

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

OFFICER-INVOLVED SHOOTING – 043-15

Division Date Duty-On (X) Off () Uniform-Yes (X) No ()

Hollywood 5/24/15

Officer(s) Involved in Use of Force Length of Service

Officer A 4 years, 2 months
Officer B 3 years, 10 months

Reason for Police Contact

Officers observed an individual pointing a handgun at other individuals, resulting in an officer-involved shooting (OIS).

Subject(s) Deceased () Wounded () Non-Hit (X)

Subject: Male, 35 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 April 5, 2016.

Incident Summary

Officers A and B were working a special detail, in uniform.

Officers A and B had stopped and entered an Area substation.

Officer A exited the substation, followed by Officer B. The officers looked across the street and observed a group of four males, one of which was later identified as the Subject. The group was standing at the passenger side of a white vehicle which was backed into a parking space located on one side of the parking lot.

The Subject was standing, "almost nose to nose," with one of the other males. The Subject's hands were at his sides, but were clenched into fists.

Based upon the body language of the two men, it appeared to the officers that they were engaged in a verbal argument. As the verbal altercation continued, the three males raised their hands toward the Subject in a dismissive or passive gesture and began to walk toward the west sidewalk. As the males walked away, the Subject walked over to the rear of the white vehicle, opened the hatch with one hand, looked in the males' direction, at which time another verbal exchange occurred between the Subject and the three males. The surrounding noise from traffic, pedestrians walking on the street, and the loud music from nearby nightclubs prevented the officers from hearing the verbal exchange between the Subject and the three males.

As the Subject stood at the rear of the white vehicle, Officer B felt that the exchange between the Subject and the men might escalate. During his time in the special detail, Officer B had prior experiences during which verbal exchanges escalated to the point where suspects had returned to their vehicle to retrieve a weapon.

From their positions in front of the substation, the officers observed the Subject lean into the vehicle. He stood upright, and turned to his right. He left the rear hatch open as he stepped away and walked along a concrete half wall at the south end of the parking lot. At this time, both officers observed the Subject holding a black semiautomatic pistol in a two-hand grip.

Note: Although the officers both observed the Subject holding the pistol, neither alerted the other of their observations. According to Officer A, he immediately started reacting to the threat. He was aware that Officer B was behind him the entire time and notifying CD. According to Officer B, he was surprised when he observed the pistol. Though he does not remember if he specifically said anything to his partner, he knew that Officer A observed this because he immediately took a couple of steps in front of him and unholstered his weapon.

The Subject continued to look in the direction of the three males, who were now walking on the west sidewalk. As he continued in the parking lot, the Subject raised the pistol and pointed toward the males. It appeared to Officer A as if the Subject intended to

shoot them. In an effort to stop the Subject's actions, Officer A unholstered his pistol, held it in a two-handed grip, pointed it at the Subject's midsection, and fired two rounds.

Note: Due to the rapidly unfolding incident and the loud club and traffic noise, Officer A believed he did not have time to issue commands prior to firing.

As the Subject moved along the wall, Officer B took two steps in a southwest direction toward a tree for cover on the sidewalk as he simultaneously reached for his microphone attached to the lapel of his shirt. As he moved, Officer B broadcast to CD that they had arrived at the scene (Code Six) and that there was a man with a gun. As he broadcast, he observed Officer A fire at the Subject.

Officer B immediately broadcast that the officers needed help, and that shots fired. Officer B then unholstered his pistol and held it in a two-handed, low-ready position. Captured in the background of the broadcast were Officer A's second shot and his additional four shots.

According to the officers, after the initial shots were fired, the Subject paused briefly, then continued to move. He stopped at the corner of the wall, raising the pistol at a ninety degree angle. The Subject took a kneeling position while continuing to point the pistol toward the males, who continued to walk on the sidewalk.

Officer A believed the initial shots had no effect and that the Subject was intent on shooting at the three males. In another attempt to stop the Subject, Officer A fired four additional rounds at the Subject. The Subject was struck once in the torso and was eventually taken into custody, with the assistance of Officer C. He was then transported to the hospital and treated. An unloaded handgun was recovered.

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 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

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

Officers A and B did not verbally communicate their observations to each other when they observed the Subject armed with a handgun.

In this case, Officer A observed the Subject armed with a handgun and began to focus on the immediate deadly threat. Although they did not communicate their observations with one another, they were both aware the Subject was armed and were reacting to the immediate deadly threat.

The BOPC determined that Officer A and B's actions were reasonable during this rapidly unfolding tactical situation based on the officers' observations of the Subject arming himself and rapidly approaching the three male victims.

2. Utilizing Cover

Officer A did not utilize cover when he confronted the Subject, who was armed with a handgun.

In this case, Officer A observed the Subject retrieve a handgun from his vehicle and then approach three unsuspecting males from behind, and point the weapon at them. Because of the rapidly unfolding tactical situation, seeking cover would have delayed his reaction to the imminent threat.

The BOPC determined that Officer A's decision to forego cover in order to address the deadly threat was reasonable and consistent with approved Department tactical training.

- The BOPC additionally considered the following:
 1. Simultaneous Commands (Non-Conflicting)

The investigation revealed Officers A and B, as well as several additional officers, gave simultaneous commands to the Subject to surrender and submit to arrest.

2. Preservation of Evidence

The investigation revealed that Officer C observed a bullet fragment fall from the Subject's clothing when he was moved onto the gurney by LAFD personnel. Officer C did not notify any officers or supervisor of the item of evidence he observed fall to the ground.

These topics will be addressed 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 the individual actions that took place.

Therefore, the BOPC determined that Officers A, B, and C's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- As Officers A and B observed the Subject retrieve a handgun from the trunk of his vehicle and approach the three males walking south on the sidewalk, both officers drew their service pistols.

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, six rounds)

First Sequence of Fire

Officer A observed the Subject raise a handgun and point it toward three males that were walking away from him. In defense of their lives, he fired two rounds from his service pistol at the Subject to stop the threat.

Second Sequence of Fire

After firing his first two rounds, Officer A assessed and observed the Subject take a kneeling position. The Subject continued to raise and point the handgun at the three males. Fearing for the safety of the three males, Officer A fired four additional rounds from his service pistol at the Subject to stop the threat.

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