by EFRC, but by the Advocacy Unit, which does not maintain them in its files.<sup>58</sup> Instead, the memo is attached to the paper file, which is, of course, filed away and cannot be easily accessed. The elusive memo should also be included in the final scanned version of the file but, upon further examination, we found that most of the scanned copies maintained by IA did not seem to contain that document.

As a result, we found that the PPI is the only way to immediately access aggregate case findings. This process, however, is not straightforward and requires a number of steps, including hand-matching of shooting and investigation numbers. We found the entire affair to be needlessly complicated, and it seems extremely problematic that, when asked, the EFRC could not easily provide us with a list of each shooting or serious force case and its result. While we appreciate that the Committee's database might have fulfilled this purpose, it is not clear why it uses a complicated, unreliable standalone database rather than the Department's sophisticated risk management system. In fact, the sergeant who manages EFRC

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<sup>58</sup> Confusingly, the EFRC only creates and maintains memos for cases where no policy violation was found.

cannot change or correct information in the PPI's shooting module, which is exclusively managed by Internal Affairs.

We see no reason why important information about the case finding is not included in the PPI. Currently, the only information it gathers about EFRC is the date when the case was heard. We recognize that the EFRC review is not an official "administrative investigation," and as such should not generally be included in the Investigations module unless the incident turns up policy violations. **As such, we recommend that each officer's section in the Shooting and Force Modules include a field that notes simply whether the force was "in policy" and one that notes whether there are other policy violations. Also, the EFRC memo that memorializes the results of the case must be maintained in the digital file.**

### ***C. Compartmentalization***

Documentation of the review and adjudication process for shootings and serious uses of force can involve members of several units including Internal Affairs, Homicide, the Executive Force Review Committee, the Discovery Unit, and the Advocacy Unit. In researching shooting cases, we encountered occasional confusion about which unit had responsibility for what and how best to go about getting the information we needed. In fact, the process is so fragmented that no one entity has overall responsibility for ensuring the accurate documentation of the incident and its adjudication. **We strongly recommend that one person with substantive knowledge of the case—whether that person be the IA investigator, EFRC sergeant, or a unit supervisor—assume responsibility for reviewing each closed case to ensure that the PPI record is correct and that all documents have been properly scanned and attached. As mentioned earlier, the LASD has**

already responded to this recommendation by assigning the IA investigator to this task; we look forward to seeing an improvement in data integrity as a result.

#### **IV. Command Accountability Reporting System**

The LASD's Command Accountability Reporting System, or CARS, is the Department's statistical summary database, designed to be updated monthly and used by ComStat and other management processes. It provides monthly and annual numbers for each unit for the following areas: administrative investigations, arrests, available personnel, complaints, field activity, force events, illness or injury claims, miles driven pursuits, shootings, vehicle collisions, civil claims, and commendations. Because it provides summary information at the push of a button, it is easier to use than the PPI, which collects some of the same information, and should provide up-to-date statistics. Unfortunately, it also differs from the PPI in terms of the actual data that it provides, undercounting incidents in every area that we reviewed. A comparison of 2009 CARS data to a similar query of the PPI, for example, revealed:

- 106 fewer total complaints, with 434 fewer personnel complaints;
- 832 fewer force incidents, with 371 fewer significant force incidents; and
- 7 fewer hit and non-hit shootings.<sup>59</sup>

Some of these discrepancies are quite noticeable, such as the reduced number of shootings, as well the fact that personnel and service complaints that do not add up to total number of complaints. That they have gone unchallenged and unchanged is troubling. CARS is also problematic in that, at the time of this

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<sup>59</sup> As tallied by EFRC.



writing, it did not report any information for the Metrolink and Palmdale units for 2010, possibly due to a coding error or, in the case of Metrolink, a failure to enter data. With regular review of the data, such discrepancies would have been caught and corrected.

If the Department is going to continue to use CARS for reporting purposes—and indeed, it is the source of the force numbers it reports annually to Special Counsel—it must ensure that its data is accurate. To be sure, inaccuracies, when taken unit by unit, may not have a significant impact on an individual unit's numbers. But without regular reconciliation, there is no way to be assured of this. We recommend that the LASD compare CARS and PPI data—as well as other sources of information, if needed—on a regular basis to ensure that they match. Doing so regularly should allow for accurate correction of discrepancies as they are found.

## **V. Investigation and Adjudication of Individual Cases**

It is important to note that our criticisms of the LASD with regard to record-keeping do not extend to the Department's treatment of individual cases. We did not, for this Report, evaluate individual case files of shootings or uses of force to see whether they meet the standard of full, fair, and thorough investigation. We did, however, audit the paperwork for 15 shooting cases and—in our last Report—226 force cases. In almost every case, we found what appeared to be thorough, complex investigations and, for less-serious uses of force, careful adjudication of each case. Additionally, we found that the shooting data collection forms—the source of information entered into the Personnel Performance Index (PPI), the LASD's risk management database—were generally accurate and carefully filled out by the assigned investigators.

We also attended three meetings of the Executive Force Review Committee (EFRC) during this study period. Overall, we were quite impressed with the thorough, thoughtful, and incisive discussion and decision-making process involved in those meetings. We credit not only the Department for the overall quality and caliber of these investigations and deliberations, but our counterparts at the Office of Independent Review as well. Their input to and oversight of the process has proved invaluable.

