

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

**OFFICER-INVOLVED SHOOTING – 030-12**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ()</b>		<b>Uniform-Yes (X) No ()</b>	
Pacific	05/11/12				

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer E	24 years, 1 month

**Reason for Police Contact**

Officers received a radio call about a woman yelling for help on the street. Officers responded the location and found the Subject in an apartment and armed with an object they believed to be a firearm. When the Subject pointed his gun in the officers' direction, an officer-involved shooting occurred.

<b>Subject</b>	<b>Deceased ()</b>	<b>Wounded (X)</b>	<b>Non-Hit ()</b>
Subject: Male, 33 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 suspect 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. In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on April 23, 2013.

**Incident Summary**

Uniformed Police Officers A, B, C and D received a radio call of a female yelling for help at an intersection. The comments of the call indicated that a male and two children were also at the location.

Upon their arrival, the officers approached the outside of the building and heard the Subject shouting from inside an apartment on the second floor. Officers also heard a

female voice and a baby crying. The officers determined the shouting was coming from a second floor apartment. The officers ascended the stairwell and approached the front door to the apartment. Officer B knocked on the front door and announced, "LAPD, open the door." Officer A heard the Subject yell out, "You're not the police. You're aliens."

Officer A shouted for the Subject to open the door. Officer B approached a sliding glass window, adjacent to the front door and looked into the apartment. He observed the Subject walk from a bedroom in the rear of the apartment towards the front door holding a long (approximately 24 inches) gray metal object in his left hand which Officer B believed to be a sword or pole. Officer B announced out loud that the Subject had an object in his hand; as he unholstered his weapon and repositioned himself by the front door for cover.

Officers A, B, C, and D then heard gunshots being fired from behind the front door. Believing they were being fired upon, Officer B broadcast a help call and redeployed down the stairwell with his partners. Officers A, B, C and D established a containment perimeter around the building and waited for additional units to arrive. While waiting for help, officers heard the Subject yell through the rear apartment window and at least one additional gunshot being fired. The officers remained at their positions until they were relieved by specialized unit personnel.

Specialized unit Lieutenant A, along with additional personnel from that unit, had just completed a barricaded subject call. As Lieutenant A debriefed the officers, he heard an incident developing that involved a man with a gun on a balcony shooting at officers. Lieutenant A advised Communications Division that personnel from his unit would respond.

Air Support Division provided a travel path and all specialized unit officers traveled accordingly to the location. While en route, Lieutenant A received updated information stating that the situation had escalated from an active shooter to a potential hostage rescue situation. Specialized unit personnel arrived on scene.

When the specialized unit personnel arrived, they placed themselves in several locations for purposes of adequate containment and cover of the location. In addition, an Air Unit arrived on scene and orbited the residence while specialized unit officers began to relieve patrol officers on the perimeter.

Sergeant A requested that two Los Angeles City Fire Department (LAFD) Rescue Ambulances (RA's) respond and stage nearby the location.

Shortly thereafter, the Air Unit broadcast, "It looks like he (the Subject) might have the victim pushed down on the ground and he might be assaulting the victim." The Air Unit broadcast again, "He's (the Subject) got a gun in his hand and he is still at the window...the gun is in his right hand."

Officer E was watching the balcony and windows, located on one side of the residence, from across the street utilizing the magnification scope on his rifle. Officer F also watched the Subject's activities and communicated with Officer E as to what he observed. Officer E described the balcony as having a porch light on, and the inside of the apartment having a light on in the living room. The Air Unit also provided light by utilizing their spotlight while orbiting overhead.

Officer E indicated the Subject seemed as if his demeanor became more elevated, pacing back and forth, and arguing with the female. The Air Unit also broadcast that the Subject had the female pinned down while containing the gun in his hand.

Shortly thereafter, Officer E observed the Subject very quickly and very abruptly appear at the window, look in one direction, point his gun in the direction of the landing, and then just as quickly disappear. Officer E asked Officer F if he observed that action, as they continued to watch the balcony. Moments later, the Subject repeated the same action except facing a different direction. It appeared to Officer E that the Subject was trying to locate officers either outside or on the landing.

During the next few minutes, Officers E and F heard the Air Unit broadcast that the Subject was on one side of the house with a gun in his hand. Shortly thereafter, Officer E saw the living room light go off and then back on again. Officer E believed that the Subject was crawling through the living room to position himself in a low light environment to give him an advantage over the officers.

Shortly after the living room light turned back on, Officer E observed the Subject reappear at the balcony window. The Subject quickly stood up at the balcony window with a gun in his hand and his arm in a locked out position in front of him and appeared to be acquiring the sights on his pistol. Officer E looked through the scope on his rifle and saw the Subject look in the direction where the Emergency Rescue Team was located and then in another direction where officers were staged in the driveway around the armored vehicle.

Officer E acquired his sights on the Subject through his scope and saw the Subject point his gun at Officers G, H, I and J, who were staged outside the armored vehicle on the passenger side, just below the balcony.

Officer E fired one rifle round from his rifle at the Subject from a distance of approximately 206 feet. Officer E indicated there was not a doubt in his mind that the victim and the child (who were inside the residence) were in immediate peril for their lives, and at any point in time the Subject could have killed them. With the knowledge that the Subject had already engaged the officers, it was clearly his belief that the Subject's continuous activity and behavior to target officers was escalating. Officer E shot at the Subject to stop his deadly behavior. As further recalled by Officer E, the Subject actually identified officers and was targeting them. Then he was bringing that handgun and barrel down on the officers' positions. Officer F observed the Subject with

his arm raised with a gun, turn and point it out the window. Officer E then took his shot at the Subject.

