

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

OFFICER-INVOLVED SHOOTING – 074-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West Valley	08/22/2011		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	21 years, 3 months
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Reason for Police Contact

The Subject was wanted for questioning in a double homicide. The Subject, who was located on the roof of a residence, pointed his gun at officers, resulting in an officer-involved shooting.

Subject(s)	Deceased () Wounded (X) Non-Hit ()
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Subject: Male, 43 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 suspect 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 July 3, 2012.

Incident Summary

Detectives received information that a double homicide had occurred. Information was developed that identified the Subject as possibly being responsible for the murders.

Several days later, detectives learned the possible location of the Subject and they set up surveillance. Detectives observed the Subject and approached him. As detectives approached, the Subject fled on foot and fired a single round from a handgun at a detective who was following him. A perimeter was established and additional Department personnel were requested to assist in searching for the Subject.

Additional Department personnel, including Officer A, responded to the location. The Subject was eventually located hiding on the roof of a near-by home. Upon his discovery, the Subject stood up and pointed his handgun at the officers. Officer A, believing that the Subject was going to shoot him or other officers on scene, fired one round from his rifle at the Subject.

Officers accessed the roof and took the Subject into custody. Officers recovered the Subject's handgun. During his arrest, the Subject stated that he had been shot in his right leg. Officer B, a Certified Emergency Medical Technician, examined the Subject and observed a gunshot wound to the Subject's right hip/thigh area. Officer C requested an ambulance for the Subject.

The Subject was transported by ambulance to the hospital where he was treated for a through-and-through gunshot wound and abrasions. He was released by the hospital and subsequently booked.

The Subject was armed with a stainless steel, six shot .38 caliber revolver.

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 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 made the following findings:

A. Tactics

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Use of Force

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

Basis for Findings

A. Tactics

- 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.

Each tactical incident merits a comprehensive debriefing. In this case, although there were no identified tactical points or issues, a Tactical Debrief is the appropriate forum for the involved personnel, to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers were requested to the scene to search a perimeter for a double homicide subject. The officers were briefed regarding the nature of the felony crime and that the subject had fired upon a detective. As the search team initiated their search within the perimeter, Officer A exhibited his weapon.

The BOPC determined that another officer with similar training and experience would reasonably believe that when preparing to encounter an armed subject, the situation may escalate to the point where deadly force may be justified.

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

C. Use of Force

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

Department personnel responded to assist with the search for a double homicide suspect who had fired upon a detective. The Subject was located on the roof of a residence.

The Subject stood up and pointed his handgun at the officers. In immediate defense of his life and the lives of his partners, Officer A fired one round at the Subject, striking him in the hip area.

The BOPC determined that an officer with similar training and experience and under like circumstances would reasonably perceive that the Subject posed an imminent threat of serious bodily injury or death to Officer A and the other officers assigned to the search team. Therefore, the use of lethal force was objectively reasonable and within Department policy.

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