

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

**OFFICER-INVOLVED SHOOTING – 082-15**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Northeast	9/16/15		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	13 years, 5 month
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**Reason for Police Contact**

Officers responded to a call where a shooting had just occurred. The Subject had shot a family member. Upon arrival, a perimeter was set up. The Subject was on the phone with Communications Division (CD) telling them that he wanted the officers to shoot him. The Subject went out onto his porch, armed with a long gun and pointed it in the direction of officers on the perimeter, resulting in an Officer Involved Shooting (OIS).

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 39 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 August 30, 2016.

## **Incident Summary**

The Subject was in his residence with several family members. They were attempting to get the Subject to move out of the house, and earlier that day, an eviction notice was posted on the Subject's bedroom door. The Subject was in his bedroom while the others were in the kitchen. The Subject, apparently angered by the eviction notice, armed himself with a high-powered rifle and fired one round, striking and fatally wounding a family member. The other family members immediately exited the house.

**Note:** According to a neighbor, the Subject came out of the house first and threw a big gun on the grass. The neighbor saw a family member come out of the house approximately two minutes after the Subject and walked to the rear of the house.

Another neighbor called 911 and reported that he was in his house when he heard a gunshot. A man ran from the house across the street and said, "She's been shot." The neighbor had no additional information.

Communications Division (CD) broadcast to units that a shooting had just occurred. CD advised, "PR [Person Reporting] heard one gunshot and heard someone say she'd been shot. Unknown if any victims down...."

Within one minute of the call being dispatched, the Subject called 911 and requested that an ambulance respond to his location. He further stated he had shot somebody and that the victim needed help. The Subject did not hang up the telephone; however, he walked away from it leaving the line open. The Subject returned to talk to the Emergency Board Operator (EBO) intermittently for the duration of the incident.

CD broadcast a shooting just occurred at the address provided by the Subject. A subsequent broadcast described the suspect as a male, 30 years of age and wearing a grey shirt and shorts.

Approximately five minutes after the initial call was broadcast, an Air Unit was the first unit to arrive at scene. A minute later, Sergeant A broadcast his arrival at scene.

The Air Unit broadcast that the Subject was in the street in front of the house, with a rifle in his hand. The Subject was described as wearing a grey shirt and tan shorts. The Tactical Flight Officer used the Public Address (PA) system on the airship and ordered the Subject to drop the weapon. The Subject did not comply and walked to the rear of the house out of sight, under a patio cover.

Sergeant A, upon hearing the broadcast from the Air Unit, donned his ballistic helmet and retrieved his shotgun from his vehicle. He chambered a round and took a position of cover behind a tree. He did not have a visual of the Subject.

Sergeant A broadcast that he needed help and requested two additional units equipped with police rifles respond to the incident. The pilot in the Air Unit heard the help call and

broadcast a request for Metropolitan Division officers to respond to their location for a possible scenario involving an active shooter.

Police Officers A, B, and C, along with Sergeant B, in response to the request responded to the location. Sergeant B, along with Officers A, B and C, responded to the scene in the same black and white hybrid police vehicle.

The Tactical Flight Officer in the Air Unit directed responding units into tactical positions to establish a secure perimeter around the location. Additionally, to assist the officers with identifying the target location, he broadcast the description of the house, its location, and also provided a description of vehicles parked at the residence.

In the meantime, the Subject had intermittently returned to his telephone and told the EBO that he wanted the police to shoot him, that he was in the rear bedroom, and that the family member he had shot was unconscious and not breathing. The EBO repeatedly told him to put the gun down and come out of the house. This information was broadcast to the responding officers.

Numerous additional officers responded to Sergeant A's location. Sergeant A relinquished his shotgun to one of these officers so he could more effectively resume his command and control duties and coordinate the incident.

Uniformed Lieutenant A broadcast that he had arrived at the scene (Code Six) and was assuming the role of the Incident Commander (IC). He directed Sergeant C to establish the Command Post (CP) at a nearby location.

Lieutenant A was concerned that this might be an active shooter incident; therefore, he walked toward the location to ensure that a contact/arrest team had been organized. He was aware that the Air Unit was establishing a perimeter and that SWAT personnel were en route and planned to have PR equipped officers move into positions to get a visual of the Subject's residence. Lieutenant A saw that Sergeant B, along with Officer A, who was armed with a PR, and Officers B and C had donned their helmets and were walking south toward the suspect's location. Lieutenant A followed after Sergeant B and the three officers.

The Los Angeles Fire Department (LAFD) received an alarm to respond when the initial call was made to 911. Upon their arrival at scene, they staged themselves near the CP and stood by.

