

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

OFFICER-INVOLVED SHOOTING – 113-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
77th Street	12/20/11		

Officers Involved in Use of Force	Length of Service
Officer A	4 years, 9 months

Reason for Police Contact

Officers observed a hand-to-hand narcotics transaction and contacted the suspects. Both suspects ran from the officers and as they did so, one of them grabbed a handgun, resulting in an officer-involved shooting.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 27 years of age, wounded.			
Subject 2: Unidentified Male, unknown.			

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 December 4, 2012.

Incident Summary

Officers A and B, attired in plainclothes, were traveling in a plain, unmarked police vehicle on their way to conduct an investigation. Both officers were wearing tactical vests which were marked "POLICE" on the front and back. Officer A observed a male, later identified as Subject 1, exchange a small plastic baggy with a second male, Subject 2, for an unknown amount of money.

Note: Subject 2 was never identified or located.

Officers A and B discussed the narcotic transaction they just witnessed and decided to circle the block to investigate further. As the officers reached mid-block, the subjects were walking east on the north sidewalk. As the officers approached, the subjects looked toward the officers' vehicle, began to run east on the sidewalk and then north up a driveway. Officer B believed the subjects recognized them as police officers because he believed that the subjects could see the insignia of "POLICE" on his tactical vest through the windshield.

Officer B stopped their vehicle just south of the driveway, facing in a northwest direction.

As Subject 1 ran away, he placed his hand on his waistband. Officer B yelled, "He's going for his waistband." As their vehicle came to a stop, Officer A opened the door, exited, and yelled, "Stop, police!" Both subjects stopped, turned south and faced the officers. Officer A believed that Subject 1 recognized him as a police officer because of his verbal order and because the insignia of "POLICE" on the tactical vest was visible over the vehicle door.

According to Officer A, Subject 1 lifted up his shirt with his right hand and exposed a pistol in his front waistband. Subject 1 grabbed the handle of the pistol, began to pull it out of his waistband, looked in the direction of the officers and stated, "What, bitch."

Officer A, in fear for his and his partner's life, stood behind the door and drew his service pistol. Officer A held the pistol over the door frame. As Subject 1 began to draw the pistol from his waistband, Officer A raised his pistol, aimed it at Subject 1's chest area and fired five rounds. Subject 1 was struck by gunfire, spun in a counterclockwise direction and fell to the concrete driveway on his stomach.

During the officer-involved shooting (OIS), Subject 2 was standing approximately two feet east and slightly north of Subject 1. As Subject 1 was struck by gunfire and fell to the ground, Subject 2 turned north and began to fall to the driveway, east of Subject 1. According to the officers, as Subject 2 fell, he stabilized himself by placing his hands on the driveway next to Subject 1. Subject 2 immediately stood up and ran north and turned east behind the residence and was no longer in the view of the officers. As Subject 2 ran north, neither officer observed anything in his hands.

No firearm was recovered at the OIS location.

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 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. Code Six

In this instance, Officers A and B observed a narcotic transaction occur between Subjects 1 and 2. The officers drove around the block to discuss their observations and devise a tactical plan of approach, the execution of which Officer B estimated placed the subjects out of their view for approximately 30 seconds.

As Officers A and B drove toward the subjects, Subjects 1 and 2 looked in the officers' direction and began running.

The BOPC's expectation is that officers must always strive to consistently maintain a tactical advantage during field contacts. With that in mind, although the officers did not broadcast their location prior to their final approach, in this situation, diverting

their attention in order to broadcast their location could have hindered the officers' ability to effectively focus on and deal with the unfolding tactical situation.

In the BOPC's consideration of the decision for Officers A and B to not broadcast their location, they balanced that decision against the objective risks and commensurate dangers present to the officers. In their assessment, the BOPC determined that, in this specific case, the decision not to broadcast their location was consistent with tactical guidelines in that there are circumstances wherein the situation warrants such a delay. Although the guidelines were not strictly adhered to, tactical training affords flexibility when the seriousness of the incident takes precedence.

In conclusion, although the decision to not broadcast a Code Six location deviated from approved Department tactical training, it was justified and consistent with the BOPC's expectation that officers maintain a tactical advantage.

2. Tactical Communication

In this instance, based on Officer B's statement that Subject 1 was going for his waistband, Officer A inferred that Subject 1 was possibly reaching for a gun or narcotics.

Although it would have been tactically prudent for Officer A to advise his partner that Subject 1 was arming himself with a handgun, the BOPC noted Officer B was performing multiple tasks, to include operating a motor vehicle and simultaneously monitoring the actions of Subjects 1 and 2. That being said, Officer B clearly alerted his partner of Subject 1's actions and effectively communicated that information to Officer A so he could focus his attention on Subject 1's waistband area.

In conclusion, although his articulation and description of Subject 1's actions could have been more detailed, Officer B's actions 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.

After a thorough review of the incident, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, 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 with the objective of improving overall organizational and individual performance.

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

B. Drawing/Exhibiting

- In this instance, as Subject 1 faced the officers, he lifted up his shirt with one hand, exposing a handgun in his front waistband area. Almost simultaneously, Subject 1 grabbed the handgun and in response, Officers A and B drew their pistols.

The BOPC determined that an officer with similar training and experience as Officers 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 Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- Officer A – five rounds

In this instance, as Officers A and B drove westbound, Officer A observed Subject 1 running with both hands grabbing at his front waistband area. Officer B made the same observation. With their vehicle coming to rest just south of the driveway, Officer A exited, assumed a position of cover behind the door and ordered both Subjects 1 and 2 to stop.

After being struck by gunfire, Subject 1 fell into a prone position.

The BOPC considered the fact that the handgun was not recovered. However, it was also noted that this was a dynamic fast moving event involving two fleeing subjects, one of whom displayed furtive movements consistent with being armed with a handgun. Additionally, immediately following the OIS, the officers consistently advised responding personnel of their belief that Subject 1 was armed.

Special consideration was given to the independent and consistent observations articulated by Officers A and B leading up to, during and after the OIS. The broadcast made by Officer A immediately following the OIS and responding personnel statements supported the belief that Subject 1 was armed with a handgun.

Based on the totality of the circumstances, although it could not be definitively determined that Subject 2 fled with Subject 1's handgun, absent evidence to discount Officer A's statement, the BOPC determined that the preponderance of evidence showed that Officer A engaged Subject 1 in immediate defense of his and his partner's lives.

The BOPC determined that an officer with similar training and experience as Officer A and faced with similar circumstances would reasonably believe that Subject 1's actions of acquiring a grip on the handle of a handgun and beginning to remove it from his waistband represented an imminent threat of serious bodily injury or death and the use of lethal force would be a reasonable option.

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