

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

OFFICER-INVOLVED SHOOTING - 005-06

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
77 th Street	01/29/2006		

Involved Officer(s)	Length of Service
Officer A	11 years, 4 months

Reason for Police Contact

Officers A and B responded to a 9-1-1 call from a resident regarding a man who was carrying a handgun. While attempting to apprehend the suspect, the officers observed the suspect draw what they believed was a handgun and an officer-involved shooting occurred.

Subject(s)	Deceased ()	Wounded (x)	Non-Hit ()
Subject 1: Male, 24 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 subject 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 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 12/19/2006.

Incident Summary

Officers A and B responded to a 9-1-1 call of a man with a gun. Upon arrival at the call location, Officer B observed Subject 1. Officer A drove past Subject 1, who matched the description given by the caller to 9-1-1. The officers then drove several feet backward to pass Subject 1 again. Officer B illuminated Subject 1 with the police vehicle's exterior spot lamp.

Officers A and B exited their police vehicle, drew their service pistols and sought cover. Officer B issued verbal commands to Subject 1 to stop, put his hands behind his head, turn around and face away from the officers. Subject 1 raised his hands but continued walking. Officer B repeated the commands. Subject 1 then stopped, turned, and faced away from the officers.

Subject 1 began questioning Officers A and B as to why he was being stopped. Officer A informed Subject 1 of the 9-1-1 call. Officer A then walked around the front of the police vehicle and towards the front driver's side of a parked, unoccupied vehicle.

As Officer A approached the vehicle, Subject 1 reached behind his back and removed a dark colored object from the area of his right waist. Subject 1 stated, "It's only a B.B. gun." Simultaneously, Officer A observed Subject 1 produce a blue-steel pistol from his waistband and begin raising it. In response, Officer A fired one round from his service pistol, striking Subject 1 in the abdomen. Subject 1 dropped his pistol and fell to the ground. Officer B then broadcast a help call.

As Subject 1 lay on the ground, Officer A issued numerous verbal commands for Subject 1 to "Show his hands." However, Subject 1 did not comply. Officers A and B maintained their positions of cover and awaited the arrival of additional officers before approaching Subject 1.

Officers C and D arrived on the scene. Officer D unholstered his pistol and moved toward Subject 1. As Officers A and B provided cover, Officer C approached Subject 1 and handcuffed him.

LAFD paramedics arrived on the scene and transported Subject 1 to a local hospital.

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 divisional training.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B responded to a high-priority call involving a firearm and did not discuss tactics. Because officers are taught to discuss a variety of tactical issues when working together to ensure the most appropriate response to situations that might arise, the BOPC would have preferred that Officers A and B pre-planned their response to this call.

The BOPC also indicated that Officers A and B's overall communications with Communications Division (CD) were satisfactory. However, the BOPC would have preferred that the officers had notified CD regarding their updated location, direction of travel and a safe direction for responding units to approach.

The BOPC found Officers A and B's tactics to warrant divisional training

B. Drawing/Exhibiting/Holstering

Officers A and B responded to a radio call of a man with a gun. CD provided them with clothing and physical descriptors as well as Subject 1's last known direction of travel. Upon arrival, Officers A and B located and contacted a subject who matched the description and was in proximity of the area related to the call. Officers A and B exited their vehicle, drew their service pistols and contacted the potentially armed subject and attempted to safely detain him for further investigation.

After the officer-involved shooting had occurred, Officer D, who responded to the help call, arrived on-scene and observed Officers A and B in a position of cover with their pistols drawn. Officer D, based on his observations and unaware if the threat of an armed confrontation had been neutralized, drew his service pistol.

The BOPC determined that Officers A, B and D were provided with sufficient information to opine that the situation might escalate to the point where the application of deadly force might arise.

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

C. Use of Force

Officer A, believing Subject 1 to be armed, issued multiple verbal commands. Subject 1 demanded to know why he was being stopped and Officer A went as far as to inform him of the radio call and that he matched the description of the involved armed subject. In response, Subject 1 stated, "It's only a B.B. gun" and reached back into the area of his right rear waistband and removed what Officers A and B believed was a handgun. Fearing that Officer A would be shot and seriously injured or killed, Officer A fired one round from the service pistol striking Subject 1 in the abdomen.

The BOPC concluded that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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