

Foot Pursuits, Discipline, and Fairness: The Whole Story
by
Stephen J. Connolly
Office of Independent Review

The October 2005 edition of the ALADS “Dispatcher” includes two separate features dedicated to criticizing the outcome of a particular administrative investigation. In both “Bad Supervisory Spotlight” on page 9, and “60 Seconds of *Real Radio with Roy*” at page 20, the “Dispatcher” faults a patrol chief for his decision to “unfairly” discipline a deputy who was involved in a foot pursuit in 2003. This coverage draws illogical conclusions from distorted facts, and does so in the service of a divisive and counterproductive message. Accordingly, it puts the union’s considerable influence to poor use.

The readership and radio audience might be interested to know the following things about that investigation, none of which were apparent from the selective account that was published in the paper:

The case at issue involved a vehicle pursuit that ended when the suspect’s car became disabled and pulled to the side of the road in a residential neighborhood. The suspect fled on foot from the vehicle, leaving a passenger behind in the front seat.

At that point, the driver deputy got out of his radio car and instructed his trainee to stay with the passenger as he began to chase the suspect up the street. By doing so, he placed himself and his trainee in a tactical disadvantage by splitting from his partner, in conflict with Department training.

The pursuing deputy soon caught up to the suspect, who was in a driveway trying to use a parked car as a means of getting over a fence. The suspect slipped off the car and turned toward the deputy, whose gun was drawn and extended, and who had closed the distance to the suspect in another tactically unsound way.

The deputy alleged that the suspect – who was unarmed – came toward him in a way that made the deputy believe he was reaching for the deputy’s drawn gun. He said the suspect came into contact with him. The deputy fired one round, which killed the suspect.

The Department followed its normal protocols in reviewing the shooting. Homicide detectives prepared and submitted an investigation to the District

Attorney's Office, which assessed the case for an important but narrow purpose – namely, to determine whether evidence showed that the deputy's use of deadly force was a violation of the criminal penal code under the circumstances. The District Attorney's Office completed its review and issued a letter of opinion explaining that the evidence did not support a finding of criminal conduct on the deputy's part; it therefore declined to take further action.

The case then entered its administrative phase, in which the Department investigated and assessed the facts from a different and broader perspective. That investigation looked at issues of policy and tactics for the incident as a whole, as opposed to the District Attorney's focus on the moment the deputy pulled the trigger. When the investigation was complete, the case was presented to the Executive Force Review Committee. That three-commander panel agreed that the deputy had not violated Department policy in his use of deadly force. The panel determined, however, that the deputy had violated Department policy with his tactics and had thereby contributed to his own need to use deadly force.

The Committee's original recommendation was for a seven-day suspension. It then went to the deputy's regional patrol chief for final review. The Chief eventually decided to reduce the suspension to two days before the deputy received the Department's letter of intent.

Meanwhile, a civil lawsuit against the County based on this shooting worked its way through the litigation process. Earlier this year, it culminated in a settlement that was worth several hundred thousand dollars to the family of the deceased suspect.

It is possible, of course, that someone could know all of the above information and still take exception to the outcome of this investigation. At the very least, however, a complete rendition of the facts calls into question many of the claims within the two "Dispatcher" articles. One wonders, for example, how the full story of this incident could lead any reasonable person to the conclusion that the Chief – who *lowered* the recommended discipline after his own extensive review of the case file – is either unfair to deputies or intent on sending a permissive message to the criminals of Los Angeles County. On the contrary, the tactical principles espoused by the Department and applied to this case are meant to be *more* efficient and effective than a solitary, unsupported foot pursuit. To characterize these principles – good communication, establishing of a containment, and sound coordination with partners or other responding officers – as a message to "stand down," "stand idly by" or "give the nod" to suspects is plainly wrong.

The shooting case cited in the October 2005 "Dispatcher" encompasses a number of important issues. These include deadly force, officer safety, county

liability, crime prevention, and the LASD discipline system. Each deserves serious and ongoing discussion, and the deputies' union should have an influential voice. What a shame, then, to see the "Dispatcher" squander its position of authority by settling for scare tactics and posturing. The Chief in question, the public, and the ALADS membership all deserve better.