

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

**OFFICER-INVOLVED SHOOTING – 008-09**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Southwest	2/22/2009		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	8 years, 2 months

**Reason for Police Contact**

Officers observed a group of men enter a known gang injunction area. Officers decided to pursue the subjects into a motel parking lot, where an exchange of gunfire occurred.

<b>Subject</b>	<b>Deceased ( ) Wounded (X)</b>	<b>Non-Hit ( )</b>
Subject 1: Male, 17 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 BOPC; 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.

The following incident was adjudicated by the BOPC on January 19, 2010.

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.

**Incident Summary**

Officers A and B were in a marked black-and-white police vehicle. The officers were temporarily assigned to a different area due to several recent gang shootings.

The officers were driving down the street, when Officer A observed a group of five people walking on a curb. Officer A observed two males (one subsequently identified

as Subject 1) leave the group and begin to run. The remaining people in the group continued walking and turned. Officer B told his partner, "We got a runner."

The area where the subjects ran was considered part of a safety zone where gang members were not allowed to congregate. This led Officer A to believe he should further investigate.

The officers attempted to catch up to Subjects 1 and 2. The officers observed the remaining three people from the group walking on a nearby sidewalk.

Subjects 1 and 2 were not in the officers' sight. Officer A believed that the only avenue of escape was a nearby motel parking lot. Officer A told Officer B to drop him off in front of the motel. Officer B stopped in front of the motel driveway. Officer A exited the vehicle and walked into the parking lot. Officer B backed up the vehicle and stopped near an exit of the motel parking lot, in case the subjects ran in his direction.

The officers did not notify Communications Division (CD) of their arrival at this location.

Officer A proceeded to walk through the parking lot of the motel when Subject 1 and another individual appeared to run full speed in his direction. Officer A ordered Subjects 1 and 2 to stop and both complied. However, Subject 1 then reached into the waistband of his pants with his right hand and withdrew a pistol.

Officer A drew his pistol and pointed it at Subject 1. Subject 1 then turned and ran. Officer A again ordered Subject 1 to stop; however, he did not comply and continued to run. Officer A stated that Subject 1 kept looking back and turning his body toward Officer A with the gun still in his hand.

As Subject 1 turned a third time toward Officer A, Subject 1 pointed his pistol directly at Officer A. Officer A believed that Subject 1 could shoot at him if he wanted to, so Officer A fired at him. Meanwhile, Subject 1 fired two rounds at Officer A.

Officer A realized that he did not have any cover. He began to back-up toward a low block wall behind him and continued to exchange rounds with Subject 1. According to Officer A, he fired approximately six rounds at Subject 1 as he repositioned toward the wall. After Officer A arrived at the wall, he knelt down behind it to protect himself and continued to observe Subject 1. Subject 1 then began running toward the motel entrance. Officer A saw that the gun was still in Subject 1's hand, and he was turning back toward Officer A, so in defense of his life, Officer A shot at Subject 1.

Officer A inadvertently dropped his radio while taking cover behind the wall.

As Subject 1 ran past Officer A's position, Subject 1 fired an additional five rounds at Officer A, and Officer A fired six rounds at Subject 1. One of Officer A's rounds struck Subject 1 in the right ankle. Subject 1 fell down to the ground, and Officer A believed he had hit Subject 1. Officer A heard Subject's 1 gun fall to the ground, saw him looking in his direction, and laying on his side with both hands up. Officer A then reloaded his

pistol with a fresh magazine, stood up, approached Subject 1 with his pistol pointed at him, and ordered him not to move.

Meanwhile, as he sat inside the police vehicle, Officer B heard 2 to 3 small caliber rounds being fired, followed by 10 to 15 large caliber rounds. Officer B believed that his partner was involved in a shooting and broadcast to CD a “help” and “shots fired” call. Officer B then drove and parked in the driveway of the motel.

As Officer B responded to the front of the motel, he observed the group of people Subjects 1 and 2 were running with earlier.

Officer B exited his vehicle and drew his pistol when he observed Subject 1 lying on the ground with a handgun lying approximately six feet away from him. Officer B advised his partner that he would handcuff Subject 1. Officer B then holstered his pistol and approached Subject 1, while Officer A provided cover and handcuffed Subject 1 without incident.

