

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

OFFICER-INVOLVED SHOOTING – 105-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	11/23/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	13 years, 6 months
Officer B	16 years, 11 months
Officer C	24 years, 1 month
Officer D	13 years, 3 months
Officer E	18 years, 6 months

Reason for Police Contact

Officers responded to an armed and barricaded suspect, with hostages. During the incident, the Subject fired at officers, resulting in an officer-involved shooting.

Subject(s)	Deceased (X) Wounded () Non-Hit ()
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Subject: Male, 23 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.

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 October 30, 2012.

Incident Summary

The Subject was wanted for questioning regarding an armed robbery in which another individual was shot and killed. The Subject was subsequently located by officers; however, he escaped a perimeter and took refuge inside a nearby residence. The home was occupied by Victims 1, 2, and 3. The Subject took them hostage. The Subject was discovered in the residence by officers and the Subject barricaded himself inside. Officers A through F responded to the location, as did several other officers, and surrounded the residence. Hostage negotiations were attempted with negative results.

An officer communicated to supervising Officer F that he wanted to breach a window on the residence, the view through which was obscured by a curtain. Officer F advised him to proceed and the officer utilized a tool to break out the window and bring down the curtain and rod. Almost immediately, gunshots were discharged by the Subject from within. The officer dropped the tool and acquired his rifle.

Another officer commenced to kick open the door; however, a refrigerator had been placed in front of it as a barricade. The Subject immediately began firing at the officers at the door from inside the residence. Officer D observed the Subject standing behind the refrigerator, holding a black handgun. The Subject fired at Officer D, and Officer D fired at the Subject.

Officer C, who stood to Officer D's left, heard the Subject fire his weapon and observed muzzle flashes. Officer C perceived the Subject was firing at him and initially believed he was struck by gunfire when he felt something brush by his right thigh. Officer C observed Officer D return fire. At that point, although he does not recall doing so, Officer C fired his weapon twice, resulting in two impacts through the front door. Once the door opened, officers made entry. The Subject was located in a rear bedroom walk-in closet, with the hostages. Officer A heard the Subject scream that he had hostages. Officer A took a position at the bedroom door and could see the Subject at the south end of the room peering out from the walk-in closet.

Officers moved into the bedroom. Officer A took a position to the east side of the doorway with Officer E to the west. Officer A observed the Subject in a semi-barricaded stance, lean out of the closet with a gun in his hand and then fire rounds at him (Officer A). The Subject then exited the closet and with the gun in his hand, charged directly toward Officer A. Officer A fired several rounds at the Subject.

Meanwhile, Officer E heard gunshots as he entered the bedroom. He observed the Subject take a barricaded position inside the walk-in closet. The Subject disappeared into the closet and then rushed straight at both officers. The Subject reached Officer E and pushed the barrel of Officer E's weapon downward and in the direction of Officer A. Officer E brought his weapon up on target and fired. Officer E immediately felt a sharp pain to his foot and fell backwards onto the ground.

Officer B, who was positioned behind Officer E, observed him stutter step back out of the bedroom as if he had been shot. Officer B immediately stepped forward and took

Officer E's position. Officer B observed the Subject had just gone down onto the floor. He further observed the Subject's hand start to rise up while still holding his weapon. Officer B believed the Subject would continue shooting and fired at the Subject's upper torso.

Simultaneously, Officer A observed the Subject go down to the floor. The Subject was propped up slightly, pointing his weapon in Officer A's direction. The Subject began to raise his elbow and fearing he was about to be shot, Officer A fired several rounds into the Subject's upper torso.

The officers took the Subject into custody without further incident. The officers requested an ambulance for the Subject. The Subject was pronounced dead at the scene.

Officer E was transported to the hospital and treated. No other injuries were reported.

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 Officers A through F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A through E's drawing and exhibition of a firearm to be in policy.

C. Use of Lethal Force

The BOPC found Officers A through E's use of lethal force to be in policy.

Basis for Findings

A. Tactics

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

1. Perimeter Integrity

In this instance, when containment was initially established around the location, Officer F assigned officers to containment. When the officers made entry into the residence, an announcement was made for additional personnel. In response, two officers jumped over the fence and entered the location. However, Officer E directed another officer to assume their position on containment prior to entering the dwelling.

Although the fundamental premise of perimeter containment necessitates that personnel remain at their positions of assignment, the request for additional personnel had to be achieved without compromising other tactical aspects of the operation.

