

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

**OFFICER-INVOLVED SHOOTING – 011-07**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
77 <sup>th</sup> Street	02/02/2007		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	3 years, 9 months
Officer B	7 years, 6 months

**Reason for Police Contact**

Officers A and B were part of a plainclothes surveillance operation. As a result of prior contacts, Officers A and B recognized gang members who were loitering. Subject 1 made a gang hand sign at the officers, ran toward the officers' vehicle while brandishing a handgun, and fired his weapon. Officers A and B both returned fire.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
Subject 1: Male, 21 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 12/11/07.

## **Incident Summary**

Officers A and B were in plainclothes, and were assigned to drive into high crime areas, monitor criminal activity and report their observations to uniformed officers. Uniformed officers would then respond and investigate the officers' reports.

Officers A and B were driving a plain vehicle and were part of a team with five other plainclothes officers: Officers C, D, E, F and Sergeant A. Uniformed Officers G, H, I and J were assisting. Sergeant A was the unit supervisor.

Officers A and B observed a group of individuals the officers believed to be gang members, loitering in front of an apartment complex. As a result of prior contacts, the officers had knowledge that members of a particular street gang frequented this location. The individuals observed loitering at this location included Subject 1 and Witnesses A, B, C and D.

Officers A and B informed the other officers of their observations. The officers formulated a plan whereby Officers A and B would take up an observation post while the other officers responded to the area and took up positions on the perimeter.

As Officers A and B drove by the location, Subject 1 made a gang hand sign at them. Subject 1 then produced a handgun and ran towards the officers' vehicle.

Officer A heard some yelling because his window was down and saw Subject 1 running behind his vehicle while holding a pistol. Officer A unholstered his weapon.

Officer B heard his partner say one of the subjects had a gun; he then made a radio broadcast that subjects might have been coming towards them with a gun. Immediately following this broadcast, Subject 1 raised the handgun and began firing toward the officers. Two rounds struck the officers' vehicle.

As soon as Subject 1 began firing at the officers, Officer A stopped their vehicle. From a seated position, twisting to his left and pointing his pistol out the vehicle's open driver window, Officer A fired all 14 rounds in his pistol at Subject 1.

Officer A then dove onto the floorboard of his vehicle and yelled at Officer B to throw him a magazine. Officer B drew his pistol, exited the vehicle, faced the subject, and returned fire. Officer B also identified himself as LAPD and ordered Subject 1 to put his gun down. After leaving the officers' vehicle, Officer B sought cover behind a parked vehicle.

Officer B fired 13 rounds at Subject 1, reloaded, and fired one additional round at Subject 1. As he was firing at Subject 1, Officer B was shouting, "LAPD, drop your gun. LAPD, drop your gun." Officer B then slid a magazine over to Officer A, which Officer A inserted in his pistol.

Subject 1, who had been firing from a kneeling position in the street, was struck with multiple rounds, fell and dropped his pistol.

Officer A broadcast that shots had been fired and that the officers needed help. Officers G, H, K, L, and Sergeant A responded to the scene.

Officers G, H, K and L formulated a plan for safely approaching and handcuffing Subject 1. The officers moved in and handcuffed Subject 1 without further incident. Officer C requested a Rescue Ambulance (RA) for Subject 1.

### **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's tactics to warrant divisional training.

The BOPC found Officer B's tactics to be appropriate.

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

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

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

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that Officers A and B were not wearing ballistic vests during this incident. The officers' assignment was more consistent with plainclothes

operations versus an undercover capacity. As such, it would have been prudent for the officers to wear ballistic vests.

Officer A fired all of the rounds contained within his service pistol. Officer A did not have additional ammunition with him as required for plainclothes duty. Officer A requested that Officer B give him one of his magazines, placing Officer B at a disadvantage should he have needed additional ammunition.

Officers A and B did not advise Communications Division (CD) of their location and status prior to the Officer Involved Shooting (OIS). Once the officers realized that Subject 1 was armed and following them, the incident rapidly escalated to a life-threatening one. The BOPC was satisfied that Officers A and B had sufficient units nearby and that they were aware of the officers' status in the event that they needed assistance or help.

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

The BOPC found Officer B's tactics to be appropriate.

## **B. Drawing and Exhibiting**

The BOPC noted that Officers A and B turned onto a street and observed Subject 1 holding a pistol in his right hand and running toward their vehicle. Subject 1 then began to fire at the officers, striking the rear window of their vehicle. Realizing that the situation had escalated to the point where deadly force may become necessary, Officers A and B drew their service pistols.

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

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

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

Subject 1 ran toward the officers' vehicle, pointed and fired his pistol at them, striking the rear window of their vehicle twice. Fearing he or his partner were about to be killed, Officer A drew his service pistol, and while still seated in the vehicle fired 14 rounds at Subject 1 to stop his deadly actions.

Officer A remained low and crawled along the front floorboard of the vehicle and exited the passenger side door. Officer A continued to provide cover over Subject 1 as he lay on the street. Officer A stopped firing at Subject 1 once Subject 1 stopped firing at the officers and was no longer an active threat.

Simultaneously, Officer B drew his service pistol, exited the passenger side door, and turned to face Subject 1. Subject 1 continued to fire at the officers and, fearing that he or Officer A was about to be killed, Officer B fired a total of 14 rounds at Subject 1. Subject 1 fell to the street after being struck by the officer's gunfire.

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

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