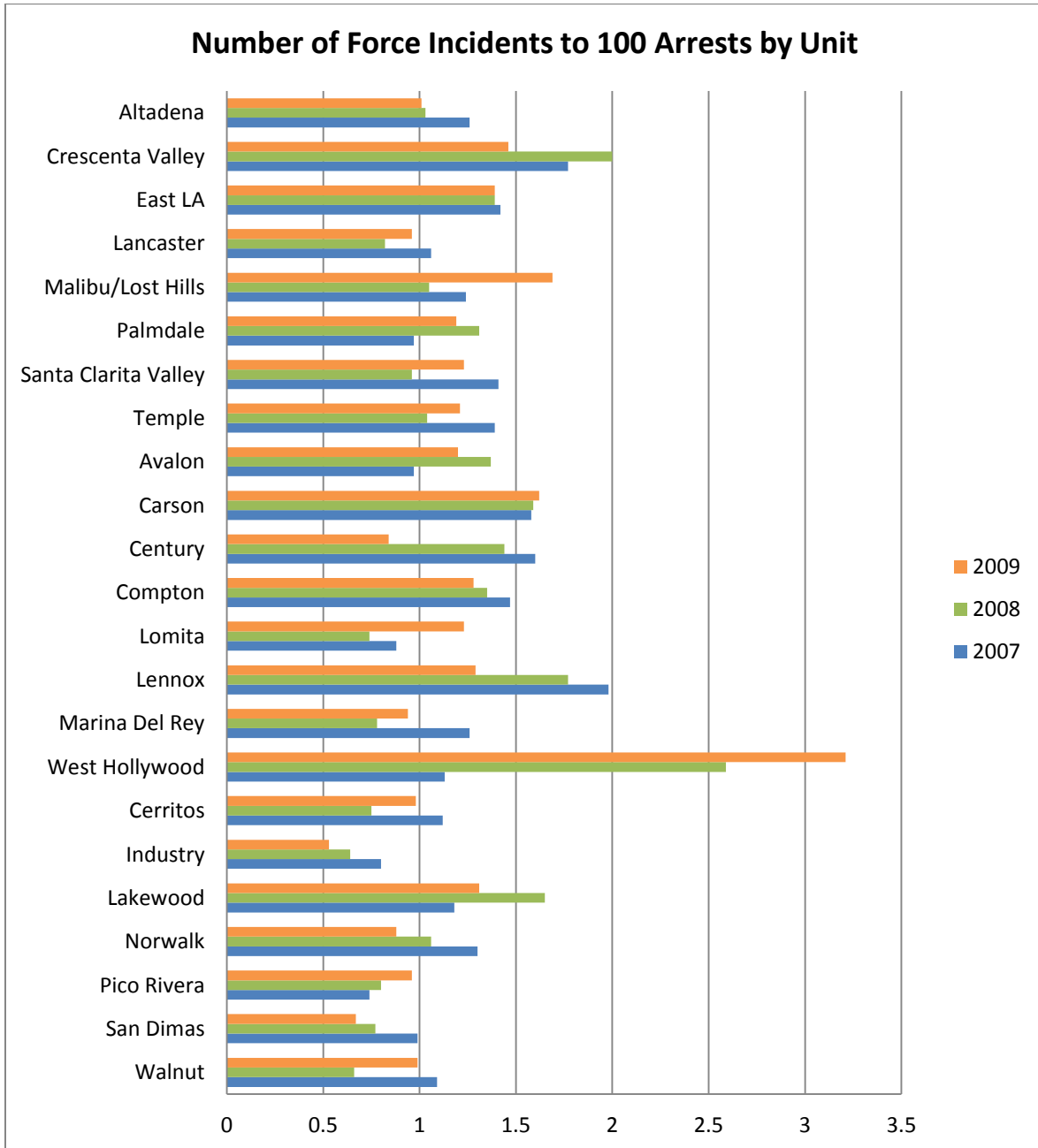
It also appears that the problems with data accuracy and integrity do not substantively impact the LASD's screening of individual officers' records for the purposes of the Performance Mentoring Program, the Department's early intervention system. Because that system relies on a simple relationship between the deputy and a particular incident (such as a use of force, complaint, or shooting), delays and inaccuracies in the entry of detailed data should not impact the person's candidacy. And because the vetting process currently relies on an individualized, case-by-case accounting of the officer's record, they should not impact the deliberation process either. This is a relief.

Nonetheless, the delays and mistakes do have a significant impact on the LASD's ability to accurately and transparently report on its performance in a timely fashion. Although there has been a marked improvement in accuracy and completeness since 2009, analysis over time remains an area of concern. As of now, we have serious doubts about the Department's ability to accurately report, for example, the number of unarmed African American men shot and killed by officers assigned to the Century Station over the past 10 years—and whether the officers involved received discipline as a result—without conducting a painstaking hand review of every hit shooting at that station. With a powerful database like the PPI, such a query should take no more than a minute or two.

Nor can EFRC or the Performance Mentoring Committee fully leverage the PPI to provide context for the individual cases they review and to suggest changes in policy or training. How does the number of shots fired or shooting distance compare with overall averages for the unit? Are there a number of officers involved in shootings who have the same field training officer? Have deputies involved in shootings at a particular unit been recently trained at Laser Village? Have they recently qualified with their weapon? How many shootings in the past year involve foot pursuits, “state of mind” shootings, or possible contagious fire – and are there correlations with age, unit, shift, or training? Significant missing or incorrect data in these areas make it difficult to answer those questions without relying on memory or going through each case, particularly going back more than a year or two.

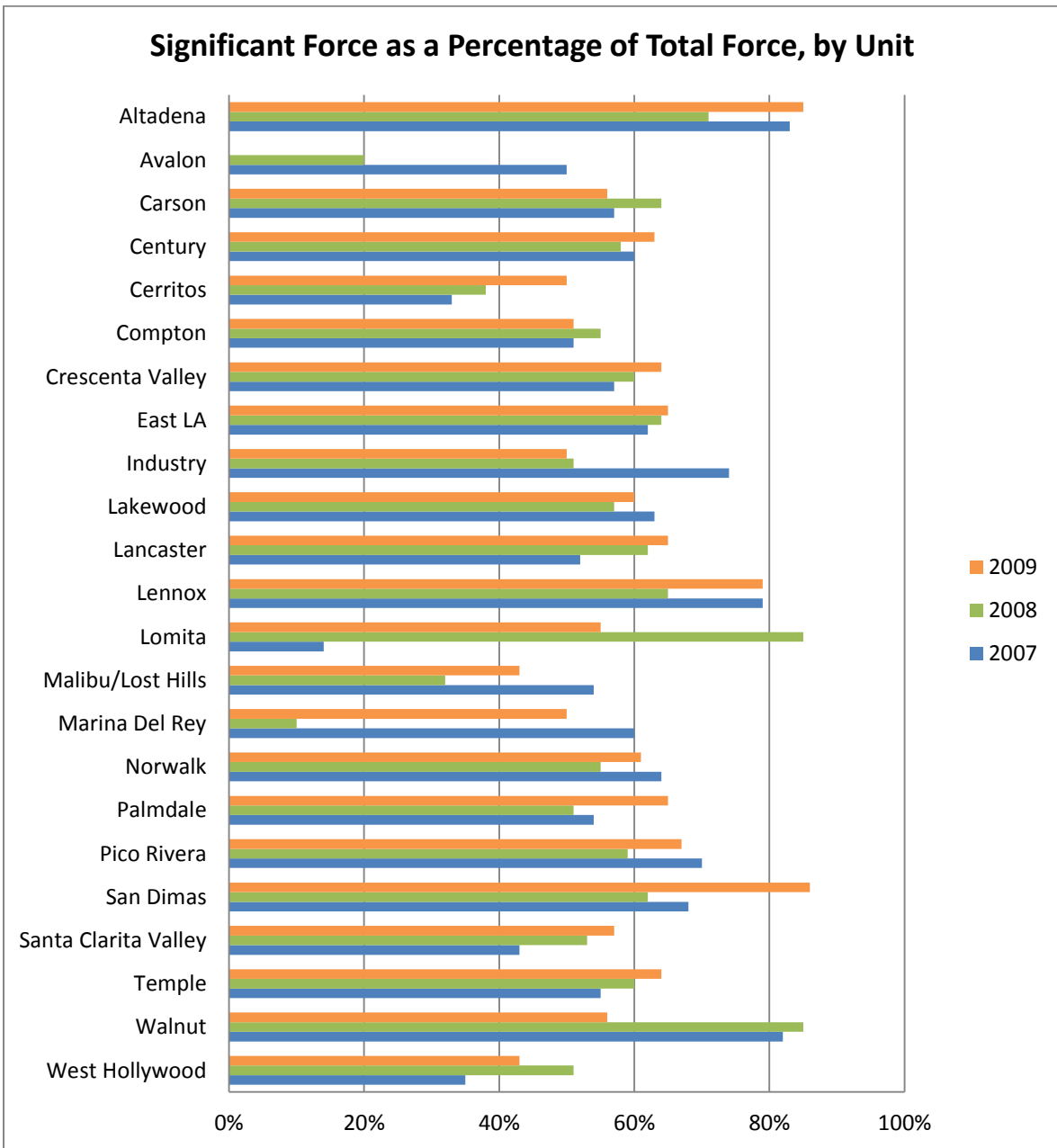
With regard to force, how does a particular officer’s use of the Taser or flashlight compare with others in his or her unit over the past three months? His or her shift? Does a particular unit, shift, or officer have more incidents involving multiple employees or serious injuries than others over the past six months? Backlogs in data entry make these comparisons quite difficult on a large scale. Although some up-to-date analysis is possible through the Command Accountability Reporting System (CARS)—used, for example, for ComStat process—the data it contains matches neither that from the PPI or the Department’s own arrest statistics. Obvious discrepancies—for example, in the number of shootings in a given year—make us doubtful that the database is audited in a meaningful fashion.

