

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

**OFFICER-INVOLVED SHOOTING – 101-08**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Harbor	11/29/2008		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	9 years, 10 months
Officer B	1 year, 4 months

**Reason for Police Contact**

Officers A and B observed Subject 1 who they believed had committed a robbery. Upon contact, Subject 1 brandished a rifle and an officer-involved shooting (OIS) followed.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
Male: 37 years old.			

**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 Commission and made itself available for any inquiries by the Commission. 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 20, 2009.

**Incident Summary**

Officers A and B were on patrol when they observed two subjects wearing dark clothing walking along the street. Based on a robbery broadcast describing two subjects wearing dark clothing, Officer A believed these subjects might have been involved in the robbery. Officer A illuminated the subjects with his vehicle's spotlight. At this point, the subjects separated, walking in separate directions.

**Note:** The officers did not notify Communications Division (CD) that they were Code Six.

Subject 1 walked southbound away from the officers and was moving his hands in proximity to his waist area. Meanwhile, the second subject stopped after a few steps and stood on the sidewalk as Officers A and B followed Subject 1.

Officer A observed Subject 1 holding a black object alongside his leg and thought that Subject 1 was in possession of a firearm.

As the officers drove alongside Subject 1, Subject 1 accelerated his walking pace and continued to move his hands about his waist area. Subject 1 then turned in the opposite direction and ran from the officers. As Subject 1 ran, Officer B observed him holding a rifle.

Officer B told Officer A that Subject 1 had a rifle. As Subject 1 stopped behind a parked vehicle, Officer A stopped the police vehicle in the street and both officers exited and drew their service pistols.

According to Officer B, he observed Subject 1 turn toward the officers and saw the rifle barrel pointed in the direction of Officer A. Officer B fired one round at Subject 1. Subject 1 fell to the ground.

According to Officer A, he observed Subject 1 turn and point the rifle in his direction. Officer A fired one round at Subject 1.

Officer A broadcast a "shots fired help call."

Officer A observed Subject 1 laying face down on the ground and ordered him to place his hands in front of him. Officers A and B maintained their positions until additional officers arrived. Subject 1 was taken into custody without further incident. Subject 1 was not struck by the gunfire. A rifle was recovered from under a parked vehicle near the location where Subject 1 was taken 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 Officer A and B's tactics to warrant a Tactical Debrief.

**B. Drawing/Exhibiting/Holstering**

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

**C. Use of Force**

The BOPC found Officers A and B's use of force to be in policy.

**Basis for Findings**

**A. Tactics**

In adjudicating this incident, the BOPC considered that:

1. Officers A and B observed two subjects who they believed were robbery suspects. The officers, however, did not advise CD of their status and location.

It would have been prudent for Officers A and B to advise CD of their status and location once the determination to stop the subjects was made.

2. Officers A and B initiated contact with the subjects as they were seated in their police vehicle.

It would have been prudent for Officers A and B to remain behind the subjects, order them to stop, and deploy from their vehicle, utilizing it as a position of cover.

3. Officer B observed Subject 1 armed with a rifle and broadcast information regarding Subject 1 but failed to include a direction of approach for responding personnel.

It would have been prudent for Officer B to broadcast all pertinent information readily available to provide the responding units the ability to properly respond and make appropriate tactical decisions.

4. Officers A and B both broadcast officer needs help calls.

It would have been prudent for Officers A and B to maintain their roles as contact and cover while requesting help.

The BOPC found Officer A and B's tactics to warrant a Tactical Debrief.

### **Drawing/Exhibiting/Holstering**

Officers A and B were confronted with an armed subject who was pointing a rifle toward them. Officers A and B believed that the situation had escalated to the point where lethal force may become necessary.

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

### **B. Use of Force**

Officers A and B fired at Subject 1 after he pointed a rifle in their direction.

The BOPC found Officers A and B's lethal use of force to be in policy.