

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

**OFFICER-INVOLVED SHOOTING - 023-05**

<u>Division</u>	<u>Date</u>	<u>Duty-On (x) Off( )</u>	<u>Uniform-Yes(x) No( )</u>
77 <sup>th</sup> Street	03/16/2005		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 years, 3 months
Officer B	7 years, 6 months

**Reason for Police Contact**

Officers observed Subject 1 appear startled by their presence, turn away and place his hand at his waistband. These actions by Subject 1 caused the officers to suspect that Subject 1 was carrying a concealed weapon. When the officers attempted to stop Subject 1 to investigate, Subject 1 ran away and the officers pursued. During the pursuit, Subject 1 produced a handgun, which he pointed at the officers. In response, Officer A shot at Subject 1, hitting him three times. Officer B used non-lethal force when taking Subject 1 into custody.

<u>Subject</u>	<u>Deceased ( )</u>	<u>Wounded (x)</u>	<u>Non-Hit ( )</u>
Subject 1: Male, 21 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, pertinent suspect criminal history, 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 21, 2006.

**Incident Summary**

On the morning of March 16, 2005, Officers A and B were patrolling in a marked police vehicle when they saw two males standing on a street corner. One of the males (Subject 1) appeared startled by the presence of the police vehicle. Subject 1 turned

away from the officers and placed his right hand toward the area of his waistband. Based on this observation, both officers suspected that Subject 1 could be in possession of a weapon.

Officer A slowed the police vehicle and made a U-turn in order to place the officers in a more tactically advantageous position from which to approach the males. Officer B then exited the police vehicle. Subject 1 then started to run. As he ran, Subject 1's left arm was swinging freely and he kept his right arm at the front of his waistband.

Officer B immediately engaged in a foot pursuit of Subject 1. Officer A followed Subject 1 in the police vehicle, paralleling Officer B's position as Officer B ran. As the foot pursuit continued, Officer B saw Subject 1 retrieve a pistol from his waistband area and hold the pistol in his right hand. Officer B shouted, "Gun, gun, gun!" to Officer A. Officer A drew his pistol with his right hand and pointed the weapon out of the open driver's window as he continued to follow in the police vehicle.

Subject 1 then ran across the street and continued running adjacent to the wall of an elementary school. Concerned that Subject 1 might enter the grounds of the school, Officer A drove slightly ahead of Officer B. Officer B continued to follow on foot, from a position near to the rear passenger side of the police vehicle. Officer A shouted at Subject 1 to "stop" and "drop the gun." Subject 1 did not comply with these commands, and looked over his shoulder toward the pursuing officers. Then, as he continued running, Subject 1 turned his upper-body toward the officers and raised his pistol in their direction. Officer A responded by firing a round at Subject 1. The round struck Subject 1, who continued running.

Officer A continued to order Subject 1 to "stop" and to "drop the gun." Subject 1 continued running and again turned and raised his gun in the officers' direction. Officer A responded by firing a second round. The round struck Subject 1.

Subject 1 continued to run, saying, "You shot me. You shot me." Officer A continued to follow and ordered Subject 1 to "stop" and "drop the gun." Subject 1 again turned towards the officers and raised his pistol in their direction. Officer A responded by firing a third round at Subject 1. This round also struck Subject 1.

Subject 1 then threw his pistol over the wall and into the grounds of the elementary school. Officers A and B told Subject 1 to place himself in a prone position. Subject 1 was uncooperative, but then complied with the officers' instructions and assumed a prone position.

Officer B told Officer A to cover him so that he could handcuff Subject 1. As Officer B approached Subject 1, Subject 1 began to raise his upper body. Officer B pushed Subject 1 back to the ground using a straight arm, then knelt on Subject 1's back in order to apply handcuffs. As Officer B placed the first handcuff on Subject 1, Subject 1 moved again. Believing that Subject 1 was trying to get away from him, Officer B again pushed him down with a straight arm. Officer B then completed handcuffing 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 the following areas: Tactics of the involved officer(s); Drawing/ Exhibiting/ Holstering of a pistol 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 and B's tactics to warrant formal training.

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

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

### **C. Non-lethal Use of Force**

The BOPC found Officer B's use of non-lethal force, the pushing of Subject 1 back to the ground during the effort to handcuff him and kneeling upon his back to overcome Subject 1's resistance, to be in policy.

### **D. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Officers A and B observed Subject 1 with another male at a street corner and then observed Subject 1 turn and place his right hand in the front of his waistband. Officers A and B believed Subject 1 was concealing a weapon. In an effort to contact Subject 1, Officer B exited the police vehicle. Subject 1 ran from the officers while holding his right hand on his front waistband. Officer B went in foot pursuit of Subject 1, while Officer A elected to follow Subject 1 in the police vehicle. The BOPC would have preferred that the officers had broadcast their location, that they were in foot pursuit, the subject's direction of travel, and that they had requested an air unit. Additionally, the BOPC would have preferred that the officers had both pursued on foot and coordinated their pursuit of Subject 1. The tactic of an officer remaining in the vehicle as his/her partner pursues the subject on foot is not taught and generally places

the officers at a tactical disadvantage. The BOPC carefully considered the decision of Officer A to remain in the vehicle while pursuing the subject. In this case, Officer A drove at approximately the same speed as the subject ran. An analysis of the shots fired by Officer A revealed they were all from a relatively long distance and were three distinct volleys of fire. Had Officer A quickly pursued the subject, he would have overtaken him and the distance of the last round would have been much closer. Additionally, the BOPC considered that Officers A and B were close enough to each other to render aid, should there have been a necessity to do so.

Generally, it would have been preferable for the officers to establish a perimeter and allow a K-9 unit to search for the subject. However, the BOPC noted that Officer A was aware that this incident was taking place close to a school, during school hours. Officer A did not want to allow the armed subject to enter the school. Officer A believed that he needed to take immediate and decisive action to control the subject.

Finally, the BOPC noted that throughout the foot pursuit of Subject 1, communications could have been improved between the officers. Both officers believed that the other was broadcasting the foot pursuit, resulting in no foot pursuit broadcast being made.

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

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

The BOPC determined that Officers A and B were confronted by an armed subject who pointed a weapon in their direction.

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

#### **C. Non-lethal Use of Force**

The BOPC determined that Officer B acted reasonably when he pushed and knelt upon Subject 1 in order to overcome his resistance and to take him into custody.

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

#### **D. Use of Force**

The BOPC noted that Subject 1 raised his pistol toward the officers on three occasions, and determined that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death when Officer A fired each of his three rounds. The BOPC further noted that the immediate risk of injury to the officers and to the community created sufficient exigency to warrant Officer A firing from his moving vehicle.

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