

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

**OFFICER-INVOLVED SHOOTING – 011-14**

| <b>Division</b> | <b>Date</b> | <b>Duty-On (X) Off ( )</b> | <b>Uniform-Yes (X) No ( )</b> |
|-----------------|-------------|----------------------------|-------------------------------|
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|-----------|----------|--|--|
| Hollywood | 03/24/14 |  |  |
|-----------|----------|--|--|

| <b>Officer(s) Involved in Use of Force</b> | <b>Length of Service</b> |
|--|--------------------------|
|--|--------------------------|

|           |                  |
|-----------|------------------|
| Officer A | 15 years         |
| Officer B | 7 year, 4 months |

**Reason for Police Contact**

Officers responded to a domestic violence investigation, and an officer-involved shooting incident (OIS) occurred.

| <b>Subject(s)</b> | <b>Deceased (X)</b> | <b>Wounded ( )</b> | <b>Non-Hit ( )</b> |
|-------------------|---------------------|--------------------|--------------------|
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|-----------------------------------|--|--|--|
| Subject 1: Male, 27 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 subject 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 February 10, 2015.

## **Incident Summary**

The Subject and Witness A had a dating relationship. The Person Reporting (PR) learned that the two had been involved in an argument the previous evening, and when he was unable to reach Witness A by phone, he became concerned. He then phoned the police and asked them to do a "welfare check" at the Subject's residence, which was the last location he knew Witness A had been.

Officers A and B were dispatched to the call. The comments of the radio call indicated the information received was second hand from the PR.

Officers A and B communicated that they had arrived at the scene by using their Mobile Digital Computer (MDC) and parked their marked black and white police vehicle, up the street from the residence. The location was at the outer apex of a tight, U-shaped bend and the street ascended up a hill.

As Officers A and B approached, they observed the location to be a four-level residence. According to Officer B, they did not know where the call originated and decided that they would work their way from the bottom to the top and knock at each door. Officers first cleared the vehicles that were parked in front of the residence before proceeding to the door located next to the garage. Officer A knocked on the bottom floor door, next to the garage, but there was no response. Officers A and B climbed the stairwell to the second level and knocked; however, there was no response. The officers then made their way up to the third level residence. Officer A took a position on the left side of the door, while Officer B remained on the right side of the door. Officer B knocked on the front door, and Witness B opened the door. Officer A placed his left foot in the door frame to prevent Witness B from closing it. Witness B did not appear to be under duress as both officers explained the nature of their investigation. Officer A inquired whether there were any additional persons inside the location, whether there were any prior police contacts, and if he knew of any weapons in the location. Witness B replied "no" to each of the questions and stated that his roommate, the Subject, was in his bedroom and that he had not heard any arguing that morning. Witness B pointed out the Subject's bedroom door and officers noted two brown wooden doors to the left side of the front door.

Officer A requested Officer B verify with Communications Division (CD) who the victim was in this case and he did so.

As the officers awaited a response from CD, Officer A directed Witness B to knock on the Subject's door and advise him that officers were there to see him. Witness B called out to the Subject and, a few seconds later, the Subject peered out about a foot or two from a doorway, later determined to be a bathroom. Officer A asked if he was the Subject and he acknowledged that he was. Officer A advised him that they received a radio call about an argument, so officers just wanted to make sure everyone was okay. The Subject told the officers that he needed to get dressed and did not want to speak to

them until then. Officer A tried to reassure the Subject that it was not a big deal and that he should come out because it appeared that everything was okay.

The Subject regressed back into the bathroom and out of Officer A's view. Officer A gave the Subject a minute, then took approximately two steps into the living room. While standing in the living room, Officer A heard two male voices emanating from inside of the west bedroom, talking loudly, and he momentarily stepped back outside to advise Officer B. To maintain visual contact of the Subject, and to check on the welfare of other occupants, Officers A and B entered the residence and continued through the living room, past a closed door, toward the bathroom door. Officer A verbalized with the Subject as he walked toward him that he just wanted to talk and sort things out. Officers A and B stopped at the bathroom door where Officer A again called out to the Subject, but did not receive a response. The officers then entered the open bathroom door, where they last observed the Subject.

Officer A continued into the bathroom, cleared it, and observed a doorway that led into a bedroom to his left, where he took a position of cover at the right side of the door frame. Officer B continued into the bathroom and took a position of cover at the left side of the door frame.

