

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

OFFICER-INVOLVED SHOOTING – 005-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Topanga	01/18/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	12 years, 5 months

Reason for Police Contact

Officers responded to an attempted robbery radio call involving an armed suspect, resulting in an officer-involved shooting.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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 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 Chief 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 December 13, 2011.

Incident Summary

Officers A (driver) and B (passenger) were working together. Both officers were in uniform and were driving a black and white marked patrol vehicle.

Meanwhile, Victim 1 called 9-1-1 and told the Operator that two to three minutes earlier, he and Victim 2 had been the victims of an attempted robbery by the Subject who was armed with a handgun. As Victim 1 spoke to the Operator, he saw the Subject walk westbound on the north side of the street. He informed the Operator of his observation, and, as he watched, the Subject continued westbound until Victim 1 lost sight of him.

Officers A and B were in close proximity to the location and they responded. The officers started to search for the Subject, when Officer A saw the Subject walking westbound on the north side of the street. The Subject appeared to be talking on a cell phone.

Officer A pulled the police vehicle to the curb behind the Subject and illuminated him. Both of the officers exited their vehicle, took cover behind their respective vehicle doors and unholstered their pistols. Officer B began to give the Subject commands to stop and show his hands; however, the Subject did not comply. Officer A then gave the Subject commands to raise his hands and spread his legs, in both English and Spanish. The Subject continued to walk and talk on the cell phone. The Subject placed his right hand in his pocket and started running toward an alley and both officers pursued him on foot.

The Subject pulled a small handgun out of his pocket, pointed it back toward the officers, and an officer-involved shooting occurred. The Subject died as a result of his injuries. The handgun was recovered 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 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. Use of Force

The BOPC found Officer 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:

1. Apprehension vs. Containment

In this instance, Officers A and B attempted to detain the Subject by giving him several commands. The Subject did not comply and proceeded to flee.

Here, the officers elected to pursue the Subject while remaining in apprehension mode based on several factors. Both Officers A and B were familiar with a nearby location where there were potential victims. Additionally, Officer A also had knowledge that location was not secure, giving the Subject access to those potential victims.

In conclusion, based on the totality of the circumstances, the BOPC found that Officers A and B's tactics substantially deviated from approved Department tactical training; however, the deviation was justifiable because the officers were confronted with a circumstance wherein a balance had to be maintained between officer safety and the well-being of the people at the location.

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

B. Drawing/Exhibiting

Officers A and B were driving in the area when they heard a radio broadcast of an armed robbery along with the Subject's description. After notifying CD they were in the area, the officers observed the possible suspect walking on the north sidewalk. Utilizing the police vehicle's head lights to illuminate the Subject, the officers simultaneously exited the police vehicle and utilized the car door panels as cover. Based on the physical description and the close proximity of the radio call, the officers formed the opinion that the Subject matched the description of the armed robbery suspect. Believing the situation may escalate to the point where deadly force may be justified, Officers A and B drew their pistols.

The BOPC determined that an officer under the same circumstances with similar training and experience as Officers A and B would reasonably believe that the Subject, a possible armed robbery suspect, posed a potentially deadly threat and 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. Use of Force

In this instance, as the Subject ran northbound, he removed a handgun from his waistband and pointed it toward Officer A. In response, Officer A fired one round at the Subject. The Subject continued to run and kept looking rearward while continuing to point his handgun at Officer A. Officer A, while continuing to pursue the Subject, fired a second round at the Subject. Officer A did not know if any of his rounds had struck the Subject because the Subject did not stop pointing the handgun at him. Officer A then fired two more rounds at the Subject. The Subject fell to the ground, reached for his handgun and several more rounds were fired by Officer A.

The BOPC noted that this was a dynamic and fast moving event. The BOPC determined that an officer with similar training and experience would reasonably believe that the Subject's pointing of a handgun at Officers A and B posed an imminent threat of death or serious bodily injury. Therefore, the decision by Officer A to utilize Lethal Force was objectively reasonable and consistent with Department policy.

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