

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

OFFICER-INVOLVED SHOOTING – 032-11

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
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Hollywood	04/06/11		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	13 years, 5 months
Sergeant B	16 years, 6 months

Reason for Police Contact

Off-duty sergeants were working security at a location and responded to a disturbance involving a subject armed with a knife who had threatened employees inside the venue. The sergeants were confronted by the Subject, resulting in an officer-involved shooting.

Subject(s)	Deceased () Wounded (X) Non-Hit ()
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Subject: Male, 25 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 March 20, 2012.

Incident Summary

Sergeants A and B were working off-duty security at an entertainment venue when they were notified by employees that the Subject, who had been removed from the venue earlier in the evening, had returned. The venue also had private security working on the date of the incident. When the Subject was denied entry, the Subject removed a knife from his pocket and threatened to stab the employees.

As the sergeants were talking with the employees, they observed the Subject walking in front of the venue. The sergeants followed the Subject, and once they got close to the Subject, they verbally identified themselves as police officers. The sergeants gave the Subject commands to stop and to drop the knife. The Subject refused to obey their commands and continued walking away from them, holding the knife in his hand. Neither sergeant notified the Department at that time.

As the sergeants continued following the Subject, the Subject began to turn in the direction of the sergeants, at which point Sergeant B pushed the Subject from behind, causing the Subject to lose his balance and he fell down on the sidewalk.

The sergeants, with their guns drawn, approached the Subject to arrest him. The Subject still had the knife in his hand and made a motion toward Sergeant A. Fearing that he was about to be stabbed by the Subject, Sergeant A fired his pistol toward the Subject, striking him. Sergeant A also inadvertently shot himself in the left index finger and thumb.

The Subject was subsequently arrested and transported to a local hospital where he was treated for his injuries.

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 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 Sergeants A and B's actions to warrant administrative disapproval.

B. Drawing/Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Sergeant B's use of non-lethal force to be in policy.

D. Lethal Use of Force

The BOPC found Sergeant 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:
 - Taking action while off-duty

In this instance, Sergeant B did not consider calling the police prior to undertaking the attempt to apprehend the Subject. As such, Sergeant B's performance did not comport with Department policy with respect to the duty to give first consideration to causing the response of the responsible law enforcement agency.

- Approaching the Subject with pistol drawn while attempting to initiate physical contact

In this instance, once the Subject was pushed to the ground, Sergeant A reached out with his left hand and attempted to initiate physical contact with the Subject while simultaneously attempting to holster his pistol.

Inappropriate positioning can leave officers vulnerable to attack. Therefore, as a basic safety standard, the BOPC expects Department personnel to approach every contact, on or off-duty with officer safety in mind. Here, although Sergeant A was faced with a situation where his ability to holster his pistol was directly affected by the challenges associated with manipulating an un-tucked shirt in order to gain access to a concealed holster, his decision to simultaneously reach for the Subject while struggling to holster his pistol placed him in a significant tactical disadvantage and can be directly attributed to Sergeant A shooting his own hand.

In conclusion, the BOPC found Sergeant A's actions substantially and unjustifiably deviated from approved Department tactical training warranting administrative disapproval.

- 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.

In conclusion, the BOPC found Sergeants A and B's tactics to warrant administrative disapproval.

B. Drawing/Exhibiting

- In this instance, Sergeants A and B learned that the Subject threatened two employees with a knife and they made the decision to arrest him for Assault with a Deadly Weapon (ADW). When the Subject fled on foot, Sergeants A and B pursued him. Sergeants A and B believed the Subject still had the knife, but the Subject was not holding the knife. Sergeant B pushed the Subject down, effectively ending the foot pursuit. Sergeant A lost sight of the Subject's right arm as it was tucked under his body.

Sergeant A uncovered his holster, drew his pistol from his holster. Sergeant A simultaneously heard Sergeant B identify himself as a police officer and also ordered the Subject to get down.

The BOPC determined that another officer with similar training and experience and faced with similar circumstances, would reasonably believe that the Subject was an ADW suspect in possession of a knife, and that the situation may escalate to the point where deadly force may be justified.

Once the Subject fell to the ground, Sergeant B drew his pistol.

The BOPC determined that another officer with similar training and experience, faced with similar circumstances, would reasonably believe that the Subject may be attempting to retrieve a knife and that the situation may escalate to the point where deadly force may be justified.

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

C. Non-Lethal Use of Force

Sergeant B closed the distance on the Subject, ordered the Subject to stop, and identified himself as a police officer. The Subject did not comply. Sergeant B did

not see any weapons in the Subject's hands and pushed the Subject with both his open palms against the Subject's back. The Subject lost his balance and fell to the sidewalk.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the Subject was an ADW suspect and that a push to prevent his escape would be a reasonable force option.

In conclusion, the BOPC found Sergeant B's use of non-lethal force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Sergeant A** (pistol, one round)

In this instance, Sergeant A moved toward the Subject as he began to holster his weapon with the intent to grab the Subject's arm and handcuff him. Sergeant A was close to the Subject; Sergeant B was a few feet further away from the Subject. Sergeant A lifted up his shirt tail in order to expose the holster.

Believing the Subject was attempting to stab him; Sergeant A pointed his pistol and fired one round at the Subject.

Based on the totality of the circumstances, an officer with similar training and experience and faced with a similar incident would reasonably believe that the Subject posed a threat of serious bodily injury or death, and that the use of lethal force would be justified.

In conclusion, the BOPC found Sergeant A's use of lethal force to be objectively reasonable and in policy.