

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

**OFFICER-INVOLVED SHOOTING – 074-10**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off()</b>	<b>Uniform-Yes() No(X)</b>
North Hollywood	09/20/10		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	8 years, 2 months
Officer B	8 years, 4 months

**Reason for Police Contact**

Officers were conducting narcotics-related enforcement activities when an armed suspect confronted them, resulting in an officer-involved shooting.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ()</b>	<b>Non-Hit ()</b>
Subject: Male, 16 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 the 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 Chief 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 August 9, 2011.

## **Incident Summary**

Officers A and B were looking for individuals whom they thought might be involved in narcotics-related crimes. The officers were in a plain unmarked police vehicle, and were attired in plainclothes. Officer A was the driver.

As the officers drove eastbound they observed a male, subsequently identified as the Subject, walking on the north sidewalk. Officer A described the Subject as being dressed like a gang member. The Subject was talking on his cell phone and looking around as he walked. Officer B believed this was consistent with narcotics activity.

The officers drove past the Subject, conducted a U-turn and then drove back toward the Subject. Officer B observed the Subject start to step into the street, held his badge up in the vehicle's open passenger side window for the Subject to see, and identified themselves as Los Angeles Police Officers. Officer B then observed the Subject reach for his waistband. Officer B, knowing that it was common for suspects to carry firearms in their waistbands, leaned backwards in his seat and reached for his weapon. Officer B then saw the Subject pull a blue steel handgun out of his waistband and point it in Officer B's direction. Officer B yelled "police" again, drew his pistol and fired twice at the Subject. Officer B saw the Subject fall to the ground and drop his gun.

Officer A heard Officer B identify himself as a police officer to the Subject as the Subject stepped off the sidewalk into the street. Officer A observed the Subject reach for his waistband, remove a black handgun start to raise it in the direction of Officer B.

Officer A exited the vehicle without putting the vehicle in park and the vehicle started to slowly roll forward. Officer A then fired three rounds at the Subject, returned inside the vehicle and placed it in park. Meanwhile, Officer B exited the vehicle and covered the Subject with his weapon.

Officer A then joined Officer B on the passenger side of the vehicle, holstered his weapon, and observed the Subject's gun next to the Subject's head. Officer A then kicked the gun out of the reach of the Subject and requested an ambulance for him.

## **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 actions to warrant administrative disapproval.

## **B. Drawing/Exhibiting**

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

## **C. 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 consideration:

#### 1. Equipment – Mandatory

In this instance, Officers A and B were searching for narcotics activity and intended to conduct investigative stops possibly resulting in the arrest of narcotics subjects. The investigation determined the officers were not in possession of all of their mandatory equipment required to conduct such an operation.

The BOPC found Officers A and B's actions substantially and unjustifiably deviated from approved Department tactical training.

#### 2. Equipment – Raid Jacket

In this instance, Officers A and B carried their raid jackets inside their vehicle and not on their person. Officer A utilized his badge for the purpose of identification based on their pre-arranged tactical plan for the day.

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

#### 3. Code Six

In this instance, Officers A and B were in a high crime area, when they observed the Subject. Although the officers had an opportunity to broadcast their Code Six location between the time they decided to initiate a consensual encounter with the Subject, and the time they made actual contact, the investigation revealed neither officer placed themselves Code Six.

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

#### 4. Tactical Planning – Consensual Encounters

In this instance, Officers A and B decided to conduct a consensual encounter to further investigate possible narcotics activity.

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

#### 5. Pedestrian Contacts

In this instance, Officer A instinctively angled the police vehicle in a northwestern direction and stopped within a few feet of the Subject. Simultaneously Officer B, while seated in his police vehicle, displayed his Department-issued badge and identified himself as a police officer.

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

#### 6. Driver's Responsibilities

In this instance, Officer A observed the Subject armed with a handgun, which was pointed at Officer B. Officer A believed he and his partner were in danger and both needed to get out of the vehicle. Officer A reacted by exiting the police vehicle and simultaneously drawing his service pistol to address the threat. However, Officer A did not place the police vehicle's transmission into park before he exited, causing the vehicle to roll forward.

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

#### 7. Handcuffing

Following the officer-involved shooting, Officer A approached the Subject, who was lying on his right side and kicked the handgun out of the Subject's reach. Officer A then noted the extent of the injuries to the Subject's arms and based on those injuries opted not to apply the handcuffs on the Subject.

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

#### 8. Searches

In this incident, Officers A and B opted not to use the handcuffs on the Subject to prevent further injury. Additionally, the officers also opted not to conduct a pat down search for additional weapons. Both officers felt the Subject was no longer a threat due to the obvious extent of his injuries.

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

#### 9. Protection of the General Public

In this instance, a citizen exited her vehicle, approached Officer A and stated she was a nurse and wanted to aid the Subject. Officers A and B explained personnel were on their way to provide medical aid but allowed the citizen access to the Subject.

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

In conclusion, the BOPC found Officers A and B's actions substantially and unjustifiably deviated from approved Department tactical training regarding mandatory equipment but did not substantially and unjustifiably deviate from approved Department tactical training regarding any other tactical considerations.

#### **B. Drawing/Exhibiting**

In this instance, Officers A and B were in the process of making contact with the Subject to investigate a possible narcotics crime. As Officer B began to identify himself as a police officer, the Subject lifted his shirt with his left hand and with his right hand produced a handgun from his waistband. As a result, both Officers A and B drew their service pistols.

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

#### **C. Use of Force**

In this instance, the Subject pulled a gun from his waistband after Officer B identified himself as a police officer. Officer A saw the Subject pulling a gun on his partner. Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the Subject posed a threat of serious bodily injury or death and would have reasonably reacted in the same manner.

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