Once inside the bathroom, Officer B observed Witness A, wearing only blue underwear, lying on the bed, and the Subject standing at the foot of the bed, approximately four feet away from Witness A. Officer A asked Witness A if he was okay, to which he mumbled that he was, but his expression was that of fear, and Officer A did not believe him. Witness A appeared distraught, holding his head in his hand, rocking back and forth, was nervous, possibly crying and said that he would not or could not stand up and walk over to his partner. Officer A observed that neither the Subject nor Witness A had any weapons in their hands at this time. Officer B could also see both of the Subject's hands, which were alongside his legs, and that he was not armed at this time. Officer A ordered Witness A to exit the room, but he refused to comply.

Officer A advised Officer B that he was going to remove Witness A from the bedroom. Officer A took one to two steps into the bedroom, extended his body forward, and reached out with his left hand to grab Witness A's left wrist while he simultaneously monitored the Subject. He pulled Witness A toward him, off the bed, behind him into the bathroom to hand him off to Officer B. As Witness A whisked past him, he stumbled and fell with his hand falling into the toilet. This commotion caused Officer A to momentarily turn his attention away from the Subject and toward Witness A. Once Officer A turned his attention back toward the Subject, the Subject was faced in the officers' direction backing away from them, along the foot of the bed, toward the far wall of the bedroom.

Officer A ordered the Subject to come out of the bedroom, to which he replied that he did not want to. The Subject had now reached the far wall of the bedroom and kept his back against the wall. Officer A continued to verbalize with the Subject, trying to keep him calm. The Subject continued to ignore Officer A's commands, and based upon the

Subject's actions, Officer A believed that the situation could escalate to a use of force so he unsnapped, but did not unholster, his TASER

Officers A and B remained focused on the Subject, who kept his back against the far wall. The Subject then began to sidestep to his right, moving along the far wall with his hands behind his back and shifting them along the window curtains. The Subject stopped near a door that opened to the exterior of the residence. The Subject placed his right arm, up to his elbow, behind the curtain that covered the door, at which time Officer B told him that he was aware there was a door there and warned the Subject not to exit. At this same time, the Subject placed his left hand behind his back. The Subject kept his right arm behind the curtain for approximately three seconds then moved his right hand from behind the curtain to behind his back. The Subject then brought both hands forward toward his front hip area, and at this time Officers A and B observed a semiautomatic pistol in the Subject's hand, which he held pointed in a downward direction, alongside his right leg.

Believing that this situation may escalate to a use of deadly force, Officer A unholstered his pistol and ordered the Subject to drop the gun several times. Simultaneously, Officer B took two to three steps to his left, toward the living room door frame, and broadcast a help call. He then advised shots were being fired.

**Note:** During Officer B's broadcast, gunshots could be heard in the background.

Officer A raised his pistol and aimed at the Subject's chest area as the Subject raised his right arm about six inches in front of him toward him. Fearing for his life, Officer A discharged one round, which he believed struck the Subject in the sternum area.

The Subject looked stunned. He then slowly looked down at his wound and back toward Officer A and shook his head. The Subject then apologized to Officer A. The Subject then stepped to his left and raised his pistol in a two-handed grip, pointing it in Officer A's direction. Officer A, fearing that the Subject was about to shoot him and having remained on target on the Subject's center body mass, discharged three rounds as the Subject crouched down and moved toward him along the far wall toward the foot of the bed. According to Officer A, the Subject did not appear to be affected, and as he continued to move, he fired several rounds at Officer A until he reached the foot of the bed near a dresser in the bedroom. Officer A stated that the Subject's movements were those relative to "shooting on the move."

Officer A maintained his position of cover at the left side door frame, unaware at the time of a mirror hanging on the wall just to his left. As the Subject continued to shoot at Officer A, two rounds penetrated the wall to the left of Officer A, causing the mirror to shatter and the wood door frame to splinter. Numerous glass and wood fragments struck Officer A on his face and eyes, causing severe bleeding to the left side of his face. Officer A discharged three additional rounds at the Subject as he continued to shoot at him. According to Officer A, he then blacked out.

As Officer B broadcast, he observed his partner unholstered and muzzle flash coming from his pistol. Officer B also heard what he believed to be gunshots emanating from the bedroom and believed that Officer A was being shot at. Officer B unholstered his pistol and moved to his left into the living room, approximately two to three feet away from his partner. Officer B recalled where the Subject stood when he last saw him, before broadcasting the help call, and noted that Officer A discharged his weapon in the same direction. Officer B positioned himself in the living room area, between the sofa and the bathroom doorway, aimed his pistol at the wall, in the direction where he believed the Subject stood, and where Officer A appeared to be shooting, and discharged two to three rounds through the wall and closed bedroom door. (Officer B employed military tactics that he had learned during several deployments to the Middle East.)

Officer B held his pistol in a two-hand low-ready position as he stepped back into the bathroom. He discharged an additional round into the bathroom wall during his rescue of Officer A. Officer B successfully rescued Officer A and removed him from the residence. He also put out an additional broadcast of an "officer down" and requested a Rescue Ambulance (RA).

