

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

OFFICER-INVOLVED SHOOTING – 012-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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77th Street	02/10/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	12 years, 2 months
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Reason for Police Contact

Officer A observed an individual pointing what appeared to be a handgun at another individual, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased ()	Wounded ()	Non-Hit (X)
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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 January 12, 2016.

Incident Summary

Officers A and B were driving an unmarked police vehicle, en route to conduct a follow-up investigation. The officers were driving in heavy traffic, so Officer B, the driver, turned onto a side street to avoid the traffic. As Officer A looked out the passenger window down an east/west alley, he observed a male (the Subject) pointing what Officer A believed to be a blue steel handgun at another individual (Witness A). Officer A observed a third individual (Witness B) standing near the Subject. Officer A believed that Witness A was either being robbed or about to be murdered. Officer A alerted Officer B.

Officer B stopped the police vehicle approximately 68 feet south of the alley and the officers exited. Officer A ran toward the alley and unholstered his weapon, believing the situation could escalate into a deadly force situation. Officer B, also believing the situation could escalate into a deadly force situation, unholstered his weapon and ran toward the alley in a northwesterly direction, behind Officer A. As Officer A entered the alley, he observed the Subject holding a handgun in his right hand at shoulder level, pointed at Witness A, who was standing near a dumpster.

According to Officer A, he immediately identified himself as a police officer and ordered the Subject to drop the gun. The Subject, who faced north, turned and began to move the handgun in Officer A's direction.

Believing the Subject was going to shoot him, Officer A, who held his weapon in his right hand, fired three rounds in succession at the Subject from a distance of approximately 29 feet.

Note: According to the Subject, as he was holding an airsoft pistol, an officer (Officer A) entered the alley and fired three rounds at him. The Subject stated that he did not hear any orders for him to drop the airsoft pistol prior to hearing the shots.

Officer B approached the corner of the building south of the alley and heard Officer A "yell something" and heard three gunshots. Officer B entered the alley and observed Officer A pointing his weapon at the Subject and Witnesses A and B, who were lying on the ground in a high-risk prone position, west of the officers in the alley. Officer B observed a fourth individual, Witness C, further west in the alley, lying on the ground. Officer B then advised Communications Division (CD) of the officer-involved shooting (OIS) that had occurred and requested a back-up unit. As the officers waited for the additional units, Witness B advised the officers that he thought he had been shot. Officer B verified that Witness B had been shot and requested a Rescue Ambulance (RA) to render aid.

The investigation revealed that the Subject, who was not struck or injured by gunfire, possessed an Airsoft pistol and had been firing it at a trash bin near Witness A. Witness B was transported to the hospital with non-life threatening injuries. The

remaining individuals were detained for further investigation and all were subsequently released without charge.

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's tactics to warrant Administrative Disapproval. The BOPC found Officer B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

By a 4 to 1 vote, the BOPC found Officer A's lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

1. Tactical Communication

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. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

The BOPC determined that Officer A's failure to effectively communicate his observations with Officer B and assure that his partner was aware of the unfolding tactical situation was a substantial deviation without justification from approved Department tactical training.

2. Separation

Containment of an armed subject demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution. In this case, Officer A left his partner and ran into an alley to confront what he perceived to be an armed subject.

The BOPC determined that Officer A's decision to separate from his partner to engage an armed subject without communicating his intentions to his partner was a substantial deviation without justification from approved Department training.

3. Code Six

Officers A and B did not advise CD of their Code Six location and/or status when they exited their vehicle.

In this case, the officers were faced with a rapidly unfolding situation involving what they perceived to be an individual armed with a handgun. Officer safety is of paramount concern and officers should always strive to maintain the tactical advantage during field duties. Officers A and B are reminded of the Department's requirement to go Code Six whenever tactically feasible and when conducting a field investigation.

4. Utilizing Cover

Officer A did not utilize cover when he entered the alley to confront a subject armed with a handgun.

Although Officer A's intention was to render immediate assistance to Witness A, seeking a position of cover would have provided Officer A with an opportunity to have more time to react, formulate a plan, and wait for Officer B. As a result, Officer A's decision to not seek cover and engage a person armed with a handgun limited his tactical options and unnecessarily endangered his safety.

The BOPC determined that Officer A's decision not to seek a position of cover was a substantial deviation without justification from approved Department tactical training.

5. Additional Unit Request/Help Call

Following the OIS, Officer B broadcast “shots fired” and requested the response of three additional units to the scene, rather than put out a “help” call.

In this case, CD heard the officer’s broadcast that shots had been fired and subsequently broadcast a help call on behalf of the officers.

Based on the totality of the circumstances, the BOPC determined that Officer B’s actions did not substantially deviate from approved Department tactical training.

- The BOPC additionally considered the following:

1. Ballistic Vests

Officers A and B had their ballistic vests in the trunk of their vehicle at the time of the OIS. In this case, the investigation revealed that the officers were on their way to an administrative assignment.

2. Running with Service Pistol Drawn

The investigation revealed that Officers A and B ran into the alley with their service pistols drawn. In this case, the officers were faced with a subject armed with a handgun and therefore had a reasonable belief that the situation may escalate to the use of deadly force.

3. Single-Handed Shooting

Officer A utilized a one hand shooting grip at the time of the OIS. Although the Los Angeles Police Department Training Division teaches a one-handed shooting technique, a two-handed shooting grip would be more tactically advantageous and provide a better shooting platform.

- 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.

In conducting an objective assessment of this case, the BOPC found that the several of the tactics utilized by Officer A substantially and unjustifiably deviated from approved Department tactical training, requiring a finding of Administrative Disapproval.

Additionally, the BOPC found that Officer B’s tactics did not substantially deviate from approved Department tactical training and that a Tactical Debrief is an

appropriate forum for Officer B to discuss the incident and actions that occurred, with the objective of improving overall organizational and individual performance.

The BOPC found that Officer A's tactics warranted Administrative Disapproval, and that Officer B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A observed the Subject pointing a handgun at Witness A. Officer A exited the police vehicle and drew his service pistol.

Officer B heard Officer A yell, "Gun, gun, gun," and then exit the vehicle. Believing his partner had observed a situation that could lead to the use of deadly force, Officer B exited the vehicle and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe 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)

Officer A observed the Subject holding what he perceived to be a handgun in his right hand with his arm extended and pointing it toward Witness A. When Officer A ordered the Subject to, "drop the gun," the Subject turned and pointed the handgun in Officer A's direction. Fearing that he was about to be shot, Officer A fired three rounds at the Subject to stop his actions.

Based on the totality of the circumstances, by a 4 to 1 vote, the BOPC found that an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions of pointing a handgun in the direction of Officer A 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 lethal use of force to be objectively reasonable and in policy.