

**ABRIDGED SUMMARY OF AN OFFICER-INVOLVED SHOOTING AND FINDINGS
BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

OFFICER-INVOLVED SHOOTING – 039-09

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Newton	06/26/09		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	11 years
Officer B	14 years, 6 months

Reason for Police Contact

Officers attempted to conduct a traffic stop on a male who they observed riding a bicycle on the sidewalk in violation of a municipal code. As the officers approached the male subject, he threw the bicycle at the officers and fled on foot. One officer pursued the Subject on foot while the other pursued him in the police vehicle. During the pursuit, the Subject produced a handgun and pointed it at the officers, at which time, an officer-involved shooting occurred.

<u>The Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Male, 18 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 (UOFRB) 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.

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 either male or female employees.

The following incident was adjudicated by the BOPC on May 11, 2010.

Incident Summary

Officers A and B were assigned to crime suppression and were traveling in an unmarked dual purpose police vehicle. Officers A and B observed a male, later identified as the Subject, riding a bicycle on the sidewalk. Officer A observed the Subject almost collide with two pedestrians on the sidewalk, and decided to conduct a traffic stop on the Subject for the observed violation. Officer B stopped their vehicle north of the Subject's location and did not see any indicators that the Subject was armed.

Officers A and B broadcast the location of their stop. Officers A and B exited their vehicle and Officer A instructed the Subject to stop and to put the bicycle down. Officer A came within a few feet of the Subject, who got off the bicycle and threw it in Officer A's direction. The bicycle struck Officer A's legs, and the Subject fled. Officer A followed the Subject on foot while Officer B got back into the police vehicle and followed. Officer A ran south in the roadway, paralleling the Subject, and used parked vehicles as cover. Meanwhile, Officer B drove southbound, and parallel to the Subject. Officer B notified CD that they had a man armed with a gun. Officer A observed that the Subject was within reach and grabbed for him. At that point, Officer A observed the Subject reach into his front right pocket and remove a stainless steel revolver. Officer A ordered the Subject to drop the gun. Officer A then stopped, drew his pistol and pointed it at the Subject. Officer A observed the Subject turn and point the revolver at him and Officer B, who was still paralleling the Subject in the vehicle. Officer A shouted to Officer B that the Subject had a gun. Officer A then heard gunshots and believed that the Subject was shooting at him, so Officer A fired one round, which struck the Subject.

Officer B reported that he saw the Subject reach into his front right pocket, so Officer B unholstered his pistol. Officer B then observed the Subject remove a handgun from his pocket and point it at him. Officer B pointed his pistol out of the driver's side window and fired two rounds at the Subject, while traveling south at approximately 10 miles per hour (mph) in the vehicle. Officer B observed the Subject continue running and then point his handgun toward Officer A. Fearing for his partner's life, Officer B fired two additional rounds that struck the Subject.

Officers A and B then observed the Subject fall to the ground on his back, in the driveway of a residence. As the Subject fell, Officer A saw the Subject throw a handgun across his body, which then landed at the end of the driveway. Officer A maintained his pistol at a two-handed low ready position and instructed the Subject to stay on the ground. Officer B reholstered his pistol, and parked and exited the vehicle. Officer A holstered his pistol and conducted a pat down search of the Subject, who was then 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 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 Officers A and B's tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found that Officers A and B's drawing/exhibiting was in policy.

C. Lethal Use of Force

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

Basis for Findings

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

Tactics

1. Radio Communication

In this instance, Officers A and B observed the Subject commit a municipal code violation and elected to conduct a traffic stop. Although Officer A indicated he updated his status on his radio's base frequency, there was no record of his broadcast. Following the Subject's flight, Officer B updated their status and location with Communications Division (CD), but mistakenly identified himself as a different unit. It is imperative that Officers A and B ensure they are operating on the appropriate frequency and broadcast pertinent information to maintain a tactical advantage and obtain the necessary resources, via CD, as they become necessary. Additionally, the investigation revealed that Officer B's initial broadcast indicated they were at scene with a disturbance caused by a man who had a gun, yet they had no evidence the Subject was armed. This type of inaccurate radio broadcast may cause responding units to mistakenly believe that they are dealing with an armed suspect when the subject may really be unarmed.

2. Parallel Foot Pursuit Tactics

In this instance, the Subject stopped, dismounted his bicycle and threw it in Officer A's direction. The Subject refused to comply with Officer A's verbal commands to

stop, and ran away instead. Officer B followed the Subject with the police vehicle as Officer A followed on foot. Although the officers indicated they remained at a distance where each officer could render immediate aid to the other, the BOPC was critical of the officers' decision to separate. At the time of the initial foot pursuit, there was no indication an exigent circumstance existed and the officers were clearly attempting to apprehend the suspect rather than contain him. Officer B should have exited the police vehicle from the beginning of the contact and secured his police vehicle at the start of the foot pursuit.

In conclusion, Officers A and B are to be reminded of the importance of remaining together during a foot pursuit and in a position to assist their partner should the suspect(s) change their direction of travel.

The BOPC found Officers A and B's tactics to warrant Administrative Disapproval.

Drawing/Exhibiting

- In this instance, Officers A and B were confronted by a subject armed with a handgun. Fearing the situation had escalated to the point where lethal force may become necessary. Both Officers A and B drew their service pistols.

The BOPC found Officers A and B's Drawing/Exhibiting to be in policy.

Use of Force

- The Subject's actions would have led a reasonable officer to believe that he was about to shoot at the officers. As a result, it was objectively reasonable for Officers A and B to utilize lethal force in defense of their lives.

The BOPC found Officers A and B's application of Lethal Force to be in policy.