

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

OFFICER-INVOLVED SHOOTING – 024-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Outside City 5/12/14

Officer(s) Involved in Use of Force	Length of Service
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Officer A	17 years, 11 months
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Reason for Police Contact

Officers A and B responded to a request for assistance with a fight call at a nightclub at an L.A. County entertainment venue. While approaching the area of the call, officers heard shots fired. Officers made contact with an armed subject fleeing the area, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 21 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 31, 2015.

Incident Summary

On the date of this incident, numerous Los Angeles County Sheriff's Department (LASD) Deputies were assigned to provide security at a local entertainment venue located partially in the county area and partially within Los Angeles City limits.

The deputies responded to a disturbance incident at a nightclub, located at the "Center Court" area of the entertainment venue. The deputies were waiting at the bottom of an escalator for the nightclub patrons to come down the escalator. The nightclub had a disc jockey employed as its entertainment. A patron exiting stated to one of the deputies, "There's a big ass fight inside and there's a guy with a gun." The deputies observed the crowd start to scream and run down the escalator, away from the nightclub. The deputies went up the escalator and were joined by other deputies. They observed a large fight inside the nightclub.

The deputies made entry and deployed their canisters of Oleoresin Capsicum (OC) spray to disperse the crowd. Persons in the crowd continued to fight outside the club and down the escalator into the Center Court area. While in the area of the nightclub, the deputies heard three gunshots.

Los Angeles Police Department (LAPD) Officers A and B were in a marked black and white police vehicle. Officer A was the driver and Officer B was the passenger.

Communications Division (CD) broadcast that there was an unruly group fight at the nightclub. Officer B broadcast that they were responding. Officer B read Officer A the comments of the call while they were en route.

While the officers were driving to the entrance of the entertainment venue, they updated their status and broadcast their location. The officers parked their vehicle and walked east, up the stairs, toward the area of the nightclub, and observed no unusual activity.

CD broadcast for Officers A and B to cancel their response, as the night club was in the sheriff's area and sheriff deputies had arrived at the location. Officer A broadcast they had already arrived.

Officers A and B observed a crowd of 20 to 30 people east of them, fighting and running west from the Center Court area. Officer A believed the deputies were going to be outnumbered, so he and Officer B continued east toward the disturbance. Three unidentified males walking west, away from the crowd, advised the officers that they had better call for back-up. Officer A heard two gunshots spaced approximately one second apart. Officer A was unsure what direction the gunshots were coming from or the intended target.

Note: Officer B believed he heard three gunshots.

Officer A broadcast, "[unit], shots fired, shots fired." Communications Division immediately broadcast, "Officers need help at the [venue], shots fired." Officer B

believed the gunshots had emanated from the east, so in response, he unholstered his pistol and held it in a two-handed low-ready position, pointed east.

The officers ran east and south approximately 40 feet and took cover next to the corner of a wall, behind a large planter with a palm tree. Officer B assumed a position approximately two feet east of Officer A. Officer A unholstered his duty pistol and held it in a two-handed low-ready position pointed north.

Officer A observed the Subject walk from east to west in the middle of the walkway, in front of their location, with a handgun in his left hand. The Subject stopped, turned back to the east and crouched in what Officer A described as a shooting position. Another unidentified male was standing to the right, south, and behind the Subject, leaving a clear unobstructed view between Officer A and the Subject.

The Subject extended his left arm in front of himself and pointed his handgun east, toward the crowd. The Subject stood up and continued to point his handgun east, while he turned his upper body south, facing the officers. Officer A observed that his background was a wall and the businesses in the area were closed. Officer A indicated a belief that he thought the Subject was going to shoot again.

Officers A and B did not give the Subject commands. Officer A indicated a belief that the Subject would swing in his direction if he yelled, "Police." In defense of his life and the lives of the people in the crowd, Officer A fired one round at the Subject's center body mass from a distance of approximately 21 feet. The Subject fell, face down, with his head facing to the west and his feet to the east, and dropped his handgun.

Note: Officer B saw a male walking westbound, who seemed to have something in his right hand. Officer B couldn't see exactly what it was. Officer B then heard the gunshot from his partner. Officer B was asked by FID if he saw the weapon drop or fall from the subject as he went to the ground. He replied that he did not see it until it was on the ground

Note: According to Officer A, he believed the Subject was approximately 15 to 20 feet north of him when he fired. The handgun was recovered approximately 7 feet west of the Subject.

The unidentified male who appeared to be with the Subject ran west and out of sight. Officers A and B left their position of cover and approached the Subject. Officer A continued to cover the Subject with his pistol, and Officer B stood near the handgun on the walkway, making sure it remained undisturbed.

Simultaneous to the actions of Officers A and B, LASD Deputies made their way to the Center Court area at the bottom of the escalators and were walking west. Officer A directed one of the deputies to handcuff the Subject. The deputy observed the Subject face down on the walkway with his left hand under his stomach and his right hand on the walkway above his head. The deputy handcuffed the Subject's hands behind his

back, then grasped him by the right shoulder and rolled him onto his left shoulder. The deputy observed a gunshot wound (GSW) to the Subject's chest and that he was not responsive. The deputy laid the Subject back down on the walkway.

