

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

OFFICER-INVOLVED SHOOTING – 029-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes() No(X)</u>
Southeast	04/27/06		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 years, 5 months
Officer F	8 years
Officer G	8 years, 1 month

Reason for Police Contact

While serving a search warrant at a residence, officers were shot at by the occupant of the target residence. The officers fired in response.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 23 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 BOPC 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. 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.

The following incident was adjudicated by the BOPC on 04/03/07.

Incident Summary

Officer A obtained a search warrant for the rear residence of a lot that contained multiple units. Officer A conducted a briefing in preparation for service of the search warrant that included Detectives A and B and Officers B, C, D, E, F, G, H, I, and J.

The officers traveled to the target location and exited their vehicles. Officers D and J assumed positions in front of the lot where the target residence was located. The remaining officers climbed over a fence in order to gain access to the lot. Officers H and I assumed positions near the rear of the target residence. Detectives A and B, and Officers A, B, C, E, F, and G moved along the driveway leading up to the target residence. Officers E and F held door opening tools and Officer G held a shotgun. Detectives A and B and Officers A, B, C, and I drew their pistols.

The entry team approached the front door of the target residence, identified themselves as the Los Angeles Police Department, stated that they were in possession of a search warrant and demanded that the door be opened.

After a few seconds had passed without a response, Officer F began to knock on the door. As he did so, he heard movement inside the residence as if someone was running and formed the belief that the occupants were arming themselves or destroying evidence. Officer F pried open the outer security door then drew his service pistol. Officer E then forced open the inner wooden door.

As soon as the door opened, Officers A and G heard gunfire and observed a muzzle flash. Subject 1 was standing just inside the front entryway holding a handgun. Officer G responded by firing two or three rounds from his shotgun at Subject 1. Subject 1 moved deeper into his residence but continued to face toward Officers A and G. Officer A observed that Subject 1 continued to point his gun in their direction. Officer A then fired nine rounds from his pistol at Subject 1.

At the same time, Officer F observed muzzle flashes through a side window, and fired two rounds toward the front doorway. Still seeing muzzle flashes, Officer F fired four additional rounds through the curtains drawn across the window.

Officer B broadcast a "help call" indicating that shots had been fired.

Meanwhile, Subject 1 continued moving deeper inside his residence and hid behind a bed that had been folded out from a couch.

Officers A and G began backing away from the residence. As they did so, Officer A fired six rounds at Subject 1 while Officer G fired two or three rounds at Subject 1.

Subject 1 was ordered to exit his residence and after a few minutes, he came out of the residence and fell to the ground due to his injuries.

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 Detective A and B and Officers A, B, C, D, E, F, G, H, I, and J's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Detectives A, B and Officers A, B, C, D, F, G, H, I, and J's drawing to be in policy.

C. Use of Force

The BOPC found Officers A, G and F's use of force to be in policy.

Basis for Findings

A. Tactics

1. Officer A conducted a briefing for service of the search warrant which included all involved detectives and officers.
2. Upon reaching the target residence, the officers deployed and followed the tactical plan.

The BOPC found Detective A and B and Officers A, B, C, D, E, F, G, H, I and J's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

During the search warrant briefing, the officers were advised that the occupant of the target residence was a known gang member. Cognizant of the propensity for gang members to carry firearms and the potential that the incident could escalate and necessitate the use of deadly force, Detectives A and B and Officers A, B, C, D, F, G, H, I and J drew their firearms as the detectives and officers had sufficient information to believe that the situation might escalate to the point where deadly force may become necessary.

The BOPC found Detectives A, B and Officers A, B, C, D, F, G, H, I, and J's drawing to be in policy.

C. Use of Force

After knocking, identifying themselves and receiving no response, the officers heard a noise inside the residence as if someone were running. Officers E and F forced open the front door.

As the door was opening, Subject 1 fired one round in the direction of the officers.

Officer A heard a shot and observed a muzzle flash from the doorway of the residence. Officer A then observed Subject 1 pointing a handgun in his direction. Officer A fired nine rounds toward Subject 1. Officer A moved backward while he reloaded his pistol and fired an additional six rounds in Subject 1's direction.

Officer G was at the doorway with a shotgun when the front door was forced open. Officer G observed Subject 1 armed with a handgun pointed in his direction. Officer G fired two rounds in the direction of Subject 1. Subject 1 then extended his arm pointing his pistol in the direction of Officer G. Officer G fired two additional rounds at Subject 1.

Officer F heard gunshots and observed a muzzle flash in the doorway of the residence. Officer F fired two rounds in the direction of the muzzle flash. Officer F saw additional muzzle flashes in the residence through a front window and fired four additional rounds at the muzzle flash.

The BOPC found Officers A, G and F's use of force to be in policy.