

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

OFFICER-INVOLVED SHOOTING – 084-11

Division	Date	Duty-On (X) Off () Uniform-Yes (X) No ()
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Southeast	09/16/11	
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Officer(s) Involved in Use of Force	Length of Service
Officer A	8 years, 2 months
Officer B	7 years, 3 months

Reason for Police Contact

While investigating possible gunshots in the area, officers observed a suspect firing a handgun at multiple victims, resulting in an officer-involved shooting.

Subject(s)	Deceased () Wounded (X) Non-Hit ()
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Subject: Male, 61 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 August 28, 2012.

Incident Summary

Victim C drove her vehicle to an apartment (accompanied by Victims A, B, and D) to pick up some property. As the victims retrieved the property and began to place it inside Victim C's vehicle, they were confronted by Witness A, and an argument ensued. The Subject came to the aid of Witness A and the argument intensified.

As the argument continued, the Subject suddenly produced two handguns and began to shoot at all four victims. The Subject chased Victims A and B around Victim C's vehicle and continued to shoot at them, while Victim A pushed Victims C and D into the vehicle in an attempt to protect them. Once inside the vehicle, Victim C called 9-1-1 from her cellular telephone.

Meanwhile, Officers A and B were on regular patrol in the area, driving in a marked black and white police vehicle, when they heard loud noises that Officer A thought were two gunshots. Officers A and B drove through the neighborhood at a slow speed to determine the source of the sound. While doing so, Officer A heard yelling from the driveway of a nearby apartment. The officers stopped their vehicle at the bottom of the driveway and exited. Upon doing so, they observed a dispute in the rear parking lot of the location. As Officer B exited the vehicle, he observed individuals running around a vehicle towards the rear of the driveway and told Officer A to notify Communications Division (CD) of their status and Code Six location.

Note: Officer A did not broadcast their Code Six location until after the officer-involved shooting (OIS).

As Officer A walked up the driveway towards the noise, he heard two additional gunshots. Officer A immediately unholstered his pistol. He continued up the driveway and observed Victims A and B running around a vehicle while Victims C and D were inside it.

According to Officer A, the Subject then came around the passenger's side of the vehicle with a two-handed grip on a black object, which Officer A believed to be a firearm. Officer A saw the Subject fire two shots at the occupants sitting inside of the vehicle. Officer A believed that the Subject was attempting to kill the occupants and, in defense of their lives, Officer A fired two rounds at the Subject. According to Officer A, after he fired his second round at the Subject, the Subject dropped to the ground.

Meanwhile, Officer B observed the Subject firing at Victims A and B, who were at the driver's side of Victim C's vehicle. Officer B identified himself and Officer B as police officers and yelled out to the Subject to drop the gun. The Subject did not drop his gun and continued to fire at Victims A and B, who were ducking for cover behind the vehicle.

Officer B also observed Victims C and D inside of the vehicle and, believing this was an immediate defense of life situation, fired two rounds at the Subject. Officer B lowered his pistol, assessed the situation, and realized his rounds were ineffective in stopping the threat. Officer B obtained cover behind a nearby parked vehicle and saw that the

Subject was still firing at the victims as Officer B repeatedly yelled out for the Subject to drop the gun. Officer B fired two additional rounds at the Subject.

As the Subject lay on the ground in a prone position, Officer A communicated with Officer B to take cover, while he broadcasted a radio call for assistance.

According to Officer B, he ordered the Subject to show him his hands and the Subject complied. Officer A observed two guns, a semi-automatic pistol and a revolver, on the ground next to the Subject. Officer B, not knowing if the Victims were also armed, ordered everyone out from inside the vehicle and down to a prone position on the ground. Officers A and B waited for back-up to arrive before they approached and handcuffed everyone for further investigation. Once additional officers arrived and the situation was under control, the Subject informed officers that he had been shot. Officer A holstered his pistol and requested a Rescue Ambulance for the Subject.

According to Witness B, the police walked up the driveway and told the Subject to put his gun down. Witness B saw that the Subject had guns in both hands and observed the police with their guns out and shoot at the Subject. Witness B then saw the Subject drop his guns, ending the incident.

According to Victim A, he observed the officers running up the driveway. Victim A told the Subject that he was going to jail, and the Subject shot at him. According to Victim A, the Subject saw the officers, yet he (Subject) continued to fire. Victim A heard the police ordering everybody to the ground and for the Subject to drop his weapon, but the Subject did not drop his gun. The Subject raised his gun up and the officers fired four to six times.

According to Victim B, the officers approached and observed them (the victims) running around the vehicle while the Subject was shooting at them. The officers ordered the Subject to drop the gun but the Subject did not and continued to fire at the victims. Victim B then heard the police fire two or three times and saw the Subject fall to the ground.

Los Angeles City Fire Department arrived on scene and treated the Subject for a gunshot wound to the right buttocks. Victim A, who had been shot by the Subject, was treated for a gunshot wound to the left thigh and Victim B, who had also been shot by the Subject, was treated for a gunshot wound to the right leg. The Subject and Victims A and B were transported to a nearby hospital.

The investigation determined that the Subject was armed with a 9mm semi-automatic pistol and a .32 caliber revolver during the incident.

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 of a firearm to be in policy.

C. Lethal 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. Tactical Communications/Code Six

In this instance, Officers A and B did not notify CD of their updated status and location until after the OIS. While evaluating the officers' actions, the BOPC took into account that at the time the officers elected to exit their police vehicle and walk to the rear of the apartment complex, gunshots were heard and the officers were thrown into a rapidly unfolding tactical situation involving an extremely violent subject.

After taking into consideration the totality of the circumstances, the BOPC found that the officers' action of not updating their status by providing CD with their Code Six location did not represent a substantial deviation from approved Department tactical training.

- 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, there was an identified area where improvement could be made 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, Officers A and B were investigating possible shots heard when they observed a confrontation occurring in a parking lot to the rear of an apartment complex. Both officers exited the police vehicle and as they were walking up the driveway toward the confrontation, both officers heard gunshots and drew their service pistols.

The BOPC determined that officers with similar training and experience while faced with similar circumstances would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may 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, 2 rounds)
- **Officer B** (pistol, 4 rounds)

In this instance, as Officers A and B walked down the driveway, they heard gunshots and observed the Subject firing at the victims. According to Officer B, as he was walking up the driveway, he was yelling at the Subject to "Drop the gun, LAPD." According to Officer B, he continued to yell at the Subject, but the Subject didn't respond to his commands. Officer B recalled seeing the Subject continually firing at the two individuals that were ducking and saw two other individuals inside a vehicle. To protect their lives as well as the life of Officer A, Officer B fired two rounds at the Subject. The Subject continued to fire at the victims and Officer B fired two additional rounds, the whole time yelling at the Subject to stop, drop the gun, LAPD.

Meanwhile, Officer A saw the Subject near a vehicle and fire two shots at the occupants. Officer A believed that the Subject was attempting to kill the victims. To save the victims' lives, Officer A fired two shots at the Subject.

The BOPC determined that an officer with similar training and experience as the involved personnel would reasonably believe that the Subject's act of firing multiple rounds at the victims posed an imminent threat of serious bodily injury or death. Consequently, it was objectively reasonable for Officers A and B to perceive the

Subject's actions as a deadly threat and utilize lethal force in defense of their lives and those of the victims.

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