

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

OFFICER-INVOLVED SHOOTING – 064-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Foothill	07/18/11		

Officers(s) Involved in Use of Force	Length of Service
Officer A	5 years, 3 months
Officer B	4 years

Reason for Police Contact

Officers responded to a call for service involving domestic violence and an armed subject, resulting in an officer-involved shooting.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
Subject: Male, 33 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 and addenda items); the 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 Los Angeles Police 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 June 06, 2012.

Incident Summary

Officers A, B, C and D responded to a call for service regarding the Subject, who was armed with a handgun, arguing with the Victim.

Upon arrival, Officers A and B passed an unoccupied blue vehicle parked along the west curb of the roadway facing south. Officer B looked back and observed two individuals seated on the cement footing of a red brick and wrought iron fence/wall. The parked car was directly in front of them.

Officer B alerted his partner by pointing and advising him that the two individuals matched the descriptions of the Subject and the Victim given in the comments of the call.

Officers A and B stopped and exited their police vehicle and approached the Subject and the Victim. Officer A ordered the Subject to show his hands and to stand up. The Subject did not comply with Officer A's commands and reached for his waistband. Fearing an armed confrontation, Officer A drew his weapon.

Meanwhile, Officer B had exited the passenger side of their police vehicle and moved around the rear of their vehicle to get a better look at the Subject and the Victim. Officer B observed that the Subject was not complying with his partner's continued commands. At that point Officer B drew his weapon.

In the interim, Officers C and D, who were looking for the location, observed Officers A and B stop and exit their police vehicle. Officer D stopped their police vehicle and he and Officer C exited. Officers C and D drew their weapons.

Officer A observed the Subject holding the Victim in place with his left arm. Officer A observed the Victim wedge her right forearm into the Subject's rib cage and try to scoot away. Officers A and B alternately ordered the Subject to show his hands and to stand up in both English and Spanish.

According to the Victim, the Subject put the gun down on his leg then he put his hands up. He then put his right hand onto his lap and retrieved the gun.

As Officer A approached, he observed the Subject remove the pistol from his waist area and hold it near his belly area with the muzzle pointed at the Victim. Officer A, not wanting to divert his attention from the Subject, told Officer C to broadcast a help call.

Officers A and B came up to the driver's side of the parked blue vehicle. Officer A utilized the front portion while Officer B utilized the rear half of the parked car for cover. Officer D utilized a small tree for concealment while he moved toward the blue vehicle. Officer C continued west to take up a point of cover behind a brick fence pillar.

Meanwhile, Officers E and F arrived and positioned their vehicle along the west curb south of the Subject and the Victim's location. Officers E and F also drew their weapons.

The Subject looked at Officer A, brought his pistol to the Victim's head, looked at her, and then again at Officer A. Officer A believed the Subject was going to shoot the Victim and fired one round at the Subject, striking the Subject in the chin. Officer B then fired two rounds striking the Subject in the chest. The pistol dropped from the Subject's hand and his body slumped forward onto the dirt. The Victim escaped unharmed.

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 through F's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers A and B'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:

1. Vehicle Deployment

The officers inadvertently drove past the two individuals associated with the radio call. Upon realizing the error, they stopped and deployed from the car to a position of advantage so as to safely approach the Subject. Although their actions presented an initial tactical disadvantage, consistent with Department tactical training, the officers reacted appropriately and adapted to overcome the disadvantage.

The actions of the officers in the approach and the subsequent deployment on foot did not substantially deviate from approved Department tactical training.

2. Code Six

The involved officers did not broadcast their “Code Six” location. However, consideration must be given to the rapidly unfolding tactical scenario and that a request for “help” was broadcast once appropriate cover was obtained. Therefore, the intent of the applicable mandate was adhered to and the actions were consistent with the tactical training.

The lack of a “Code Six” broadcast did not 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. The BOPC conducted an objective assessment of this case and remained focused on ensuring an equitable outcome based on the role and responsibility of all involved personnel.

Each tactical incident inherently results in considerations to better handle a similar incident in the future. Although there were identified areas for improvement, the tactical considerations did not substantially and unjustifiably deviate from approved Department tactical training.

In conclusion, the BOPC found Officers A through F’s tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

In this instance, the involved officers responded to an Assault with a Deadly Weapon Domestic Violence radio call. The comments of the call indicated that the Subject was armed with a handgun in his waistband. After the Subject and the Victim were located, each officer drew his pistol or exhibited a shotgun either because of the nature of the call, because he observed the Subject reach for his waistband or saw him in actual possession of a handgun.

The BOPC found that an officer with similar training and experience would reasonably believe that in each instance there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

In this instance, Officers A and B were confronted with a rapidly unfolding tactical situation where the welfare of the Victim rested primarily on their ability to make split-second decisions during tense and uncertain circumstances. At the time of the officer-involved shooting, the Subject pointed his handgun at the Victim, who was within his control while threatening her life.

The BOPC found that an officer with similar training and experience and under similar circumstances would reasonably perceive that the Subject posed an imminent threat of serious bodily injury or death to the Victim and that the use of lethal force would be reasonable. Therefore, the use of lethal force was objectively reasonable and within Department policy.

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