

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

OFFICER-INVOLVED SHOOTING – 024-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
Southwest	03/15/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	7 years, 7 months
Officer B	13 years, 8 months

Reason for Police Contact

Officers observed two groups involved in an argument, when one of the involved subjects fired a gunshot, resulting in an officer-involved shooting.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male Black, 19 years of age (Non-Hit).			
Subject 2: Female Black, 20 years of age (Wounded).			

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 Chief 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 February 07, 2012.

Incident Summary

Officers A and B were driving in an unmarked police vehicle. The officers were attired in plain clothes, but wore tactical ballistic vests which identified them as Los Angeles Police Officers. As the officers waited for a traffic signal, they noticed two groups of individuals at a location, who were in a verbal dispute. The officers did not notify Communications Division of their status.

Officer A drove past the location and started to turn east to watch the individuals, but due to other vehicles and people at the location the officers briefly lost sight of the two groups. As Officers A and B lost sight of the groups, they heard a gunshot.

According to Officer A, after he heard the gunshot, he positioned his vehicle east toward the street to ensure that Officer B's side of the vehicle was not exposed. Officer A then observed Subject 1 standing in the street holding a gun.

Note: Officer B believed Subject 2 was holding the gun.

Officer A believed that Subject 1 had just shot at someone and it appeared that he was trying to clear his weapon to fire it again. Officer A feared that Subject 1 intended to shoot at either a citizen, or the officers. Officer A fired eight rounds at Subject 1, while in a cover position behind his driver's side door.

Officer A stated that when shooting his pistol at Subject 1, he aimed at center mass. Officer A further stated that Subject 1 remained in one place while Officer A fired his rounds, and then, just before he started running, Subject 1 dropped his gun in the number two southbound lane of traffic.

According to Officer B, it appeared to him that Subject 2 had just fired a shot at the other individuals. Officer B drew his pistol as he exited the vehicle. Officer B then fired nine rounds at Subject 2. Officer B then observed Subject 2 start running east across the street. When Subject 2 was in the middle of the street, she dropped the handgun that she had been holding and continued running.

Neither of the officers pursued Subjects 1 or 2 as the two fled east across the street. Officer B broadcast a "shots fired/officer needs help call." Officer A holstered his pistol and moved their vehicle up several feet. The officers observed that two females, Witnesses A and B, which they had observed with Subjects 1 and 2, were still at the scene and the other involved group had left the area.

Officers B and A then approached Witnesses A and B. According to Officer B, as he believed Witnesses A and B were suspects in the shooting, he approached them with his pistol drawn. The officers ordered Witnesses A and B to get down on the ground, but they ignored the commands. According to Officer B, although Witnesses A and B remained upset, they finally complied to the point where they sat down on a bench.

According to Officer A, the gun dropped by Subject 1 was still in the street, and he was worried about it being subjected to vehicle traffic, in addition to by-standers in the area. Officer A subsequently recovered the gun from the street.

Although Officers A and B both stated they observed the subject that they fired at as having dropped a weapon in the roadway, only one weapon was recovered. In addition to the officers' expended casings, a different caliber expended casing was recovered at the location, indicating the possibility of a second gun.

A latent print from the magazine of the recovered pistol was compared to Subject 1's fingerprints. The comparison resulted in a positive identification of Subject 1.

Additional officers responding to the help call located Subject 1 nearby and detained him for further investigation. Officers A and B subsequently positively identified Subject 1 as being involved in the incident. A search for Subject 2 proved negative.

It was later learned that on the night of the shooting Subject 2 sought medical treatment for a gunshot wound. The police were notified and responded to the location. Investigators later established that Subject 2 was involved in this incident. Officer B subsequently positively identified Subject 2 as the person he observed with the gun. Subject 2 was later located and arrested.

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. Lethal Use of Force

The BOPC found Officers A and B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Code Six (Status and Location)

In this instance, Officers A and B observed two groups of individuals who were involved in an argument. At the time the officers decided to enter the location to monitor the two groups, there was no clear indication that police involvement would be necessary.

The first clear indication that police involvement was required was when the officers heard the gunshot. Moments later, the officers were involved in a deadly force situation that precluded the notification of their status and location to CD.

Though it may have been prudent to advise CD of their status and location upon entering the location, the BOPC determined that, based on the fact that the officers entered the location to monitor an argument and had no intent on contacting any of the involved individuals or taking any form of action, their failure to do so did not substantially deviate from approved Department tactical training.

2. Utilizing Cover

In reviewing Officer B's positioning as he addressed the threat, the BOPC noted that Officer B moved from a position of limited cover provided by the police vehicle and advanced toward the threat while simultaneously engaging Subject 2.

There is no standard which unequivocally requires officers to remain behind cover while engaging an armed suspect. Therefore, Officer B's actions did not represent a substantial deviation from approved Department tactical training.

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

B. Drawing/Exhibiting

Based on the totality of the circumstances, including the facts that both officers believed that a shooting had just occurred and that they were confronting armed suspects, the BOPC determined that officers with similar training and experience as Officers A and B would reasonably believe that the situation may escalate/or had escalated 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. Lethal Use of Force

In this instance, after hearing a gunshot, Officer A negotiated a right turn and observed Subject 1 armed with a handgun in his right hand. Simultaneously, Officer B observed Subject 2 armed with a handgun in her right hand. Immediately upon observing the armed suspects, each officer shouted, "Gun" to warn their partner, opened their respective vehicle doors, and exited their police vehicle as they drew their service pistols.

Officer A drew his service handgun and from his position of cover behind the driver's side door, he fired eight rounds in an easterly direction at Subject 1. When he saw Subject 1 drop the handgun on the roadway, Officer A ceased fire.

After exiting his vehicle and drawing his pistol, Officer B observed Subject 2 standing on the roadway, in a one armed shooting stance with her right arm fully extended outward in front of her. Officer B noted that Subject 2 held a small semi-automatic handgun in her right hand and that it was pointed toward the location Officer B had last observed the rival group. Officer B moved around the passenger door and proceeded eastbound along the right front fender of the police vehicle while firing nine rounds in an easterly direction at Subject 2. Officer B ceased fire when he observed Subject 2 turn and look in his direction and no longer had her handgun pointed at anyone. Subject 2 turned and ran eastbound, dropping the handgun in the middle of the roadway. At this time Officer B ceased fire.

The BOPC determined that the events preceding Officers A and B's use of deadly force; hearing a gunshot and observing Subjects 1 and 2 holding handguns, would cause an officer with similar training and experience as Officers A and B to reasonably be in fear for the lives of others at scene. Therefore, the decisions by Officers A and B to utilize lethal force in order to address the imminent threat of death or serious bodily injury presented by Subjects 1 and 2 were objectively reasonable and consistent with Department policy.

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