

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

OFFICER-INVOLVED SHOOTING – 020-05

Division	Date	Duty-On(X) Off()	Uniform-Yes() No(X)
Northeast	03/03/2005		

Officer(s) Involved in Use of Force	Length of Service
Officer A	6 years
Officer B	4 years, 5 months
Officer C	8 years, 7 months

Reason for Police Contact

Officers working a quality of life detail confronted two males that appeared to be drinking alcohol in public. One male produced a handgun and pointed it at the officers. One officer responded by firing two rounds at the armed individual.

Subject	Deceased ()	Wounded ()	Non-Hit (x)
Subject 1: Male, 19 years of age.			

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 other 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 28, 2006.

Incident Summary

In the early evening of March 3, 2005, Officers A, B and C were working plainclothes and driving an unmarked car. The officers were part of an operation patrolling the area for "quality of life" violations.¹ Officer B was driving with Officer C sitting in the back seat behind Officer B, and Officer A sitting in the front passenger seat.

¹ This includes violations related to actions such as tagging, drinking in public, burglary from motor vehicles, and narcotic-related offenses.

The officers observed two males on the sidewalk. One of the males appeared to be drinking alcohol. The officers believed that both males were underage. Additionally, as the officers drove by, Officer C observed the male on the bicycle look directly at him, make a gesture of throwing his hands up and nodding in a "what's up" style gesture. The officers circled the block to return to the location where the young males were first observed. As the officers were driving around the block, they observed the same two males. One male, later identified as Witness 1, was walking toward the officers' car down the middle of the street. The other male, later identified as Subject 1, was riding his bicycle alongside Witness 1.

The officers decided to stop the two individuals. Officer B pulled the vehicle to a stop approximately fifty feet in front of Witness 1 and Subject 1. Subject 1 then reached to his waistband, drew a handgun and pointed it directly at the officers as they were exiting their vehicle. Officer A, exiting from the front passenger position of the car, drew his service pistol, identified himself as "Police," and fired two rounds at Subject 1. Subject 1 then turned on his bike and rode away from the officers. Officers B and C continued to exit the vehicle, drew their service pistols and, with Officer A, pursued Subject 1.

Witness 1 ran from hid in a nearby business. Officer A broadcast the foot pursuit. Communications Division ("CD") received a follow-up broadcast that included information that shots had been fired, a suspect description, the direction of travel of the suspect and that the suspect was on a bicycle. As Subject 1 fled, a witness observed an individual who matched the description of Subject 1 peddling a bike and carrying a "shiny" object later described "like a nine – millimeter or - - the ones from the TV. . ."

The officers began to pursue Subject 1 on foot; however, they were unable to keep up with Subject 1 on his bicycle. The officers contacted an air unit for assistance.

The officers then holstered their pistols and awaited arrival of back-up units and a supervisor. A perimeter was established. Subject 1 was arrested nearby, approximately 15 minutes later, after a citizen had called 911 indicating that a young male was asking to be let in his residence because the police were after him. Subject 1 was taken into custody without incident by responding officers. When taken into custody, Subject 1 did not have the gun in his possession. Officer B positively identified Subject 1 as the individual that had brandished the firearm at the officers. In an effort to locate Subject 1's gun, a K-9 Unit was dispatched to conduct an article search. Although the gun was not located, several items were located and seized. Some of the items included bagged narcotics, a holster and a bicycle.

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 the following areas: Tactics of the involved officer(s); Drawing/ Exhibiting/ Holstering of a weapon by any involved officer(s); the Use of Force by any involved officer(s), and any additional pertinent issues. 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, B and C 's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B and C's drawing 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 concerns related to the officers' communication and their involvement in the foot pursuit. During the time it took to circle the block prior to the Officer-Involved Shooting ("OIS") the officers had time to communicate their location and request backup in the form of a marked unit. Additionally, since the officers were each equipped with a radio, it would have been preferable to have one of the officers monitoring the local Area frequency and to broadcast their location upon contacting the subjects. Further, the BOPC was concerned that Officer C did not communicate Subject 1's actions/gestures when they first drove by Subject 1. Additionally, the BOPC was concerned that officers were not wearing raid jackets or other attire that would have better identified them as police officers.

The BOPC further noted that during the foot pursuit, the officers ran after the subject with guns drawn. The BOPC determined that the officers should have holstered their firearms during the foot pursuit to reduce the possibility of a negligent discharge. The BOPC also expressed concern that the officers did not, immediately upon engaging in the foot pursuit, request backup or broadcast a description of the subject, direction of travel, what the subject was wanted for or request an air unit. Although ultimately done, the BOPC determined that the officers should have done this at the initiation of the foot pursuit.

Finally, the BOPC was concerned that the officers seemed to ignore the possible threat posed by Witness 1.

The BOPC found Officers A, B and C 's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A, B and C were confronted by Subject 1 who was pointing a handgun at them. The BOPC determined that Officers A, B and C had sufficient information to believe the situation might escalate to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC considered that Officer A observed Subject 1 reach toward his right front waistband area, pull a handgun and point it directly at Officer A. Officer A drew his service pistol, identified himself as a police officer and, fearing for his life and the life of his partners, fired two rounds at Subject 1.

The BOPC found Officer A's use of force to be in policy.