

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

**OFFICER-INVOLVED SHOOTING – 084-10**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off()</b>	<b>Uniform-Yes(X) No()</b>
Rampart	11/23/10		

<b>Officers(s) Involved</b>	<b>Length of Service</b>
Officer A	8 years, 2 months

**Reason for Police Contact**

Officers responded to a shots fired radio call and were confronted by an armed suspect, resulting in an officer-involved shooting.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
Subject: Male, 38 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 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 Chief 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 October 4, 2011.

## **Incident Summary**

Witness 1 was walking to a bus stop. As Witness 1 approached the bus stop, he saw the Subject, who appeared to be waiting for the bus.

When Witness 1 reached the bus stop, the Subject turned toward Witness 1, shoved Witness 1 in the chest and slashed him with a knife. Witness 1 started to run and he heard more than ten gunshots coming from behind him.

Meanwhile, Witness 2 heard several gunshots come from the area. Looking in that direction, he saw the Subject crouched down, near a bus stop. As described Witness 2, the Subject was crouched down with an assault pistol and it looked like he was shooting at a car. Witness 2 called 9-1-1.

Officers A and B arrived in the area. The officers saw a witness standing to the rear of a vehicle. The witness flagged the officers down and pointed in the direction of the Subject. The witness also gave the officers a description of the Subject.

The officers observed the Subject walking westbound on the north sidewalk, approximately a block away. The officers saw that the Subject was carrying a semi-automatic assault pistol.

Officer B stopped the police vehicle behind the Subject. Both officers exited the police vehicle and unholstered their pistols.

As Officer A ordered the Subject to show his hands, the Subject placed the pistol he was holding to his head.

After holding the gun to his head, the Subject lowered the weapon to chest level and started to manipulate the top of the gun. The Subject then pointed the gun in the direction of the officers. Officer A fired one round at the Subject, striking him in the face. The Subject fell to the ground and dropped the gun.

## **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 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. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

In this instance, there were identified areas where improvement could be made; however, the BOPC determined the tactics utilized did not substantially deviate from approved Department tactical training.

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

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

Officers A and B were travelling westbound, when they observed the Subject walking westbound on the north sidewalk. Upon observing the Subject, Officer B stopped his police vehicle in a northwesterly direction behind the Subject. Both Officers A and B opened their respective police vehicle's door and drew their service pistols to a low ready position, after seeing the Subject was armed with a pistol.

In conclusion, the BOPC found Officers A and B's drawing/exhibiting to be in policy.

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

In this instance, the Subject failed to comply with Officer B's commands and continued to walk westbound. The Subject suddenly stopped and turned counterclockwise toward the officers while raising his right hand to his head. Once the Subject faced the officers, they noted that the Subject was holding a semi-automatic pistol to his right temple.

The officers then observed the Subject point and attempt to discharge the handgun at his head but the weapon failed to fire. The Subject then lowered the weapon and began to manipulate the pistol in an apparent attempt to make it functional.

After manipulating the handgun, the Subject began to raise his hand and pointed the handgun at the officers. The Subject's actions caused Officer A to believe that the Subject was going to shoot him. Officer A fired one round at the Subject's center body mass. The Subject was struck once in the face, immediately dropped the pistol to the

ground and fell on his back. Officer A fired his service pistol to protect his partner and himself from the immediate threat of death or serious bodily injury. An officer with similar training and experience would have reasonably perceived the Subject's actions may result in serious bodily injury or death and that the use of lethal force would be justified.

The BOPC determined that Officer A's decision to use lethal force was objectively reasonable.

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