

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

OFFICER-INVOLVED SHOOTING – 064-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	4 years, 11 months
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Reason for Police Contact

Officers attempted to conduct a pedestrian stop to determine whether the Subject was related to a prior “man with a gun” radio call. Upon being contacted by the officers, the Subject turned and pointed what was later determined to be a black BB gun at one of the officers, resulting in an Officer-Involved Shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 16 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on September 26, 2017.

Incident Summary

Communications Division (CD) received a 911 call of a male, approximately 17 years of age, with a black handgun in the pocket of his grey sweater. The caller reported that the suspect was last seen walking toward a nearby school. When CD requested a call-back phone number, the line was disconnected.

Note: The investigation determined that it was the Subject who had called CD and had described his own clothing and actions.

CD then created a radio call of a “man with a gun.” The comments in the incident history provided a description of the suspect and indicated that he was last seen walking toward a school.

The call was assigned to Officers A and B. On their way to the location, Officer A twice attempted to contact the 911 caller at the phone number noted in the comments of the radio call. Both attempts went to an automated voicemail message. According to Officer A, he wanted to contact the caller to see if he still had the suspect in sight.

Officer A notified CD that they had arrived at the location. The officers, along with additional officers and a helicopter, searched the area but were unable to locate the Subject. Officers A and B ended the call via their Mobile Digital Computer (MDC); however, they remained in the area to continue searching for the possible suspect.

Witness A was approached by the Subject, whose hands were inside the pockets of his sweatshirt, and the Subject began walking alongside him. According to Witness A, the Subject’s eyes were red and he looked scared. The Subject asked if he could hang out with Witness A and if he would “hide” him, to which Witness A replied, “No.” The Subject then told Witness A that he had just killed someone. When Witness A expressed his disbelief, the Subject said he had a gun and repeated that he had killed someone. When Witness A again told the Subject that he didn’t believe him, the Subject removed his right hand from the right pocket of his sweatshirt and showed Witness A what appeared to be a black handgun. According to Witness A, the gun appeared real. The Subject then reiterated that he did kill “them” and placed the handgun back into his right sweatshirt pocket.

Officers A and B observed Witness A and the Subject walking down the street. Officer A stated that as they approached, both the Subject and Witness A stared intently at them and the Subject appeared to do a “double take.” According to Officer A, the Subject was wearing black pants and a grey sweatshirt, similar to the suspect description from the radio call. The Subject had both hands inside his sweatshirt pockets and continued to look intently at the police car and then made eye contact with Officer A.

According to Officer B, he did not believe the Subject was involved in the incident because he did not seem alarmed by their presence and the suspect from the radio call

was described as having no shirt on. The officers travelled past Witness A and the Subject, and continued down the street.

As the officers drove down the street, Officer A looked in his side mirror and observed Witness A and the Subject look back over their shoulders at the police vehicle. The Subject then started to run across the street, leaving Witness A standing on sidewalk. Officer A advised Officer B of his observations, and the officers decided to conduct a pedestrian stop to eliminate the Subject as the suspect from the radio call.

The officers conducted a U-turn and as they approached the Subject, he began to run faster. He then slowed his pace to a walk when he reached the sidewalk on the other side of the street. According to Witness B, the Subject began jogging across the street to the sidewalk with both hands in the pockets of his sweatshirt. The Subject continued walking along a fence adjacent to a school and was looking back over his left shoulder in the direction of the officers. During this time, the officers never updated their location with CD.

Officer B parked the vehicle and Officer A exited, closed his passenger door, and took cover behind a vehicle parked at the curb. The officers turned their Body Worn Video (BWV) cameras on as they made contact with the Subject. Officer A told the Subject "Come here." Officer A observed the Subject stop but continue to face away from him, with his hands still in his pockets. Based upon the description of the suspect in the initial radio call and because the Subject's hands were hidden, Officer A unholstered his pistol.

The Subject looked in Officer A's direction and smirked, then he suddenly turned his body and faced Officer A. The Subject removed his right hand from his sweatshirt pocket and held the handgun close to his body at his waist. The Subject then extended his right arm and pointed the handgun in Officer A's direction. Officer A, believing that the Subject intended to shoot him, yelled "Drop it," and then fired three rounds from approximately 17 feet away. The time from when Officer A exited his vehicle to when he fired his pistol was approximately five seconds.

Officer B, who was in the process of exiting the vehicle, observed the Subject staring at his partner and pointing the handgun in his partner's direction. Officer B unholstered his pistol and pointed it in the Subject's direction as he heard Officer A fire three shots.