Officers A, D, E and F, were equipped with police rifles and had donned their ballistic helmets. Officer F was a Metropolitan Division Special Weapons and Tactics (SWAT) officer. Upon their arrival to the scene, they deployed behind a pickup truck parked at the north curb. This position provided cover and a view of the Subject's house. There was a block wall on the side of the property, partially obscuring the view of the west side of the house; however, the door on the west side of the residence was accessed via a

raised porch that made viewing activity in the area of the door and porch visible over the wall. Officers could see that the west facing door was open.

Officer A positioned himself behind the pickup truck's passenger side and rested his police rifle (PR) across the roof of the truck, pointed southeast toward the Subject's residence. Officer A maintained his right index finger along the side of his rifle's receiver. Officer D positioned himself to the left of Officer A, behind the truck's passenger side rear wheel, with his PR pointed southeast toward the Subject's residence. Officer E positioned himself on the street in front of the truck, utilizing its engine as cover and its hood as support for his PR. Officer E also pointed the muzzle of his rifle in a southeast direction toward the Subject's residence. Officers G and H positioned themselves to the north side of the truck and functioned as spotters.

Officer F stood behind Officers A and D. He asked the officers to brief him on the Subject's location. Officer F directed Sergeant B along with Officers B and C to cross to the northeast corner of the street to reduce their exposure to the Subject. He maintained only the PR teams behind the pickup truck.

With officers deployed behind the truck, the Subject momentarily stood in the threshold of the open, west facing door holding a rifle in his hands. He retreated back inside out of view from the officers. Officer F advised the officers at the truck that he would be moving to a position of cover, to a van parked on the north side of the street. Officer F, with his PR secured with its three point sling, started to move east toward the van.

Throughout the incident the EBO had been attempting to communicate with the Subject and convince him to put the gun down and step outside. The Subject appeared to have the telephone's "hands free" function on, and when he responded to the EBO, it sounded as though he was yelling to the telephone's handset from across the room. The Subject yelled, "Where are they? They're down there! I'm gonna come out with the gun towards them. I want them to kill me."

Officer A observed the Subject exit the residence's west facing door. Looking through his rifle's optics, Officer A could see the Subject from his waist up to the top of his head, and saw that the Subject was holding a high-powered rifle in a port arms position, with the muzzle pointed up. The Subject's left hand was holding the barrel area and his right hand was on the butt stock. The Subject was standing on top of the elevated porch looking toward the officers as he waved the muzzle of the rifle from side to side.

The Subject can be heard on the recorded 911 call yelling, "They need to shoot me! They need to kill me!" A short time later, the Subject can be heard on the recorded 911 call yelling, "Ok then..." followed by a single gunshot.

According to Officer A, the Subject was yelling something he could not understand when he (the Subject) lowered the muzzle in his direction. Officer A, fearing for his life and the lives of the officers around him, released the safety on his rifle and fired one round at the Subject. Officer A fired one round from a standing barricade position from

an approximate distance of 174 feet, striking the Subject in the torso. Officer A had a clear background and was confident he did not have any crossfire issues. He observed the Subject drop down out of sight. Officer A assessed and determined that there was no longer an immediate threat and returned his rifle's safety to the "on" position.

According to Officers D, G, and H, the Subject lowered the muzzle of his rifle in their direction at the time of the OIS.

According to Lieutenant A, the Subject was holding the rifle at port arms and was moving the barrel around at the time of the OIS.

Sergeant A heard a gunshot but was unsure if it was fired by an officer. He broadcast, "... everybody stand by, we have shots fired. Do not broadcast a help call. We have sufficient units. Code Four."

The Tactical Flight Officer from the Air Unit broadcast, "Units be advised, the west facing door on the west side of the house, I have the suspect lying down. I can't really see, his head is away from the door. He is lying down, arms spread not moving." He further advised that the rifle was on the ground and the Subject appeared to be unarmed.

Officer F was unaware that Officer A was the officer involved in the OIS. He did know that there were earlier broadcasts about a victim down inside the house and was concerned there could be multiple victims in need of immediate care within the house. He verified with the Air Unit that the Subject was still down in the doorway and that his rifle was in view outside of the house.

Officer F formed a contact team into a diamond configuration and designated Officer D as the point position with Officer A the right flank and himself as the left flank. Officer H was assigned to the trailing position, as he was not armed with a PR. Officer F briefed the team. Their plan was to secure the Subject before entering and clearing the house.

Officer F broadcast that his contact team was moving toward the Subject's location. The contact team crossed to the south side of the street and into the driveway. They observed the Subject lying on his back in the threshold of the west facing door. His body was inside with his arms up toward his head. His feet were outside and he was obstructing the doorway into the residence. They also observed a rifle lying in the dirt on the south side of the steps.

