

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

**OFFICER-INVOLVED SHOOTING – 083-10**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off()</b>	<b>Uniform-Yes() No(X)</b>
Harbor	11/17/10		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer B	5 years, 8 months

**Reason for Police Contact**

Officers were conducting an investigation when they were confronted by an armed suspect, resulting in an officer-involved shooting.

<b>Subject(s)</b>	<b>Deceased ()</b>	<b>Wounded ()</b>	<b>Non-Hit (X)</b>
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 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 Chief 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 October 25, 2011.

## **Incident Summary**

Officers A and B developed information that the Subject, a gang member, was at a location and that he was in possession of a 12-gauge pump-action shotgun loaded with slug ammunition, a .357 "snub-nose" revolver and a 9-milimeter pistol or other type of handgun, and was willing to "shoot it out" with police.

Officers A and B decided to drive by the location in a plain vehicle. Officers A and B requested the assistance of other units and Officers C and D agreed to meet Officers A and B near the location.

Officers C and D were traveling in a marked black and white police vehicle and were en route to the location when they came across Officers E and F, stopped at an intersection, and stopped their vehicle alongside them. Officer C requested the officers' assistance. Officer C then requested the response a supervisor and Sergeant A radioed that he would respond. Before Sergeant A got there; however, Officers A and B arrived and parked their vehicle behind Officers C and D's vehicle. After briefly communicating with the other officers, Officers A and B drove toward the location.

As they were traveling westbound toward the location, Officers A and B observed the Subject walking down a driveway. The Subject continued walking down the driveway, crossed the sidewalk and then stepped out into the street. Officer B looked at the Subject and saw that he had both hands in the front pocket of a hooded-type sweatshirt. The Subject then produced a gun from his pocket.

Officer B immediately alerted Officer A that the Subject had a gun. The officers continued one residence west of the Subject's position and then Officer A stopped. Officer B exited their vehicle and observed the Subject standing at the driveway apron and pointing a gun at him. Officer B unholstered his pistol and, as he did so, the Subject fired one round in the officers' direction.

The Subject turned around and started running up the driveway, away from the officers. As the Subject began to run up the driveway, he continued to point his gun at Officer B. Officer B ran after the Subject, stopped and then fired one round at the Subject.

The Subject continued to run up the driveway and then went around a corner, out of Officer B's view. Officer B heard another "pop," which he believed was another round fired at him by the Subject. Officer A radioed for help, gave a description of the Subject, and then gave responding units additional directions to establish a perimeter around their location. Additional units arrived almost immediately and began to establish a perimeter; however, they were unsuccessful in locating the Subject at that time.

The following day, investigators recovered a .357 Magnum revolver in the area.

Officers subsequently developed information that the Subject was possibly hiding at another location. Officers responded to the second location and took the Subject into custody.

## **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 actions to warrant a tactical debrief.

### **B. Drawing/Exhibiting**

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 Officers A's use of lethal force to be in policy.

## **Basis for Findings**

### **A. Tactics**

In their analysis of this incident, the BOPC identified the following tactical considerations:

#### **1. Tactical Planning**

In this instance, the officers were conducting an investigation. They discussed the situation with a supervising detective who directed the officers to "check it out." This direction was ambiguous as to whether or not the presence of a supervisor was required prior to driving by the target location or only before any attempts at making contact with the Subject. There does not appear to be any intent on the part of the officers to disregard the direction to have a supervisor present.

As a result, the officers attempt to investigate the location prior to the arrival of a supervisor was appropriate considering the guidance they had been given and did not substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officers A and B's actions did not substantially and unjustifiably deviate from approved Department tactical training.

## 2. Equipment

In this instance, Officer A was not in possession of all required equipment.

In conclusion, the BOPC found Officer A's actions did not substantially deviate from approved Department tactical training.

In this instance, although there were identified areas for improvement, the BOPC determined that the tactical considerations neither individually nor collectively substantially and unjustifiably deviated from approved Department tactical training.

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

### **B. Drawing/Exhibiting**

In this instance, as Officers A and B were approaching the location, the officers observed the Subject in a driveway. As the officers moved closer to the residence, Officer B observed the Subject remove a handgun from his right front sweatshirt pocket and point it in the direction of the officers. In response, Officers A and B drew their service pistols.

Based on the Subject's act of drawing a handgun and pointing it at the officers, it was reasonable for Officers A and B to believe that the situation had escalated to the level where the use of lethal force may become necessary.

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

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

Officers A and B were investigating the possible location of the Subject. As Officers A and B approached the location they observed the Subject walking in the driveway of the location. As the Subject approached the threshold of the driveway, Officer B observed the Subject remove a handgun from his sweatshirt pocket, point it in the direction of the officers and fire one round. In fear for his life and that of his partner, Officer B fired one round at the Subject.

The BOPC determined Officer B's decision to fire his weapon to protect Officer A and himself from the imminent threat of death or serious bodily injury was objectively reasonable and within Department guidelines.

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