

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

OFFICER-INVOLVED SHOOTING – 065-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Newton	07/20/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	2 years, 5 months

Reason for Police Contact

Officers responded to a radio call of a robbery in progress with suspects at the location. Upon arrival, officers confronted the suspect who was holding the victim at knife point around her neck, resulting in an officer-involved shooting.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
Subject: Male, 39 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, 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 June 5, 2012.

Incident Summary

Officers A and B, along with Sergeant A and other officers, responded to a radio call of a robbery in progress with the Subject still at the location. Upon the officers' arrival, they heard the victim yelling for help, saying that she was afraid the Subject was going to kill her. The Victim and Subject were inside a locked room. When the officers gave verbal commands to the Subject to exit the room, the Subject yelled back at the officers telling them that if they came into the room he was going to kill them. After several attempts to talk the Subject into surrendering failed, a decision was made for a rapid deployment entry to rescue the Victim.

In an effort to gain entry into the room, Sergeant A and Officers A and B made several attempts to kick the door open. Once the door was forced open, Officer A drew his pistol and entered the room, as Officer B drew his weapon and stood in the doorway behind Officer A. Immediately upon making entry into the room, Officer A observed the Victim bleeding from her face and neck, and saw the Subject holding the knife in a threatening manner and pointed toward the Victim. Suddenly, the Subject pushed the Victim to the side and while holding the knife in his hand, pointing it in the direction of Officer A, lunged toward Officer A. Officer A discharged his weapon, killing the Subject.

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 revolver 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 Sergeant A and 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 Officer 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:

1. Line Supervisor

In this instance, Sergeant A transitioned from the role of supervisor to one of line officer. In doing so, he became a part of the tactical operation and was no longer able to supervise the operation. The BOPC appreciated the rapidly unfolding and dynamic nature of this incident. However, proper supervisory oversight requires the assessment of all aspects of a tactical scenario, and that oversight can be impacted by becoming actively involved.

However, in this case, Sergeant A, a tenured supervisor with extensive experience in various assignments as an officer, assumed a formal leadership role. He was confronted with exigent circumstances that required immediate action in the effort to render aid and safeguard life. In assessing those circumstances and based on the exigency involved, the BOPC believes that his actions were reasonable. And although the actions substantially deviated from approved Department tactical training, they were justified.

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

B. Drawing/Exhibiting

Officer A

In this instance, the officers were assembled in front of the location when they heard a female voice screaming from inside the building. The officers were able to force open the gate and enter into the building. Due to the nature of the radio call and the possibility of confronting an armed subject, Officer A drew his pistol once he entered the building.

After Officer A heard a male voice coming from behind a closed door, Officer A holstered his pistol and transitioned to a TASER. Officer A identified himself as a police officer and instructed the Subject to exit the room. The Subject responded from behind the closed door.

After Officer B kicked the storage room door open, Officer A believed the Victim was being killed. Prior to making entry into the room, Officer A secured his TASER and again drew his service pistol.

Officer B

In this instance, Officer B heard the Subject threaten to kill the Victim. After he advised Sergeant A of the circumstances, Officer B drew his pistol. According to Officer B, due to the threats that the Subject made and the statements he was making that he was going to kill the Victim, Officer B felt the situation could possibly escalate to the use of deadly force.

The BOPC determined that officers with similar training and experience would reasonably believe the situation had escalated to the point where deadly force may be justified. Therefore, the drawing and exhibition of a firearm in each instance was within Department policy.

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, Officer A entered the room with his pistol drawn and close to his body, and observed the Subject facing him with one arm around the Victim's neck, choking her, and the other hand holding a knife. Before Officer A could give any commands, the Subject released his grip on the Victim and ran toward him in a threatening manner, pointing the knife toward Officer A. In an urgent effort to create distance from the Subject and avoid being stabbed, Officer A leaned back, while instinctively bringing his left hand across his face and raising his left leg across his body.

Officer A fired eight rounds at the Subject. Officer A's rounds caused the Subject to fall prone on the floor with his head coming to rest at Officer A's feet. Officer A stated that he stopped firing when saw that the Subject went down.

There were several factors that influenced the BOPC's evaluation of Officer A's decision to use lethal force. First, the threat posed by the Subject. Second, the confines of the room restricted movement and created the circumstance of being in unavoidably close proximity to the Subject. The BOPC also assessed the trajectory of rounds fired and the effectiveness of those rounds.

Furthermore, the level of threat the Subject posed to Officer A was corroborated by the Victim.

Due to the exigency of the circumstances, the involved officers reasonably acted to safeguard human life, which was achieved through forced entry of the locked door. In doing so, the restrictive confines of the room placed Officer A in close proximity to the Subject and limited his ability to avoid the spontaneous threat.

During the incident two issues were critical to assessing the trajectory of rounds. The first is that Officer A initiated fire with his hand up in a defensive position,

possible covering his eyes to some degree. Secondly, part of assessing all officer-involved shooting incidents, is an understanding of human dynamics. In this case, Officer A's reaction time to start reacting to the threat and then to stop reacting to the threat (stop firing), as well as an understanding of how long it takes for a subject to turn in reaction to a threat were critical to understanding the actual round impacts. Published peer reviewed research into human reaction time during lethal force encounters provides data to consider when assessing impacts to the back as well as the recall of officers involved. In this case, seven rounds impacted the Subject's back, even though Officer A recalled firing at the Subject as he was continuing to move forward with knife in hand.

In assessing rounds that are inconsistent with an officer's statement, the BOPC reasonably considered the human dynamics which are inherent in every lethal force encounter. The leading center for such research is the Force Science Institute (FSI), which is focused on research into unavoidable human biodynamics during lethal force encounters by police. That research is predominately peer reviewed and accepted by federal and state courts in the United States as well as by other international bodies, and is republished in several international sources including the International Association of Chiefs of Police.

Specific research by FSI, relates that, just as it takes time for an officer to start shooting at a deadly threat, it takes time to stop shooting after the cessation of the threat; and the more committed an officer is to a task (reacting in defense of life), the longer it takes to disengage the actions. Additionally the stress of a lethal force encounter can have an impact on the perception and memory-recall of officers directly involved in the incident. Below are data from the applicable research; all citations are available.

Studies show that it can take an average of one (1) second to begin firing in reaction to a threat, depending on the factors involved (multitasking etc.). The rate of fire for a Glock semi-automatic handgun is approximately .25 of a second per round rapid-fire (four rounds in one second). Additionally, research published in 2009 supports that it can take an officer an average of one (1) to 1.3 Seconds to stop firing when the threat is perceived to have stopped. Finally, it can take a subject approximately one (1) second for a subject to rapidly turn from an officer.

When applied to the number of rounds fired in this incident, the approximate total time of the actual shooting from start to finish may have been approximately two seconds, including the time it would have taken Officer A to stop shooting. During that time alone, Officer A could have reasonably fired four or more rounds after the threat objectively ceased. After giving consideration to the duration of the shooting, the trajectory of rounds (change of position) and the unavoidable human factors involved in this encounter, the BOPC found that Officer A's actions and his memory-recall of the incident to be credible and reasonable.

Consequently, Officer A fired his pistol to protect himself and the Victim from the imminent threat of death or serious bodily injury and fired until he perceived the threat to stop based on his Department training.

Accordingly, the decision to use lethal force, and the actual force used, a single sequence of eight rounds, was objectively reasonable in that an officer with similar training and experience would have reasonably perceived the Subject's actions may result in serious bodily injury or death and would have reacted with the same force.

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