

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

OFFICER INVOLVED SHOOTING – 055-10

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Foothill	07/10/10		

Officers(s) Involved	Length of Service
Officer A	7 years, 2 months
Officer B	4 years

Reason for Police Contact

Officers pursued a driver who stopped suddenly and fired several rounds at the officers, resulted in an officer involved shooting.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
Subject: Male, 28 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 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 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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on June 28, 2011.

Incident Summary

Officers A and B saw the Subject throw a beer can out of the window of his vehicle. The Subject also failed to stop for a posted stop sign and was weaving within his lane of traffic.

Officers A and B believed that the Subject was intoxicated and Officer A activated the police vehicle's emergency equipment. However, the Subject failed to yield resulting in a vehicle pursuit.

The Subject's vehicle approached a T- intersection and it stopped abruptly. After stopping, the Subject got out and started to walk back toward the officers' vehicle, while firing a handgun at the officers. The Subject fired 10 rounds and Officer A was struck in the face by glass fragments, when bullets hit the police vehicle's windshield. Officer A took cover and fired approximately three rounds at the Subject. The Subject stopped firing and got back into his vehicle. Officer A then noticed his right forearm was bleeding profusely.

Officer B opened the passenger's side door and the door's window was struck by gunfire and shattered. Officer B started to re-deploy to the rear of the police vehicle; however, Officer B slipped on broken glass and fell awkwardly breaking his left wrist and injuring his right wrist. Officer B got to his feet and re-positioned himself to the rear of the police vehicle. Officer B believed he and Officer A were significantly injured and would be at a disadvantage if the Subject was allowed to emerge from the vehicle and re-engage the officers. For this reason, Officer B fired 14 total rounds at the Subject. The Subject ducked down in the seat each time Officer B fired. Officer B stopped firing when assisting units started to arrive. An arrest team was formed and the Subject was taken into custody.

Witness A observed the Subject's vehicle traveling south, being followed by a police vehicle with its emergency equipment activated. Just before reaching a stop sign, the Subject's vehicle stopped and the police vehicle stopped behind it. Witness A, saw the Subject get out, and run back toward the officers. Witness A then saw the Subject fire approximately three rounds at the officers. Witness A then observed both officers exit the police vehicle and shoot at the Subject. Witness A estimated the Subject got within six feet of the police vehicle while firing at the officers. Witness A saw an injured officer run to the back of the police vehicle and lay down. Witness A, saw the Subject retreat south but could not tell exactly where the Subject went.

Witness B saw both vehicles coming south and Witness B ran to the back and joined Witness A. After the vehicles passed, Witness B looked south and saw two officers outside of the police vehicle. Witness B saw the officers shooting and observed one of them move to the rear of the police vehicle and lay down. Witness B did not see anything further.

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 Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

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

C. 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 adjudicating this incident, the BOPC considered the following:

In its review of the tactics employed by the officers in this case, the BOPC noted that the officers were subject to a sudden attack by an armed subject. As such, any opportunity for the officers to engage in tactical decision-making was very limited. Nevertheless, under the very difficult circumstance confronting the officers, both appropriately exited their vehicle, used their vehicle for cover and maintained their distance from the suspect throughout the incident. Their performance in these regards was consistent with Department training.

In conclusion, the BOPC found that Officers A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC noted that in this instance, the Subject abruptly stopped during the vehicle pursuit, exited his vehicle and fired approximately 10 rounds at Officers A and B.

The BOPC determined that an officer under the circumstances with similar training and experience would have reasonably believed that the situation had escalated *"to the point where lethal force [was] justified."*

In conclusion, the BOPC found that Officers A and B's Drawing/Exhibiting to be in policy.

C. Use of Force

First Sequence, Officer A

In this instance, the Subject abruptly stopped during the vehicle pursuit, exited his vehicle and fired approximately 10 rounds at the officers. Officer A stepped out of the driver's side door, obtained a slightly crouched position behind the police vehicle door and fired a sequence of approximately eight rounds while the Subject actively fired at the officers. Officer A reacted, as any reasonable officer with similar training and experience, when he fired approximately eight rounds at the Subject. The decision to use lethal force was "*objectively reasonable*" in that the Subject fired approximately 10 rounds at the officers, which constituted an "*imminent threat of death or serious bodily injury.*"

In conclusion, the BOPC found Officer A's application of Lethal Force to be In Policy.

Second Sequence, Officer A

In this instance, the Subject entered his vehicle after he fired approximately 10 rounds at the officers. Officer A reacted, as any reasonable officer with similar training and experience, when he fired approximately three rounds at the Subject. The decision to use lethal force was "*objectively reasonable*" in that it was reasonable for Officer A to believe that the Subject was reloading his handgun and "*was going to come back towards us and shoot us.*" The Subject engaged the officers in a gun battle and, although not actively shooting, continued to pose an "*imminent threat of death or serious bodily injury.*"

In conclusion, the BOPC found Officer A's application of Lethal Force to be In Policy.

First Sequence, Officer B

In this instance, the Subject abruptly stopped during the vehicle pursuit, exited his vehicle and fired approximately 10 rounds at the officers. As Officer B exited the police vehicle, he slipped on glass from the police vehicle's passenger door window that had been shot out by the Subject. Officer B reacted, as any reasonable officer with similar training and experience, when he fired 14 rounds at the Subject. The decision to use lethal force was "*objectively reasonable*" in that the Subject fired approximately 10 rounds at the officers, which constituted an "*imminent threat of death or serious bodily injury.*"

In conclusion, the BOPC found Officer B' application of Lethal Force to be In Policy.

Second Sequence, Officer B

Officer A was wounded and took a prone position of cover to the rear of the police vehicle. Officer B conducted an in-battery speed reload and positioned himself behind the driver's side door. As responding units began to arrive, Officer B observed that the Subject was not moving and stopped his second sequence of fire. Officer B reacted, as any reasonable officer with similar training and experience, when he fired nine additional rounds at the Subject. The decision to use lethal force was "*objectively reasonable*" in that it was reasonable for Officer B to believe that the Subject continued to pose an "*imminent threat of death or serious bodily injury.*" The importance of preventing a further lethal confrontation with the Subject was compounded by the seriousness of the officers' injuries.

In conclusion, the BOPC found Officer B' application of Lethal Force to be In Policy.