

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

OFFICER-INVOLVED SHOOTING – 019-10

| <u>Division</u> | <u>Date</u> | <u>Duty-On() Off(x)</u> | <u>Uniform-Yes() No(x)</u> |
|------------------------|--------------------|---------------------------------|------------------------------------|
| Outside City | 02/25/2010 | | |

| <u>Involved Officer(s)</u> | <u>Length of Service</u> |
|-----------------------------------|---------------------------------|
|-----------------------------------|---------------------------------|

| | |
|-----------|--------------------|
| Officer A | 12 years, 7 months |
|-----------|--------------------|

Reason for Police Contact

Officer A was assaulted by the Subject, which resulted in an officer involved shooting.

| <u>Subject(s)</u> | <u>Deceased (x)</u> | <u>Wounded ()</u> | <u>Non-Hit ()</u> |
|--------------------------|----------------------------|---------------------------|---------------------------|
|--------------------------|----------------------------|---------------------------|---------------------------|

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 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 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, 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 May 31, 2011.

Incident Summary

Prior to the date of this incident, the Subject had displayed threatening behavior and made verbal threats to kill Witness A and Officer A.

Officer A came home on the day of the incident. Officer A sat at the kitchen table to fix the zipper of a case in which he stored his back-up gun. Officer A heard Witness A and the Subject entering the home and placed the weapon in his pocket because he did not want the gun to be out when they walked in.

The Subject was under the influence of drugs and the Subject's friends were waiting outside in a parked vehicle. The Subject and his friends went into the backyard of the residence and sat on the patio. The Subject then entered the residence and challenged Officer A to fight.

Witness A and Officer A tried to calm the Subject down. The Subject's apparent anger escalated and he removed a framed picture from the wall.

The Subject began threatening Officer A with the picture frame and Officer A started to retreat up the stairs. Officer A took one stair at a time while urging the Subject to calm down and put the picture frame away. Officer A considered running away but realized he would be leaving Witness A unprotected. The Subject then raised the picture frame and swung it at the officer. Officer A removed his gun from his pocket and fired one round at the Subject, which hit the Subject in the chest. The Subject, who was fatally wounded, dropped the picture frame and collapsed.

The local police and fire agencies responded to the incident. An LAPD supervisor was then notified and LAPD personnel responded.

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/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

Due to the nature of this incident and the lack of any type of nexus to law enforcement activity or tactics, no considerations in relation to tactics were identified. However, current Department policy states that any officer involved in a Categorical Use of Force incident shall be directed to attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

According to Officer A, he was carrying his gun in short's pocket due to a malfunctioning zipper in his fanny pack where he normally carries it. Officer A was in the process of attempting to repair the zipper when Witness A and the Subject returned home.

Officer A was subsequently faced with a situation where he believed he was about to be struck with a picture frame. Realizing his pleas for the Subject to put down the picture frame were having no effect and fearing for his safety and that of Witness A, Officer A drew his pistol.

An officer with similar training and experience, in the same or similar heightened state of fear, would reasonably believe that the Subject's actions represented a significant risk of serious bodily injury to Officer A. Therefore, it was objectively reasonable for Officer A to believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified. The BOPC found Officer A's Drawing/Exhibiting to be in policy.

C. Use of Force

Officer A tried to calm the Subject down. The Subject took a picture frame from the wall and advanced toward Officer A.

Officer A backed up the stairs as he verbalized with the Subject to calm down and to drop the picture frame. The Subject continued advancing toward Officer A. The Subject raised both hands upward and raised it over his head in apparent preparation to strike Officer A.

Realizing his pleas for the Subject to put down the picture frame having no effect on the Subject's actions and fearing for his safety and that Witness A, Officer A drew his pistol and fired one round at the Subject.

In evaluating the lethal use of force, the BOPC evaluated Officer A's actions from the perspective of a similarly situated officer with similar training and experience.

In objectively evaluating this incident, a reasonable officer would believe that the Subject's actions represented a significant risk of serious bodily injury. Consequently, the deadly force used by Officer A was objectively reasonable and within Department policy. In conclusion, the BOPC found Officer A's use of force to be in policy.