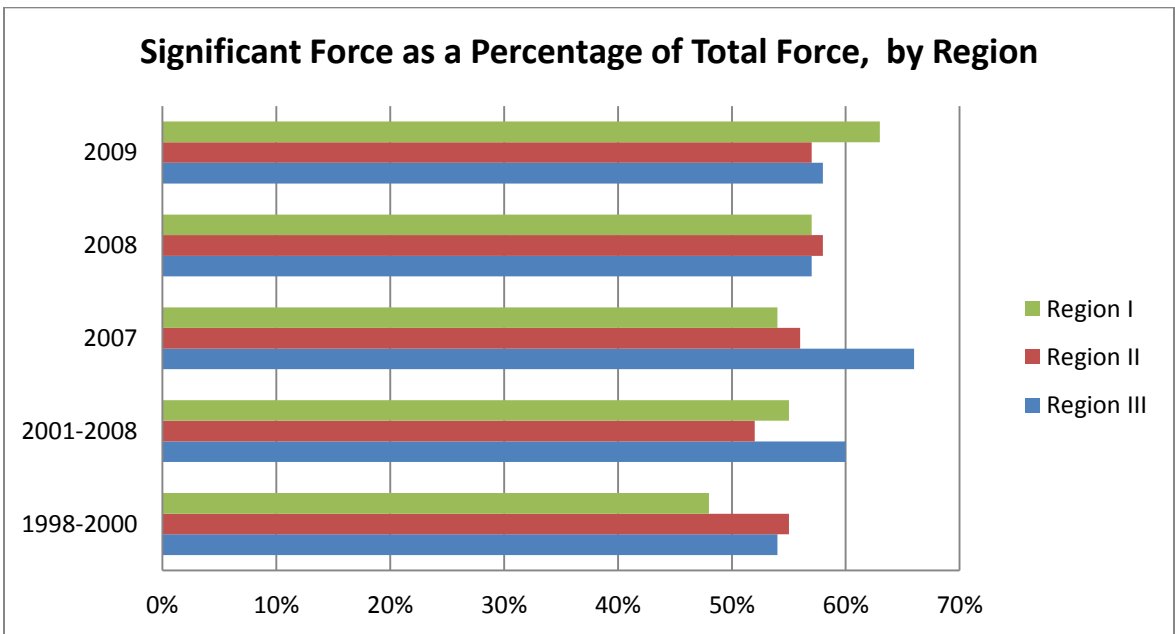
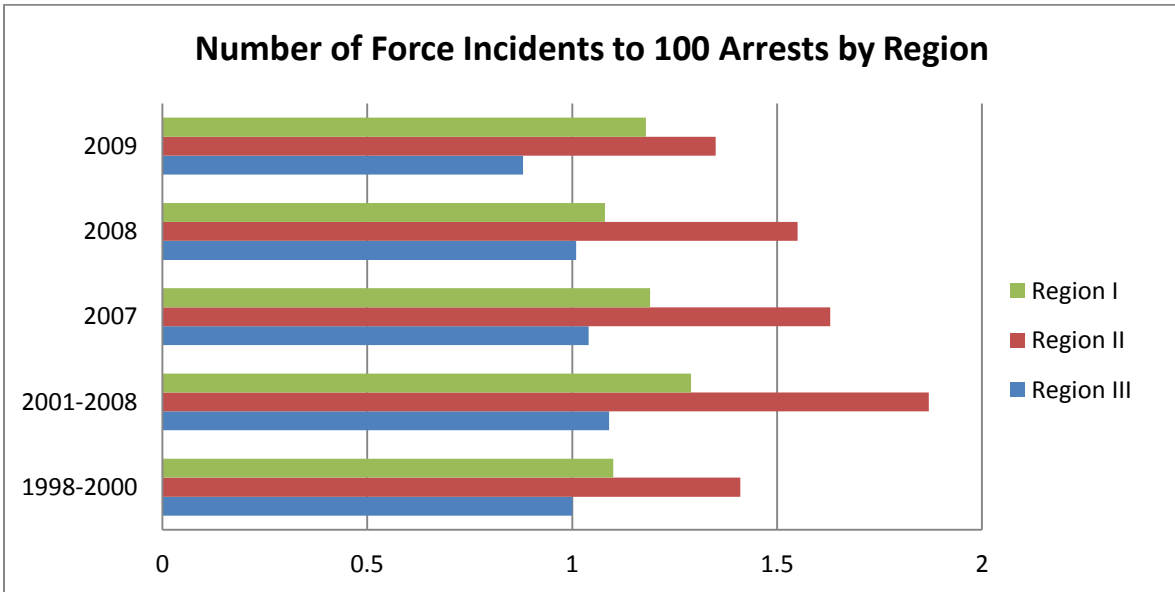
**I. Use of Force Statistics: Patrol Units<sup>60</sup>**



