

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

**OFFICER-INVOLVED SHOOTING – 004-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(X ) Off()</u></b>	<b><u>Uniform-Yes() No(X)</u></b>
Pacific	01/26/06		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	11 years, 10 months
Officer B	2 years, 6 months

**Reason for Police Contact**

During a pre-planned narcotics buy-bust operation, undercover officers witnessed a narcotics transaction by Subject A. While approaching him, Subject A pointed a pistol at several of the officers. In response, an officer-involved shooting occurred.

<b><u>The subject(s)</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit (X)</u></b>
Male, 28 years			

**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 subject 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 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, the masculine pronouns (he, his, and him) will be used in this report in situations while the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on January 9, 2007.

## **Incident Summary**

Officers A, B, C, D, E, F, and G were conducting a Buy Bust, Narcotics Operation and were attired in plainclothes.

Detectives A, B and C were assigned as supervisors and directed the deployment of personnel assigned to the operation. Additional uniformed personnel were participating in the operation.

While near the intersection in a residential neighborhood, Officer A, who was seated in a parked undercover police vehicle, observed a male Black wearing a military style jacket standing nearby conducting what appeared to be hand to hand narcotics transactions with passing pedestrians and bicyclists. Officer A reported his observations via his police radio. Officers B, C, D, E, F and G then responded to the immediate area in undercover/surveillance police vehicles and on foot in an attempt to coordinate a purchase of narcotics from the male Black.

A protective perimeter consisting of undercover police officers was established to ensure the safety of the undercover police officer designated to purchase the narcotics. Officer A remained at his location to maintain an overwatch position of the buy location as well as to provide tactical communications for the operation.

Officer E, was alone and designated to approach the male Black in an attempt to purchase narcotics from him.

Prior to the arrival of Officer E, two male Blacks and a female Black joined the male Black wearing the military style jacket. One of the male Blacks was unidentified and the other later identified as Subject A, a known and admitted gang member. The female Black was later identified as Subject B, a 15-year-old, reported juvenile runaway.

Officer G positioned himself on foot nearby where he could visually observe the intersection and monitor the activity of Officer E during the attempt to purchase narcotics. Officers B and C were also nearby in a parked surveillance vehicle monitoring the location of the narcotics transaction.

Officer E approached the northeast corner of the intersection and made contact with the group, which resulted in a verbal exchange between Officer E and Subject A. Subject A then opened his mouth and removed a clear plastic baggie containing a single white solid object and handed it to Officer Police E. In exchange, Officer E handed Subject A a single marked twenty-dollar bill. Officer E then turned around, began walking away from Subject A, and gave the prearranged signals to confirm that a narcotics transaction had occurred.

Officers H and I, assigned as chase officers, were driving a marked black and white hybrid police car and parked approximately two blocks away. Police Officers H and I were monitoring the radio awaiting the signal to participate in the arrest of Subject A.

Officer A, still seated in his parked vehicle, witnessed the hand-to-hand transaction and heard the transmitted verbal exchange between Officer E and Subject A. Officer B, believing that Subject A might attempt to flee upon the arrival of the chase team, exited the surveillance vehicle he and Officer C were seated in and walked towards an alleyway. Officer G began following Subject A, who walked away from the intersection. Officer A continued relaying updates on Subject A's direction of travel via his radio. Simultaneously, Subject B walked several feet in front of Subject A on the sidewalk ultimately passing the surveillance vehicle where Officer C was seated. Subject B then turned around and began walking back towards Subject A who had stopped at the opening of an alley. Believing Subject B was acting as a "lookout" and would inform Subject A of his position, Officer C exited the surveillance vehicle and walked southbound away from Subject A and Subject B.

As Officer G got near the mouth of the alleyway, he encountered Subjects A and B. Subject A, without provocation, placed his right hand against his jacket as if he were simulating a weapon, and confronted Officer G and demanded to know why he was walking near him. In an attempt to eliminate further confrontation, Officer G verbalized that he was not walking up on Subject A. Officer D was driving past the mouth of the alleyway in a surveillance vehicle and observed Subject A and Officer G. Officer D then parked, and exited the vehicle, and turned towards the mouth of the alley.

Officer B stepped out from his position of concealment in the alcove and observed Subject A at the mouth of the alley confronting Officer G. Not realizing Subject A was standing in close proximity, Officer B and Subject A made eye contact with one another. However, Subject A turned his attention back towards Officer G as Officer B continued walking towards both Subject A and Officer G. Subject A then turned slightly away from Officer G at which time Officer G realized that Subject A was now holding a pistol in his right hand.

Officer A witnessed the confrontation between Subject A and Officer G. Officer A observed that Subject A had his right hand near his waistband and formed the opinion that Subject A had armed himself with a pistol. Officer A drew his duty pistol with one hand and using his other hand activated the radio transmission button and broadcast that Officer G had been the victim of an Assault with a Deadly Weapon (ADW) by Subject A.

Subject A turned quickly towards Officer B and with the pistol against his body, pointed it in the direction of Officer B and demanded to know his identity. Officer B, with his head looking down, did not answer Subject A and walked slowly past Subject A. As he approached the mouth of the alley, Officer B drew his duty pistol and turned around to confront Subject A. Officer D continued looking towards the alleyway and could see that Subject A was brandishing what appeared to be a pistol.

Officer D then drew his duty pistol and yelled, "He's got a gun!" and took cover behind the driver's side of the door of his surveillance vehicle. Officer C, who was now on-scene near Officer D, also observed Subject A's arm extended while pointing a blue steel pistol in the direction of Officer G. Officer C then drew his duty pistol.

