

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

OFFICER-INVOLVED SHOOTING – 099-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Officers(s) Involved in Use of Force	Length of Service
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Officer A	11 years, 3 months
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Reason for Police Contact

Officers responded to a call of a shooting involving an armed subject, resulting in an officer-involved shooting.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 17 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 Los Angeles Police Department Command Staff presented the matter to the Chief 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 September 18, 2012.

Incident Summary

Victim A and his friends were standing on the sidewalk when confronted by the Subject, who was wearing a Halloween mask. The Subject asked if they knew where he could obtain marijuana and when they replied no, the Subject drew a pistol from his waistband and fired multiple rounds at the victims. As everyone fled in different directions, Victim A observed the Subject still on the street, manipulating his weapon. According to Victim A, he observed the Subject fire a round at his father (Victim B), who had heard the shots and exited his residence, along with his wife, Victim C.

Note: No Victims were injured as a result of this incident.

According to Victim B, he and his wife (Victim C) exited their residence to check on their son and after hearing gunshots. Upon entering the street, Victim B observed the Subject walking on the sidewalk towards him and his wife. Without provocation, the Subject began firing his pistol at the victims and as they sought cover, the Subject calmly walked away. Victims B and C then entered their vehicle, following the Subject while using their cellular phone to call 911.

Officers A and B responded in their marked police vehicle to Communication Division (CD) broadcast of a shooting call. Upon notifying CD that they were Code-Six in the area, they heard Victim's B and C honking their horn and waving to them. Officer's A and B were directed to where the Subject was walking on the sidewalk, wearing a mask and matching the description provided by CD.

Note The officers' police vehicle was not equipped with an in-car video camera system.

As Officer's A and B traveled towards the Subject, through the open driver's side window, Officer A ordered the Subject to stop and show his hands, but he refused to comply. The Subject began to run down the sidewalk, while he removed and discarded his mask with his right hand and grasped his waistband area with his left hand. According to Officer B, as he and Officer A approached the Subject, he looked back, reached for his waistband and continued running. According to Officer B, he felt that the Subject was reaching for a handgun.

Officer A activated the vehicle's overhead lights and illuminated the Subject with the spotlight. Officer A attempted to keep his vehicle a safe distance from the Subject. As the Subject continued to run, Officer A observed a silver handgun in his right hand. According to Officer A, he maintained pace with his vehicle, thinking tactically he would not pass the Subject up in case he came out with a gun. By remaining seated in the vehicle, Officer A believed that he had a solid tactical advantage at that point.

As the Subject approached an intersection, Officer A stopped and positioned his vehicle approximately five feet north of the intersection and observed the Subject turn his upper body in a clockwise direction, pointing his handgun at him. Officer A placed the vehicle in park, drew his pistol and used his left hand to open the driver's side door, exiting the

vehicle. Officer A raised his pistol and observed the Subject still pointing his handgun at him. In defense of his and his partner's lives, Officer A fired five rounds at the Subject's torso area, then observed the Subject fall face down to the sidewalk. Officer A observed a handgun on the sidewalk partially covered by the Subject's upper right leg.

According to Officer B, when the officers approached the intersection, his view of the Subject was obstructed by Officer A, who was in the driver's seat. Officer B exited the police vehicle and immediately drew his pistol, holding the barrel down to avoid pointing it at Officer A. Officer B started to walk around the open passenger's side door when he heard four shots and observed the Subject in a prone position on the sidewalk.

According to Officer C, as he approached the intersection, his vision was obscured by the headlights of Officer A's parked police vehicle. Officer C observed the Subject running on the sidewalk, while turning his body in a counterclockwise direction. Officer C heard shots being fired and saw the Subject drop to the sidewalk. Officer C parked his police vehicle and illuminated the Subject with his headlights. Officer C exited his vehicle and coordinated tactics with Officers A and B as they approached the Subject.

Meanwhile, Officer B broadcast that shots had been fired and requested a rescue ambulance (RA) for the Subject. Officer B holstered his pistol, approached the Subject and handcuffed him, while Officer's A and C provided cover.

Officer D arrived at the location while the Subject was being handcuffed. Officer D observed the Subject face down on the sidewalk with a handgun on the sidewalk, partially covered by the Subject's right side, near his waistband. Officer D informed the other officers of the handgun. Officer D approached the Subject, grabbed him by his legs and tilted his body off the handgun. Officer E used his right foot to kick the handgun out from under the Subject's body.

Los Angeles Fire Department Paramedics A and B arrived and administered emergency medical treatment. The Subject was transported to a local hospital, where he was treated for multiple gunshot wounds.

