

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

OFFICER-INVOLVED SHOOTING - 004-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Southeast	1/15/05		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	14 years, 2 months
Officer B	6 ½ months
Officer C	9 months
Officer D	9 years, 6 months
Officer E	15 years, 9 months

Reason for Police Contact

Person Reporting 1 called 911 and reported that Subject 1 was at Person Reporting 1's residence and requested that police respond to the residence quickly. Person Reporting 1 was aware that Subject 1 was the prime suspect in the murder of Subject 1's parents and the kidnapping of Subject 1's ex-girlfriend, and relayed this to the 911 operator.

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 23 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 Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on January 10, 2006.

Incident Summary

On January 14, 2005, the parents of Subject 1 were murdered. Subject 1 was the prime suspect in the homicide of his parents. Later that morning, Subject 1 showed up at the

place of employment of Victim 1, his ex-girlfriend, and ordered Victim 1 to leave with him. When Victim 1 refused, Subject 1 pulled a handgun and threatened to kill Victim 1. Victim 1 then complied with Subject 1's wishes and left with him.

At divisional roll call on the morning of January 15, 2005, officers were briefed on Subject 1's actions and two units were assigned to set up surveillance at the residence of a relative of Subject 1.

On that same morning, Subject 1 went to the residence of Person Reporting 1 and knocked on the window of one of the bedrooms looking for his sister. Although his sister was there, the occupant informed Subject 1 that she was not present. Person Reporting 1 called 911 and informed the operator that Subject 1 was leaving the residence, getting in his car and driving down the street. Based on the 911 call, Communications Division ("CD") broadcast that there was a murder suspect at the call location. Officers A and B were in the area and responded to the call. As the officers approached the street of the call location, they saw Subject 1 turn north from that street with Victim 1 in the front passenger seat of his vehicle. The officers turned around and followed them. Officer A requested back-up and an airship. As the officers followed Subject 1 north, Subject 1 drove very slowly. Subject 1 stopped at a red light at an intersection with his right turn signal on, but once the light turned green, Subject 1 did not move. It was later determined that Subject 1's vehicle actually ran out of gas.

By this time, Officers C and D arrived and pulled up behind Officers Officer A and B. Knowing the person in the vehicle was Subject 1 and that he was potentially armed and dangerous, Officer C had removed the shotgun from its rack. When Officer D stopped their vehicle behind the primary unit, Officer C stepped out of the police unit. Officer D then drove their vehicle forward and placed it next to (west) Officers A and B's police unit. Officer C took a position behind the vehicle as it moved forward. Once the police unit stopped, Officer C realized his passenger door was directly behind Subject 1's driver side door, so he moved around the back of Officers A and B's police unit and took a position behind their open passenger door with Officer B.

As the notifications came out that officers were following Subject 1, several patrol units responded. Officers E and I arrived and parked their police vehicle to the west of Officers D and C's vehicle. When Officers D, E and I arrived, they were aware who the driver of this car was and what he was suspected of having done. Based on this information, they considered him to be potentially armed and dangerous. When they arrived and parked their police units, they took positions behind their unit doors and drew their service pistols.

Because Subject 1 did not drive forward once the light turned green, Officers A and B opened their vehicle doors and Officer A began to give Subject 1 commands over the public address system. Officer A directed Subject 1 to throw out the keys to his car, get out and put his hands on his head. Subject 1 was slow to comply, but eventually threw the out the keys and got out of the car. Officer B drew his service pistol when Subject 1 got out of the vehicle. Once Subject 1 exited the car, Officer A ordered him to turn away from the officers and walk backward toward them. Subject 1 turned away from the

officers and started to take very small steps toward the officers. Officer A ordered Subject 1 to take bigger steps, but Subject 1 did not comply. When Subject 1 had backed up next to the back panel of the driver's side of his car, Subject 1 suddenly dove back into the vehicle. The officers could see Subject 1's silhouette moving about inside the car through the tinted windows. Officers C, D and I heard Victim 1 scream from inside the vehicle followed by a gunshot.¹ Upon hearing gunfire from inside Subject 1's vehicle, Officer A dropped the public address microphone, drew his service pistol and fired at Subject 1. Officers B, C, D and E also fired multiple rounds at Subject 1.

When Subject 1 dove back into the car, he retrieved a handgun from the glove compartment and shot Victim 1 once in the head as she was trying to get out of the car. She tumbled onto the ground outside the passenger door and, in spite of her injury, she appeared to Subject 1 to be still breathing. Subject 1 then reached over and shot Victim 1 a second time in the head. After this second shot to the head, Victim 1 did not appear to Subject 1 to be breathing anymore. Subject 1 ended up lying face down across the front seats of his car. After shooting Victim 1 for the last time, Subject 1 put his handgun down and put his hands out the open passenger door with his feet out the open driver's door.

