

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

OFFICER-INVOLVED SHOOTING – 006-07

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Newton	01/14/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer A	9 years

Reason for Police Contact

Officers A and B observed Subject 1 exit from a known gang location. The officers attempted to engage Subject 1 in a consensual encounter. When Subject 1 saw the officers, he dropped his hands to his waist and ran back inside the location. Officers believed Subject 1 was armed with a handgun. The officers followed Subject 1. When Subject 1 pointed a handgun at the officers, Officer A fired two rounds at Subject 1.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 34 years.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 and addenda items); the 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 12/18/07.

Incident Summary

Officers A and B were patrolling in a marked police vehicle. The officers observed a male, Subject 1, exit from a wrought iron gate in front of an apartment complex, known to the officers as a street gang location. The officers recognized Subject 1 as a gang member from prior contacts, but could not recall his name. The officers decided to conduct a consensual encounter. Officer A exited the vehicle and said, "Hey can I talk to you?" Officer B advised Communications Division (CD) of their location. Immediately upon seeing the officers, Subject 1 dropped his hands toward his waist and ran back through the gate and into the courtyard of the apartment complex. The officers believed that he was possibly armed with a handgun.

The officers pursued Subject 1 on foot, through the gate and into the courtyard of the apartment complex.

Officer A maintained sight of Subject 1 and observed him run up a staircase in the apartment complex, holding his waistband. Officer A drew his service pistol while at the bottom of the staircase and then followed Subject 1 up the stairs.

When Subject 1 reached the top of the stairs, he lost his footing, turned toward Officer A, and pointed a handgun in his direction. Fearing that he or his partner would be shot, Officer A fired two rounds at Subject 1. Subject 1 fell to the ground and threw the handgun down the hallway. Having heard two gunshots, Officer B rushed to the top of the staircase and observed Subject 1 crawling on the ground. Officer B then broadcast a help call and advised CD of the officers' location; however, Officer B incorrectly described the location, mistakenly providing an address across the street from the officers' actual location.

Officer B indicated that his view of Subject 1 was partially blocked because Officer A stood in front of him. Officer B further explained that when he reached the top of the staircase following the shooting, he "saw the gun fly and "land all the way at the end of the hallway near the restroom," but did not see a weapon in Subject 1's possession.

Believing that Subject 1 could be armed with an additional weapon, Officer B drew his service pistol and requested a Rescue Ambulance (RA). After formulating a plan to arrest Subject 1, Officer B handcuffed Subject 1 without incident while Officer A provided cover.

A RA Unit arrived, treated Subject 1 for multiple gunshot wounds, and transported him to a 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 Officer A and B's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

- The BOPC found Officer A and B's drawing to be in policy.

C. Lethal 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 both officers had discussed tactics on prior occasions and had clearly outlined their roles in the event of a foot pursuit. Officers A and B also demonstrated a proactive work ethic when they attempted to engage a known gang member in a consensual encounter.

As the officers approached Subject 1 in their police vehicle, Officer B appropriately advised Communications Division of their status and location. As Officer A attempted to talk to Subject 1, Subject 1 looked in the officers' direction, grabbed his front waistband, turned, and ran into the courtyard area of the apartment complex. Based on Subject 1's actions, Officers A and B opined that the suspect was armed with a handgun, even though neither one had actually seen a weapon.

Officer A, followed by his partner, pursued the suspect on foot through the courtyard and into an apartment building. It would have been prudent for the officers to broadcast that they were in foot pursuit in order to secure any required resources in a more timely manner. Once the officers approached the entrance to the apartment building, they slowed their pursuit of Subject 1, fearing a potential ambush. Officers A and B then elected to follow Subject 1 up the stairway, fearing that Subject 1 could pose a threat to the occupants of the apartment building. Based on the totality of the circumstances, Officers A and B's decision to follow Subject 1 was not ill advised.

After the officer-involved shooting, Officer B broadcast a help call for an incorrect location. Officer B should ensure his broadcasts are accurate to minimize any potential confusion.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B pursued a possibly armed suspect on foot into an apartment complex and up a narrow flight of stairs. Believing that the situation may have escalated to the point where a use of deadly force may become necessary, Officer A drew his service pistol. Officer B observed this but decided not to unholster his service pistol because he was behind his partner on the narrow staircase. After the officer-involved shooting, Officer A took a position at the top of the stairwell and covered Subject 1. Concerned that Subject 1 may possibly be armed with an additional weapon, Officer B joined his partner and

drew his service pistol.

The BOPC determined that Officers A and B had sufficient information to believe the situation might escalate to the point where deadly force may become necessary.

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

C. Lethal Use of Force

The BOPC noted that when Subject 1 reached the top of the stairwell, Officer A observed Subject 1 lose his footing and start to fall. Simultaneously, Subject 1 turned toward the officers. Subject 1 pointed a handgun at Officer A and, in immediate defense of life, Officer A fired two rounds at Subject 1.

The BOPC determined 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 lethal force to be in policy.