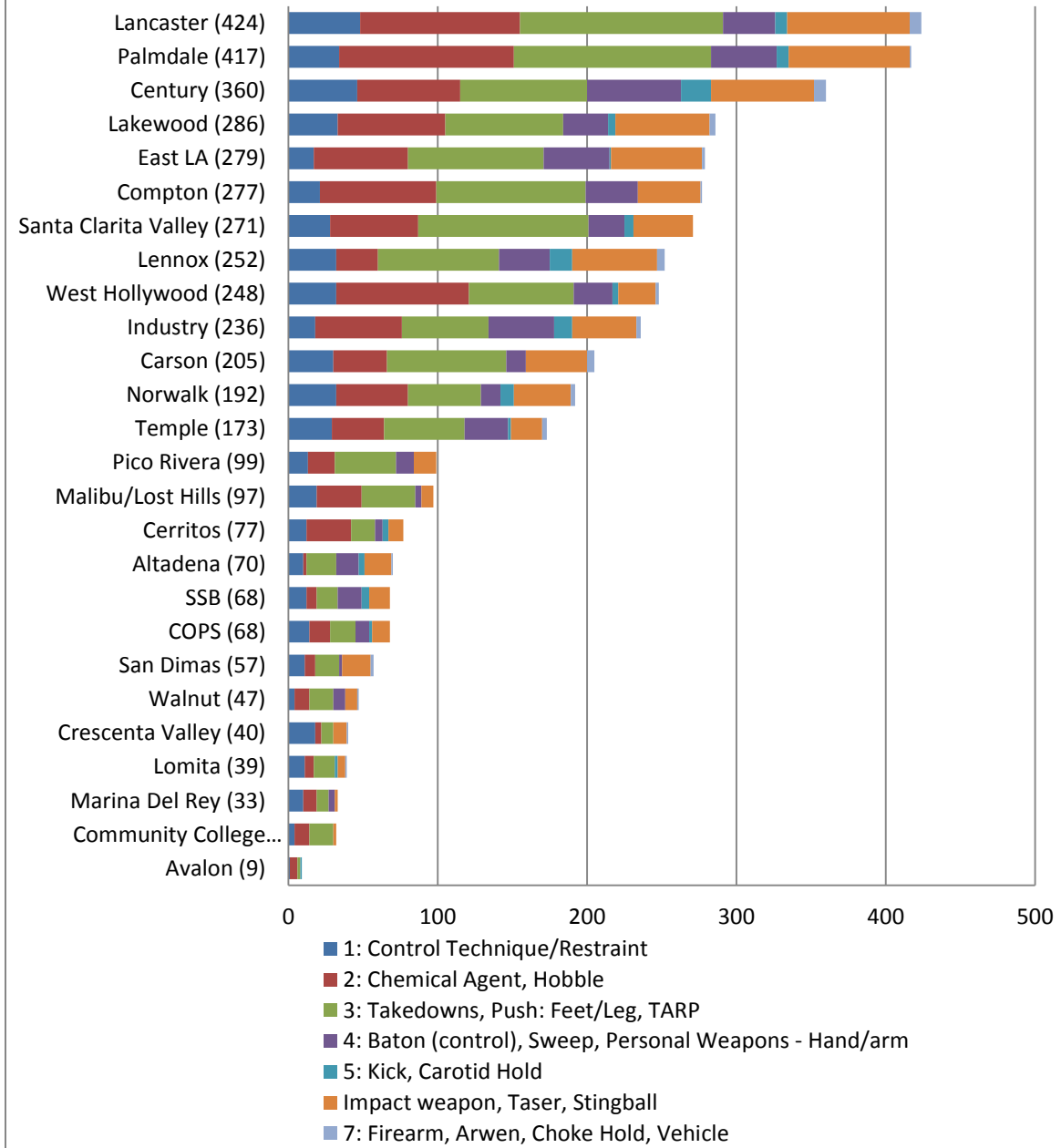
<sup>60</sup> Source: ComStat Reports, 2007-2009