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 and Exhibiting 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 Officers A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC found Officers A and B's drawing and exhibition 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 their analysis of this incident, the BOPC identified the following tactical considerations:

1. Tactical Communications – Deployment of Vehicle – Pedestrian Contacts

The evaluation of the actions taken and decisions made requires that consideration be given to the fact that tactics are conceptual in nature and intended to be flexible and incident specific. Officers are required to maintain an appropriate level of officer safety while continually assessing the necessity to initiate enforcement action. The decision as to when and how to initiate contact with a subject is a critical one and is influenced by the seriousness of the crime; the ongoing threat posed to the community; and the viable tactical options afforded to the officers at the time.

The multiple calls generated for this incident would objectively cause similarly trained officers to believe there was a heightened likelihood that the shooting was viable and may involve multiple locations. The seriousness of the incident was further evident when Officers A and B were contacted by one of the victims and then directed to the Subject. The Use Of Force Review Board (UOFRB) evaluated these objective facts and determined that immediate action to apprehend the Subject was not only reasonable, but consistent with Department expectations.

In this specific circumstance, the BOPC's expectation is for officers to take decisive action to minimize the continued threat to public safety. To that end, the BOPC found the decision to close the distance while still seated in the police vehicle to be a reasonable one and essential to increase the likelihood of apprehension.

Additionally, the BOPC examined Officer A's decision to utilize the vehicle door panels as cover, while he attempted to apprehend the Subject. Officer A was in a position wherein if he exited his police vehicle he would have been completely exposed and in peril based on the fact that there was no available cover. Officer A drove a short distance while he maintained the best available cover to safely monitor

the Subject and evaluate his actions. The nature of the circumstances dictated that Officer A utilize whatever means available to apprehend the Subject while he maintained a tactical advantage.

Finally, the BOPC evaluated the position of Officer A's police vehicle when the Subject changed direction and fled towards the intersection. Officer A was unable to position his vehicle in such a manner that would afford Officer A the opportunity to address the possible threat posed by the Subject. After careful consideration, the BOPC determined that Officer A acted appropriately due to the fact that oncoming traffic and the immediacy of the Subject's actions prevented Officer A from placing the vehicle in a location that would have afforded the officers the optimum tactical advantage.

These identified areas did not substantially deviate from approved Department tactical training. The overall actions of the involved officers were consistent with the BOPC's expectation that action be taken to safeguard human life and were commendable in nature. However, these identified areas provide the officers with an opportunity to evaluate their actions in order to enhance their future performance in the event they are confronted with similar circumstances in the future.

- 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, there were identified areas worthy of discussion and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officer's A and B's tactics to warrant a tactical debrief, where specific identified topics will be discussed.

B. Drawing/Exhibiting

- **Officer A**

In this instance, Officer A observed the Subject running and turned his body in a clockwise direction, pointing a silver handgun in the direction of the officers. Officer A subsequently drew his service pistol.

Officer A recalled that as the Subject came to an intersection, he slowed his vehicle down, and placed it in park. Officer A reached for his duty weapon, fearing that the Subject would stop and turn around. According to Officer A, at that point, he saw that the barrel of the gun in the Subject's right hand and could see the barrel of the

weapon come towards him and Officer B. Fearing that the situation would lead to use of deadly force, Officer A unholstered his weapon.

The BOPC determined that an officer with similar training and experience as Officer A, when faced with similar circumstances would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

- **Officer B**

In this instance, Officer B observed the Subject running while he reached for his waistband. Officer B, based on the Subject's actions combined with the comments of the radio call, surmised that the Subject was probably armed and opined that the situation could escalate to deadly force. Accordingly, Officer B drew his service pistol. Officer B recalled that the officers stopped the car, and as he was stepping out of the vehicle, he unholstered his weapon and heard approximately four gunshots.

The BOPC determined that an officer with similar training and experience as Officer B, while faced with similar circumstances would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- In this instance, Officer's A and B were actively involved in attempting to apprehend the Subject who was armed. The Subject fled on foot from Officer's A and B when they attempted to apprehend him. Officer A followed the Subject for a short distance in his police vehicle as he was unable to observe any cover which would have enhanced their ability to safely apprehend the Subject. Using the police car door panels as cover, Officer's A and B followed the Subject until he slowed and turned toward an approaching intersection.

Officer A stopped and exited his vehicle as the Subject turned his torso clockwise and pointed a handgun at him. In defense of his and his partner's lives, Officer A fired five rounds at the Subject from a distance of approximately 19 feet. The Subject was struck multiple times and fell to the ground.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the Subject and his actions

represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

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