

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

OFFICER-INVOLVED SHOOTING – 110-11

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

Hollywood 12/09/11

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

Officer A 15 years, 11 month
Detective B 15 years, 3months

Reason for Police Contact

Officers were advised by witnesses that a person was randomly shooting at vehicles and pedestrians. The officers located the Subject who pointed a weapon at an officer, which resulted in an officer-involved shooting.

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

Subject: Male, 26 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 November 06, 2012.

Incident Summary

A lone gunman, subsequently identified as the Subject, went on a four minute shooting spree indiscriminately shooting at pedestrians and vehicles. The incident came to a conclusion when the Subject was confronted by the police where he was shot and killed. During the incident, one individual was fatally shot and seven other victims were identified. The follow-up investigation determined that none of the victims and witnesses knew or had any prior contact with the Subject.

Officer A heard the gunshots and was directed by several pedestrians to a man shooting a gun and he subsequently responded to the area

At approximately the same time, Detectives A and B were approached by a witness that informed them that there was a man shooting a gun at persons and vehicles. The detectives then heard several gunshots coming from that area.

As Detective B slowed their vehicle to a stop in the intersection, he looked to his left and observed the Subject walking southbound in the street. Both detectives exited the vehicle and unholstered their pistols. Detective B walked around the back of the car and joined Detective A on the passenger side of the vehicle.

Detective A saw Officer A standing at the corner and waved at him. Officer A made eye contact with Detective A and Officer A unholstered his pistol. Officer A looked around the corner of the building and observed the Subject walking southbound in the middle of the street holding a knife in his left hand.

Officer A walked on the sidewalk, while Detectives A and B moved to the rear of a car that was parked at the curb. Officer A and Detective A yelled at the Subject to stop and put his hands up. The Subject ignored the orders and continued to walk towards Victim A. Officer A continued on the sidewalk, while Detectives A and B continued in the street, utilizing parked cars for cover.

The Subject walked to the curb line of Victim A's car and stopped. The Subject arched his back and raised his arms, palms up, slightly above his shoulders. Officer A had taken up a position on the sidewalk near Victim A's car, while Detective A took up a position to the right rear quarter panel of a car parked at the curb. Officer A and Detective A saw the handle of the Subject's pistol in his waistband. Officer A and Detective A raised their pistols. Detective B had repositioned himself onto the sidewalk approximately 30-40 feet behind Officer A and was unable to see the Subject's waistband.

Officer A told the Subject to get down and not to reach for the gun. The Subject then yelled incoherently, removed the pistol from his waistband, and began to raise it toward Officer A. Officer A ordered the Subject to drop the gun but the Subject continued to raise the weapon. Officer A then fired one round toward the Subject. At the same time, Detective A fired five rounds toward the Subject. As the officers fired their weapons, the Subject discarded his weapon, throwing it onto the sidewalk. The Subject, who was

struck twice on his right side by the gunfire, turned to his left and staggered back into the street, where he fell face up in the street.

Officers requested an ambulance to respond for Victim A and the Subject. Victim A was transported to the hospital, where he later died from his injuries, and the Subject was pronounced dead at the scene.

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 Officer A, and Detectives A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC found Officer A, and Detectives A and B's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer A and Detective 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. Code Six

Upon his arrival at the scene of the shooting, Detective A intended to show himself Code Six, however due to repeated shooting in progress calls being generated for the incident, he was unable to put out a Code Six broadcast.

Detective B indicated that upon his arrival he broadcast that he and his partner were Code Six via his police radio. However, during a review of the radio transmissions there was no indication that the Code Six broadcast was made. It is possible that Detective B did in fact broadcast their Code Six location, but the broadcast was not received by Communications Division (CD) because of heavy radio traffic.

In conclusion, the BOPC found that the detectives did not substantially deviate from approved Department tactical training.

2. Cover

In this instance, Officer A felt compelled to leave his position of cover to safeguard the lives of the victims.

Although officers are taught to utilize cover while engaging an armed suspect, the need to safeguard human life outweighed the tactical disadvantage posed by leaving cover. These actions were not only heroic but were consistent with the BOPC's expectation that officers, to the extent possible, make an effort to safeguard human life.

In conclusion, the BOPC found that the decision to leave cover in this unique circumstance and for the purpose to safeguard human life did not substantially 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.

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 individual actions that took place during this incident.

In conclusion, the BOPC found Officer A, and Detectives A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

- Officer A heard the gunshots and was directed by several citizens to a man shooting a gun at an intersection. As Officer A approached the intersection, he heard people yelling as they pointed in the direction of the shooting and indicated that there was a man with a gun. Officer A ran toward the threat and drew his service pistol with the belief that the situation had escalated to the point where the use of lethal force may be justified.
- Detectives A and B were approached by a citizen that informed them that there was a man shooting a gun at pedestrians and vehicles. The detectives then heard several gunshots coming from that area. Within seconds of entering their vehicle, they heard CD broadcast a shooting in progress. Upon arrival at the scene, Detectives A and B observed the Subject standing in the middle of the street. Detectives A and B drew their service pistols with the belief that the situation had escalated to the point where the use of lethal force may be justified.

In this instance, Officer A and Detectives A and B received information from multiple sources of an active shooter and responded with the intent to stop the threat. Given the likelihood that they would encounter the Subject, who was armed, the BOPC determined that officers with similar training and experience as Officer A and Detectives A and 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.

In conclusion, the BOPC found Officer A, and Detectives A and B's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- In this instance, Officer A observed the Subject walking toward victims with a knife in his left hand. Officer A moved away from cover in order to divert the Subject's attention away from the victims and ordered the Subject to stop. In response, the Subject shifted his attention away from the victims and walked to the curb line in front of Officer A. At this point, Officer A saw the handle of the Subject's pistol protruding from his waistband. The Subject then yelled incoherently, removed the pistol from his waistband with his right hand, and began to raise it toward Officer A. Officer A believed that he was about to be shot and fired one round from his service pistol in defense of his own life.

The BOPC determined that an officer with similar training and experience as Officer A and under similar circumstances would reasonably believe that the Subject posed

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

- At the time of the OIS, Detective A took a position of cover behind the rear quarter panel of a parked vehicle. As Officer A diverted the Subject's attention from the victims, Detective A observed the Subject turn in the direction of Officer A, reach into his waistband, remove a hand gun, raise it in the direction of Officer A and then turn in his direction with the gun still in this hand. Detective A believed that Officer A and he were going to get shot and fired five rounds from his service pistol in defense of Officer A's and his life.

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