Officer F directed the officers to pull the Subject out of the doorway. Officers C and H holstered their pistols while Officers A and D had their PR's secured with slings. Together the four officers pulled the Subject down the steps to the driveway. Officers C and H remained with the Subject while Officers A and D rejoined the contact team.

The Subject was wearing a shirt and shorts. As the officers pulled the Subject down the steps, his shirt was pushed up to his upper chest, thereby exposing the waistband of his

shorts. Officers C and H could clearly see that the Subject did not have any weapons as they rolled the Subject on to his stomach and handcuffed him. The Subject complained that he was having trouble breathing, so the officers rolled him to his left side and reassured him that medical assistance was coming.

Officer F directed additional officers to respond to the residence to act as trailing officers to the contact team. Officer E joined the contact team in the residence. The contact team located the shooting victim in the residence and observed that she showed no signs of life. The contact team continued to clear the rest of the residence, finding no additional victims. Officer D discovered an expended shell casing in the residence and alerted the other officers in the residence of its proximity.

Officer F broadcast that they had one suspect in custody and to send in the Rescue Ambulance (RA). Officer I rode with the RA, and escorted the emergency personnel from the CP to the front of the residence. Officer I approached and searched the Subject and found no weapons on his person. Los Angeles Fire Department personnel quickly assessed the Subject. He appeared to be breathing and not in immediate distress. They moved on and located the shooting victim inside the residence and attempted to render aid. They were unable to detect signs of life and determined her to be dead.

The Subject was treated at scene for a gunshot wound to the torso and transported by RA to the hospital with Officer I on board. The Subject made no statements while being transported. The Subject subsequently failed to respond to medical treatment and the attending doctor pronounced him as deceased.

Lieutenant A, aware that the residence was secure, located Officer A and directed him to Sergeant C. Lieutenant A cleared the residence of non-essential personnel, ensured an inner and outer perimeter was established, and directed personnel to begin a canvass of the area for witnesses.

Officer A informed Sergeant C he was involved in an OIS. Sergeant C obtained a Public Safety Statement (PSS) from Officer A and together they secured Officer A's PR in the trunk of Sergeant C's police vehicle. Sergeant C admonished, separated and monitored Officer A.

### **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 F's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers A and F'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 consideration:

#### 1. Tactical Communication / Tactical Planning

The officers effectively communicated and developed a tactical plan to take the suspect into custody and safely search the residence for victims.

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.

Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, oftentimes, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents.

2. Code Six – The investigation revealed that Sergeant B, with Officers A, B, and C, did not advise CD when they had arrived at the location due to the tactical situation and amount of radio traffic at the time of their arrival to the scene. The officers are reminded of the Department's requirement to go Code Six whenever tactically feasible when conducting a field investigation.

3. Initiating Contact with Patrol Rifle Slung – The investigation revealed that Officers A and D assisted officers with pulling the Subject out of the doorway while having their patrol rifles slung. Officers A and D are reminded that initiating contact with a suspect while having a patrol rifle slung on the torso could create unnecessary risks and inhibit an officer’s ability to fully engage the suspect.
  4. Required Equipment – The investigation revealed that Officer A did not have his Hobble Restraint Device at the time of the incident. Officer A is reminded to have all his required equipment on his person while performing field patrol duties.
  5. Effective Encounters with Mentally Ill Persons – The investigation revealed that the Subject displayed behavior that was consistent with a person suffering from a mental illness, and/or being under the influence of drugs or alcohol.
  6. TASER – The investigation revealed this incident occurred five days before the Department’s policy was enacted requiring all officers to carry their TASER when deployed in the field. The officers shall be reminded that Operations Order No. 4 requires officers to carry a TASER and utilize a Department-approved holster unless either is unavailable.
- These topics were to 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. Therefore, the BOPC found that Officers A and F’s tactics warranted a Tactical Debrief and that the specific identified topics be covered.

## **B. Drawing/Exhibiting**

Officer A responded to a request for a unit equipped with a patrol rifle for an “officer needs help” ambulance shooting radio call. Due to the nature of the radio call, Officer A deployed his patrol rifle.

Officer F responded to a request for Metropolitan personnel to respond for a man with a rifle. Due to the nature of the radio call, Officer F donned his tactical gear and deployed his patrol rifle upon his arrival.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A and F, 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 F's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A** – (police rifle, one round)

According to Officer A, he observed the Subject lowering his weapon toward him and the other officers. In fear for his life, and the lives of the other officers, he fired one round from his patrol rifle 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 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 objectively reasonable and in policy.