

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

OFFICER-INVOLVED SHOOTING – 010-06

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Newton	02/06/2006		

Involved Officers	Length of Service
Officer A	4 years, 4 months

Reason for Police Contact

Officers A and B were approached by a male who informed them that he had just been the victim of an attempted carjacking by Subject 1, who had displayed a firearm. The officers located a subject who matched the description provided by the victim. The subject fled from the officers, producing a handgun as he did so. An officer-involved shooting occurred when the subject pointed the handgun toward the officers.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 17 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 1 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 23, 2007.

Incident Summary

On the morning of February 6, 2006, Police Officers A and B were conducting a stolen vehicle investigation, when Victim A approached them and informed Officer B that he had just been the victim of an attempted carjacking involving a male who had displayed a firearm.

Note: Officers A and B did not broadcast to Communications Division (CD) that they were investigating Victim A's report of a man with a gun.

Note: According to Victim A, Subject 1 was a male, armed with a dark colored gun.

Officers A and B began to search the area for Subject 1. Approximately one to two blocks from their original location, the officers observed a male whom they believed matched the description of Subject 1. Officers A and B approached this person (Witness A), and received some identifying information from him. Victim A then approached Officers A and B and advised them that they had the wrong person.

Note: Officers A and B did not broadcast their location to CD when they encountered Witness A.

Officers A and B continued to search for Subject 1. As they did so, they noticed a man, later identified as Subject 1. This man matched the description of Subject 1 the officers had been provided with.

Officer B remained seated in the driver's seat of the police vehicle and used the door frame as cover. Officer A exited the police vehicle and took a position outside of the passenger door of the police vehicle. Both officers drew their service pistols, based upon the fact that they were contacting a possible man with a gun. Officer A ordered Subject 1 to face the wall of a building. Officer B also ordered Subject 1 to move up against the wall, face away from the officers, spread his legs, put his hands up above his head, and not move.

Officer A then moved to a standing position behind the right front tire of the police vehicle. Officer B noted that Subject 1 continued to turn his head toward the officers in what Officer B believed was an attempt by Subject 1 to locate them.

Officer B responded by issuing additional commands. Officer B then exited the police vehicle, and Officers A and B then began to approach Subject 1 on foot. Subject 1 then began to run on the sidewalk. Officer A chased Subject 1 by running parallel to him in a traffic lane.

As Subject 1 was running, he removed a blue steel handgun from his waistband with his right hand and then turned toward Officer A. Officer A was fearful that Subject 1 was about to shoot him. Officer A slowed down, began to crouch and took aim at Subject 1. Officer A then fired two shots at Subject 1.

Note: Officer A indicated Subject 1 did not appear to be affected by the first round which struck a building. The second round struck Subject 1 in the left flank.

Officer A heard Subject 1 scream. However, Subject 1 continued to run away from the officers.

Officer A continued to run parallel to Subject 1 on the street, using parked vehicles as cover. Officer A de-cocked his pistol and re-holstered it as Officer A ran. Subject 1 then turned and ran down a driveway. Officer A followed Subject 1 down the driveway. Meanwhile, Officer B parked the police vehicle in the roadway near the driveway, exited, re-drew Officer B's service pistol, and followed behind Officer A.

Note: As Officer B ran down the driveway, he broadcast his location to CD. This was the first broadcast made by the officers regarding their investigation into the incident.

Subject 1 ran into in a confined area between a fence and a carport. Subject 1 then jumped over two large trashcans blocking his path. At that time, Officer A drew Officer his service pistol a second time, concerned that Subject 1 was still armed with a gun. As Officer A was chasing Subject 1, Officer A ordered Subject 1 to drop the gun and to stop.

According to Officer A, as Subject 1 began climbing the fence, Subject 1's head and gun turned toward him. Officer A once again believed that Subject 1 was about to fire at Officer A and in response, Officer A fired one round at Subject 1, missing Subject 1.

Subject 1 scaled a fence and ran through the back yard of a residence. Officer A looked over the fence, saw Subject 1 running through the back yard, re-holstered his pistol, and followed Subject 1 over the fence. Officer B also re-holstered his pistol and climbed over the fence. However, the officers lost sight of Subject 1.

Subject 1 was taken into custody following a search of the area by assisting officers.

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 tactics to warrant administrative disapproval.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B and C's drawing and exhibition of a firearm 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 Victim A advised Officers A and B that he was seated in his vehicle when Subject 1 approached and pointed a handgun at him. Although the officers were contacted by Victim A and provided with a detailed description of Subject 1, the BOPC noted that Officers A and B did not advise CD of their location or broadcast Subject 1's description to units that were in the area who could assist in the search for him. The BOPC would have preferred that they had done so.

