

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

**OFFICER-INVOLVED SHOOTING – 016-14**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Wilshire	04/07/14		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	7 years, 10 months
Officer B	5 year, 1 month

**Reason for Police Contact**

An armed subject entered the station lobby, drew a pistol, and fired at officers, resulting in an officer-involved shooting (OIS).

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 29 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 March 3, 2015.

## **Incident Summary**

Officers A and B were assigned to work the front desk at the Area police station. Officer B was standing at the easternmost portion of the front desk facing south. Officer A was standing just west of Officer B and also facing south. Officers A and B were assisting an individual, subsequently identified as Witness A, with a traffic report. Witness A was standing on the south side of the desk and facing north toward the officers.

The Subject entered the lobby of the station and proceeded toward the front desk. The Subject stood to the west and south of where Witness A was standing, facing Officers A and B. Officer B looked toward the Subject and asked if he needed assistance. The Subject replied that he wanted to file a complaint. Officer A advised the Subject that they would assist him momentarily. Officer B inquired who the Subject wished to file the complaint against. The Subject did not respond and remained where he stood, staring at Officers A and B.

Officer A observed the Subject's hands fumbling in his front waistband area. Officer B's view of the Subject was partially blocked by Witness A, which prevented her from observing the Subject's hands. Officer A then observed the Subject withdraw a pistol from his waistband. Witness A also observed the Subject draw his handgun and point it at the officers, causing him to quickly crawl to the bathroom in the lobby to hide. Officer A immediately sought cover by stepping to his right and ducking down to the floor. The Subject then began to fire at the officers.

Officer B observed the Subject fire at Officer A and saw Officer A go down. Officer B withdrew his pistol and fired at the Subject, until he went into slide-lock. Officer B then ducked down below the desk and conducted a speed reload.

Officer B continued to hear gunfire. After re-loading, he stood back up to re-engage the Subject. He believed he fired a second magazine in the direction he had last seen the Subject standing. Officer B then went back down to a knee and heard additional shots.

Officer B conducted a second speed reload. Officer B believed he fired 30 rounds during the armed confrontation. The subsequent investigation revealed that Officer B fired a total of 10 rounds from his semiautomatic service pistol, from a distance of approximately 11 feet.

Simultaneously, Officer A remained low to the floor and moved to his right until he was at the west end of the desk. He took a braced kneeling shooting position using the end of the desk as cover. Officer A kept his firearm at a low-ready and scanned the lobby looking for the Subject. Officer A faced south from his position of cover at the end of the desk. He located the Subject peering around the end of the desk. The Subject faced north toward him, approximately five feet away. Officer A started firing rounds at the Subject until he lost sight of him.

**Note:** The investigation revealed that eight of the casings recovered at the crime scene were fired from the Subject's handgun.

Officer A fell supine on the floor just south of the doorway that provided access to the Detective Squad Room. Officer A had fired nine rounds from his pistol in a southerly direction at the Subject from an increasing distance of six to eight feet.

As a result of the encounter, Officer A sustained several non-life threatening gunshot wounds. Officer B sustained non-gunshot injuries to his hands and knees. The Subject was struck several times by the officer's gunshots and succumbed to his injuries several days later.

### **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 of a firearm to be in policy.

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

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

### **Basis for Findings**

#### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Ambush Tactics

Officers A and B were confronted with a deliberate ambush by the Subject and responded in a heroic and courageous manner. Officers A and B immediately responded to the armed attack and returned fire. Officer A was struck by gunfire and continued to engage the Subject until the threat stopped.

## 2. Fire Control/Fire Discipline/Situational Awareness

As Officers A and B were engaged in a gun battle with the Subject, Officer B believed his service pistol went to a slide lock position. In order to conduct a speed reload, Officer B ducked down behind the front desk. Officer B continued to hear gunfire, and when he stood up to return fire he was not able to see the Subject. However, Officer B could hear the gunfire was coming from the last known direction he had observed the Subject prior to his conducting a speed reload.

After Officer B sought cover behind the front desk to conduct his speed reload, he continued to hear shooting. Officer B believed he had to re-engage the Subject to stop his deadly actions. Officer B was unable to relocate the Subject but fired in the direction he had last observed him.

Officers should continuously evaluate their tactics while involved in a gun battle with a subject. In this circumstance, Officers B and A were confronted by the Subject, who, without provocation, began to fire at the officers while they were positioned behind the station front desk.

## 3. Firearm Safety

At the conclusion of the OIS, Officer B approached the Subject, who was lying face down on the ground. Officer B could not see the Subject's hands as he approached him. As Officer B approached the Subject he had his service pistol drawn, covering the Subject. During Officer B's approach, he maintained his finger on the trigger of his service pistol.

## 4. Tactical Communication

Officer A entered the door of the detective squad room for cover. However, Officer A did not inform Officer B of his intentions to redeploy and seek better cover.

- In evaluating Officers A and B's tactics, the BOPC recognized that their actions were exceptional, heroic and consistent with the best practices of the Department. 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 that the

tactics be evaluated based on the totality of the circumstances. After a thorough review of the incident, regarding Officers A and B, the BOPC determined the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training.

Therefore, 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 with the objective of improving overall organizational and individual performance.

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

## **B. Drawing/Exhibiting**

- Officers A and B were working the front desk at the Area police station assisting Witness A when the Subject entered the lobby. Officer B advised the Subject he would assist him momentarily when he stated he was there to make a complaint. The Subject then removed a handgun from his front waistband area and pointed it at the officers. Officer A side stepped, sought cover, and immediately drew his service pistol as the Subject fired in the officer's direction. Officer B also drew his 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 the situation had escalated 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, nine rounds)
- **Officer B** – (pistol, 10 rounds)

The Subject entered the lobby and advised Officers A and B he wanted to file a complaint. Officer B inquired who he would like to make a complaint against and advised they would be with him in a minute. Suddenly without provocation, the Subject reached into his waistband and produced a handgun. The Subject then raised the handgun in the direction of Officer A and began to fire. Both officers then returned fire.

The BOPC determined that 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 lethal use of force to be objectively reasonable and in policy.