

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

OFFICER-INVOLVED SHOOTING – 054-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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77 th Street	09/08/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	6 years, 7 months
Officer B	6 years, 7 months
Officer C	1 year, 3 months

Reason for Police Contact

Officers responded to domestic violence call. The Subject fired a weapon upon their arrival, resulting in an officer-involved shooting (OIS)

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 50 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 August 11, 2015.

Incident Summary

Victim A called 911 from her residence, requesting that officers respond because her husband, the Subject, threatened to kill her, and had written a suicide letter. Victim A stated she was inside her house with her son, Victim B, and her husband was outside in his blue vehicle, which was parked in front of the house.

Communications Division (CD) broadcasted the call and relevant information.

Note: CD continued to stay on an open line with Victim A and her son until they were rescued by police officers.

Officers A and B requested the radio call and acknowledged they were responding with emergency lights and siren (Code Three) from the station.

Note: Officer A was the driver and Officer B was the passenger. Their police vehicle was equipped with a Digital In-Car Video System (DICVS).

The officers continued to receive updates from CD, which included that the Subject was inside of his vehicle and had possible mental illness. CD also broadcasted that the Subject owned a revolver, which could not be located inside the residence by the victims.

The officers received information from CD that the Subject was still seated inside of his vehicle, parked facing eastbound in front of the residence and that he was suicidal.

Note: As part of their tactical plan, the officers turned off their emergency lights and siren a block away from the residence.

As the officers drove toward the residence, they observed the blue vehicle parked on the street. Officer A parked along the north curb, one residence west of the location and both officers illuminated the Subject's vehicle through the front windshield using the exterior spotlights mounted on the police vehicle. Officer B communicated with his partner that there was no occupant inside the vehicle. The officers turned off the spotlights prior to exiting the vehicle.

As the officers exited their vehicle, Officer B heard arguing coming from the front porch of the residence. Officer B then heard CD advise that the Subject was on the front porch. Due to the threat of the Subject possibly being armed with a firearm, Officer B unholstered his weapon. Both officers approached the residence. Officer A walked on the sidewalk, while Officer B walked in the middle of street.

As the officers walked in their configuration and approached the residence, Officer A heard two gunshots and saw two muzzle flashes coming from a person standing in the front porch area. He also heard a woman scream. Officer A believed the gunshots were directed toward the front door of the residence. Officer A immediately unholstered his weapon and ran toward the front hood of the parked blue vehicle for cover.

Note: Victim A reported that the Subject became furious that she had called the police, and shot at her through the security door, striking her in the shoulder.

According to Officer A, as he ran toward cover he heard approximately 4-5 additional gunshots and observed muzzle flashes coming from a silhouette on the porch. Officer A was unable to determine whether the gunshots were directed at Victim A, him and his partner who was to his right, or both. Officer A pointed his weapon at the muzzle flash and fired six rounds from his semiautomatic pistol, in a northerly direction from behind the blue vehicle.

Simultaneously, as Officer B approached the residence, he heard approximately three gunshots coming from the front porch area and observed a male standing by the front security door. Officer B ran south toward the blue vehicle and took a position of cover at the rear of the vehicle. Officer B observed the Subject standing on the front porch between two pillars, supporting the roof of the porch.

Officer B heard the Subject yell and point what he believed to be a gun in the officers' direction. Officer B pointed his weapon at the Subject and fired five rounds from his semiautomatic pistol in a northerly direction from behind cover.

Note: Although the Subject was not visible in the DICVS footage, five distinct gunshots could be heard before the officers fired their weapons. Based on the investigation, three rounds were fired through the wrought iron screen security door, one of which struck Victim A. The available evidence supports the remaining two rounds being fired in the direction of the officers.

Both officers ceased fire when the Subject went down to the ground behind a pillar on the east side of the porch; however, the officers were unable to determine if he was struck by the gunfire.

The officers then requested help, and numerous officers, as well as Sergeants A, B, and C responded.

Officer A broadcast that the Subject was down and that an additional witness or victim was possibly down inside the residence.

The officers continued to point their weapons at a low-ready position at the Subject from behind cover as they awaited additional units.

A tactical plan was devised, and implemented, by Sergeants A, B, and C. The planning included taking the Subject into custody and rescuing the witnesses/victims. Due to the urgency and unknown condition of Victim A inside the residence, the plan included using a beanbag shotgun and firing at the Subject to determine if he was incapacitated.

Officer C and his partner responded to the scene with a bean bag shotgun. Officer C retrieved the beanbag shotgun from the trunk of his vehicle. Officer C stated that he observed the lower portion of the Subject's body but he could not see his hands.

Officer C fired three bean bag shotgun rounds at the Subject, striking him at least twice. There was no response or movement by the Subject.