Additionally, the BOPC noted that Officers A and B did not use sufficient resources before initiating their search to locate and confront a potentially armed subject. Officers A and B should have requested an additional patrol unit and air unit to assist with locating Subject 1 and provided CD with a description of Subject 1.

The BOPC further noted that in an effort to locate Subject 1, Officers A and B drove around and located a possible suspect. The officers exited their police vehicle, but did not advise CD of their location and status with the possible suspect. The BOPC would have preferred that they had done so. Although the circumstances of the detention warranted the use of the customary practice of searching/detaining an armed suspect (high-risk prone search) which is universally-recognized, Officers A and B approached Witness A with a conversational demeanor and conducted their questioning of Witness A without taking the desired tactical measures to enhance officer safety.

The BOPC noted that as the officers were conducting their investigation, Victim A drove up to the officers and advised them that the individual they had detained was not the perpetrator. The officers drove on another street and observed Subject 1 walking on the sidewalk. Officers A and B once again failed to advise CD of their location and status with Subject 1. The BOPC would have preferred that they had done so.

The BOPC also noted that Officers A and B both proceeded to issue verbal commands to Subject 1. Officers are trained that when multiple officers give commands, it may create confusion in the mind of a subject.

The BOPC noted that Subject 1 initially complied with the officers' directive to turn and face his body away from them and place his hands above his head; however, they again did not use the customary practice of the high-risk prone search. Additionally, the BOPC noted that Officer B holstered his weapon and left cover to handcuff Subject 1, even after noting that Subject 1 was continuously looking around as if he was considering an escape route or an assault on the officers. The officers should have maintained their positions of cover and ordered Subject 1 into a high-risk prone position as warranted by the circumstances of the incident and considered waiting for sufficient backup to arrive before initiating contact.

The BOPC noted that as Officers A and B made their approach, Subject 1 ran down a street. Officers A and B initiated the foot pursuit without broadcasting their location, direction of travel, Subject 1's description, or type of crime. The BOPC would have preferred that they had done so.

The BOPC noted that as the officers ran after Subject 1, he turned his head, extended his right arm, and pointed a handgun toward Officer A. In immediate defense of Officer's A life, Officer A fired two rounds at Subject 1. Subject 1 appeared to be unaffected by the rounds and continued to run eastbound on a street. The BOPC then noted that Officer A de-cocked and holstered his service pistol, and while using the parked vehicles as cover, pursued Subject 1 on foot. Simultaneously, Officer B returned to the police vehicle and followed Subject 1 and Officer A. The BOPC noted that Officer B, regardless of his proximity to the police vehicle, should have remained on foot with Officer A.

The BOPC noted that Officer B intended to use the vehicle to drive past Subject 1 and cut him off. This is a highly discouraged tactic because it inherently places the officers at a significant disadvantage by increasing the likelihood of a cross-fire situation, and it restricts the movement of the officer in the event the subject deliberately converges on the officer while still seated in the police vehicle.

The BOPC further noted that Subject 1 ran down a residential driveway. Officer A placed himself at a tactical disadvantage, as Officer A had neither cover nor concealment as Officer A closed the distance between Subject 1 and Officer A.

The BOPC noted that Officer A clearly initiated the foot pursuit with the intent to apprehend Subject 1. Once a reasonable amount of cover became unavailable, Officers A and B should have established a perimeter by directing responding units to specific perimeter positions to contain Subject 1.

The BOPC is critical of the tactics utilized by Officers A and B. The cumulative tactical errors and decisions by Officers A and B compounded to make their performance seriously deficient, warranting administrative disapproval.

B. Drawing/Exhibiting/Holstering

The BOPC noted that as Officers A and B drove on a street, they noted that a person who matched the description of Subject 1 who had pointed a handgun at Victim A. Officers A and B exited their police vehicle and drew their service pistols. The BOPC determined that Officers A and B had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

The BOPC further noted that Officer C was on the perimeter positioned in front of a residence, the last known location of Subject 1. Officer C heard a broadcast that Subject 1 was “coming out” and Officer C drew Officer C’s service pistol. The BOPC determined that Officer C had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

The BOPC found Officers A, B, and C’s drawing of their firearms to be in policy.

C. Use of Force

The BOPC noted that as Officer A ran, Subject 1 pointed a handgun at Officer A. Officer A, fearing that he was about to be shot by Subject 1, fired one round at Subject 1. Subject 1 appeared unaffected and continued running with his right arm still extended toward Officer A. Officer A assessed, then fired a second round at Subject 1.

The BOPC noted that Subject 1 ran in the driveway of a residence. As Officers A and B proceeded down the driveway, Subject 1 began to climb a fence. When Subject 1 reached the top of the fence, he turned to his right and pointed his handgun at Officer A. Officer A, fearing that Officer A may be shot, fired a third and final round 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.