### Significant Force as a Percentage of Total Force, by Unit

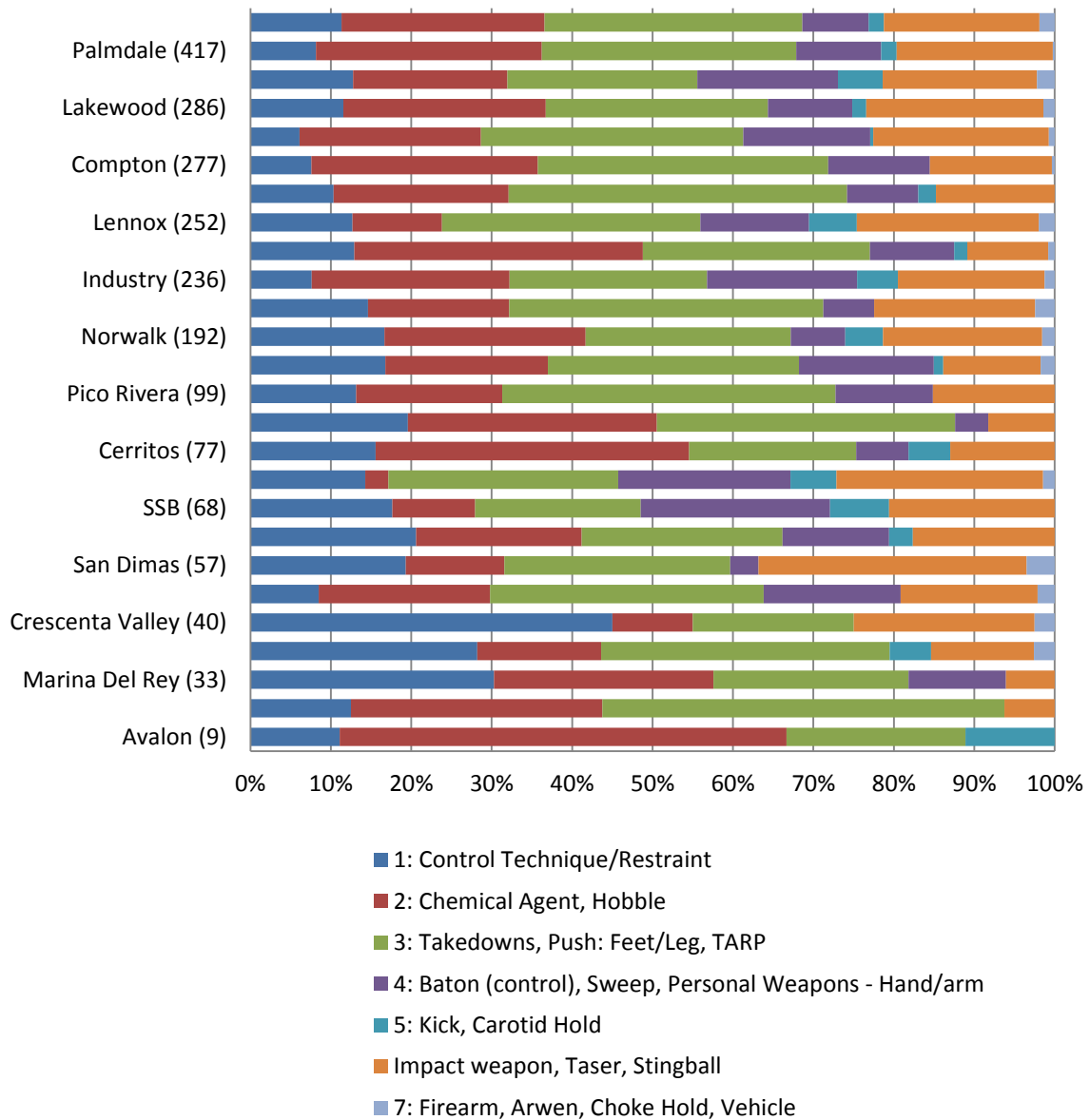




## Total Use of Force Incidents by Unit and Level of Severity 2007-2009

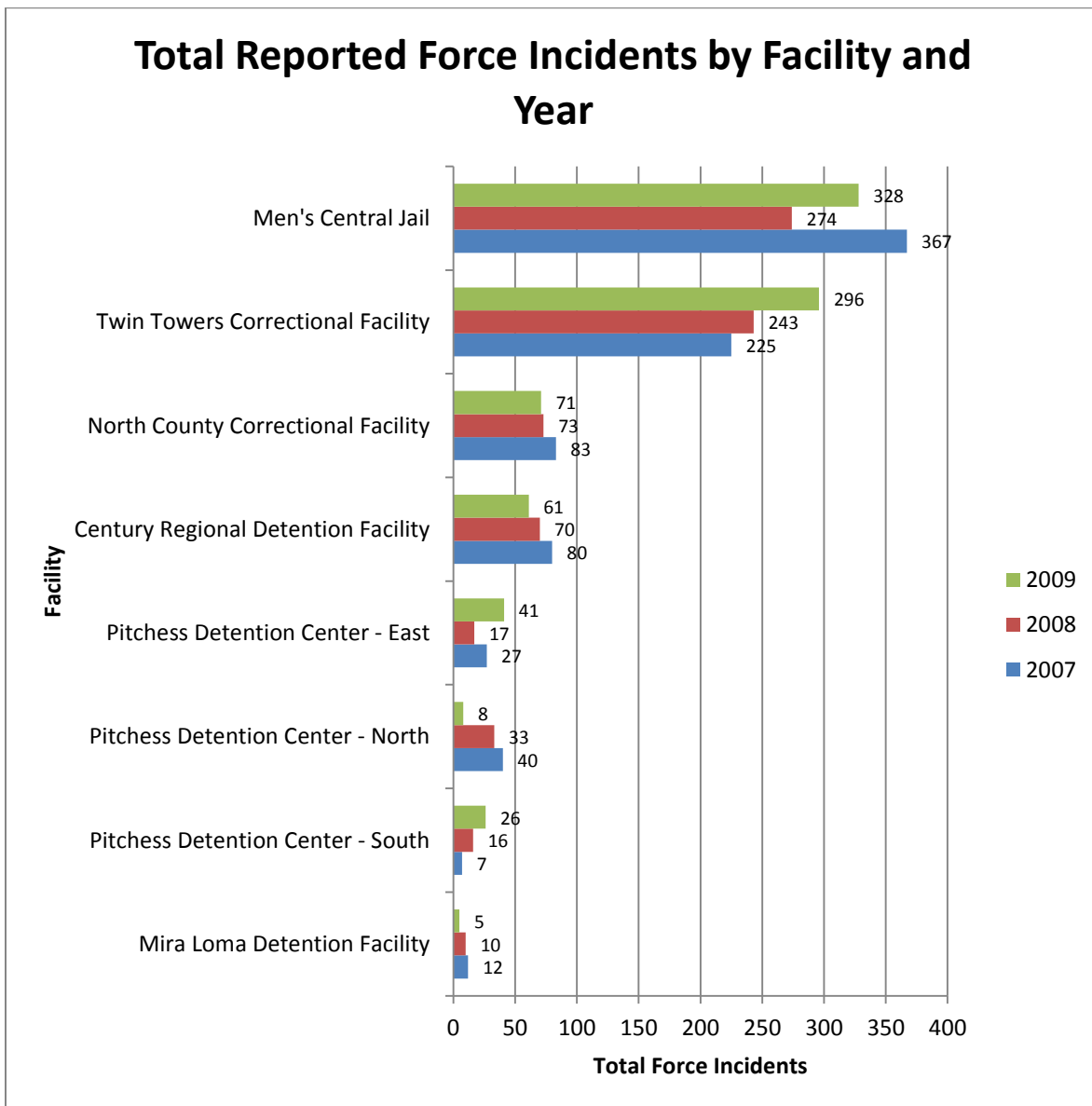


### Force Severity by Percent of Force Incidents and Unit 2007-2009



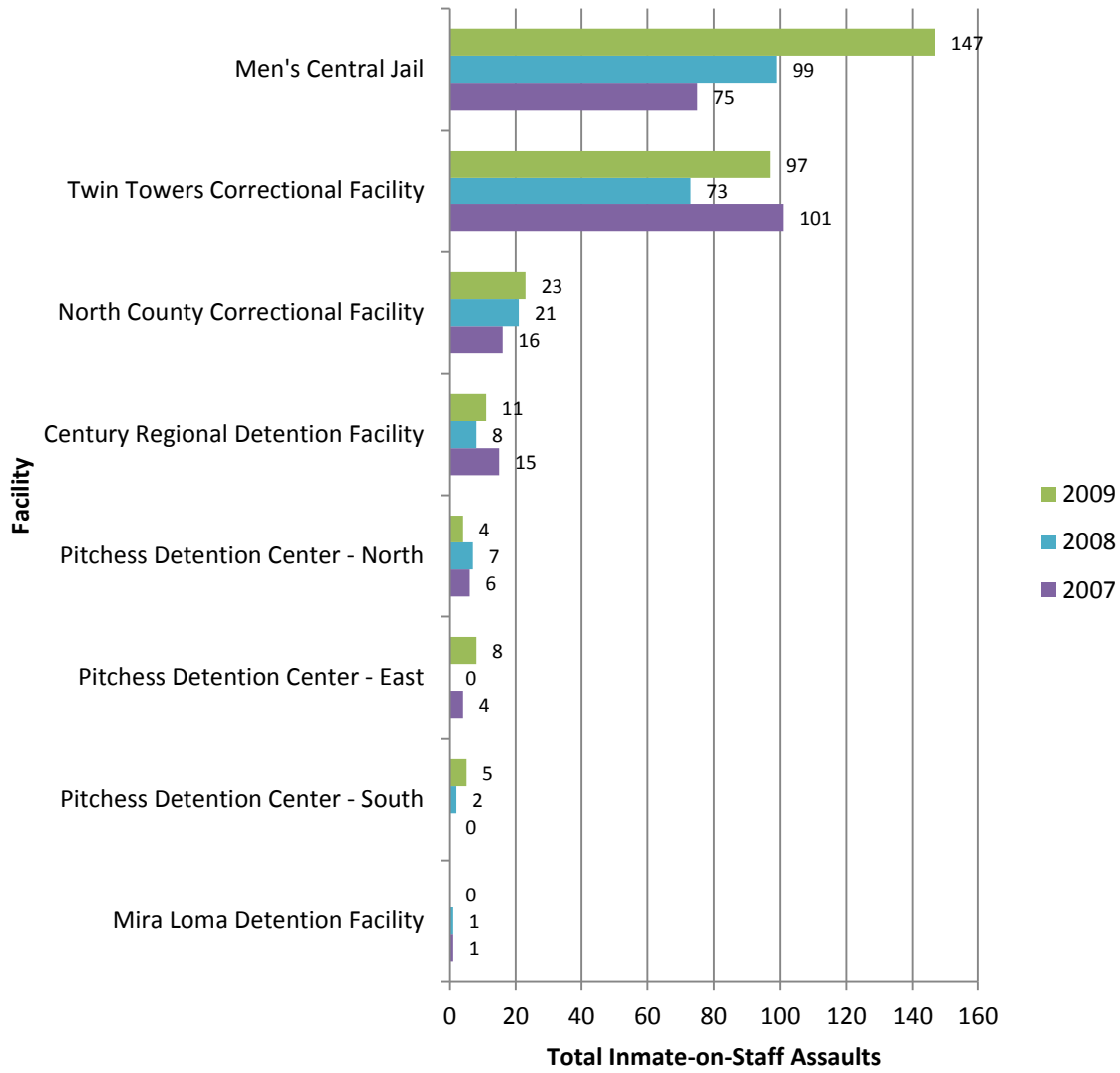