After Officer E fired one round, Officer F broadcast a message to indicate that the sniper containment position had fired one round and that the Subject may have been shot down.

The Emergency Rescue Team immediately responded to the front door of the apartment, breached the door, utilizing a breaching shotgun, and deployed a flash bang device. As the team entered the apartment, the Air Unit broadcast that the Subject was exiting the residence through the second floor rear bathroom window. The Subject exited the bathroom window face first and slid down the vent pipe to the ground.

Officers H, I and K ran to the backyard and took the Subject into custody without further incident. Officers I and L handcuffed the Subject. Officer I then requested the RA to approach the crime scene. Officers escorted the Subject from the rear yard of the location to the street, where he was treated by waiting LAFD personnel for a single gunshot wound to the jaw portion of his face.

**Note:** The Subject related that over a 16 hour period he had used approximately two grams of powder cocaine. The Subject told FID that the weapon he possessed had probably been a real gun that had been converted to shoot blanks to be used as a movie prop. The Subject stated that he had walked around his living room with the gun and had gone outside. Additionally, he stated that he had fired a total of two blank rounds. The Subject's replica pistol was found inside the bedroom lying on its right side. The magazine was fully seated, the hammer was cocked and the safety was in the down ("ready-to-fire") position. One fired blank cartridge was removed from the chamber and one live blank cartridge was removed from the magazine. The capacity of the replica pistol when fully loaded was one cartridge in the chamber and seven cartridges in the magazine.

Immediately after the Officer-Involved Shooting (OIS), Sergeant B separated Officers E and F and obtained a Public Safety Statement from Officer E. Officer E stated he fired one round in an eastern direction and advised there were no outstanding subjects.

Force Investigation Division (FID) personnel reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident prior to being interviewed by FID investigators. All protocols were followed. Real-Time Analysis and Critical Response Division (RACR) was notified of the Categorical Use of Force. Scientific Investigation Division, Firearms Analysis Unit (SID FAU), also responded to the scene and conducted an examination of the OIS scene for ballistic impacts, trajectories and projectiles.

Los Angeles Police Department Investigative Reports for Child Endangering and Obstructing or Resisting a Police Officer were completed naming the Subject as a perpetrator. A Los Angeles Police Department Arrest and Follow-up Investigation Report was completed with a case status of "Cleared."

An LAFD RA arrived on scene. Firefighter/Paramedic A provided emergency medical treatment to the Subject for a gunshot wound to his mouth and transported him to a local hospital without incident. The Subject did not make any statements during his transport. The Subject was admitted to the hospital for a gunshot wound to the mandible and underwent surgery to have multiple mandibular and bullet fragments removed. The mandible and mouth were repaired and wired shut. The Subject was discharged three days later.

### **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/Holstering of a weapon 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 unanimously made the following findings.

#### **A. Tactics**

The BOPC found Officer E's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Officer E's exhibiting to be in policy, no further action.

#### **C. Lethal Use of Force**

The BOPC found Officer E's lethal use of force to be in policy, no further action.

### **Basis for Findings**

#### **A. Tactics**

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

Specialized unit personnel were properly briefed of the incident; personnel from the LAFD were requested and staged at the CP; and specialized unit armored vehicles were utilized to transport officers to their containment positions and evacuate nearby residents if needed.

The evaluation of tactics requires 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, although there were no identified tactical points or issues, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during the incident. The BOPC directed that Officer E attend a Tactical Debrief and cover the specific identified topics.

## **B. Drawing/Exhibiting**

Officers E and F established a sniper position located across the street and adjacent to the Subject's apartment. Officers E and F, based on their position, were able to effectively cover the front of the Subject's residence. Upon establishing their position, Officer E heard the Air Unit and unidentified officers at scene broadcast that the Subject was armed with a handgun and that there were additional victims inside the residence. Officer E, based on the aforementioned information exhibited his rifle, to provide cover of the Subject's residence.

The BOPC determined that an officer with similar training and experience as Officer E, while faced with similar circumstances would reasonably believe that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officer E's drawing/exhibiting to be In Policy, No Further Action.

## **C. Lethal Use of Force**

**Officer E** – One round fired in a northeasterly direction from a distance of approximately 206 feet.

Officer E and his partner Officer F were assigned a sniper position across the street from the Subject's apartment. Officer E had received information that the Subject was located inside his residence, armed with a handgun and had discharged his firearm at the responding officers. Furthermore, the Subject was inside his residence with two additional victims/hostages. Officer E, while utilizing the magnified scope on his rifle, observed the Subject point his handgun in the direction of the containment officers that were located adjacent to the armored vehicle. Officer E, fearing for the lives of his fellow officers, fired one round at the Subject.

Officer E indicated that the Subject reappeared at the window, and very explicitly started to raise up in the window frame. His arm came locked out in front of him as if he was acquiring the sights of the pistol onto the balcony which would be the approach to the officers or the Emergency Rescue Team. Officer E acquired his sights on the Subject through his scope. He immediately turned to his left to the one side and pointed in the direction of containment officers that were clearly positioning themselves behind the armored vehicle. Believing that the officers were in a very compromising situation and that their lives were in jeopardy of the actions of the Subject, Officer E fired one round with his rifle to stop the Subject from continuing.

The BOPC evaluated the circumstances relevant to Officer E's lethal use of force. An officer with similar training and experience would believe that the actions committed by the Subject posed a substantial risk of serious bodily injury or death to the officers and/or their partners. Therefore, the BOPC determined that Officer E's use of lethal force was objectively reasonable and was In Policy, No Further Action.