

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

OFFICER-INVOLVED SHOOTING – 010-07

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Van Nuys	02/01/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	18 years, 8 months
Officer C	4 years, 1 month

Reason for Police Contact

Officers A and B observed Subject 1 driving over speed bumps in a shopping mall parking lot at a high rate of speed. When Officer B entered the incorrect license plate number into the California Department of Motor Vehicles' database, the result led the officers to believe that Subject 1's vehicle had been stolen. A vehicle pursuit ensued. At the conclusion of the pursuit, Subject 1 fired a handgun at the officers, prompting the officers to return fire.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 19 years of age.			

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 11/20/07.

Incident Summary

Officer A and Officer B drove their police vehicle through the parking lot of a shopping center. While driving through the parking lot, the officers observed a male, Subject 1, drive over speed bumps at a high rate of speed. When Officer A read Subject 1's license plate number aloud, Officer B queried the number through the California Department of Motor Vehicles' (DMV) database. However, in doing so, Officer B incorrectly entered the license plate number. When the result of the query showed a different vehicle, the officers formed the belief that Subject 1's vehicle was stolen.

Officer B then advised Communications Division (CD) that they were following a “cold plated” vehicle and requested an Air Unit and a back-up.

Officer A then activated his vehicle’s emergency equipment and initiated a pursuit when Subject 1 did not yield.

Officers C and D heard Officers B’s broadcast and joined the pursuit as the secondary unit. Sergeant A also heard Officer B’s broadcast and joined the pursuit as the monitoring supervisor. The pursuit terminated when Subject 1 stopped and opened the driver’s side door of his vehicle. Officer A stopped his police vehicle and kicked open the driver’s side door. Officer A then observed Subject 1 exit his vehicle and turn in their direction and raise a handgun. Subject 1 then fired one round at the officers, stepped toward the officers’ vehicle and fired an additional round, prompting Officer A to kneel behind his driver’s side door and draw his service pistol. Two rounds fired by Subject 1 struck Officers A and B’s vehicle.

Officer A raised up from his kneeling position and fired four rounds at Subject 1, then ducked back down behind his vehicle door.

Meanwhile, as Officer B exited his vehicle from the passenger side, he heard two shots and then heard additional gunshots. Officer B then drew his service pistol and pointed it in Subject 1’s direction, but did not fire his weapon because he did not have a good view of the subject.

Officer C who, at this point, had already positioned his police vehicle near Officer A’s police vehicle, exited and observed Subject 1 turn toward the officers with a gun in his hand. Officer C then moved toward nearby parked vehicles that provided cover and drew his service pistol. Officer C heard two gunshots and observed Subject 1 point a handgun in his direction, causing him to believe that he was going to be shot. Officer C then fired one round at Subject 1. Officer D also observed Subject 1 exit his vehicle, point a handgun at the officers, and fire at them. Upon hearing three shots and seeing smoke emanate from Subject 1’s handgun, Officer D exited his vehicle and drew his weapon, but did not fire it because Officer A stood in his line of fire.

Struck by gunfire, Subject 1 fell to the pavement and dropped his gun. The officers then approached and arrested Subject 1 without further incident.

Note: Officer C did not de-cock his pistol prior to approaching Subject 1.

Noting that Subject 1 was injured, Sergeant A requested a Rescue Ambulance (RA). An RA Unit arrived at scene, treated Subject 1, and transported him to the hospital, where he was further treated for gunshot wounds.

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 C's tactics to warrant divisional training.

The BOPC found Officers A, B and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

The BOPC found Officers A and C's use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B observed Subject 1 driving his vehicle at a high rate of speed through a shopping mall parking lot. The officers appropriately elected to investigate, which ultimately resulted in a vehicle pursuit. Once the pursuit terminated, the involved officers used prudent tactics that resulted in no injuries to themselves or uninvolved citizens.

The investigation established that Officer C did not de-cock his pistol after discharging it and prior to moving forward as a covering officer.

The BOPC found Officer C's tactics to warrant divisional training.

The BOPC found Officers A, B and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that at the termination of the pursuit, Officers A, B, C and D observed Subject 1 open the driver's door, exit, and fire his handgun. Fearing they were about to be shot, Officers A, B, C and D drew their service pistols.

The BOPC determined that Officers A, B, C and D had sufficient information to believe

that the situation had escalated to the point where deadly force was necessary.

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

C. Lethal Use of Force

The BOPC noted that at the termination of the pursuit, Subject 1 exited his vehicle and stepped towards Officers A and B's police vehicle, while holding a gun in his hand. Officer B heard popping noises and observed muzzle flashes coming from the gun that Subject 1 was holding and formed the opinion that he was being fired upon. In fear for his life, Officer A fired four rounds at Subject 1.

Simultaneously, Officer C positioned his police vehicle near Officer A's vehicle and moved to a position of cover. Officer C then observed Subject 1 exit the vehicle and turn in his direction armed with a handgun. Officer C heard two gunshots and observed muzzle flashes coming from Subject 1's handgun. In fear for his life, Officer C fired one round at Subject 1.

The BOPC determined that Officers A and C reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

The BOPC found Officers A and C's use of lethal force to be in policy.