

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

OFFICER-INVOLVED SHOOTING – 086-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West Valley 09/24/11

Officers(s) Involved in Use of Force	Length of Service
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Officer A	11 years, 1 month
Officer B	15 years, 11 months
Officer C	4 years
Officer D	2 years, 4 months
Officer E	7 months
Officer F	1 year, 1 month
Officer G	1 year, 3 months

Reason for Police Contact

Officers responded to a radio call of a shooting that had just occurred. The officers located the Subject who fired a weapon at them, resulting in an officer-involved shooting.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 18 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 Los Angeles Police 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 August 07, 2012.

Incident Summary

On the date of the incident, Communications Division (CD) advised patrol units of an ambulance shooting that just occurred, with one person down. Upon their arrival, officers discovered that a victim had been shot while seated in a vehicle and another victim had been shot inside a nearby apartment. The officers were able to determine that the Subject, armed with two handguns, had shot both victims and then fled on foot. A crime broadcast was initiated that included a description of the Subject and the direction he was last seen running. Responding officers received information that the Subject had climbed over a fence and into a parking lot. The officers subsequently established a perimeter.

Officers A, B, C, D, E, F, G, H, I, J and K responded to the area and developed a tactical plan to search the parking lot. As they began to search the parking lot, Officers A, B, C, D, E, F, and H drew their pistols. Officer G was armed with a shotgun. When the officers reached the end of a building, they observed the Subject standing behind a parked vehicle. The officers gave commands to the Subject in both English and Spanish; however, he ignored their commands and reached for a cellular phone that was on the roof of the vehicle. As the officers could see both of the Subject's hands they started to tactically approach him giving him repeated commands to surrender. Additionally, the officers warned the Subject that they had a beanbag shotgun and that they would use it. The Subject then suddenly reached down and armed himself with two handguns, which he pointed at the officers.

In response to this deadly threat, Officer A fired a total of nine rounds, Officer B fired a total of four rounds, Officer C fired a total of five rounds, Officer D fired a total of 11 rounds, Officer E fired a total of three rounds, Officer F fired a total of two rounds and Officer G fired a total of four shotgun rounds. During the shooting the Subject fired seven rounds at the officers. The Subject fell down and dropped both guns. The officers approached the Subject, took him into custody and requested an ambulance for him. The Subject was pronounced dead at the scene.

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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, C, D, E, F, G, H, I, J and K's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, B, C, D, E, F, G and H's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers A, B, C, D, E, F and G'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. Cover and Concealment

While the officers were moving forward, several of them moved away from their position of cover placing them at a tactical disadvantage. Though the officers were able to see both of the Subject's hands and stated that at the time, he was not holding any weapons, it would have been prudent for the officers to have refrained from approaching the Subject at this point. The tactical advantage lost by leaving cover and closing the distance between the officers and the Subject was not substantial, although it is the BOPC's belief that the fact that the officers had prior knowledge that a shooting had just occurred, coupled with the Subject's actions while attempting to gain his compliance, would afford officers with similar training and experience to believe that the Subject posed a significant threat and may possibly still be armed.

In conclusion, the BOPC found that the officers' actions did not substantially deviate from approved Department tactical training. However, the officers were reminded of the inherent danger of exposing themselves without the benefit of cover and/or concealment can potentially leave them at a tactical disadvantage and vulnerable to attack, should the Subject re-arm himself, as he ultimately did in this instance.

- 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 were identified areas 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, B, C, D, E, F, G, H, I, J and K's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

- While the officers were searching for the Subject, who was wanted for a shooting that had just occurred, they were directed to a parking lot. Prior to proceeding down the driveway, believing that they may confront an armed suspect, Officers A, B, C, D, E, F and H drew their service pistols while Officer G exhibited a Department shotgun.

The BOPC determined that an officer with similar training and experience as Officers A, B, C, D, E, F, G and H 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.

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In conclusion, the BOPC found Officers A, B, C, D, E, F G and H's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- The Subject raised two handguns and pointed them in the direction of several officers. The investigation revealed that the Subject fired seven rounds throughout the shooting incident.

In assessing the actions of Officers A, B, C, D, E, F and G, and evaluating their individual decisions to fire based from their individual positions and perceptions, the

BOPC found that an officer with similar training and experience under similar circumstances, would reasonably believe that the Subject's actions of repeatedly pointing his handgun in the direction of the officers and ultimately firing upon the officers represented an imminent threat of serious bodily injury or death. Accordingly, the use of lethal force by each officer was objectively reasonable.

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