

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

**OFFICER-INVOLVED SHOOTING – 036-09**

| <b>Division</b> | <b>Date</b> | <b>Duty-On(X) Off()</b> | <b>Uniform-Yes(X) No()</b> |
|-----------------|-------------|-------------------------|----------------------------|
| Outside City    | 05/14/09    |                         |                            |

| <b>Officer(s) Involved</b> | <b>Length of Service</b> |
|----------------------------|--------------------------|
| Officer A                  | 4 years, 1 month         |

**Reason for Police Contact**

Officers assisted personnel from an outside agency with a parole compliance search/arrest at a location outside of the city.

| <b>Subject(s)</b>               | <b>Deceased (X)</b> | <b>Wounded ( )</b> | <b>Non-Hit ( )</b> |
|---------------------------------|---------------------|--------------------|--------------------|
| Subject: Male, 20 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 BOPC and made itself available for any inquiries by the BOPC.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 April 27, 2010.

**Incident Summary**

State parole agents requested the assistance of Officers A, B, C, D and E, in addition to Sergeant A, with taking a parolee (the Subject) into custody. The Subject's residence was located approximately one block east of the boundary of the City of Los Angeles. Agent A indicated there were two structures on the property, including a rear triplex to the north. Officer C notified Communications Division that he and the rest of the officers

and agents had arrived at the Subject's residence. Once at scene, the officers utilized the Simplex radio frequency to communicate.

The officers moved to the driveway on the east side of the residence and Officers A and B set up containment at the front of the residence. Agent C observed a window on the east side of the residence. Agent C drew his pistol and positioned himself where he could monitor the window, and he was later joined by Officer C. The rest of the officers and agents moved to the rear of the Subject's residence and drew their pistols.

Agent A knocked on the rear door, identified himself, and told the occupant(s) to open the door. Approximately five to ten seconds later after receiving no response, Agent A knocked a second time, and the front door was opened by Witness A.

Meanwhile, Officer A heard the officers knocking on the rear door and then heard the sound of running coming from inside the residence. Officer A believed the Subject was possibly attempting to escape. Officer A drew his pistol and shifted his focus to the west door. Approximately one second later, Officer A observed the Subject exit the west door, holding a pistol in his right hand with his finger on the trigger. The Subject turned to his right, saw Sergeant A and raised his pistol toward him. Officer A took two steps to his west to avoid a crossfire situation with Sergeant A, and raised his pistol toward the Subject. Officer A yelled at the Subject to drop his gun. The Subject immediately turned to his left and moved his pistol across his chest and pointed it toward Officer A. In response, Officer A fired two rounds at the Subject from his pistol. The Subject appeared to be stunned by Officer A's rounds, but Officer A was uncertain if his rounds struck the Subject. The Subject continued to point his pistol at Officer A and Officer A fired an additional six or seven consecutive rounds at the Subject.

The Subject fell forward, landing on the ground between the stair landing and the chain-link fence that bordered the neighboring property. Officer B moved toward the Subject and ordered him to put his hands up, but he did not respond. Officers A and B maintained their position as they awaited the arrival of additional officers. Officers C, D, E left their positions on the perimeter and moved to Officer A and B's location.

### **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 while 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 Sergeant A and Officers A, B, C, D and E's tactics warrant a tactical debrief.

## **B. Drawing/Exhibiting**

The BOPC found Sergeant A and Officers A, B, C, D and E's drawing and exhibition of a firearm to be in policy.

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

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

## **Board of Police Commissioners Analysis**

### **Tactics**

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

#### 1. Utilization of the simplex frequency

In this instance, there was no request for a tactical frequency and the officers relied on a simplex channel. History has shown that simplex frequencies are somewhat unreliable and that occasionally, important communications between officers are missed.

In conclusion, the involved personnel are reminded that, when time allows, a tactical frequency should be utilized to ensure all communications are transmitted to the team members.

#### 2. Perimeter Integrity

Sergeant A along with Officers B, C, D and E heard shots fired, abandoned their positions on the perimeter and moved toward the location where the shots were fired. In this instance, this movement compromised the integrity of the perimeter.

Additionally, Officer B observed Witness A exit the front door of the target residence. Officer B elected to abandon his position and approach Officer A, allowing Witness A to run past him toward the street. The fundamental premise of a perimeter necessitates that it be organized and that personnel remain at their positions of assignment unless properly relieved and directed to do otherwise.

In conclusion, Sergeant A along with Officers B, D, C and E are reminded of the importance of maintaining perimeter integrity and controlling potential suspects that leave a target location.

## **Drawing/Exhibition/Holstering**

In this instance, the involved personnel were conducting a parole compliance search at a residence occupied by a known subject who was on active parole and had prior weapons violations. As the officers deployed around the residence and prepared to enter the location, they drew and exhibited their respective weapons. Tactical practices dictate that parole compliance searches are inherently dangerous. The subject's are often times familiar with the layout of the location, therefore affording them a tactical advantage. As a result, officers draw their service pistols upon their approach with the understanding that the parolee's actions may necessitate the use of lethal force.

In conclusion, the BOPC found Sergeant A, along with Officers A, B, C, D and E's, Drawing/Exhibiting to be in policy.

## **Lethal Use of Force**

The Subject's action of pointing a handgun at Officer A caused him to fear for his life. It was objectively reasonable for Officer A to perceive he was in danger of immediate serious bodily injury or death and believe the circumstances warranted the application of lethal force.

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