At this time, Officers A, B and G faced Subject A and were within several feet of one another at the mouth of the alley. Fearing that Subject A was going to shoot Officer G, Officer A shouted "Gun" and "Stop! Police!" Officer A raised his pistol, pointed it at Subject A and from a distance of approximately 40 feet, fired one round, missing him. Officer G then drew his duty pistol and raised it toward Subject A.

In response, Subject A turned and ran east, but, after taking several strides, Subject A turned his upper body and pointed the pistol in the direction of Officers A, B and G. Fearing that Subject A was going to shoot in their direction, Officer A, while moving, fired a second round at Subject A from a distance of approximately 49 feet, which missed Subject A. Officer B raised his pistol and fired one round at Subject A, which also missed.

Officer C heard an unknown voice yell, "He has a gun!" and "Police! Stop! Police," then saw Subject A fire two rounds in the direction of Officer G and himself. Officer C said he was unable to return fire because Officer D was in his line of sight as Subject A ran east through the alley and fired one more round in the direction of the undercover officers.

Officers H and I arrived one block west of the alleyway where the undercover officers were located. Officer I drove into the alleyway and from his position saw Subject A with his arm extended and holding a pistol. He heard a gunshot, saw a muzzle flash and formed the opinion Subject A was shooting at Officer H and himself. Officers H and I heard additional gunfire and opined that the undercover police officers at the mouth of the alley had shot at Subject A. Officers H and I broadcast on their patrol base frequency that shots had been fired and requested additional units respond to the area for assistance.

Officers A, B and G went in foot pursuit of Subject A. Officers C and D detained Subject B immediately after the officer-involved shooting (OIS). During a search for weapons and contraband, Officer D recovered narcotics and narcotics paraphernalia from Subject B.

Officer H exited his police vehicle and went in brief foot pursuit of Subject A and last observed him running into the rear yard of a residence on an adjacent street. Officers A, B and G, who were nearby, discontinued their foot pursuit, holstered their pistols and maintained a visual of the location as assisting units were arriving in the area. Officers H and I requested additional units for a perimeter.

Detective B, realizing that the undercover police officers might be mistaken as the fleeing Subject A, broadcast over the radio for all undercover police officers to leave the area and respond to a designated location, where Detective A obtained public safety statements from Officer's A and B and directed the separation of percipient witness officers.

Specialized search personnel responded to the area to conduct a search. Officer J and his canine partner located Subject A hiding in a carport where he was subsequently taken into custody. An article search for the pistol used by Subject A was completed with negative results.

### **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 that the tactics of Officers A, B and H warranted Divisional Training and found that the tactics of Officers C, D, and G warranted no action.

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

The BOPC found that the Drawing/Exhibiting/Holstering by Officers A, B, C, D, G and H to be in policy.

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

The BOPC found the Lethal Use of Force by Officers A and B to be in policy.

### **Board of Police Commissioners Analysis**

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

#### **Tactics**

- The BOPC noted that subsequent to the purchase of narcotics, Officer A broadcast that the narcotics purchase had occurred and directed chase units to the area to arrest Subject A. While maintaining a visual of Subject A, Subject A brandished a pistol at Officer G.

Officers A, B, C and D observed Subject A brandishing the pistol and Officer D warned, "He's got a gun!" Officer D took cover on the side of his surveillance

vehicle. Officer C was unable to direct gunfire at Subject A because Officer D was in his line of fire.

After the OIS occurred, Officers A and B elected to go in foot pursuit of Subject A in a narrow alleyway that did not afford them sufficient cover. Given that the officers were in plainclothes and not wearing body armor, the BOPC would have preferred that the officers sought cover, broadcast Subject A's direction of travel and directed the responding units to establish a perimeter rather than pursue him. The BOPC determined that Officer H, who also went in foot pursuit of Subject A, should have maintained a visual on Subject A and broadcast his observations of Subject A's last known direction of travel to responding units.

The BOPC determined that Officer's A, B, and H would benefit from additional training.

The BOPC determined that Officer's C, D and G utilized appropriate tactics, which were consistent with Department training.

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

- The BOPC noted that Officers A, B, C and D observed Subject A brandishing a pistol and pointing it at Officer G. In response, Officers A, B, C and D drew their duty pistols. As the first OIS occurred, Officer G drew his duty pistol. Police Officer H heard the broadcast that Subject A was armed and had committed an assault with a deadly weapon against Officer G. In an attempt to apprehend Subject A, Police Officer H exited his police vehicle and drew his duty pistol.

The BOPC determined that Officers A, B, C, D and H had sufficient information to opine that the situation might escalate to the point where the application of deadly force might arise, and therefore, found their drawing in policy, no action.

### **Lethal Use of Force**

- The BOPC noted that Subject A brandished a pistol at Officer G upon confronting him at the mouth of the alley as Officer B began walking towards Subject A. Officer A, who was walking towards Officer G and Subject A, observed Subject A brandish a pistol and fearing he was going to shoot Officer G yelled, "Gun!" and fired one round at Subject A from approximately 40 feet, missing him. As Subject A fled, he turned his upper body towards Officers A, B and G while extending his arm. From a distance of approximately 49 feet, Officer A fired a second round at Subject A, again missing him.

Simultaneously, Officer B, also at the mouth of the alleyway, drew his pistol and fearing that Subject A was going to shoot at him, fired one round at Subject A from a distance of approximately 42 feet, missing him.

The BOPC determined that Officers A and B reasonably believed that Subject A, who was armed and pointing a pistol at them and Officer G, presented an immediate threat of serious bodily injury and found their use of deadly force in policy.