

**ABRIDGED SUMMARY OF AN OFFICER-INVOLVED SHOOTING AND FINDINGS
BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

OFFICER-INVOLVED SHOOTING – 042-09

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
Hollenbeck	07/05/09		

Officer(s) Involved in Use of Force	Length of Service
Officer A	4 years, 5 months

Reason for Police Contact

Officer A was off duty and parked in his personal vehicle. A male subject approached the officer in his vehicle, which resulted in an officer involved shooting incident.

Subject 1(s)	Deceased ()	Wounded (X)	Non-Hit ()
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 (UOFRB) 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, the masculine pronouns (he, his, and him) will be used in this report in situations while the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on June 22, 2010.

Incident Summary

Officer A was off-duty driving his personal vehicle. Officer A was carrying a handgun in a holster, which was secured on his person. Officer A parked his vehicle along the curb and before he could exit, observed a Subject running. The Subject stopped at the right front corner of Officer A's vehicle.

The Subject lifted his shirt and Officer A observed the butt of a handgun in the Subject's waist band. The Subject was gripping a gun, hunched over, and peered through Officer A's front windshield, and said, "What's up homey?" Officer A attempted to insert the key into his vehicle's ignition, but the Subject told the officer in a threatening manner not to put the key into the ignition. The Subject moved from front corner of the vehicle toward the front passenger side window. Officer A saw that the Subject was still gripping his handgun and believed the Subject intended to shoot him either through the vehicle window or by opening the passenger door. Officer A realized he was too close to the car in front of him to drive away and that he could not escape. Officer A dropped his vehicle keys and drew his handgun. Officer A pointed his handgun toward the passenger side window and fired at the Subject. Officer A heard gunfire, and did not know if the Subject was also shooting. Officer A continued to fire at the Subject from an increasing distance of six to eight feet as the Subject moved along the side of Officer A's vehicle. Officer A fired a total of five rounds at the Subject, and struck him.

Officer A exited his vehicle and observed the Subject run along the sidewalk, turn onto the intersection, and then out of sight. Officer A did not pursue the Subject, and called the Hollenbeck Area police station to report the incident.

Witness A, B, and C, were on the sidewalk and reported that they observed the incident. Witness A observed the Subject reaching for his waistband, and touch the window of the officer's vehicle. The subject was then shot. Witness B observed the Subject approach the officer's vehicle with his hand near his waistband. Witness B then said shots were then fired from within the vehicle and the Subject ran eastbound on the sidewalk. Witness C observed the Subject approach the front of the officer's vehicle, then move to the passenger window. Witness C then heard three gunshots and saw the Subject run.

Uniformed officers responded to the area, located the Subject, and took him into custody. The Subject was transported to the hospital by an ambulance and treated for his injuries. A black BB gun, which resembled a semiautomatic pistol, was recovered from an alleyway on night of the incident.

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 while 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 A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found that Officer A's drawing/exhibiting/holstering to be in policy.

C Use of Force

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

Basis for Findings

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

Tactics

Tactics are conceptual and intended to be flexible and incident specific. In this instance, although there were no identified areas for improvement, Officer A would benefit from a review of the incident.

The BOPC will direct that Officer A attend a Tactical Debrief.

Drawing/Exhibiting

In this instance, Officer A was confronted by a subject who he perceived to be armed with a handgun. Fearing the situation had escalated to the point where lethal force may become necessary, Officer A drew his pistol.

The BOPC found Officer A's Drawing/Exhibiting to be in policy.

Use of Force

In this instance, Officer A was confronted by a subject who he perceived was armed with a handgun.

The Subject's action of confronting Officer A, displaying a handgun tucked into his waistband, and gripping the handgun, caused Officer A to fear for his life. Officer A believed he was in danger of being shot when he fired at the Subject.

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