

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

OFFICER-INVOLVED SHOOTING – 022-07

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southwest	03/04/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	2 years, 10 months

Reason for Police Contact

Officers A and B responded to an unknown trouble call. Witness A flagged down the officers and informed them that he had been the victim of a robbery. Witness A identified Subject 1 as the perpetrator. When the officers attempted to apprehend Subject 1, Subject 1 pointed a gun at Officer A. Officer A then fired at Subject 1.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Male, 25 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 01/22/08.

Incident Summary

Officers A and B responded to an "unknown trouble" radio call. Witness A flagged the officers down. Witness A informed the officers that he had been robbed at gunpoint by a male, Subject 1, and provided them with the subject's description. Officer B then negotiated a U-turn and drove toward Subject 1, who was jogging down the street, while Officer A advised Communications Division (CD) that the unknown trouble call was, in fact, a robbery.

Officer A advised CD that they were following the subject while Officer A stopped the police vehicle near Subject 1's position on the sidewalk.

Subject 1 placed his hands in his waistband and concealed them from view with his shirt. Believing that Subject 1 was possibly armed, and while still seated in the police vehicle, the officers drew their weapons and ordered Subject 1 to stop and to put his hands up. Officer B tracked Subject 1 through the front windshield of the police vehicle while Officer A aimed at Subject 1 through the window of his door. Subject 1 did not comply with the officers' instructions and ran. Officer A then holstered his weapon and pursued Subject 1 on foot while Officer B holstered his weapon and briefly remained with the police vehicle to ensure that it was secured. According to Officer A, he broadcast that he was in foot pursuit.

Note: Although Officer A indicated that he broadcast he was in foot pursuit, this was not captured by CD. However, CD did receive a broadcast in which the officers can be heard saying, "Put your hands up."

Upon reaching an intersection, Officer A paused and looked back toward his partner. When he saw that Officer B was moving away from the police vehicle, towards him, Officer A pursued Subject 1. During the pursuit, Officer A realized that he was in an unsafe position, and moved to his right where several parked cars and trees would afford him cover. However, before Officer A could reach that cover, Subject 1 stopped and turned toward Officer A, drew a revolver, and pointed it in Officer A's direction. Immediately recognizing the revolver and believing that he was going to be shot by Subject 1, Officer A drew his weapon with his right hand and fired two rounds in rapid succession at Subject 1. Subject 1 was struck once and fell to the ground, dropping the revolver. Officer A then moved forward and pushed the gun out of Subject 1's reach with his left foot.

Officer A attempted to place a "help" call over his radio but was unable to do so because of heavy radio traffic, and so activated the help button on his radio. Officer B indicated that when he attempted to place a help call on his radio, the screen was blank. When Officer B caught up to his partner, he grabbed Officer A's radio, broadcast a help call and requested a Rescue Ambulance (RA) for the subject.

Because Officer A had pushed the revolver in front of a residence with an open door, he picked it up because he didn't know who was going to come out of the house. Officer A then requested a RA while he and his partner maintained their positions and waited for the arrival of additional units.

Sergeant A and Officer C arrived at scene to render assistance. Sergeant A directed the officers to handcuff Subject 1. Once Subject 1 was handcuffed, the officers holstered their weapons. Sergeant A and Officer C directed Officer A to place the revolver back onto the ground. Officer A did as directed.

An RA unit arrived at scene and transported Subject 1 to a hospital, where he was subsequently pronounced dead.

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, B, and C and Sergeant A's tactics to warrant divisional training.

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 was generally satisfied with the performance of Officers A and B. The officers' quick assessment of the pertinent facts, once they became known, ultimately led to Subject 1's apprehension.

Upon Officer A's pursuing Subject 1 on foot, Officer B secured the police vehicle prior to engaging in the foot pursuit with Officer A. As Officer A continued to pursue Subject 1, he paused and looked back to verify that Officer B was with him, prior to fully rounding the corner. Once he realized Officer B was behind him, he continued to pursue Subject 1. Subsequent to the officer-involved shooting (OIS), Officer A broadcast a help request and activated the help button on his radio, appropriately making more than one effort to advise that he needed help. Officers A and B continued to hold their positions until responding units arrived. Sergeant A arrived and directed that Subject 1 be handcuffed.

There were several areas that could have been improved upon. Officers A and B did not discuss tactics at the start of watch, to include contact and cover responsibilities and foot pursuit tactics. Additionally, Officer A, the lead officer in the foot pursuit of Subject 1, broadcast the pursuit. Officer B indicated that he was unable to broadcast via his

radio due to it being inoperable and had to use Officer A's radio to communicate with CD.

Officers A and B, while covering Subject 1 after the OIS, did not obtain cover behind a nearby parked vehicle. Officers A and B are to be reminded that every attempt shall be made to maintain cover and concealment during ongoing tactical operations.

Sergeant A and Officer C arrived and directed Officer A to place Subject 1's revolver back onto the ground. Once a subject's handgun is recovered, it should be secured until Force Investigation Division or Scientific Investigation Division personnel take possession of the evidence.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B observed Subject 1 jogging on the sidewalk. Officer B conducted a U-turn and drove toward Subject 1. Officers A and B observed Subject 1 holding his front waistband in an apparent effort to support a concealed handgun. Officers A and B had just been provided with information that Subject 1 possessed a handgun. Officer B stopped the police vehicle near Subject 1. Fearing an armed confrontation and while still seated in the police vehicle, Officers A and B drew their weapons to confront Subject 1.

While the pursuit continued on foot, Subject 1 stopped and faced Officer A. Subject 1 retrieved a revolver from his front waistband and pointed it at Officer A. Fearing that he was about to be shot and killed, Officer A stopped and drew his weapon.

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 Officer A and B's drawing to be in policy.

C. Lethal Use of Force

The BOPC noted that when Subject 1 turned and faced Officer A, he retrieved a revolver from his front waistband, which he pointed at Officer A. Fearing that he was about to be shot, Officer A fired two rounds to stop Subject 1's assault. Subject 1 fell to the sidewalk and was subsequently taken into custody without further incident.

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.