## II. Use of Force Statistics: Custody Facilities<sup>61</sup>

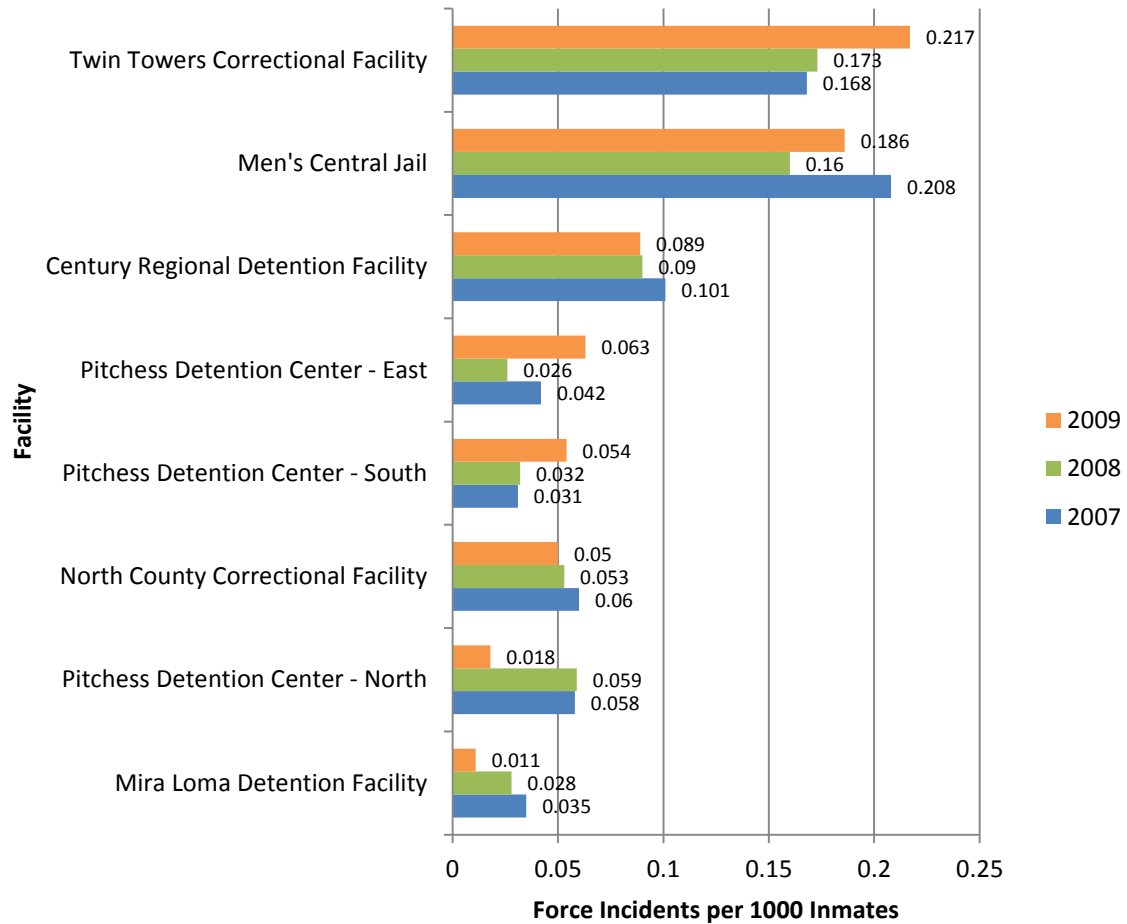


<sup>61</sup> Source: Sheriff's Critical Incident Forum (SCIF) Report, 2010

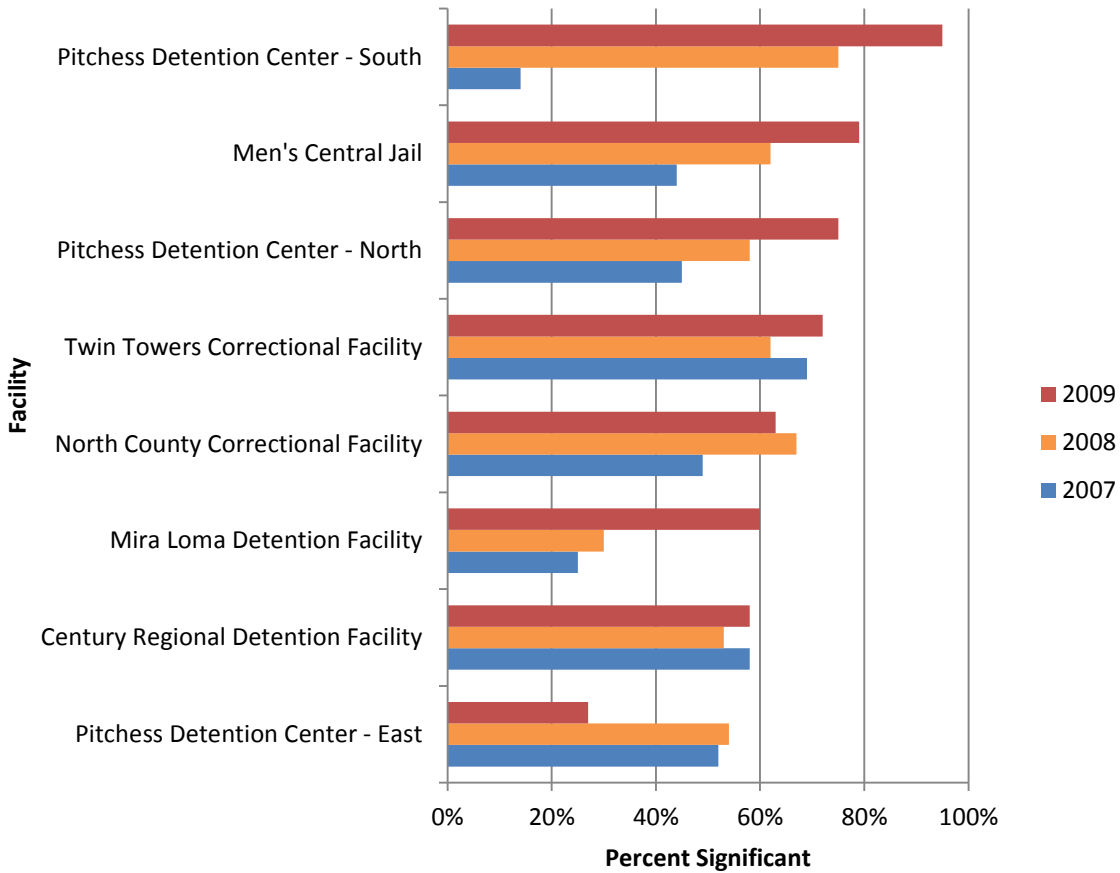
## Reported Inmate-on-Staff Assaults by Facility and Year



