

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

OFFICER-INVOLVED SHOOTING – 083-07

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Mission	08/09/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer G	6 years, 1 month
Officer H	1 year, 3 months

Reason for Police Contact

The Department received notification that a bank robbery was in progress. Officers shot Subject 1 when she emerged from the bank and pointed what appeared to be a gun at them.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: Female, 39 years.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on 08/05/08.

Incident Summary

A female, subsequently identified as Subject 1, walked into a bank. Subject 1 entered a teller line and, upon reaching the teller window, slid a white card under the window's glass partition. The card read, "This is a robbery hold-up. Give me all your money. I have a gun."

The teller, Witness A, left the teller window and notified another teller, who in turn alerted the bank supervisor, Witness B, of the demand note. Meanwhile, Subject 1 moved away from the teller window. The bank employees thought Subject 1

had left the bank and locked the entrance doors. Bank employees called 911 and the Federal Bureau of Investigation (FBI) to report the attempted robbery.

Officers A and B heard the Communications Division (CD) broadcast that there was a robbery in progress. Officers A and B were originally assigned another call; however, they took the robbery call and became the primary unit. CD provided a description of the subject as a female wearing black clothing. In subsequent broadcasts, CD added the subject had given the teller a note demanding money and had a handgun.

Officers A and B were the first officers to arrive at the bank. Having been informed the subject had a handgun, Officer B deployed a shotgun and Officer A drew his pistol. As Officers A and B walked toward the entrance of the bank, they saw several customers standing outside the doors, trying to get inside. Officers A and B deployed behind a planter wall, then waved the customers away for their safety.

Officer A moved up to the entrance and looked through the glass doors; however, he could not identify the subject. Officers A and B then redeployed to the bank's driveway, from where they could observe the doors.

Meanwhile, Los Angeles Unified School District (LAUSD) uniformed Police Officers C and D regularly monitored the CD and heard the call of a robbery in progress. The LAUSD officers responded to the bank and took a position on the driveway at the direction of LAPD officers.

Officers E and F broadcast they were responding as well. Officer F deployed a shotgun and Officer E drew his pistol. Both officers took cover behind the wall, alongside Officers A and B.

Officers G and H broadcast they were responding. Officer H retrieved a less-lethal shotgun from the trunk of the police vehicle and slung it across his back, and Officer G drew his pistol. Officers G and H took a position of cover behind the wall where Officers A, B, E and F were deployed.

Meanwhile, Sergeant A heard CD's broadcast regarding the incident and began to respond toward the bank. While en route, he requested that an Air Unit respond. After he arrived, Sergeant A deployed on the driveway, alongside a brick wall. Sergeant A believed he was the only supervisor on scene at this time, and he assumed the role of Incident Commander.

Sergeant B arrived at the scene and began directing responding officers to block traffic from the vicinity. After exiting his vehicle, Sergeant B approached Sergeant A, trying to get the attention of the officers deployed behind the planter wall.

Officer I was the Tactical Flight Officer in the Air Unit that responded to the incident. While en route to the scene, Officer I established radio contact with the FBI dispatcher who was still in telephone contact with bank employees. The FBI dispatcher informed Officer I that Subject 1 had a firearm and had taken a female as a hostage. Officer I, who was flying over the scene, broadcast this information.

Officers J and K arrived. After he arrived at the scene and learned that there was a hostage situation, Officer K asked for and received permission from Sergeant B to deploy the Urban Police Rifle (UPR), which Officer K carried in his vehicle. Officer J drew his pistol.

Officer A suggested all of the officers with him at the planter wall should move back to a better position of cover. Meanwhile, Subject 1 and a person she had taken hostage, Victim A, were seen behind the closed bank doors by Officer G. Before the suggested redeployment occurred, Subject 1 and Victim A emerged through the bank's doors. Subject 1 was holding a handgun to the area of Victim A's ribs.

Note: Subject 1 demanded the key to the bank door. Witness B then gave Subject 1 the key. After receiving the key, Subject 1 had Victim A unlock the door.

Officer G identified himself as a police officer and ordered Subject 1 to drop the weapon. Subject 1 was non-responsive and did not comply. From his position, Officer A could only see Subject 1 from the chest upward and could not see if Subject 1 was holding a gun; however, he told her, "Put up your hands and drop the weapon."

Subject 1 then moved the handgun away from Victim A and pointed it at Officer G. Officer G elevated his handgun from a low-ready position and aimed it at Subject 1. Officer G then fired two to three rounds at Subject 1 in rapid succession. The rounds did not appear to have an effect on Subject 1, so he fired one additional round at her. Subject 1 then fell to the ground. Before Officer G began firing at Subject 1, Subject 1 had released Victim A.

After Subject 1 fell to the ground, Officer G saw that she still had the gun and was still moving. Believing Subject 1 was going to open fire on the officers, Officer G fired three to four more rounds at her. When Subject 1 stopped moving, Officer G lowered his handgun to a low-ready position.

Meanwhile, Officer H kept the less-lethal shotgun slung across his back and had drawn his pistol. When Subject 1 and Victim A walked out the doors, Officer H observed that Subject 1 was holding a handgun to Victim A's ribcage. Victim A appeared to be afraid, was crying and asking for help. Officer H thought Subject 1 would shoot Victim A. Officer H yelled at Subject 1 to drop the gun and let go of Victim A.

Officer H saw Subject 1 point the gun in his direction. Officer H then heard two shots and believed that Subject 1 had fired in his direction. After the first two shots were fired, Officer H ducked behind the wall for cover.