Officer A then holstered his pistol, obtained Officer B’s radio, and broadcast a subsequent help call. Officer A walked out to the front to get an exact address of the officers’ location.

California Highway Patrol (CHP) Officers A and B heard the help call over the CHP tactical frequency and responded to the scene. Officer A observed Witness A, whom he believed was part of the group he had observed earlier, standing on the sidewalk in front of the motel and directed the CHP officers to detain her for investigation. The CHP officers detained Witness A, handcuffed her, and placed her inside their vehicle.

Officer A observed that Subject 1 was wounded and requested a Rescue Ambulance (RA).

Sergeant A responded to the scene and contacted Officers A and B. After Sergeant A ascertained that Officer A was the shooting officer, he obtained a Public Safety Statement from him. According to Sergeant A, he did not instruct Officers A and B to not discuss the incident with anyone.

Los Angeles Fire Department personnel arrived at the scene and treated Subject 1 for a gunshot wound to his right ankle.

Subject 1 was transported by the RA to a nearby hospital. Officer C rode in the RA and his partner, Officer D, followed in their police vehicle. At the hospital, Subject 1 made an unsolicited comment to Officer D regarding the OIS incident, stating, “Man, that car pulled up fast. I thought it was the enemy because my boy [...], he was killed the other day so I started blasting and my gun stopped working so I dropped it.”

### **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 Administrative Disapproval.

**B. Drawing/Exhibiting/Holstering**

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

**C. Lethal Use of Force**

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

**Basis for Findings**

**A. Tactics**

In adjudicating this incident, the BOPC considered the following:

The investigation revealed the officers did not advise CD of their location or other pertinent information until after the OIS. It would have been prudent for Officers A and B to update their status and advise CD of their location once the decision to make contact with the fleeing individuals was made.

Officers A and B were reminded of the importance of notifying CD of their updated status and location when conducting field activities in order to assist in facilitating the response of additional units should they become necessary during an emergency.

The BOPC also noted that the officers' actions placed them at a severe tactical disadvantage as Officer A walked into the parking lot without Officer B providing cover. The magnitude of the separation between Officers A and B is apparent by the fact that Officer B was not in position to witness the OIS and did not arrive at Officer A's location until after the OIS had occurred. Officer B was unable to assist Officer A when he was confronted by the two subjects and the subsequent exchange of gunfire. According to Officer A, he was unsure what his partner was going to do after he was dropped off.

Officers A and B should work together in a manner in which they are readily available to render aide to each other.

During the incident, Officer A inadvertently dropped his hand-held radio. A radio is a critical piece of equipment that provides a vital communication link to other officers and resources. Therefore, Officer A was reminded to ensure his equipment is properly secured on his person.

In this instance, Officers A and B did not provide their location, thus other units in the area were unaware of their status and location. This action, coupled with Officers A and B separating from each other to a position where neither was able to render immediate aid to one another, was not consistent with fundamental tactical concepts and created a circumstance wherein the officers were exposed to a heightened risk of harm not justified by the tactical scenario.

Therefore, the BOPC determined that Officers A and B's tactical decisions and actions *"unjustifiably and substantially deviated from approved Department tactical training."* After considering the scope and severity of the identified tactical concerns, the BOPC determined that Officers A and B's future performance will be most appropriately enhanced through a Tactical Debrief along with Extensive Retraining rather than other disciplinary procedures.

The BOPC found that Officers A and B's tactics warranted a Tactical Debrief.

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

Officer A was confronted by a subject who was armed with a handgun. When Officer A observed Subject 1 remove a gun from his waistband, Officer A drew his service pistol as well. Simultaneously, Officer B was inside the police vehicle when he heard the gunshots. He drove into the driveway of the motel and observed Officer A pointing his service pistol at Subject 1, who was lying on the ground. Officer B exited his vehicle, walked to the front bumper of the police vehicle, and drew his service pistol.

It was reasonable for Officers A and B to believe that the tactical situation had escalated to the point where lethal force may become or was necessary.

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

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

An officer with similar training and experience to Officer A would believe that the subject posed a substantial risk of serious bodily injury or death. It was objectively reasonable for Officer A to utilize lethal force in defense of his life.

The BOPC found Officer A's use of lethal force to be In Policy.