

**ABRIDGED SUMMARY OF AN OFFICER-INVOLVED SHOOTING AND FINDINGS  
BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

**OFFICER-INVOLVED SHOOTING – 012-08**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On()</u></b>	<b><u>Off(X)</u></b>	<b><u>Uniform-Yes()</u></b>	<b><u>No(X)</u></b>
Outside City	02/08/08				

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	4 years, 5 months

**Reason for Police Contact**

While off-duty and at his residence, Officer A was confronted by a burglar entering his bedroom through a window, resulting in an OIS.

<b><u>The subject(s)</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Male, 21 years.			

**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 BOPC 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. 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 January 13, 2009.

**Incident Summary**

Officer A arrived at his residence after completing his work shift.

Approximately one hour later, Officer A was lying on his bed when he heard someone knocking at his front door and ringing his doorbell several times. Officer A approached the door and looked through the peephole. Officer A observed, from the knees up, a male (subject) wearing a camouflage hat, brown jacket and blue jeans. The subject held a white piece of paper in his hand. Officer A believed that the subject was a

solicitor and chose to ignore him. Officer A returned to his bedroom and got back into his bed.

Moments later, Officer A heard someone knocking at his rear door. Officer A got out of his bed and moved toward a window, which was adjacent to the rear door, to see who it was. Officer A observed it was the subject. When Officer A did not answer the door, the subject walked away, jumped over a three-foot locked gate that separated Officer A's rear patio area from the courtyard and disappeared out of view.

**Note:** According to Officer A, when he observed the subject at his rear door, it raised his suspicions because the back gate was locked. However, the subject had not committed any crime at that point.

Moments later, Officer A heard a knock at his front door and the doorbell ring. Officer A approached the front door, looked through the peephole and observed the subject placing his right ear against the front door. Officer A believed that the subject was trying to listen if anyone was inside the apartment.

After several seconds, the subject walked away from the front door and entered a fire escape door that led to the rear courtyard. Officer A then heard someone jumping over his rear gate and landing on the cement. Officer A observed a shadow pass by his living room window, heading toward his bedroom window.

Officer A walked through his hallway, entered his bedroom and observed the subject through his partially opened window blinds removing the screen of his bedroom window. The subject removed the screen.

Officer A quickly moved to his kitchen to retrieve his pistol, which he had placed inside his backpack on the ground next to his dishwasher. As Officer A opened his backpack, he heard a loud noise similar to the blinds being pushed open really hard. Officer A drew his pistol from its holster and moved back to his bedroom.

**Note:** According to Officer A, he opted to retrieve his pistol rather than calling 911 because he had multiple firearms in his apartment and did not want to give the subject the opportunity to find one and use against it him.

As Officer A reached the threshold of his bedroom door, he observed the subject by the window, standing with both feet in Officer A's bedroom. Officer A stated, "What the [expletive]?" The subject froze as if he were surprised.

According to Officer A, he and the subject were facing each other with Officer A's queen-size bed in between them.

Officer A observed the subject's hand quickly move toward his waistband area, underneath his jacket. Officer A believed that the subject was reaching for a weapon. In response, Officer A pointed his pistol at the subject's center torso and fired two to three consecutive rounds, striking the subject. The subject stumbled back toward the

open window and attempted to keep himself from falling through it by grabbing onto the wall with one hand and the window with his other hand; however, he was unable to do so and fell out backward.

Officer A believed the subject was still a threat and moved up toward the window to maintain visual contact with him. When Officer A and the subject made eye contact, the subject again reached into his front waistband. Officer A believed that the subject was attempting to arm himself, and in response, Officer A fired three consecutive rounds at the subject. The subject's head fell back on the ground and he lay motionless.

Officer A left his bedroom and moved to his rear door. Officer A opened the rear door and partially stood outside to keep an eye on the subject and look for any additional suspects in the courtyard area. After observing the subject was not moving, Officer A retrieved his telephone and returned to the rear door.

Officer A dialed 911 and reported what had happened. Officer A also advised the 911 dispatcher that a few days earlier, someone had attempted to break into his apartment and that he reported this incident to the local law enforcement office. The 911 dispatcher advised Officer A that a rescue ambulance would be requested for the subject and that the police were en route.

Shortly thereafter, the local fire department arrived at the scene, conducted a medical assessment on the subject and declared the subject 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 Officer A's tactics to warrant a Tactical Debrief.

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

The BOPC found Officer A's drawing and exhibiting to be in policy.

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

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

### **Basis for Findings**

#### **A. Tactics**

In adjudicating this incident, the BOPC considered that:

1. After recognizing actions similar to those used by the suspect in the previous incident, Officer A should have considered calling 911. However, the BOPC determined that there was not sufficient time to make the proper notification prior to the OIS, due to the rapidly unfolding chain of events.
2. Officer A left a position of cover to approach the suspect, rather than notifying the local authorities. Although leaving a position of cover is generally not recommended, when Officer A observed the subject fall back through the window and out of his sight, he feared the subject was still a threat. Officer A approached to maintain visual contact with the subject and ensure he was no longer a danger to anyone.
3. The investigation revealed that Officer A's service pistol and additional magazines were not loaded to capacity. After the OIS, Officer A believed his service pistol was fully loaded and that he had fired six rounds. This caused confusion during the magazine count, which indicated he possibly fired seven rounds.

#### **B. Drawing/Exhibition/Holstering**

The BOPC evaluated the circumstances relevant to Officer A's drawing and exhibiting and determined that he had sufficient information to reasonably believe that the situation may escalate to the point where deadly force may become necessary.

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

The BOPC evaluated the circumstances relevant to Officer A's lethal use of force and determined that Officer A's use of lethal force was objectively reasonable to protect himself from the immediate threat of serious bodily injury or death.