While Officer H was below the wall, he heard multiple gunshots. When he raised himself up, he saw Subject 1 pointing the handgun in his direction. Officer H then fired three rounds at Subject 1.

After he fired at Subject 1, Officer H observed Subject 1 lower the handgun to her side. Officer H saw Subject 1's knees start to buckle. Subject 1 then tried to raise her arm and point the handgun at the officers again. Officer H fired once more at Subject 1 and she fell to the ground.

Sergeant A heard two shots fired within a minute after he arrived. He could not see Subject 1 and did not know if the subject or an officer had fired. Sergeant A then heard another two shots fired. Sergeant A broadcast an "officer needs help, shots fired" call, and requested a Rescue Ambulance (RA).

Officers A, B, E, G, H and J and LAUSD Officer C then left their positions in the driveway and approached the entrance of the bank. As he moved, Officer G reloaded his pistol.

Meanwhile, UPR-equipped Officer K was instructed by Sergeant B to re-deploy to the parking lot where he would have a clear line of sight to the bank doors.

LAUSD Officer C approached Subject 1 and observed that she was still moving. Officer C moved the handgun away from her with his foot. He then picked up the handgun, and put it back down when he discovered it had blood on it. Officer C then put on his gloves, picked up the handgun again, and removed the magazine. After he examined the handgun, Officer C realized that it was not a real firearm. He then placed it back down on the ground.

Officer J grabbed Subject 1 by a pant leg and dragged her away from the bank's entrance. Officer J noted that Subject 1 was gurgling.

Officer J began to handcuff Subject 1, but because Subject 1 was bloody, the cuffs slipped off. Since Officer J thought Subject 1 was dead, he removed the handcuff from Subject 1's right wrist. Officer B observed Officer J attempt to handcuff Subject 1. Sergeant B also believed that Subject 1 was deceased because her stomach was not moving up and down.

Meanwhile, Sergeant A believed that officers were going to enter the building. Sergeant A then told Officer H to order people out of the bank and directed other officers to cover the bank doors. Officer H did as directed, instructing those

inside the bank to come out one at a time, with their hands in the air. As the people inside the bank came out, they were searched and, initially, some were handcuffed. Sergeant B assisted Sergeant A in organizing the officers who were searching and handcuffing the people exiting the bank. Sergeant B subsequently directed officers to stop handcuffing the people coming out of the bank, and to move them across the street. The last person to exit the bank was the manager, who indicated to Sergeant B that there was no one else inside.

Sergeant A began to organize search teams to enter the bank; however, prior to any deployment of these teams, Metropolitan Division (including SWAT and K-9) officers arrived on scene. A Deputy Chief, who had also arrived on scene, ordered the Metropolitan Division officers to perform a search.

Metropolitan Division officers began to search the interior of the bank for any subjects still inside. After the first floor was cleared and no additional subjects were found, Sergeant A requested the RA respond to Subject 1.

In the meantime, Los Angeles Fire Department (LAFD) paramedics had responded to the vicinity of the incident. When informed it was safe to do so, paramedics entered the scene and examined Subject 1. A paramedic declared Subject 1 dead.

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, B, E, F, G, H, J and K's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B, E, F, G, H, J and K's drawing to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that after the officer-involved shooting (OIS), Officer J appropriately moved Subject 1 away from the pistol and the front doors to the bank. Although Subject 1 was incapacitated, Officer J started the handcuffing process; however, Subject 1 appeared to be deceased and Officer J decided not to complete the application of the handcuffs. It would have been preferred that Officer J handcuff Subject 1 for officer safety reasons; however, the Board noted that this was a judgment call on the officer's part and was reasonable based on the circumstances.

The BOPC found that Officers A, B, E, F, G, H, J and K's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that officers responded to a robbery in progress at the bank and learned that the subject was armed with a handgun and had taken a hostage. Believing that the situation could escalate to the point that deadly force would be necessary, Officers A, E, G, H and J drew their service weapons, Officers B and F deployed Department shotguns, and Officer K deployed an Urban Police Rifle.

The BOPC determined that Officers A, B, E, F, G, H, J and K had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary.

The BOPC found Officers A, B, E, F, G, H, J and K's drawing to be in policy.

C. Use of Force

The BOPC noted that Subject 1 exited the bank alongside a hostage, while holding what appeared to be a black semiautomatic pistol, pointed at the hostage's ribcage. The hostage freed herself and ran back into the bank. Subject 1 pointed the pistol at Officer G. Officer G, in immediate defense of his life, fired four to five rounds at Subject 1, causing her to fall to the ground. Subject 1 still had the pistol in her hand and was beginning to raise it off the ground in an attempt to point it at Officer G. Officer G believed that Subject 1 was attempting to shoot at him and, in defense of his life, fired an additional four to five rounds.

Subject 1 exited the bank holding the hostage around the waist while pointing a pistol at her ribcage. Upon seeing the officers deployed outside, Subject 1 pointed her pistol in Officer H's direction. Officer H observed Subject 1's handgun pointed in his direction and heard rounds being fired. Officer H believed Subject 1 was shooting at him and momentarily ducked; however, he continued to hear additional gunshots. Officer H stood up to engage Subject 1 and observed her still pointing the pistol in the officers' direction. Officer H, in immediate defense of

his life, fired three rounds at Subject 1. Officer H re-assessed the situation and observed Subject 1 still pointing the pistol at officers. Officer H fired one additional round at Subject 1 at which time Subject 1 fell to the ground.

The BOPC determined that Officers G and Officer H reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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