

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

OFFICER-INVOLVED SHOOTING – 076-11

Division Date Duty-On (X) Off () Uniform-Yes (X) No ()

77th Street 08/25/11

Officer(s) involved in use of Force Length of Service

Officer A 6 years, 10 months
Officer B 3 years, 9 months

Reason for Police Contact

As officers were observing a group of individuals, the suspects began to shoot at the officers, resulting in an officer-involved shooting.

Subject(s) Deceased () Wounded (X) Non-Hit ()

Subject 1: Male, 25 years of age
Subject 2: Male, 16 years of age (wounded).

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 24, 2012.

Incident Summary

Officer A's account

Officers A and B, in full uniform, were traveling in an unmarked plain police vehicle when they observed multiple subjects—on foot and on bicycles—who they believed to be gang members. The subjects appeared to be in some sort of verbal dispute with each other, so Officer A and B decided to monitor their activity. As Subjects 1 and 2 turned a corner, Officer A heard Officer B state that Subject 1 was grabbing his waistband. Based on this, Officer A positioned his vehicle at a slight angle facing in the direction of Subjects 1 and 2.

Immediately, gunfire began to strike the windshield of the officers' vehicle from the direction of where Subjects 1 and 2 were located. Officer A was struck by gunfire and he returned fire in the direction where the rounds came from. Officer A believed that multiple subjects had fired due to the number of rounds fired at the officers. At this time, Officer A broadcast to Communications Division (CD) that the officers needed assistance and that shots had been fired.

Officer A exited his vehicle and observed that Officer B had already exited their vehicle and was chasing one of the subjects down the sidewalk.

Officer B's account

According to Officer B, he observed Subject 1 holding onto his waistband and advised Officer A of his observation. Officer A negotiated a turn to follow the subjects and Officer B observed a group of individuals standing in the middle of the street and a group of approximately three individuals on the south sidewalk. As Officer A stopped the vehicle on the roadway, Officer B observed Subject 2 holding a chrome handgun and pointing it at the officers. Believing that Subject 2 was going to walk up to the officers' vehicle and shoot them, Officer B drew his weapon and began to fire in the direction of Subject 2.

Subject 2 was moving along the sidewalk while firing his weapon at the officers. As Officer B fired at Subject 2, he observed Subject 2 appear to go down slightly and saw that he was limping. Officer B then observed that Officer A was bleeding and broadcast a help call and also requested air support. Officer B exited their vehicle and chased Subject 1 but lost sight of him around a corner.

Additional units began to arrive at scene and established a perimeter of the surrounding area. Officer A was assisted by responding units and subsequently transported to a local hospital for medical treatment. As additional officers were checking the area, Subject 1 was observed running from the area of the shooting and arrested.

During a search of the immediate area of the officer-involved shooting (OIS) scene, a .357 Magnum Revolver was located. Investigation of this incident led to the identification of Subject 2, who was taken into custody without incident several days later.

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 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 a firearm to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Ballistic Vest

In this instance, although Officer A was not wearing his ballistic vest, the BOPC considered that Officer A had been acting in a detective capacity and was in the field for the sole purpose of conducting investigative interviews. Although Officer A was in uniform, he had no intention of being involved in a pre-planned tactical operation or activities likely to result in contact with subject(s). Therefore, under current guidelines, Officer A would not be required to wear his body armor.

With that said, although the BOPC appreciated Officer A's proactive approach to ensuring public safety, it is important to stress that if potential criminal activity is observed while operating in this capacity, absent exigent circumstances, properly equipped patrol personnel should be requested. The involved personnel may monitor the actions of the possible subject(s) from a safe distance and provide the responding personnel with situational updates.

In conclusion, the BOPC found that Officer A's decision not to wear body armor did not substantially deviate from approved Department tactical training.

2. Code Six Broadcast

In this instance, prior to effectively determining the actual nature of the incident, Officer B had observed Subject 1 holding his waistband and conveyed this information to Officer A. As Officers A and B turned the corner to continue monitoring the subjects, Officer B's attention was drawn to Subject 2, who pointed a chrome handgun at the officers.

In evaluating the circumstances surrounding this incident, the BOPC took into consideration that although officers are required to go Code Six and provide Communications Division (CD) with their status and location when conducting field investigations, here, the officers needed to act immediately to defend their lives during this rapidly unfolding tactical incident. Officers A and B were forced to react to Subject 2's actions, thereby mitigating the requirement to advise CD of their status and location until they addressed the immediate threat. Additionally, Officer B broadcast a help call, which included their location, when the tactical situation afforded him time to do so.

The BOPC recognizes that 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 that tactics be evaluated based on the totality of the circumstances.

In conclusion, the BOPC determined that the decision by Officers A and B to delay the broadcast and address the rapidly unfolding life threatening scenario was appropriate and that the delay in the initial broadcast did not substantially deviate from approved Department tactical training.

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In this case, there were identified areas which merit further discussion and 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 Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officer B observed a suspect point a chrome handgun in his direction and start firing in his direction and drew his service pistol in order to address the deadly threat.

Officer A was struck by gunfire and drew his pistol.

The BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there was a substantial risk and that the situation had escalated to the point where deadly force would be justified.

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

- **Officer A** (pistol, 13 rounds)

In this instance, Officer A was seated in the driver's seat of his police vehicle when numerous rounds penetrated the front windshield and struck Officer A. Realizing he had been shot and fearing for his life, Officer A returned fire through the front windshield of the vehicle. Officer A directed his fire at the specific area where he perceived the shots were emanating from and where Officer B had communicated the subject with the gun was standing.

Officer A recalled that he looked at the direction the rounds were coming from through the windshield, which was the last direction where he saw Subjects 1 and 2. Officer A recalled that it looked like the rounds were coming from that same angle. Officer A recalled that he drew his weapon and began to fire where the threat was located. Officer A ceased fire when the subjects stopped shooting at him. Officer A's rounds were not indiscriminate, but were deliberated towards a specific threat.

The BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that Subject 2's actions represented an imminent threat of serious bodily injury or death and the use of lethal force would be a reasonable option.

In conclusion, the BOPC found Officer A use of lethal force to be objectively reasonable and in policy.

- **Officer B** (pistol, 16 rounds)

In this instance, Officer B observed Subject 2 draw a chrome handgun and point it in his direction. Officer B, believing that Subject 2 was going to kill him, drew his service pistol and fired in the direction of Subject 2. Officer B observed that Subject

2 continued to move westbound while he continued to fire in Officer B's direction. Officer B indicated he continued to fire his pistol until he observed Subject 2 begin to "limp" and flee from the scene.

The BOPC determined that an officer with similar training and experience as Officer B would reasonably believe that Subject 2's actions represented an imminent threat of serious bodily injury or death and the use of lethal force would be a reasonable option.

In conclusion, the BOPC found Officer B's use of lethal force to be objectively reasonable and in policy.