The Subject was struck and fell onto the sidewalk. The Subject's handgun fell onto the ground next to his outstretched right hand, and he continued to move both arms in an up and down motion.

Officer A broadcast a help call and requested a rescue ambulance (RA) for the Subject. Officer A then moved toward the Subject and gave him commands not to move. Officer B walked toward Subject and saw the handgun approximately two to three feet from the Subject's outstretched right hand. To prevent the Subject from gaining access to the handgun, Officer B used his foot to move it away.

Note: The investigation determined the weapon possessed by the Subject was a black plastic BB gun. The orange tip had been covered in black marker. In addition to recovering the Subject's BB gun, a suicide note was also recovered from the Subject's sweatshirt.

A supervisor and additional officers responded to the help call. Officers A and B provided them a description and last known location of Witness A, and directed them to detain him as a possible suspect. Officer A holstered his pistol as Officer B and another officer approached the Subject to handcuff him. The Subject was then transported by ambulance but, despite life-saving efforts, was pronounced deceased at the hospital.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements, and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

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

B. Drawing/Exhibiting

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

D. Lethal Use of Force

The BOPC found Officer A's use of lethal force to be in policy.

Basis for Findings

Detention

- The officers responded to a radio call of a man with a gun and observed an individual who they felt partially matched the description of the suspect described in the call. When the officers exited their vehicle to detain the Subject, he produced a handgun and pointed it in the direction of the officers, resulting in an OIS.

Tactical De-Escalation

- Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the officers were faced with a rapidly unfolding tactical situation when the Subject turned toward them with a handgun and then pointed the handgun in the direction of Officer A. Officer A attempted to de-escalate the situation by ordering the Subject to drop his weapon. The Subject did not comply and continued to point the handgun at Officer A. Faced with an imminent threat of serious bodily injury or death, Officer A utilized lethal force to stop the immediate deadly threat and apprehend the Subject.

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Code Six – (Substantial Deviation – Officers A and B)

Officers A and B did not advise Communications Division (CD) of their Code Six location when they made the decision to detain the Subject.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this case, Officers A and B responded to a radio call for a man with a gun and advised CD that they were Code Six upon their arrival to the area. After searching the area, with the assistance of an air unit and additional officers, the officers cleared the call by advising CD that they were unable to locate the suspect but remained in the area in case he returned.

As the officers continued to drive around the area, they observed an individual who partially matched the description of the suspect described in the radio call and decided to detain him for further investigation.

In this case, the officers had sufficient time to broadcast their Code Six location, as well as any other relevant information prior to initiating their investigation.

Based on the totality of the circumstances, the BOPC determined that in this particular circumstance, Officers A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

2. Tactical Communication

Officers A and B did not effectively communicate with one another on multiple occasions during the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Officer A believed that they were going to detain the Subject to eliminate him as a suspect, while Officer B believed their intentions were just to catch up to him and see what he was doing. As a result of this confusion, Officer B initially remained in the vehicle when Officer A exited to make contact with the Subject.

Based upon the totality of the circumstances, the BOPC determined that although identified as an area for improvement, Officers A and B's actions were not a substantial deviation from approved Department tactical training.

3. Utilization of Cover

Officer B left his position of cover and approached the Subject to move the handgun further away from him so that he could not re-arm himself and pose a deadly threat.

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer B determined that if the Subject re-armed himself with the handgun, then the officers would be at risk of serious bodily injury or death. Additionally, if he were to re-arm himself, another OIS would likely occur. Thus, Officer B took advantage of the opportunity to ensure the Subject could not reacquire the handgun by leaving his position of cover and using his left foot to move the handgun further away.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions were reasonable and not a substantial deviation from approved Department tactical training.

- The BOPC also considered the following:
 1. Preservation of Evidence – The investigation revealed that Officer B used his foot to move the handgun away from the Subject to prevent him from re-arming

himself. The officers are reminded, whenever tactically feasible, it is preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene.

These topics will be discussed at the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident-specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officers A and B's Tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

According to Officer A, they responded to a radio call of a man with a gun. Officer A observed an individual who partially matched the description of the suspect that was described in the radio call. As he exited the vehicle, he drew his service pistol.

According to Officer B, he observed the suspect pointing a handgun at Officer A. As Officer B exited the vehicle, he drew his service pistol.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers A and B, when faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

Officer A – (pistol, three rounds)

According to Officer A, the Subject started to turn toward him with a handgun in his right hand and then brought up his left hand to acquire a better grip on the handgun. Officer A ordered the Subject to drop the gun and then the Subject pointed the handgun in his direction. In fear for his life, and the life of his partner, Officer A fired three rounds at the Subject to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officer A's use of lethal force to be in policy.