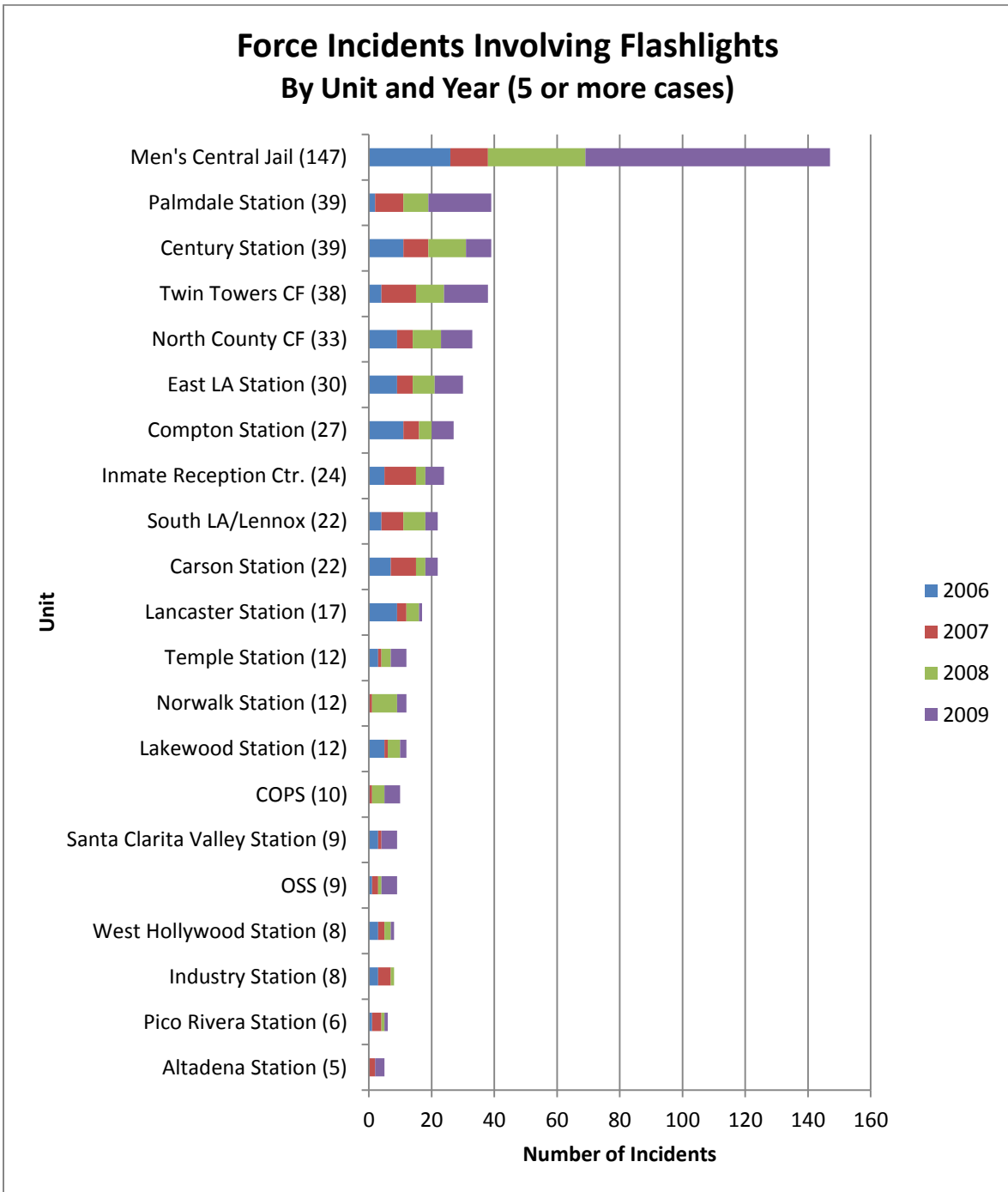
## Reported Force Incidents per 1000 Inmates by Facility and Year



