

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

OFFICER-INVOLVED SHOOTING – 086-10

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Northeast	12/16/10		

Officers(s) Involved	Length of Service
Officer A	2 years, 11 months

Reason for Police Contact

Officers were patrolling area when one of the officers observed an apparently armed suspect, resulting in an officer-involved shooting.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Male, 13 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 Los Angeles Police 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, 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 October 25, 2011.

Incident Summary

Officers A and B were patrolling an area known to the officers as a high-crime area.

The officers were searching the area for fresh graffiti and gang activity, when Officer B saw three individuals, including the Subject, standing in the roadway. Officer B drove toward the individuals, intending to tell them to move out of the roadway.

Officer B saw the individuals look in the direction of the police vehicle. The tallest of the three (the Subject) then ran to the west side of the street and disappeared behind a parked van. The remaining two then ran to the sidewalk on the east side of the street.

When the officers reached the area, Officer A observed the Subject hiding behind a tree near the van. Officer A believed that the Subject could be either a gang member or a tagger. Officer A also believed the Subject might be involved in committing a burglary from a motor vehicle.

The Subject started walking away from the officers and Officer A exited their vehicle. Officer A then spoke to the Subject, commanding him to show his hands and come around to the front of the van to Officer A's position. Officer A gave the commands several times but the Subject did not comply. The Subject then started to walk toward the rear of the van. Meanwhile, Officer A walked parallel to the Subject on the opposite side of the van, while illuminating the Subject with his flashlight, through the large windows of the van. Officer A told the Subject to come out away from the van and after approximately 10 seconds, the Subject finally complied.

The Subject reached the rear of the van at approximately the same time as Officer A and stepped away from the rear of the van. Officer A stepped out away from the van as well, and faced the Subject. Officer A observed that the Subject had both hands concealed within his sweatshirt and was bent slightly at the waist. Officer A put his flashlight in his rear pocket and unholstered his pistol.

Meanwhile, Officer B had the other two individuals detained on the opposite side of the street.

According to Officer A, the Subject then started to pull an object out from under his sweatshirt. When the Subject had the object approximately half way out, Officer A recognized it as a pistol. The Subject started to raise the pistol and Officer A fired one round at him, striking the Subject in the chest.

The weapon possessed by the Subject was subsequently determined to be a toy replica Airsoft pistol, similar in appearance to a Beretta 92F firearm, and fitted with an orange tip at the muzzle.

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

1. Tactical Communication/Planning

Given the speed with which this incident unfolded, the officers responded and deployed in a manner that was consistent with their training and experience.

2. Code 6

In this case, the Subject's lack of cooperation elevated the officers' suspicions and heightened the threat level. The incident occurred in such a short period of time, the officers were unable to broadcast their Code 6 location prior to the OIS.

3. Tactical Deployment

In this instance, Officer A focused his attention on the Subject as he secreted himself under a tree and behind a full sized van. Officer A illuminated the Subject through the large van windows while maintaining concealment and initiating verbal commands. Simultaneously, Officer B observed the two remaining subjects on the

opposite side of the street begin to walk northbound, creating a tactical disadvantage. Officer B repositioned the vehicle and regained their tactical advantage while maintaining visual contact with his partner.

4. Contact and Cover

In this instance, one subject fled to the west sidewalk while two others fled to the opposite sidewalk, leaving the two officers in the middle to quickly ascertain the threat while maintaining control and officer safety. Officer A made initial contact with the Subject while Officer B redeployed the police vehicle to maintain a tactical advantage. Initially, Officer A was unaware of the location of the other two subjects.

The Subject began to comply with Officer A's repeated demands for him to walk toward him. They met to the rear of the van. Once to the rear of the van, the Subject continued to conceal his hands inside his sweatshirt and was bent forward with one hand inside his sweatshirt pocket and one out. The Subject refused to take his remaining hand out of his sweatshirt.

5. Utilizing Cover

In this instance, Officer A stood in the open to the rear of the parked van as he continued to verbalize with the Subject to remove his hand from his sweatshirt.

Based on the Subject's actions, his failure to remove both hands from his sweatshirt, and his uncooperative demeanor, Officer A believed it was the Subject's intention not to comply. Accordingly, Officer A drew his service pistol to a two-hand, low-ready position.

Ultimately, the Subject complied; however, when he removed his hand, he was holding a handgun and began to raise the barrel of the handgun in Officer A's direction. Officer A then fired one round at the Subject.

It was not until the Subject's handgun was recovered that officers discovered it was a replica Airsoft pistol.

The BOPC determined Officers A and B's actions did not unjustifiably or substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

After the Subject finally walked to a position where Officer A could see him, the Subject refused to remove his left hand from inside his sweatshirt where it appeared the Subject was secreting an object. Believing the situation may escalate to the point where deadly force may be justified, Officer A drew his service pistol to a two-hand, low-ready position.

After hearing a shot, Officer B unholstered his pistol.

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

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

C. Use of Force

In this case, the Subject's replica Airsoft pistol was indistinguishable from a real firearm. Reasonably, any officer in similar circumstances would be focused on the threat posed by the weapon and would not see the red tip on the end of the gun.

The BOPC determined Officer A's decision to use 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.