

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

OFFICER-INVOLVED SHOOTING – 016-07

| <u>Division</u> | <u>Date</u> | <u>Duty-On(X) Off()</u> | <u>Uniform-Yes(X) No()</u> |
|------------------------|--------------------|--------------------------------|-----------------------------------|
| Southeast | 02/16/2007 | | |

| <u>Officer(s) Involved in Use of Force</u> | <u>Length of Service</u> |
|---|---------------------------------|
| Officer A | 11 years, 6 months |

Reason for Police Contact

Officers A and B observed Subject 1 shooting Witness A. Officer A fired his pistol at Subject 1.

| <u>Subject</u> | <u>Deceased ()</u> | <u>Wounded ()</u> | <u>Non-Hit ()</u> |
|--|---------------------------|--------------------------|--------------------------|
| Subject 1: Unidentified Male (unknown if hit). | | | |

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 01/08/08.

Incident Summary

Officers A and B were assigned to a crime suppression detail. As Officer A drove their police vehicle in search of narcotic activity, Officer B observed a male, Witness A, walking on the sidewalk and being followed by another male, Subject 1. Subject 1 then pointed a gun toward Witness A's head and fired approximately four rounds at him.

Officer B alerted his partner of his observations by yelling, "Gun," and observed Subject 1 fire several more rounds at Witness A. Officer A also heard the gunshots and believed the officers were being shot at because of the close proximity of the gunfire. Officer B broadcast, "Officer needs help! Shots fired." Officer A stopped the police vehicle at an intersection where he and his partner exited and drew their pistols. Once out of the police vehicle, Officer B utilized the vehicle's rear as cover while Officer A stood alongside the vehicle. Officer A observed Subject 1 fire several additional rounds

at Witness A. Officer A yelled, "Stop...Police;" however, Subject 1 did not comply and fired two additional rounds at Witness A. In order to defend Witness A's life, Officer A fired two rounds at Subject 1.

Note: Although Officer B assumed that Witness A was struck by gunfire, neither Officer A nor B actually observed any of Subject 1's bullets strike Witness A. It is unknown whether Subject 1 sustained any injuries as a result of Officer A's gunfire.

Subject 1 then entered the front passenger seat of an awaiting vehicle. When the vehicle began to accelerate, Officer A yelled, "They're in the car, they're in the car." The officers then holstered their weapons and returned to the police vehicle. Officer A negotiated a U-turn to follow the vehicle while Officer B advised Communications Division (CD) that the officers were in pursuit.

At one point during the pursuit, Subject 1's vehicle momentarily stopped at an address, causing the officers to believe they were being set up for an ambush. When the pursuit continued, Officer B requested an Air Unit; however, the officers lost sight of Subject 1's vehicle before an Air Unit arrived at their location. The officers then terminated the pursuit and searched the area for Subject 1. Subject 1 was not located.

An RA Unit arrived at the scene of the shooting, treated Witness A 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 Officers A and 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 Officer A's lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that Officer A and B's tactics were satisfactory throughout this incident.

Once the shooting began, Officer A immediately stopped the police vehicle, fearing that he and his partner were being fired upon. Officer A did not have time to deploy the police vehicle in a more advantageous position due to the shooting in progress, and the need to take immediate action in defense of Witness A as well as his and Officer B's lives. The officers exited their vehicle in an effort to gain cover and confront Subject 1. Although it would have been preferable for Officer A to deploy behind cover, the immediacy of the threat precluded him from doing so.

After hearing several gunshots, Officer A observed Subject 1 point a handgun at Witness A, verbally identified himself as a police officer, and ordered Subject 1 to stop. Subject 1 did not comply and fired two more rounds at Witness A. Officer A fired two rounds at Subject 1 to stop his continued attack on Witness A. Subject 1 entered an awaiting vehicle and fled from the scene.

Officer A advised Officer B that Subject 1 had entered the awaiting vehicle. After initiating the pursuit, Officer B broadcast continuous updates and requested an Air Unit. Once the vehicle was no longer in Officers A and B's sight, they continued to check the area.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer B observed what he initially believed to be a narcotics transaction, which quickly developed into a shooting in progress. Realizing that the situation had escalated to the point where deadly force may become necessary, Officers A and B exited their vehicle and drew their weapons.

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 to be in policy.

C. Lethal Use of Force

The BOPC noted that Officers A and B were confronted with a shooting in

progress. Officer A believed that they were being fired upon. Officer A then observed the subject firing at Witness A while on the sidewalk. In immediate defense of Witness A, Officer B's, and his own life, Officer A fired two rounds to stop Subject 1's deadly assault.

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.