

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

OFFICER-INVOLVED SHOOTING – 039-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Mission	04/27/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	6 years
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Reason for Police Contact

Officers responded to two radio calls at a location, one of which was a “shots fired” call. Upon observing the Subject at the location, the Subject raised a handgun in one of the officer’s direction, resulting in an officer-involved shooting.

Subject(s)	Deceased () Wounded (X) Non-Hit ()
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Subject: Male, 19 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 March 27, 2012.

Incident Summary

Communications Division (CD) broadcast a radio call of shots fired in the area.

Sergeant A responded to the location, along with Officers A through F. The officers contacted victims of the shooting but they were uncooperative. A crime report was taken and the officers left.

Communications Division received another call of individuals fighting in the area. One gunshot was heard and several possible suspects were seen running into the location related to the shots fired radio call. Sergeant A, along with Officers A through F, responded. The officers made contact with the same victims. The victims told the officers that they had been shot at again. Again the victims would not cooperate and another crime report was taken.

Sergeant A told the officers to remain in the area. Officers A and B parked at the location and got out on foot. Both officers secreted themselves in a small room at the location to monitor the area.

Officer A saw two males (subsequently identified as the Subject and Witness A) walk away from the victims' location and toward the front gate. As the Subject and Witness A got closer to the front gate, Officers A and B followed them. The Subject and Witness A walked out of the gate, toward the street. The officers took cover and watched them from inside the location. Officers A and B unholstered their pistols.

The Subject and Witness A looked up and down the street before walking back through the front gate of the location. The officers retreated and took cover. The Subject looked toward the officers.

Officer A reported that when the Subject looked in his direction, the Subject immediately turned away and quickly placed his right arm down to his side, blocking Officer A's view of his right hand. It appeared to Officer A that the Subject was concealing something. Officer A ordered the Subject to show his hands; however, the Subject did not comply. The Subject then turned toward the officers.

When the Subject turned toward Officer A, Officer A was able to see a black handgun in the Subject's right hand. When the Subject started to raise the handgun in Officer A's direction, Officer A fired one round at the Subject. The Subject was struck in the abdomen and fell to the ground.

Immediately following the officer-involved shooting, a crowd approached the officers and attempted to interfere with Officers A and B. The officers described the crowd as hostile and aggressive. According to the officers, a female (Witness B) in the crowd kept trying to get to either the Subject or the handgun. Officer A told her repeatedly to stay back, but she continued to move forward. Officer A pushed Witness B back with his left hand and she fell to the ground.

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. Non-Lethal Use of Force

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

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In their analysis of the incident, the BOPC identified the following tactical consideration:

1. Supervisor Notification of a Spontaneous Observation Post

In this instance, Sergeant A directed the units to remain in the area due to the numerous calls for service related to the location. Officers A and B were assigned to remain to the rear of the location but, unknown to Sergeant A, took the initiative to monitor the location from inside a room. By monitoring the complex from inside a room, the officers placed themselves in a *de facto* "observation post" and were required to notify/obtain approval from the watch commander.

The BOPC determined Officers A and B's tactics did not unjustifiably and substantially deviate from approved Department tactical training.

- 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 Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, the involved location was a known location to the officers and had been a continuous problem location involving criminal activity. Earlier in the evening there was an arrest of an armed subject in the area and the officers had just responded to a shots fired radio call.

Upon their return to the location, Officers A and B secreted themselves in a room to monitor the location. Approximately 15 minutes elapsed when Officers A and B saw two males, the Subject and Witness A, exit the location and walk out the front gate. Officers A and B followed the Subject and Witness A to the front gate and drew their pistols.

Based on the totality of the circumstances, Officers A and B believed that there was a possibility that the Subject and Witness could be armed. The BOPC determined that officers with similar training and experience as Officers A and B would reasonably believe that the situation may escalate to the point where deadly force may be justified.

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

C. Non-Lethal Use of Force

- In this instance, immediately following the officer-involved shooting, a crowd approached the officers and attempted to interfere with Officers A and B. The officers described the crowd as hostile and aggressive. According to the officers, a female (Witness B) in the crowd kept trying to get to either the Subject or the handgun. Officer A told her repeatedly to stay back, but she continued to move forward. Officer A pushed Witness B back with his left hand and she fell to the ground.

An officer with similar training and experience as Officer A would recognize the need to maintain the integrity of the crime scene and the preservation of evidence and would reasonably believe that the use of non-lethal force would be reasonable to overcome the level of resistance presented by the crowd.

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

D. Lethal Use of Force

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

In this instance, Officers A and B had responded to two radio calls at the location. Officers A and B secreted themselves in a room to monitor the location. Approximately 15 minutes elapsed when Officer A heard someone exit the location and moments later observed the Subject and Witness A walk out the front gate. Unbeknownst to the Subject and Witness A, the officers followed them toward the front of the location and drew their pistols. Officer A, who was in a position to observe the location's front entrance, told Officer B that the Subject and Witness A were coming back in. Officer A saw the Subject walk through the front gate followed by Witness A. Officer A reported that when the Subject looked in his direction, the Subject immediately turned away and quickly placed his right arm down to his side, blocking Officer A's view of his right hand. It appeared to Officer A that the Subject was concealing something. When the Subject turned toward Officer A, Officer A was able to see a black handgun in the Subject's right hand. When the Subject started to raise the handgun in Officer A's direction, Officer A fired one round at the Subject. The Subject was struck in the abdomen and fell to the ground.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the Subject's act of pointing a handgun at the officer presented a threat of serious bodily injury or death and would have reasonably reacted in the same manner. Consequently, it was objectively reasonable for Officer A to perceive the Subject's actions as a deadly threat and use lethal force in defense of his life. The BOPC determined Officer A's use of lethal force was objectively reasonable.

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