

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

OFFICER-INVOLVED SHOOTING – 028-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southwest	4/16/06		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer C	6 years, 5 months
Officer D	3 years, 10 months

Reason for Police Contact

While searching for a shooting suspect, Officers C and D encountered Subject 1, who matched the suspect's description. When the officers approached Subject 1, he stood up and began firing at the officers. In response Officers C and D fired several rounds 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 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.

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.

The following incident was adjudicated by the BOPC on 02/27/07.

Incident Summary

Officers A and B responded to a radio call and observed a female victim suffering from a gunshot wound to the head. Officer A directed Officer B to request a rescue ambulance (RA).

Moments later, an unidentified female drove by the officers' location and informed Officer A that there was a male (Subject 1), who was sitting down at a nearby bus top and holding a gun and bleeding. Officer A then broadcast the information that given to him by unidentified female.

Officers C and D searched for Subject 1, and as they did so, Officer D (the passenger officer) received additional descriptive information about Subject 1. Officers C and D then observed two males seated at the bus stop near the southeast corner of the intersection. One of the males (Witness A) did not match the description, but the other did, and was manipulating something between his legs with both of his hands. Officer D formed the opinion that Subject 1 might be the suspect he and Officer C were looking for so they stopped the police vehicle in the middle of the street facing Subject 1, and exited. Both officers drew their service pistols while standing behind their open police vehicle doors. Officer D instructed Subject 1 to put his hands in the air. At that time, Witness A ran away from the bus stop, but Subject 1 turned to face the two officers, stood up. Subject 1, then walked toward the officers and fired at them. In response, Officer C fired approximately 12 to 14 rounds at Subject 1, and Officer D fired an unknown number of rounds at Subject 1. Officer D then sought cover behind the engine block of the police vehicle and fired again. Officer D repositioned himself back to his first firing location, and at some point, Officer D loaded his pistol with a new magazine. Subject 1 fell to the ground and then Officer D broadcast that shots had been fired and requested help at the location of the incident.

Sergeant A arrived at the scene, but was unaware that an officer-involved shooting (OIS) had occurred. Sergeant A observed Subject 1 lying in the street, and he also observed a small caliber handgun. Sergeant A formed an arrest team that included Officer E, who approached Subject 1's position, and used his foot to slide the firearm away from Subject 1's hand. Once Subject 1 was apprehended, Officer E picked up the firearm, rendered it safe, and placed a Field Interview (FI) card into the barrel of the weapon. Officer E then placed the weapon back down in the exact location from where he had picked it up.

An RA subsequently transported Subject 1 to a nearby 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 C and D's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers C and D's drawing to be in policy.

C. Use of Force

The BOPC found Officers C and D's use of lethal force to be in policy.

D. Additional

The BOPC found Officer E's tactics to warrant divisional training.

Basis for Findings

A. Tactics

Officers C and D did not advise Communications Division (CD) that they were Code Six or that they would be in the area searching for the suspect. After leaving the shooting scene, Officers C and D did not discuss any contingencies should they encounter the suspect. Additionally, upon observing Subject 1 at the bus bench, the officers did not advise CD that they were Code Six with the suspect, update their location, or request a back-up. Although this was a rapidly unfolding incident, the officers should have considered notifying CD of their location as well as discussing and pre-planning their tactics should they encounter a possible suspect.

During the ensuing Officer Involved Shooting incident, Officer D fired a total of 16 rounds, seven of which impacted his police vehicle. The BOPC is concerned that Officer D did not obtain and/or maintain proper sight alignment while engaging Subject 1.

The BOPC found Officers C and D's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

After receiving information that an armed shooting suspect was seated on a bus bench, and subsequently locating the suspect, Officers C and D drew their service pistols fearing an armed confrontation.

The BOPC found Officers C and D's drawing to be in policy.

C. Use of Force

As Officer D was giving commands to Subject 1, he advanced toward them as he fired a handgun at them. In immediate defense of their lives, Officers C and D fired 13 and 16 rounds, respectively at Subject 1.

The BOPC found Officers C and D's use of lethal force to be in policy.

D. Additional

Officer E was a member of the arrest team that took Subject 1 into custody, and Officer E elected to render Subject 1's pistol safe. Officer E placed rubber gloves on his hands, picked up Subject 1's pistol, manipulated the slide back and forth several times, and placed an FI card in the ejection port. He then placed the pistol back down on the asphalt and guarded it until he was relieved.

Once evidence is recovered, it is preferable to control and secure it immediately. Returning evidence, specifically firearms, could be misconstrued as evidence planting by witnesses and increases the likelihood of an accidental or negligent discharge.

The BOPC found Officer E's tactics to warrant divisional training.