

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

OFFICER-INVOLVED SHOOTING – 023-07

Division	Date	Time	Duty-On (X) Off ()	Uniform-Yes () No (X)
Hollenbeck	03/07/2007			

Officer(s) Involved in Use of Force	Length of Service
Officer A	11 years, 3 months
Officer B	8 years, 4 months

Reason for Police Contact

Officers A, B, and C were part of a multi-unit robbery suppression detail. While monitoring a high volume robbery area, Officer B believed he recognized an individual on the curb as a known gang member. The individual, Subject 1, looked in the officers' direction and began making what the officers believed to be gang signs with his hands. The officers followed Subject 1 and saw him reaching for his waistband. The officers believed that Subject 1 could have been armed with a weapon.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
Subject 1: Male, 20 years old.			

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 January 29, 2008.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

Incident Summary

Officers A, B, and C were partnered together to work a robbery suppression detail, consisting of several plainclothes and uniformed officers. Their primary objective was to address a series of robberies in a housing complex that were possibly being committed by members of a local street gang. During a briefing at the Area station, Officer C distributed photographs and information about Subject 2, a gang member who was identified on several robbery reports. Subject 2 had been seen in the housing complex by security officers earlier that day.

Officers A, B, and C were deployed in a blue, four-door, unmarked vehicle and were attired in plainclothes. Their primary function was to be a "roaming observation post." Officer A described this as trying "to blend in with the community as a regular citizen and just drive in the area where the [robberies] had been occurring. And my job was to continue informing the rest of the units already set up and keep them updated of what was going on in the neighborhood."

Officers A, B, and C drove close to the housing complex. Officer B noticed a male standing on the grass area. The male was wearing a light gray sweater with a hood and dark pants and was approximately 50 to 75 feet away from the officers' location. Officer B stated, "Look. That's [a known gang member] from [a local street gang]. Yeah, I remember this guy."

According to the officers, Subject 1 looked in their direction and began making gang signs with both hands, making various shapes with his fingers.

As Officer A accelerated forward, the officers observed Subject 1 reaching for his waistband by bringing his hands up and down from his waistband to his chest area. Based on his actions, all three officers believed Subject 1 was possibly armed with a weapon. In response, Officer A turned his vehicle toward Subject 1 to cast the vehicle lights on him. Officer A observed a flash and heard a loud bang. Believing that Subject 1 was shooting at him, Officer A drew his weapon, leaned out the window, and fired two consecutive rounds at Subject 1.

Officer B said that as the police vehicle approached Subject 1, Subject 1 suddenly went into his waistband with both hands and drew an unknown type of handgun, pointed it at the officers, and fired one shot. Officer B indicated, "a gun went off, and I saw muzzle flash." According to Officer B, as soon as Officer B observed the gun, he drew his weapon, stepped out of the car, used the vehicle door frame for cover, and fired two rapid consecutive rounds at Subject 1, who was still holding his gun toward the officers.

Note: Subject 1 stated the only items he had in his possession were a black cellular phone and the compact disc player that were inside the front pockets of his sweater.

Note: Subject 1 continuously denied showing any gang hand signs at the officers or that he was a member of any criminal street gang. Department resources revealed that Subject 1 had no documented gang affiliation.

After Officers A and B fired their rounds, they observed Subject 1 run approximately 15 feet before turning on a walkway next to an apartment building. Officers A and B exited their vehicle and took cover. Officer B never lost sight of Subject 1 and observed him running into an apartment unit. Officer B advised his partners that Subject 1 ran inside the apartment unit.

Officer A utilized his radio to broadcast "officer needs help, shots fired." Officer A requested additional units for a perimeter and broadcast a description of Subject 1. Officer B utilized his radio to broadcast that Subject 1 had barricaded himself inside. Officer B broadcast the location of a possible barricaded suspect and advised the air unit of the residence where Subject 1 had barricaded himself.

Sergeants A and B responded to the "shots fired" help call and arrived at the scene. Sergeant B monitored Officers A, B, and C until the arrival of additional supervisors. After a Command Post had been established and the perimeter was secured, Sergeant A formulated a plan and formed an arrest team consisting of six officers. Sergeant A directed the officers to utilize a police vehicle's public address system to order the occupants out of the apartment.

Subject 1, along with two females and another male, exited the residence and were detained. As occupants were being escorted to a corner, Officer A observed the two males and positively identified Subject 1 as the person that had shot at them. Officer A also noticed that Subject 1's clothing was different. Subject 1 said that when he figured out that officers had shot at him, he got scared and changed his clothes.

No evidence was recovered, however, that corroborated the officers' reported observations; there was no impact, no expended casing, and no firearm attributed to Subject 1 was recovered.

Note: The evidence did support a scenario, however, where the officers were placed on an elevated state of alert due to observations that led them to believe they were encountering a gang member. In addition, Subject 1's furtive movement in the vicinity of his sweatshirt pocket caused the officers to believe that he was armed. It is possible that Officer A fired in response to seeing the object emerging from the sweatshirt pocket. Having made a series of observations that placed them on a heightened state of alert, Officers A and B formed the belief that Subject 1 was assaulting them with a firearm.

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 that Officer A, B, and C's tactics did not warrant training.

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that there was a thorough and clearly defined plan developed, specifically detailing assigned duties and operational functions.

Throughout the incident, Officers A, B, and C deployed in a safe manner, while being able to view three sides of the building in which Subject 1 ran into. They were able to maintain line-of-sight with one another in the event that aid may need to be rendered. Officers A, B, and C communicated effectively with one another and responding units by broadcasting a help request and additional units for a perimeter, providing a description of the suspect, and explaining that he had barricaded himself inside of an apartment building.

The BOPC found that Officer A, B, and C's tactics did not warrant additional training.

B. Drawing/Exhibition/Holstering

The BOPC noted that Officer B observed Subject 1 reach toward his front waistband, produce what he perceived to be a pistol, and fire one time in their direction. Fearing that he or his partners were about to be shot and killed, Officer B drew his weapon to confront Subject 1's deadly threat.

Officer C, while exiting the vehicle, saw a flash from Subject 1's position, heard three to four gunshots from his left and in front of him. Fearing that he and his partners were being fired upon, Officer C drew his weapon.

Officer A observed Subject 1 raise his shirt, retrieve an unknown object, point it in his and his partners' direction, then saw a flash and heard a loud bang. Officer A, fearing that he and his partners were being fired upon, immediately stopped the vehicle, leaned through the vehicle window, and drew his weapon.

The BOPC determined that Officers A, B, and C had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary.

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

C. Lethal Use of Force

The BOPC noted that Officer B observed Subject 1 retrieve what he perceived to be a pistol from his front waistband, point it in his direction, saw a flash, and heard what he perceived as a gunshot. Officer B fired two rounds to stop Subject 1's attack.

Officer A observed Subject 1 raise his shirt, retrieve an unknown object, point it in his and the officers' direction, then saw a flash and heard a loud bang. Officer A immediately stopped the vehicle, drew his service pistol while still seated inside of the vehicle, and fired two rounds at Subject 1 to stop his assault.

The BOPC determined that Officers A and B believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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