Los Angeles County Fire Department (LACFD) personnel received an alarm to respond to the entertainment venue for an injury at the nightclub. As the Fire Engine arrived at a parking lot south of the nightclub, the fire personnel heard three consecutive gunshots fired. Believing there was a shooting in progress at the location; they remained on their engine and drove approximately 100 yards away, to wait until the scene was safe to enter.

Officer A broadcast, "[unit], Officer-Involved Shooting (OIS). We need a supervisor to our location." Officer A broadcast, "[unit], I am going to need an RA [rescue ambulance] at my location for a male, not conscious and not breathing, 30 years of age, with a gunshot wound to the chest."

The deputies inquired if the man down was the shooter and if there were outstanding subjects. Officer A stated another male may have been with the Subject and continued to run west. The deputies cleared the venue to the west looking for an active shooter and then discontinued the search.

According to Sergeants A and B, they believed they arrived simultaneously at the west end of the venue and were the first LAPD personnel to arrive. According to Sergeant C, he entered the Center Court area from an exterior parking lot. Upon his arrival, he observed that Sergeant A was already monitoring LAPD officers and LACFD personnel had already cleared the scene.

Sergeant A observed Officers A and B in the Center Court area with their weapons unholstered covering the Subject who was lying on the walkway. He also observed three men to the east of them, unguarded and in a prone position. Sergeant A unholstered his duty pistol and covered the three men on the walkway. As responding units arrived, they handcuffed the men on the walkway and then moved them from the Center Court area for further investigation. Sergeant A holstered his pistol and had responding officers take Officer A's position.

Sergeant A obtained a Public Safety Statement (PSS) from Officer A prior to monitoring him while Sergeant B obtained a PSS from Officer B. Sergeant B then continued to monitor Officer B.

Sergeant D broadcast he had arrived at the location. He took tactical control over clearing the crowd that was in the area of the nightclub.

LACFD personnel were signaled by officers that it was safe to enter and responded to the Subject's location. The Subject was turned from a prone position to a supine position to better analyze his injury. Los Angeles County Fire Department Paramedics

A and B received an alarm to respond to the call. They arrived at scene and examined the Subject. Paramedic B determined the Subject to be 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 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 exhibiting of a firearm 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 its analysis of this incident, the BOPC identified the following tactical considerations:

1. Contact and Cover

After Officer A was involved in the OIS, he made the initial broadcast. The BOPC would have preferred Officer B make the broadcast for additional resources and coordinated their response so that Officer A, who was the primary officer, could remain focused on the subject.

Due to the dynamic situation, it would have been tactically advantageous for Officer B to make the broadcast thereby allowing Officer A to focus his attention on the Subject. Operational success is based on proper contact and cover roles during all contacts with the public in an effort to maintain the tactical advantage.

Therefore, Officers A and B are reminded to coordinate their roles to ensure that the integrity of the contact and cover concept is not compromised. The BOPC directed that this topic be discussed during the Tactical Debrief.

- 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.

In evaluating Officers A and B's tactics, the BOPC recognized that their actions were exceptional 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 tactics, the BOPC determined the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training.

In conclusion, the BPOC directed Officers A, and B to attend a Tactical Debrief and ensure the specific identified topics are covered.

B. Drawing/Exhibiting

- Officers A and B responded to a radio call of an unknown number of people fighting at a nightclub in a popular entertainment venue. As the officers approached on foot through the Center Court area they observed people fighting, yelling, screaming and running towards them away from the location. Officers A and B then heard gunshots and drew their service pistols.

Officer A recalled not knowing if the gunshots were directed toward him or toward others. Officer B recalled unholstering because he determined that hearing the gunshots it was likely that the situation may lead to a point where he may be presented with somebody that had a gun.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, 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.

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, one round.)

Officers A and B responded to a radio call of an unknown number of people fighting at a nightclub in a popular entertainment venue. Upon the officers' arrival, they observed people fighting, yelling, screaming and running away from the location. As the officers approached on foot, they heard gunshots coming from an unknown area. The officers tactically deployed along the courtyard of the venue behind a planter and a light pole and began to monitor the immediate area for subjects or victims of a shooting. As the officers monitored the crowd, Officer A observed the Subject approach from the east and stand in the middle of the courtyard, directly in front of them, holding a handgun in his left hand. The Subject turned and proceeded to point the handgun in the direction of the on-coming crowd of people, resulting in an OIS.

Officer A recalled that the Subject was going to take another shot because he was facing the crowd. Officer A lined his front sight up with his center mass, and took the shot.

Based on the Subject being armed with a handgun and pointing it at the on-coming crowd, Officer A's decision to discharge his service pistol to protect himself, his partner, and the lives of the people in the crowd was objectively reasonable.

In conclusion, an officer with similar training and experience as Officer A would reasonably believe that the Subject presented an imminent threat of death or serious bodily injury and therefore the use of lethal force in defense of his life, Officer B's life, and the lives of the people in the crowd was objectively reasonable and within Department policy.

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