

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

OFFICER-INVOLVED SHOOTING – 013-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Northeast	02/19/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	5 years, 6 months
Officer B	14 years, 7 months
Officer C	2 years, 2 months

Reason for Police Contact

Officers responded to a trespass call. After a foot pursuit, the suspect pointed a weapon at officers and an officer-involved shooting ensued.

Subject(s)	Deceased (X) Wounded () Non-Hit ()
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Subject: Male, 49 years of age.	
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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.

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 January 24, 2012.

Incident Summary

Sergeant A responded to a request for a supervisor for a trespass call. When Sergeant A arrived at the location the Subject was gone. Sergeant A was notified of the Subject's description and that the Subject was last seen walking away from the location. Sergeant A located and detained the Subject on a street near the location. The Subject gave his name to Sergeant A, indicated he was from out-of-state, and said that his identification had been stolen. Sergeant A believed that the identification information the Subject provided was false.

The Subject put his hands in his jacket pockets. Sergeant A ordered the Subject to remove his hands from his pockets. The Subject complied, but then put his hands back in his pockets. Sergeant A again ordered the Subject to take his hands out, and the Subject complied.

Meanwhile, Officer A was directed toward Sergeant A's location by the airship that had responded. Officer A drove to where Sergeant A and the Subject were located, exited the vehicle, and approached Sergeant A and the Subject. Sergeant A indicated to Officer A that the Subject was possibly the subject from the trespass call. Sergeant A informed Officer A that the Subject had provided his information, but a pat-down search had not been conducted. Officer A donned gloves in preparation to search the Subject. Officer A asked the Subject if he had any weapons or anything that Officer A should be concerned about. The Subject did not respond and Officer A could see through the Subject's sunglasses that the Subject had what Officer A perceived to be a blank stare. Officer A asked the Subject a second time if he had any weapons and again the Subject did not respond. The Subject put his right hand into his jacket pocket and Officer A observed a bulge in that pocket, as if something were inside.

Officer A ordered the Subject to take his hand out of his pocket but the Subject did not, and began backing away from the officers. According to the officers, the Subject was also making "furtive movements."

Sergeant A unholstered a TASER but quickly realized it would be ineffective because the Subject was wearing a heavy jacket. Sergeant A reholstered his TASER and drew his service pistol.

Based on the Subject's actions, his erratic behavior, and his refusal to remove his hand from his jacket pocket that had a bulge in it, Officer A formed the opinion that the Subject was possibly armed. Officer A drew his service pistol, pointed it at the Subject, and ordered him to turn around and take his hand out of his pocket. The Subject did not comply. The Subject then sidestepped away from the officers and stated to the officers words to the effect of, "Hey, I haven't done anything. Leave me alone." The Subject continued to back away and the officers gave him multiple orders to stop and show his hands.

The Subject abruptly turned around and started to run away from the officers with his right hand still in his pocket. Sergeant A requested back-up.

Officer A's firearm was drawn when he pursued the Subject on foot across the street and through an alley. During the foot pursuit, the Subject abruptly stopped and turned toward Officer A. The Subject's right hand was still in his pocket and Officer A could see a bulge. Officer A thought the Subject had a gun. Officer A pointed his pistol at the Subject and repeatedly ordered the Subject to stop and show his hands. The Subject did not comply. The Subject continued running and Officer A pursued him, but kept some distance from the Subject. The airship broadcast the foot pursuit and Sergeant A followed Officer A.

Meanwhile, Officers B and C responded to the location with their emergency lights and siren activated. They located Officer A and Sergeant A and the Subject and followed the Subject in their vehicle. Officer C stopped their vehicle approximately three to five feet west of the Subject, and Officers B and C exited.

The Subject stopped and Officer A observed that he had his right hand in his pocket and was fidgeting. The Subject pulled a handgun from his pocket and pointed it at Officer C.

Officer A fired five rounds, Officer B fired six rounds, and Officer C fired four rounds at the Subject. The Subject fell to the ground and dropped his gun, which landed near his hand. Officer C kicked the gun away from the Subject. Officer C provided cover for Officer B who turned the Subject over, handcuffed and searched him.

A replica firearm that resembled a Glock pistol was recovered from the Subject. The replica had a magazine inserted into the magazine well and the slide was attached to the frame with duct tape.

An independent witness at the scene observed the Subject withdraw the gun from his pocket and point it at Officer C. The witness also observed the officers fire at the Subject.

The Subject was transported to a local hospital where he was pronounced dead.

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 of a firearm 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's tactics, as well as those of Officers A, B, and C, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers A, B, and C'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 consideration:

1. Foot Pursuit of Armed Suspect

In this instance, Officer A engaged in a foot pursuit of the Subject, who was possibly armed. Though chasing an armed subject is inherently dangerous, in this instance, Officer A recognized that the Subject was potentially arming himself and adjusted his foot pursuit tactics accordingly. Officer A's decision to pursue the Subject in a containment mode was consistent with Department training on foot pursuits.