In evaluating the circumstances, the BOPC appreciated that the involved officers took dynamic action at the time they did with the objective of saving the life of the hostages. The decision by officers to enter the residence after a request was made was appropriate and commendable, in that they ensured an officer was in position to maintain the integrity of the perimeter.

Accordingly, the officers' actions did not substantially and unjustifiably deviate from approved Department tactical training.

- 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.

After a thorough review of the incident, it was determined that the identified areas for improvement neither individually nor collectively substantially deviate from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

In conclusion, the BOPC found Officers A through F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, officers responded to a location where a robbery/murder suspect was last seen. As the officers established containment around the location, they did so believing the Subject was armed and had potentially taken hostages. As such, they exhibited their respective weapon systems.

The BOPC determined that an officer with similar training and experience as Officers A through E while faced with similar circumstances would reasonably believe that there was a substantial risk that the situation may escalate to the point where the use of deadly force may be justified.

In conclusion, the BOPC found Officers A through E's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- **Officer D** (shotgun, six rounds).

As the front door was being forced open, Officer D observed a male, who was behind a refrigerator, raise a handgun and start firing.

The BOPC would expect that any similarly situated officer facing the Subject's gunfire would react based on his training and experience. Consequently, Officer D reasonably believed that the actions of the Subject represented an imminent threat of serious bodily injury or death and the application of lethal force was justified and within Department policy.

In conclusion, the BOPC found Officer D's use of lethal force to be objectively reasonable and in policy.

- **Officer C** (rifle, two rounds).

In this instance, Officer C was positioned to the south of the front door when the window was breached and the hostage rescue was initiated.

Officer C stated that he did not recall firing his weapon during this incident.

There was concern regarding Officer C's inability to recall firing his weapon during the incident. That being said, the BOPC noted that this incident was reflective of a significant emotional event in which his life and the lives of the officers around him were in danger.

The BOPC found that there is a preponderance of evidence to support that Officer C did face a deadly threat and did react reasonably, and that any similarly trained officer in similar circumstances would have also responded with lethal force.

In conclusion, the BOPC found Officer C's use of lethal force to be objectively reasonable and in policy.

- **Officer A** (rifle, 12 rounds in two sequences of fire).

First Sequence (six to seven rounds)

In this instance, after an officer breached the window, the Subject fired at the officers through the window. The officers entered the residence to rescue the hostages and as they forced entry into the residence, the Subject fired at the officers, resulting in an officer-involved shooting. As the officers moved west into the living room area Officer A heard the Subject yelling, *"I've got hostages. I'm going to kill them."* Officer A moved south to the doorway of the bedroom, observed the Subject peek out from the closet located in a rear bedroom.

Officer A fired at the Subject in response to the Subject quickly advancing toward him while firing a handgun in his direction. Although the investigation revealed the Subject did not fire at Officer A in the bedroom, an officer with similar training and experience as Officer A, under similar dynamic circumstances in a lethal force encounter, would reasonably believe that the actions of the Subject pointing a handgun at the officer at a decreasing distance of eight to two feet represented an imminent threat of serious bodily injury or death.

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

Second Sequence (five to six rounds)

Following the first sequence of fire, the Subject fell at Officer A's feet.

The Subject raised his weapon and again pointed it at Officer A. An officer with similar training and experience would reasonably believe that the actions of the Subject represented an imminent threat of serious bodily injury or death and that the application of lethal force would be justified.

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

- **Officer E** (rifle, two rounds).

According to Officer E, the Subject exited the closet and charged toward him and Officer A. Officer E then felt the Subject's hand on his rifle, pushing the muzzle in the direction of Officer A. In immediate defense of his and Officer A's life, Officer E fired two rounds at the Subject.

The BOPC determined that an officer with similar training and experience would reasonably believe that those actions represented an imminent threat of serious

bodily injury or death and that the application of lethal force would be justified and within Department policy.

In conclusion, the BOPC found Officer E's use of lethal force to be objectively reasonable and in policy.

- **Officer B** (rifle, two rounds).

After Officer E was struck by gunfire and collapsed to the floor, Officer B stepped over him and observed the Subject down, with his right hand on the gun. Officer B then saw the Subject's hand come up. In fear that the Subject was going to shoot him or Officer A, Officer B fired two rounds at the Subject's upper torso.

An officer with similar training and experience seeing the actions of the Subject, would reasonably believe that the actions of the Subject represented an imminent threat of serious bodily injury or death and that the application of lethal force would be justified and within Department policy.

In conclusion, the BOPC found Officer B's use of lethal force to be objectively reasonable and in policy.