

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

OFFICER-INVOLVED SHOOTING – 066-10

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
77th Street	08/11/10		

Involved Officers	Length of Service
Officer A	11 years, 3 months

Reason for Police Contact

Officers were conducting a pedestrian stop when a suspect fled and pointed a handgun at one of the officers, resulting in an officer-involved shooting.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
Subject: Male, 26 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, 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 July 12, 2011.

Incident Summary

Officers A and B were on patrol in a marked black and white police vehicle, when they observed three males, including the Subject, standing in the middle of the street blocking vehicle traffic. The officers decided to conduct a pedestrian stop to cite the males for violating the California Vehicle Code.

The officers stopped and exited their vehicle and approached the males. Officers A and B asked the males to move onto the sidewalk, put their hands on their heads and stand apart from each other. Officer A directed his attention to Witness A. When Witness A did not comply with Officer A's request to put his hands on top of his head, Officer A conducted a quick pat-down search of Witness A and handcuffed him.

Once Witness A was secured by Officer A, Officer B moved toward the Subject. As Officer B approached the Subject, the Subject started to run with his right hand gripping his front waistband.

Officer A ordered Witnesses A and C to the ground and they complied. Officer A then chased the Subject as the Subject fled into a driveway. Officer B followed Officer A. According to Officer A, he yelled to Officer B that the Subject had a gun, as he pursued the Subject.

At the end of the driveway there was an opening where a gate was missing. The Subject ran through the opening into the rear yard, followed by the officers. According to Officer A, the Subject was midway through the rear yard when the Subject turned towards him and Officer A observed the Subject holding a gun in his right hand. Officer A, upon seeing the Subject's weapon, unholstered his own weapon and yelled at the Subject to drop the gun and get on the ground. Officer B also unholstered his weapon at that time. According to the officers, the Subject turned and pointed the gun at Officer A, who then fired three rounds at the Subject. Officer B broadcast over the radio that an officer-involved shooting (OIS) had occurred and requested help.

The officers heard the Subject yell in pain and then the Subject threw his gun toward Officer A. After discarding his weapon, the Subject turned and ran toward a six-foot cinder block wall at the back of the yard. The Subject jumped over the wall into an east/west alleyway.

After the Subject went over the wall, Officer A approached the wall, pulled himself to the top of the wall and observed the Subject running westbound in the alleyway. Officer A then climbed over the wall into the alleyway, observed the Subject run northbound and informed Officer B of the Subject's direction of travel. Officer A then jumped back into the yard and rejoined Officer B.

Officers A and B then backtracked to the front of the house to secure Witnesses A and C. While doing so Officer B retrieved the gun dropped by the Subject and eventually secured it in the trunk of his police vehicle.

Upon returning to the front of the house, Officer A remained with Witnesses A and C, while Officer B ran westbound to establish a perimeter in an attempt to apprehend the Subject.

The Subject was arrested several days later at his residence for a parole violation. A search of the residence resulted in the seizure of a cellular telephone that contained a photograph of the Subject holding a revolver similar in appearance to that recovered by Officer B. Officer A also identified a picture of the Subject as closely resembling the person that had pointed a firearm at him on that day.

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 exhibition of a firearm to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

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. Each tactical incident inherently results in considerations for improvement.

The BOPC found that Officers A and B's actions did not substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

Officer A

In this instance, Officer A ran southbound on a cement walkway into the rear yard of a residence in pursuit of the Subject who was holding his waistband area with his right hand. Officer A observed the Subject turn to his right, remove a handgun from his waistband and point it at him. Observing the handgun, Officer A slowed to a stop, drew his service pistol and issued commands to the Subject to drop the handgun. The Subject failed to comply with Officer A's commands and pointed the handgun at Officer A, resulting in an OIS. The Subject threw the handgun toward Officer A, ran southbound and jumped over a cinder block wall.

Officer A followed the Subject toward the cinder block wall and holstered his pistol. Officer A jumped over the wall into the alley, unholstered his service pistol and observed the Subject jump over an additional wall and continue to run northbound. Officer A realized that the Subject was running northbound in the property adjacent to his location. Officer A holstered his service pistol, jumped back over the wall and rejoined his partner in the rear yard.

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

In conclusion, the BOPC found Officer A's drawing and exhibiting to be in policy.

Officer B

In this instance, Officer B entered the rear yard and deployed offset and approximately three feet behind Officer A. Officer B observed the Subject retrieve a handgun from his waistband, turn and point the handgun at Officer A. Officer B drew his service pistol.

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

In conclusion, the BOPC found Officer B's drawing and exhibiting to be in policy.

C. Use of Force

In this instance, the Subject ran to a rear yard while holding his waistband. As Officer A pursued him on foot, Officer A observed the Subject turn toward his right and remove a handgun from his waistband. Officer A unholstered his service pistol and directed the Subject to get down on the ground and drop the gun. The Subject failed to comply, turned clockwise toward Officer A and pointed the handgun at him. In defense of his life, Officer A fired three rounds from his service pistol at the Subject. The Subject dropped the gun, turned and ran, then jumped over the cinder block wall of the rear yard.

An officer with similar training and experience as Officer A would reasonably believe that the Subject posed an imminent threat of death or serious bodily injury and that the use of Lethal Force would be justified. Therefore, the BOPC found that Officer A's use of Lethal Force was objectively reasonable and consistent with Department guidelines.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.