In conclusion, the BOPC found that Sergeant A and Officer A's decision to pursue the Subject did not substantially deviate from approved Department tactical training.

- The BOPC additionally considered the following:

1. Running with Weapon Drawn

In this instance, Officer A engaged in a foot pursuit of a suspect whom he believed was armed. Officer A did so with his weapon drawn. Although reasonable in this case because the Subject continued to present a threat,

Officer A is reminded of the increased risk of an unintentional discharge when doing so.

2. Broadcast of Foot Pursuit

In this instance, neither Officer A nor Sergeant A broadcast that the Subject was possibly armed. While Sergeant A was unable to do so because he had inadvertently dropped his radio, the safety of other responding officers could have been enhanced had Officer A broadcast his belief that the Subject was possibly armed.

3. Equipment

In this instance, Officer B left his side handle baton inside his police vehicle, but doing so was reasonable because he had to remain focused on the possibly armed subject.

4. Simultaneous Commands (Conflicting)

Prior to the officer-involved shooting (OIS), Officers A and C were simultaneously giving verbal commands to the Subject in an attempt to gain his compliance. Officers are trained to utilize the concept of contact and cover in which one officer gives the verbal commands while the other provides cover.

5. Equipment

Sergeant A inadvertently dropped his handheld radio during the foot pursuit. A radio is a critical piece of equipment that provides a vital communication link to other officers and resources. Sergeant A is reminded to ensure his equipment is properly secured on his person.

6. Firearms

Immediately following the OIS, Sergeant A observed the Subject's handgun near his hands and directed Officer C to kick the gun away from his hands to prevent him from re-arming himself, which was reasonable in this case. However, officers are reminded that the act of kicking a weapon may increase the likelihood of an unintentional discharge.

7. Blocking the Suspect's Path

Officer B directed Officer C to utilize the police vehicle to block the Subject's path in effort to prevent his escape. Officers are reminded this tactic can put the officers at a tactical disadvantage should they have to engage the suspect.

8. Vehicle Placement

In this instance, Officer C stopped his police vehicle roughly parallel to the position of the Subject. This position placed both him and his partner at a tactical disadvantage. The officers are reminded to position their vehicles in a manner that provides them the greatest tactical advantage.

9. Termination of the Foot Pursuit

The investigation revealed, at the termination of the foot pursuit, that the air unit requested an ambulance to respond to provide medical treatment for the Subject. However, neither the ground units nor the air unit advised Communications Division of the location of the termination of the foot pursuit. This will be a topic of discussion at the tactical debrief. Additionally this issue was brought to the attention of the Commanding Officer, Air Support Division. No additional action is necessary.

- 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, it was determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

In conclusion, the BOPC found Sergeant A's tactics, along with those of Officers A, B, and C, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officer A was preparing to conduct a search for weapons and asked the Subject if he had anything in his possession that he needed to be aware of. The Subject did not answer the question, placed his hand inside his jacket and began to move away from the officers. The Subject's actions, as well as the bulge in his pocket, caused Sergeant A and Officer A to reasonably believe that the Subject may be armed. As a result, both Sergeant A and Officer A drew their service pistols.

At the termination of the foot pursuit, the Subject produced a handgun and pointed it at officers. Upon seeing the handgun, both Officers B and C drew their service pistols.

The act of the Subject reaching inside his jacket near a bulge which could be a concealed weapon and later producing a handgun (from his jacket pocket) and

pointing it directly at the officers created a situation wherein an officer with similar training and experience to that of the involved personnel would reasonably believe that there was a substantial risk that the tactical situation had escalated to the point where lethal force may be justified.

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

C. Lethal Use of Force

- **Officer A** (pistol, five rounds)

The Subject drew a black handgun from his jacket pocket pointed it in the direction of the officers. Officer A fired at the Subject in defense of life.

- **Officer B** (pistol, six rounds)

Officer B observed the Subject point a handgun at Officer C. Officer B drew a pistol and fired at the Subject in defense of life.

- **Officer C** (pistol, four rounds)

The Subject turned counterclockwise and removed a black handgun from his jacket pocket and pointed it at Officer C. Fearing the Subject was about to shoot, Officer C fired four rounds in immediate defense of life.

- The BOPC noted that this was a dynamic and fast moving tactical situation. An officer with similar training and experience would reasonably believe that the Subject's act of pointing of a (reasonably perceived) handgun at the officers would cause them to reasonably believe that the Subject posed an imminent threat of death or serious bodily injury. Therefore, the decision by Officers A, B, and C to use lethal force was objectively reasonable and consistent with Department policy.

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