

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

OFFICER-INVOLVED SHOOTING – 004-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Central	01/16/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	4 years, 8 months

Reason for Police Contact

Officers responded to a radio call of a disturbance involving a subject armed with a handgun when the officers were confronted by the subject, resulting in an officer-involved shooting.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Male, 33 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 and addenda items); the 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, 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 December 20, 2011.

Incident Summary

Officers A and B responded to a radio call of a man with a gun. The Subject had pointed the gun at several people and had threatened them. The Subject was also observed on closed-circuit television (CCTV) holding a gun and walking into the apartment complex where he lived.

The officers received information from the apartment complex security officers as to which apartment the Subject lived in. The officers were joined by Sergeant A and other officers, who conducted a coordinated search of the apartment complex for the Subject.

Once the officers were on the same floor where the Subject lived, Sergeant A (armed with his service pistol) positioned himself, Officer A (armed with a shotgun) and Officer B (armed with his service pistol) along the hallway in a position of advantage, looking toward the Subject's apartment.

As the officers were positioned in the hallway, they could hear what sound like the racking of a handgun. A few minutes later, the Subject suddenly walked out of his apartment and into the hallway. Officer B gave commands to the Subject, telling him to put his hands up. The Subject immediately turned and began to walk back toward his apartment. As the Subject turned to walk toward his apartment, according to Officer A, his right hand moved toward his waistband area. Officer A, fearing that the Subject was reaching into his jacket pocket for a handgun, fired three rounds from his shotgun, striking the Subject on both of his thighs.

Note: Portions of this incident were captured by multiple video cameras at the location. The relevant portions of the recordings show the officers tactically deployed in positions down the hallway from the Subject's apartment. The video shows the Subject walk out of his apartment and into the hallway, then start to turn to his left and move back toward his apartment at which point Officer A fires his first shotgun round. The Subject's right hand is at his side as he exited his apartment and entered the hallway. The Subject turns with his right hand positioned in front of his body.

The video shows the Subject continue turning as he begins to re-enter his apartment when Officer A fires his second round. The Subject goes into his apartment and is no longer visible when Officer A fires his third round at the Subject. Approximately three seconds later, the Subject walks back out onto the hallway and assumes a prone position on the floor.

The Subject was subsequently arrested and transported to a local hospital where he was treated for his injuries.

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 revolver 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 Sergeant A and Officers A and B's actions to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Use of Force

The BOPC found Officers A'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 considerations:

- **Tactical Planning**

In this instance, the BOPC evaluated the tactical planning developed by the on-scene officers and supervisors. In conducting their evaluation, the BOPC was pleased with many of the actions that took place during the incident.

For example, the initial responding officers appropriately notified Communications Division of their initial status and location upon arriving at scene. Another example is that Sergeant A appropriately requested additional personnel prior to entering the building and entry was not attempted prior to their arrival.

The BOPC was pleased with the level of planning and supervisory oversight that occurred during this incident. Sergeant A had sufficient resources and developed a satisfactory tactical plan prior to taking action. Moreover, he exercised sound supervisory oversight of the operation, appropriately coordinating an effective police response. Although there were many positive aspects related to this incident, there is always room for improvement. As noted by the BOPC, although a TASER was available for the officers, it would have been prudent for a Beanbag Projectile Shotgun to be deployed as well due to its superior effective range over the TASER.

The level of planning and supervisory oversight that occurred during this incident represents exemplary leadership. The BOPC determined the involved personnel's actions did not substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

In this instance, Sergeant A, along with Officers A and B, responded to an additional unit request for a "Possible man with a gun." Officer A deployed a Department shotgun from the time he arrived at scene and exhibited it throughout. Sergeant A and Officer B drew and holstered their service pistols during the ongoing incident as tactics necessitated during the search and the handcuffing process.

The BOPC determined that another officer with similar training and experience would reasonably believe that when preparing to encounter an armed suspect, the situation may escalate to the point where deadly force may be justified. Therefore, the involved personnel's actions did not substantially deviate from Department policy.

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

C. Use of Force

Positioned on the west side of the hallway, Officer A was the individual who would have the best view of the Subject if he were to exit the apartment, as the apartment was located on the east side of the hallway. With all facets of the preliminary investigation indicating the Subject was armed with a handgun, Officer A's deployment of the shotgun in this configuration ensured the team maintained tactical superiority.

Prior to the Subject being directed out of the apartment, he exited of his own accord. Officer A noted the Subject was dressed in baggy pants and an unzipped baggy jacket, which concealed his waistband area. As the Subject faced the officers, he was ordered to put his hands up. The Subject ignored the officers' commands, turned to his left and reached to his waistband area with his right hand, while simultaneously looking at the officers. Officer A fired two rounds from his shotgun at the Subject.

After firing the first two rounds, the Subject appeared unaffected as he continued walking in an easterly direction toward the recessed doorway.

In response, Officer A fired an additional round at the Subject, after which the Subject disappeared from Officer A's line of sight for approximately three seconds. A short time later, the Subject complied with the officers' commands and surrendered. The Subject was taken into custody without further incident. Although a weapon was not recovered from the Subject's person, an air pistol BB gun was recovered in plain view from a kitchen cabinet. The kitchen was located just past the threshold of the front door and was the first room to the north.

In reviewing Officer A's decision to shoot at the Subject, the BOPC assessed the reasonableness of Officer A's perception that the Subject was arming himself with a handgun. Based on numerous witness statements that clearly showed the Subject's propensity for violence, coupled with Officer A hearing what he believed to be the racking of a handgun, the BOPC believed that another officer with similar training and experience as Officer A could reasonably perceive that the Subject was armed with a handgun. As a result, an officer with similar training and experience, upon observing an individual reaching inside his jacket toward his waistband area, an area consistent with the concealment of handguns, after being ordered to place his hands up, would believe that the Subject was attempting to draw a weapon and that the Subject represented an imminent threat of death or serious bodily injury.

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