Meanwhile, Witness B had entered the Subject's bedroom and observed the Subject on his knees, his chest laying over the bed, facing the bathroom with his hands extended out, holding the pistol with both hands.

While waiting for units to arrive, Officer B observed Witness B emerge from the residence onto the stairwell landing. Witness B shouted to Officer B that the Subject was down in the bedroom. The Subject was later pronounced dead at the scene and Officer A was eventually transported to the hospital. Officer B accompanied him in the ambulance, as did a supervisor.

The investigation later revealed that during transport, Officer B had unloaded Officer A's pistol, for safe keeping.

### **Los Angeles Board of Police Commissioner's 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 unanimously 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 exhibiting 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 its analysis of this incident, the BOPC identified the following tactical considerations:

#### 1. Back-up Request

Officers A and B entered the residence in search of the Subject, cognizant that the comments of the radio call reported the Subject owned a gun without conducting a back-up request.

With respect to this incident the call was generated by a third party, and Witness B did not report hearing any arguing prior to the officers' arrival. Additionally, the officers did not observe any weapons in the Subject's hands. Accordingly, the seriousness of the incident, from the onset, did not necessitate the immediate response of additional resources. Nevertheless, a domestic incident can potentially become a dangerous situation which requires caution and attention to safety. When the Subject did not comply with Officer A's directions and the officers were forced to enter the bathroom after him, it would have been tactically prudent for Officers A and B to conduct a back-up request.

#### 2. Utilizing the Public

Witness B identified the bedroom inhabited by the Subject and the officers noted the door was closed. Witness B advised the officers he last observed the Subject the night prior, he did not know of anyone in the residence owning a gun, and he did not hear any arguing emanating from the Subject's living quarters. Although there is no codified policy regarding the utilization of the public to assist officers, Officers A and B are reminded that it would be tactically advantageous for an officer to initiate contact with a possible subject.

### 3. Radio Broadcasts

According to Officer B, upon observing the Subject armed with a handgun, Officer B took one to two steps toward the living room and made his initial broadcast. During Officer B's broadcast, gunshots were audible in the background. Although the BOPC recognized the importance of the broadcast, when presented with a situation that may escalate to the point where deadly force may be justified, Officer B is reminded of the importance of sustaining a visual of the subject, thereby maintaining in a position to engage the threat if it becomes necessary

### 4. Ballistic Capabilities

According to Officer B he intentionally fired through the wall and closed bedroom door, in the direction where he last observed the Subject standing. Although the BOPC determined that Officer B's lethal use of force was reasonable, Officer B is reminded that when firing through a wall or door, the velocity and trajectory of the round(s) can be significantly impacted.

### 5. Preservation of Evidence

Officer B unloaded Officer A's service pistol in the RA while accompanying Officer A to the hospital. Officer B is to be reminded that preservation of evidence is vital to ensuring that the investigative process is completely thorough and accurate.

### 6. Ingress/Egress for Emergency Medical Personnel

The FID investigation revealed that the positioning of responding police vehicles may have impacted the ability of LAFD personnel to respond to Officer A's location.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions did not substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- In this instance, Officer A was attempting to verbalize with the Subject to exit the bedroom in order to conduct the domestic incident investigation. The Subject ignored Officer A's directions and produced a handgun, resulting in Officer A drawing his service pistol.

Officer B also observed the Subject armed with a handgun, followed shortly thereafter by an exchange of gunfire between the Subject and Officer A. In response, Officer B drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A and B, while faced with similar circumstances in each case would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A** – (pistol, seven rounds)

Based on the Subject being armed with a handgun and raising it in Officer A's direction, Officer A's decision to discharge his service pistol to protect himself was objectively reasonable.

- **Officer B** – (pistol, four rounds)

Officer B observed the Subject armed with a handgun and moved one to two steps in an easterly direction toward the living room and broadcast a request for help. Simultaneously, Officer B heard gunfire erupting from two distinct weapons. Officer B deduced that there was a gun battle ensuing inside the residence. While Officer A engaged the Subject from the east side of the bathroom door, Officer B moved into the living room and fired three rounds, through the west living room wall and bedroom door, into the area where he perceived the Subject was engaging Officer A. He then fired a single round through the bathroom mirror, while rescuing Officer A.

In conclusion, an officer with similar training and experience as Officers A and/or B would reasonably believe that the Subject presented an imminent threat of death or serious bodily injury and therefore the use of lethal force was objectively reasonable and within Department policy.

Accordingly, the BOPC found Officers A and B's use of lethal force to be objectively reasonable and in policy.