## Significant Force as a Percent of Total Force by Facility and Year

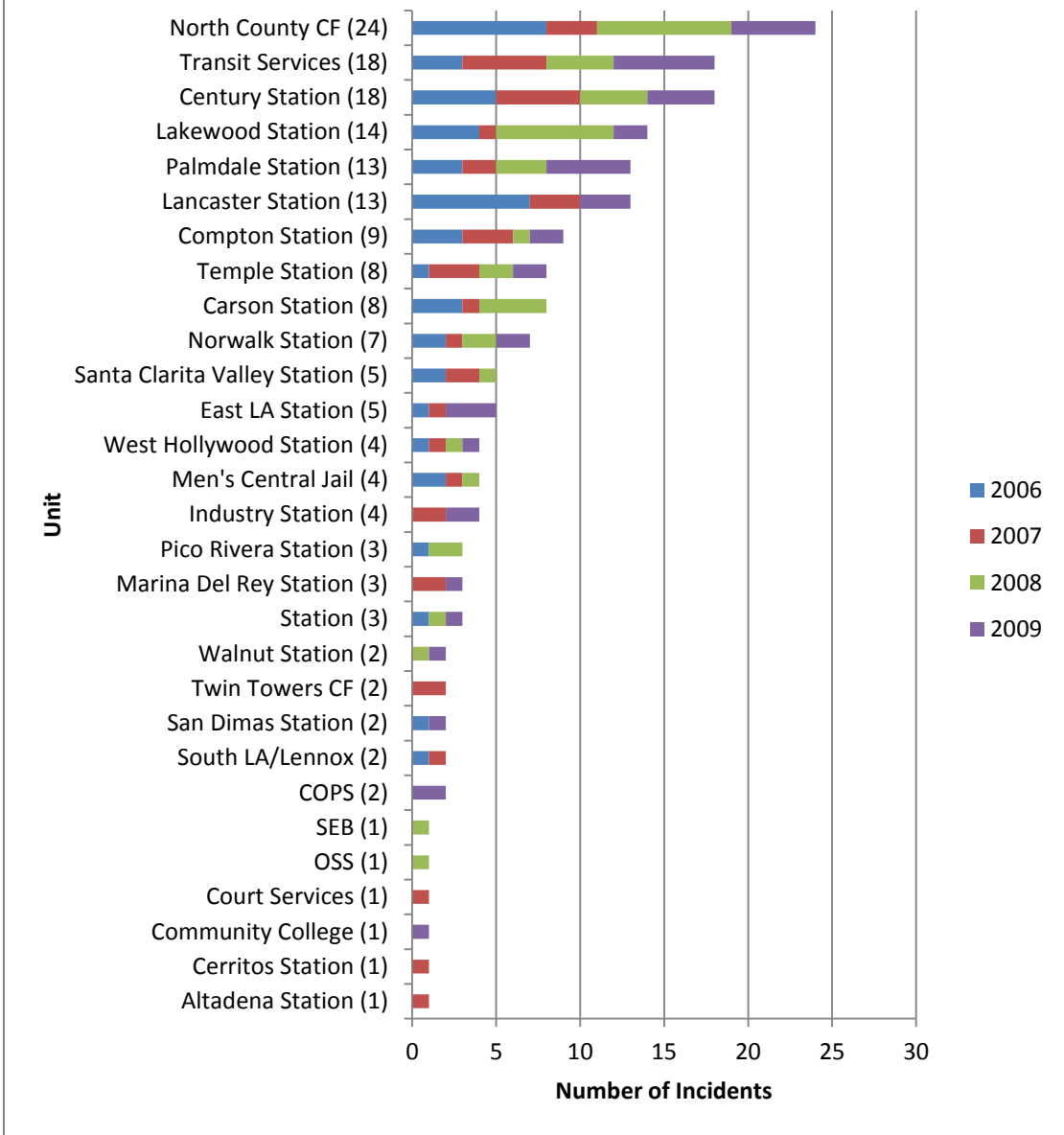


### III. Selected Force Methods by Number of Incidents, Unit, and Year<sup>62</sup>

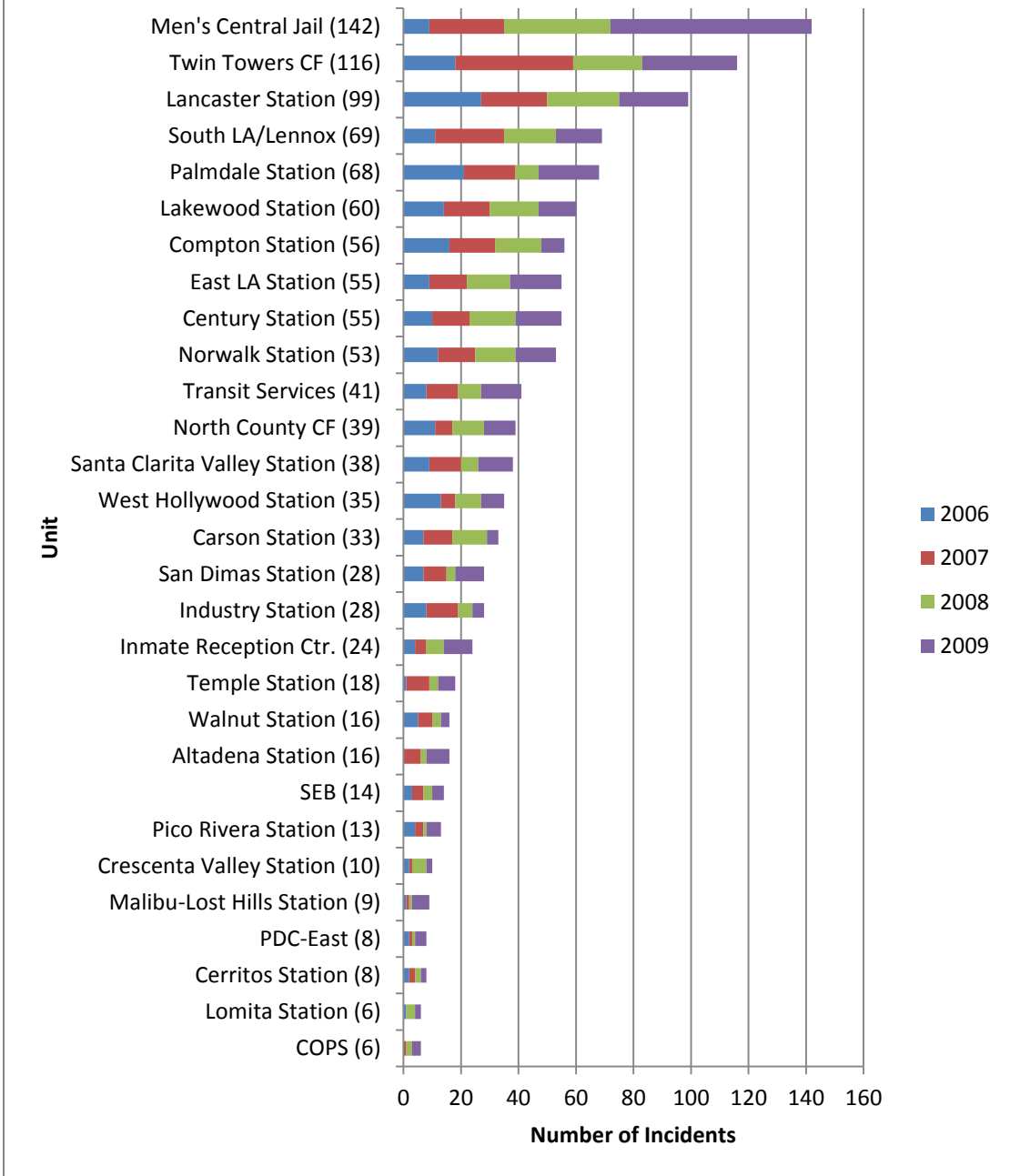


<sup>62</sup> Source: Personnel Performance Index

## Force Incidents Involving Batons By Unit and Year (1 or more cases)



## Force Incidents Involving Tasers By Unit and Year (5 or more cases)



## Force Incidents Involving Personal Weapons By Unit and Year (20 or more cases)