An arrest team then secured the Subject and rescued the victims.

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 Sergeant A, B, and C's, along with Officers A, B, and C'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. Less-Lethal Use of Force

The BOPC found Officer C's use of less-lethal force to be in policy.

D. 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. **Communication between Partners/ Situational Awareness (Positive)** – After acknowledging the radio call, Officer A read the comments of the call aloud via the Mobile Digital Computer (MDC) and then the officers discussed their tactical approach with Officer B, as well as tactically deactivated the police vehicle's overhead emergency equipment prior to their arrival to the location.

The BOPC noted that Officers A and B's communication between each other throughout the entire incident, including their initial response to the call and tactical approach to the location, was effective and likely a contributing factor enhancing officer safety when confronting an armed subject.

- The BOPC also identified the following tactical considerations:
 1. **Required Equipment** – Officers A and B were not equipped with their respective Batons, TASER or Hobble Restraint Device (HRD) on their duty belt or on their person.
 2. **Maintaining Equipment** – After the OIS, Officer B accidentally dropped his flashlight on the ground, but was able to recover it immediately thereafter.
 3. **Cover and Concealment** – Officers A and B were confronted by an armed subject who fired at them. Officers A and B deployed to a position of cover behind a vehicle and engaged the subject, without kneeling or using the engine block for additional cover.
 4. **Shotgun Deployment** – Officers A and B responded to a call involving a possibly armed subject, without consideration of deploying a shotgun.
 5. **Tactical Communication** – Officer A requested help but miscommunicated his exact location.
 6. **Evidence Preservation** – Sergeant C recovered the revolver and placed it in his right rear pocket. Sergeant C then handed the subject's revolver to an officer, and directed him to download and secure the weapon.
 7. **Command and Control** – Overall, the BOPC was pleased with Sergeant A's Command and Control throughout the incident. Sergeants A and B were proactive in gathering pertinent information regarding the Subject and coordinated resources at scene in a tactically effective manner. Sergeants A and B also performed well in designating tactical roles and directing officers throughout the duration of the incident.
- 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 Sergeant A, B, and C's, along with Officers A, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B responded to a domestic violence radio call. While en route to the location, CD provided updated information stating that the Subject owned revolver which could not be located inside the residence and that the Subject was seated inside of his vehicle and was suicidal. Officers A and B exited their police vehicle; Officer A drew his service pistol.

Officers A and B observed the Subject was not inside the vehicle. As Officer B was approaching the location, he observed muzzle flash and heard shots coming from the front porch area of the residence. Officer B then drew his service pistol.

The BOPC determined that an officer with similar training and experience, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

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

C. Less-Lethal Use of Force

- **Officer C** – (beanbag, three sock rounds)

Officer C arrived to the help call and heard Sergeant B request a beanbag shotgun. Officer C retrieved a beanbag shotgun from his police vehicle, chambered a round and positioned himself behind cover on the west driveway, between the police vehicle and blue vehicle. Officer C was aware of a designated officer, who would use lethal force, to his left and Sergeant B, who was behind him.

Sergeant B gave the "beanbag ready, beanbag standby" command and then directed Officer C to deploy the beanbag shotgun. Officer C identified the target and fired one sock round from the beanbag shotgun at the Subject.

Unsure if the first round struck the Subject, Sergeant B, standing approximately three feet behind Officer C, advised Officer C to fire a second beanbag sock round

at the Subject. The second sock round struck the Subject in the buttocks area and caused his body to make a small twitch forward and back. Officer C assessed and was directed by Sergeant B to fire a third beanbag sock round from the beanbag shotgun. The third sock round struck the Subject in the buttocks which caused the same response.

Note: Sergeant A advised all units over the air that a beanbag would be utilized.

Based upon the totality of the circumstances, the BOPC determined that a supervisor with similar training and experience, while faced with similar circumstances, would reasonably believe that the location of the Subject created a situation wherein it was unsafe for officers to approach and the decision by Sergeant B to direct Officer C to deploy the beanbag shotgun was objectively reasonable.

Therefore, the BOPC found Officer C's less-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

Officers A and B observed the Subject standing on the front porch of the residence, heard gunshots, and observed muzzle flash from the front porch area. Officer A observed the Subject's right arm pointed towards them with a metal object that he perceived to be a gun. Officer B observed the Subject with the gun shooting at the door. Officers A and B believed the Subject was going to shoot them and/or the victim and fired their service pistols at the Subject to stop his actions.

- **Officer A** – (pistol, five rounds)
- **Officer B** – (pistol, six rounds)

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe the Subject's actions of firing a handgun at Victim A and the officers, presented an imminent threat of death or serious bodily injury, and the use of lethal force was objectively reasonable.

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