Officers H and M had arrived at the location just before Subject 1 had dove back into his car and shot Victim 1. They parked some distance behind the initial police units and were approaching on foot behind those units when the officer involved shooting ("OIS") occurred. Although they had drawn their service pistols as they exited their police unit, they were too far behind the other officers to safely fire at Subject 1. After the OIS occurred, Officer H moved up to the passenger door of Officers A and B's vehicle. Officer H moved from that position to a position next to a wall on the east side of the street. From this position, Officer H could see Subject 1's empty hands extended out the passenger door of his vehicle. Officer H informed the other officers of his observation.

Officer E gathered officers to approach Subject 1 and take him into custody. Officer I retrieved a shotgun and acted as the officer on point. Officers G, J and K arrived at the scene as Officer E was forming his arrest team. Having heard the related broadcasts, Officers G, J and K drew their service pistols as they exited the police vehicle once they arrived at the scene. Sergeant F also arrived during the formation of the arrest team. Various officers along with Sergeant F placed Subject 1 under arrest.

An ambulance arrived on scene. Paramedics determined Victim 1 was dead. Scientific evidence confirmed that none of the rounds fired by the officers struck Victim 1. Subject 1 was treated for a gunshot wound to the right calf and transported to a local hospital. Subject 1 refused surgery to remove the bullet from his leg. Subject 1 submitted to an interview with law enforcement regarding this matter.

¹ The windows in Subject 1's vehicle were tinted, not blacked out. When the officers fired at Subject 1, they were aiming at his silhouette and stopped firing when they could no longer see his silhouette.

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 that Officers A, C, D, E, G, H and Sergeant F would benefit from additional tactical training. No action was recommended for Officers B, I, J, K and L.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B, C, D, E, G, H, I, J and L's drawing/exhibition/holstering of a firearm to be in policy, requiring no action.

C. Use of Force

The BOPC found Officers A, B, C, D and E's use of force to be in policy, requiring no action.

Basis for Findings

A. Tactics

The BOPC determined that Sergeant F and Officers A, C, D, E, G and H will benefit from additional tactical training. The BOPC has also determined that Officers B, I, J, K, and L's tactics were appropriate and require no further action.

The BOPC considered that the officers in this case were confronted with a highly dangerous suspect and were aware that he had possibly murdered both his parents and subsequently kidnapped his ex-girlfriend. The BOPC believes that the officers involved acted with reasonable restraint during this confrontation.

Upon review, the BOPC has identified areas that warrant tactical training. The BOPC noted that when Subject 1 was being taken into custody, Officers D, G and Sergeant F placed their feet on Subject 1's extremities to assist in controlling him while he was being handcuffed. The BOPC was concerned that the placing of feet on a suspect's limbs may throw the officers'/sergeant off balance and may cause unnecessary injuries.

The BOPC also noted that Officer E responded to the scene by activating his emergency lights and siren without informing CD. Although the final decision for the use of the emergency lights and siren is made by the operator, an officer is required to immediately broadcast that decision if it is based on other than a specified police radio call. The BOPC also noted that during the OIS, Officer A had a malfunction with his service pistol. Officer A identified the problem and cleared the malfunction. The BOPC would have preferred that Officer A had informed his partner that he had a malfunction. Finally, after the OIS occurred, Officer C returned the loaded shotgun to its rack without downloading it.

B. Drawing/Exhibiting/Holstering

The BOPC determined that all personnel at the scene had sufficient information to believe the situation might escalate to the point where deadly force may become necessary. Accordingly, the BOPC finds Officers C and I's exhibiting, and Officers A, B, D, E, I, L, H, M, J, K and G's drawing in policy, requiring no action.

C. Use of Force

The BOPC has determined that Officers A, B, C, D, and E reasonably believed that the suspect presented an immediate threat of serious bodily injury or death and found Officers A, B, C, D and E's use of force in policy, requiring no action.

Just as Subject 1 reached the rear panel of his car, he dove back into his car through the open driver door. Looking through the tinted rear windshield of Subject 1's vehicle, Officer A saw the figure of Subject 1 grab Victim 1 who was attempting to flee out of the front passenger door. According to Officer A, he heard a single gunshot from inside Subject 1's vehicle just as Victim 1 was attempting to pull away. Officer E stated that he saw a flash inside Subject 1's vehicle and heard a gunshot. Officer D heard a female scream followed by a gunshot from inside Subject 1's vehicle. After hearing a shot fired, Officer C observed Victim 1 slump to the ground. Officer C heard Subject 1 fire two additional rounds and could not determine if the rounds were aimed at Victim 1 or at the officers. Officer B, looking through the rear tinted windshield of Subject 1's vehicle, saw the silhouette of Subject 1 lean over toward Victim 1 and then heard a single gunshot come from inside the car.

In all instances, the BOPC determined that the Officers were presented with an immediate threat of serious bodily injury or death to the victim or themselves.