

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

**OFFICER-INVOLVED SHOOTING – 016- 05**

| <b>Division</b> | <b>Date</b> | <b>Duty-On(X) Off()</b> | <b>Uniform-Yes(X) No()</b> |
|-----------------|-------------|-------------------------|----------------------------|
| Harbor          | 02/17/05    |                         |                            |

| <b>Officer(s) Involved in Use of Force</b> | <b>Length of Service</b> |
|--|--------------------------|
| Officer A                                  | 9 years                  |
| Officer B                                  | 6 years                  |

**Reason for Police Contact**

Officers recognized a known gang member (Subject 1) who was standing with a group of people outside an apartment building. Subject 1 ran away upon seeing the officers. The officers pursued Subject 1 on foot.

**Subject**

Subject 1: Male, 22 years-of-age (wounded).

**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 and involved officers 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 February 15, 2006.

**Incident Summary**

On Thursday, February 17, 2005, Harbor Area Gang Enforcement Detail uniformed Police Officers A and B were on patrol when they saw a group of three or four males standing in front of an apartment building. The officers recognized a member of the group as Subject 1, a 22-year-old member of a local gang. The officers were aware that Subject 1 had previously been suspected of involvement in a homicide where a bystander was killed in a gang-related shooting, and that he had previously been arrested on a felony warrant for possession of a firearm.

The officers drove past the group and stopped their police vehicle in an adjacent driveway. As they did so, Subject 1 ran to the side of the apartment building. The officers broadcast a request for an additional unit to join them and began to pursue Subject 1 on foot by running down a driveway parallel to the path taken by Subject 1. As Officer A continued along the driveway, Officer B decided to split from his partner and go around an adjacent building in an attempt to intercept Subject 1. As Officer A continued the pursuit, he saw Subject 1 run into a narrow walkway along the side of the apartment building. Officer A followed Subject 1 into the walkway. As Officer A turned into the walkway, he saw Subject 1 step into a recessed area on the side of the building. Familiar with the layout of the building, Officer A knew that there was no exit available to Subject 1 from this recessed area.

Officer A stopped the foot pursuit and drew his radio, intending to broadcast Subject 1's location. Subject 1 then leaned around the corner of the recessed area, pointed a 9mm semi-automatic pistol at Officer A and said, "You're dead." Subject 1 then began firing in Officer A's direction. Officer A dropped his radio and drew his pistol. As Subject 1 fired, Officer A began to retreat along the walkway. Officer A fired nine rounds as he moved back to a position of cover. As Officer A retreated, Subject 1 fired six rounds. None of the rounds struck the officer.

Subject 1 retreated into the recessed area, out of Officer A's sight. Officer A reloaded his pistol, then saw Subject 1 exit the recessed area, look in his direction, and jump over an adjacent wall. Officer A saw that Subject 1 was still holding a pistol. As Subject 1 jumped over the wall, Officer A fired one round at him. Officer A then looked over the wall and saw Subject 1 lying on the ground. Subject 1 then stood up and ran away. Officer A holstered his pistol, scaled the wall and continued towards a nearby street where the officer anticipated Subject 1 would emerge.

Meanwhile, Officer B ran around the adjacent apartment building and scaled a wall. Officer B heard gunshots and, believing that Officer A and Subject 1 were exchanging gunfire, drew his pistol and his radio. Officer B then broadcast "Shots fired. Officer needs help," and indicated a nearby intersection as his location. Officer B, believing that Subject 1 might exit onto a nearby street, made his way to that location. Officer B then saw Subject 1 run onto the sidewalk holding a pistol in his right hand.

Officer B addressed Subject 1 by name and told him to drop the gun. Subject 1 then turned his upper body towards Officer B and pointed his pistol at the officer. Officer B fired one round at Subject 1. Officer B saw that Subject 1 continued to point the pistol towards him and again instructed Subject 1 to drop the weapon. Subject 1 did not comply, and Officer B fired a second round at him. Subject 1 then dropped his pistol and fell to the ground.

Having heard Officer B's gunfire, Officer A made his way onto the street, unholstered his pistol and joined his partner. Then, as Officer B acted as cover officer, Officer A reholstered his pistol, approached Subject 1 and handcuffed him. Once Subject 1 was handcuffed, Officer B reholstered his pistol.

Officer B broadcast that there was a suspect down with gunshot wounds and requested a Rescue Ambulance (RA). An RA responded to the scene. Paramedics administered treatment to Subject 1 and transported him to Harbor UCLA Medical center. It was subsequently determined that Subject 1 had sustained a single, non-fatal gunshot wound to his right shoulder blade.

### **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 done in 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.

The BOPC adopted the following findings:

#### **A. Tactics**

The BOPC unanimously found that Officers A and B will benefit from additional training.

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

The BOPC unanimously found Officers A and B's drawing/exhibition/holstering of a firearm to be in policy.

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

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that Officers A and B broadcast a request for an additional unit but did not broadcast that they were in foot pursuit. It was further noted that Officer B, without Officer A's knowledge, elected to separate from his partner and run westbound in an attempt to cut off Subject 1. As a result, the officers failed to maintain visual or audible contact with one another and were placed in a possible crossfire situation. The BOPC noted that Officers A and B did not communicate and discuss a tactical plan with each other prior to stopping, and that they did not properly plan their foot pursuit tactics or advise Communications Division (CD) of their location and status. The BOPC noted that the officers did not request a backup and an air unit but continued to pursue Subject 1, and that, when each officer involved shooting occurred, both officers did not immediately attempt to contact one another after each heard gunfire. Finally, the BOPC

noted that, at the conclusion of the incident, neither officer requested a supervisor or updated CD that the suspect was in custody.

The BOPC would have preferred that the officers had broadcast their location and status, that they were in foot pursuit, the direction of travel of the pursuit and requested an air unit and a perimeter. Although Officer A did not realize Officer B was not with him until he reached the area near where the first officer involved shooting occurred, the BOPC would have preferred that he had stopped and maintained his position and communicated with his partner. Both officers could then have made a coordinated approach to positions of cover until additional units arrived, rather than placing themselves in a possible crossfire situation. The BOPC noted that both officers were focused on the capture of the suspect due to their concerns for the safety of the neighborhood and its occupants, and that those concerns led to shortcomings in their tactics.

The BOPC found that Officers A and B will benefit from additional tactical training by Training Division.

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

The BOPC noted that Officers A and B were confronted by an armed suspect, and that Officer A was fired upon. The BOPC found that Officers A and B were clearly involved in a situation that may escalate to the point where deadly force may become necessary and found their drawing and exhibition of a firearm in policy.

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

The BOPC noted that, for Officer A's first through ninth round, the officer was under deadly attack by an armed assailant who fired multiple gunshots at him and that the officer reasonably believed that the suspect's actions could result in serious bodily injury or death. The BOPC further noted that, for his tenth round, Officer A fired at Subject 1 to prevent his escape into the community. The BOPC found that, based on his knowledge of Subject 1's criminal history and having just engaged Subject 1 in a gun battle where Subject 1 lay in wait for the officer, it was reasonable for Officer A to believe that if Subject 1 eluded capture, he presented an immediate deadly threat to the community. Accordingly, the BOPC found Officer A's use of force in policy.

The BOPC noted that Officer B was confronted by an armed subject whom he believed had just been involved in an armed confrontation with his partner, that the subject failed to follow Officer B's commands to drop the gun and that the subject pointed the gun at the officer. The BOPC found that Officer B reasonably believed that Subject 1's actions could result in serious bodily injury or death and found the officer's use of force in policy, requiring no action.