

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

OFFICER-INVOLVED SHOOTING – 011-11

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

| | | | |
|--------|----------|--|--|
| Harbor | 02/14/11 | | |
|--------|----------|--|--|

| Officer(s) Involved | Length of Service |
|----------------------------|--------------------------|
|----------------------------|--------------------------|

| | |
|-----------|-------------------|
| Officer A | 3 years, 8 months |
|-----------|-------------------|

Reason for Police Contact

An off-duty officer was confronted by an armed suspect, resulting in an officer-involved shooting.

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

Subject: Male, 21 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 January 10, 2012.

Incident Summary

Off-duty Officer A was leaving a residence. Officer A walked out to his vehicle, which was parked in the driveway. Officer A did not see anybody as he walked to his vehicle. Officer A had his duty weapon in his right front pants pocket at the time.

Officer A backed his vehicle up, leaving the vehicle running with the lights on, while he walked back to close the driveway gate. Officer A saw the Subject walking toward him on the sidewalk. The Subject then started to run in his direction. As the Subject got closer, Officer A saw a handgun in the Subject's hand. The Subject then pointed it at Officer A. Officer A drew his pistol from his pocket and fired one round at the Subject. The Subject continued to point the gun at Officer A, so Officer A fired a second round.

The Subject passed in front of Officer A's vehicle before collapsing on the sidewalk, behind a short block wall. Officer A believed the Subject had been shot but could not see him, so Officer A did not try and approach the Subject, pending the arrival of assistance.

Officer A ran toward the back door of the home, while covering the Subject's last known position. Officer A called 9-1-1. While speaking to the Operator and waiting for the first unit to arrive, Officer A saw a male approach the Subject. The male squatted down near the Subject and Officer A lost sight of him. The male then stood back up, adjusted his shirt, and walked away. Officer A saw two other males walk over to the Subject, lean over him momentarily, then stand back up and walk away. Upon the arrival of assisting officers, the officers were unable to locate the Subject's weapon.

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's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- 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. Each tactical incident inherently results in considerations for improvement.

Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this case, although there were identified areas where improvement could be made, the tactics utilized did not substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

- In this instance, Officer A observed the Subject pointing a handgun at him. Officer A saw the muzzle of the handgun, reached into his right front pants pocket, and drew his service pistol.

The BOPC determined that an officer with similar training and experience, upon observing a handgun pointed in his direction, would reasonably believe that the situation had escalated "to the point where deadly force may be justified.

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

C. Lethal Use of Force

- In this instance, Officer A was at his residence and observed the Subject start running toward him. The Subject raised a handgun and pointed it at Officer A. In fear for his life, Officer A fired one round. Officer A assessed the situation and believed the Subject was still a threat.

After firing his first round, as the Subject continued to point the weapon toward him, Officer A fired an additional round at the Subject.

In this instance, the BOPC believed the Subject's act of pointing a handgun at Officer A would cause an officer of similar training and experience to reasonably fear serious bodily injury or death. Therefore, the decision by Officer A to utilize lethal

force in his own defense was objectively reasonable and consistent with Department policy.

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