

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

OFFICER-INVOLVED SHOOTING 032-07

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
West Valley	03/26/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	5 years, 2 months

Reason for Police Contact

Officers responded to a report of shots fired. Subject 1 fired a handgun in the presence of the officers, and pointed the weapon toward them, resulting in an officer-involved shooting.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: male, 26 years.			

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 11/13/07.

Incident Summary

A witness called 9-1-1 and reported hearing several gunshots, which he believed originated from a nearby apartment complex.

Communications Division (CD) dispatched the call. Officer A and Officer B heard the call and decided to assist the primary unit due to their proximity to the location. Officer B, the driver, turned and searched for evidence of shots fired while Officer A attempted to contact the primary unit using the Mobile Data Terminal (MDT).

When the officers approached an intersection, Officer B observed a male pedestrian (Subject 1) walk out from between two parked cars. As the officers' vehicle approached Subject 1, Officer B heard two or three gunshots and observed Subject 1 holding something close to his chest.

Officer B then observed Subject 1 run into the street, still clutching the object to his chest. Officer B heard Officer A say, "He shot at us." Officer B immediately braked and attempted to stop the vehicle. However, he accidentally placed the vehicle into reverse, causing it to roll approximately one foot backward.

Officer A opened his passenger's side door and began to exit the vehicle. Officer A had one leg out of the vehicle when the vehicle moved backward, causing him to lose his footing and fall out of the vehicle.

Officer A rolled into a prone position behind the vehicle's open, front passenger's side door with his head pointed toward the suspect. From this position, Officer A saw Subject 1 face him and point a gun in his direction with one hand. Officer A unholstered his weapon, and fired one round at Subject 1 from underneath the vehicle door.

Meanwhile, Officer B was aware that his partner had exited the vehicle, and observed Subject 1 coming toward them. From inside the vehicle, Officer B unholstered his weapon and aimed at Subject 1. Officer B heard a shot coming from Subject 1's direction and then heard a shot from Officer A's direction.

The officers observed Subject 1 flinch, drop his gun, and immediately collapse onto the pavement with his head pointed away from the officers. Officer A instructed Subject 1 to spread his arms to the side, but Subject 1 remained unresponsive. Officer B observed Subject 1's gun at Subject 1's feet.

Officer A rose to one knee, and, from behind the vehicle door, scanned the area for additional subjects. Officer A then moved toward the curb and positioned himself behind a parked car with his weapon in a low-ready position. He requested that Officer B broadcast a "help" call.

Officer B moved to the rear of the police vehicle and positioned himself behind the trunk. He broadcast, "We've got shots fired, possible suspect down. Need back-up, air ship, supervisor."

Sergeant A heard the help call and responded toward the location. While en route, he contacted the officers for additional information and advised them to call for a rescue ambulance (RA) for the subject.

Additional officers responded to the scene. Subject 1, who was not struck by Officer A's shot, was taken into custody without further incident.

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 Officer A and B's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer 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 noted that Officers A and B performed well during a spontaneous situation requiring immediate and decisive action. However, as in most rapidly unfolding spontaneous situations, there were several identified areas where improvement could be made. Officers A and B did not advise CD of their status as they drove through the area of the "shots-fired" call. It imperative for CD to be aware of officers' location and activities in the event that additional resources are needed. Also, Officer A was typing on the MDT as the officers drove through the shooting call location. It would have been preferred that Officer A had his attention focused on his surroundings while in the area of a call for service.

After Subject 1 fired in the officers' direction, Officer B inadvertently placed the police vehicle into reverse. As a result, the vehicle rolled back, causing Officer A to fall backward onto the street. Although it was recognized that this incident unfolded very quickly and that Officer B was faced with multiple tasks to be performed simultaneously, this issue merited discussion.

After Officer A fired at Subject 1 and the officers re-deployed to better positions of cover, Officer B broadcast a backup request. A request for help or assistance would have been more appropriate, making responding units aware of the seriousness of the incident.

Finally, Officers A and B did not request an RA to the scene, despite observing Subject 1 collapse to the street. Officer B made two broadcasts subsequent to the officer-involved shooting in which he noted that a subject was "down." However, an RA was not requested until Sergeant A communicated with the officers on scene.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B heard a single gunshot and then observed Subject 1 standing in the roadway.

After exiting the police vehicle, Officer A lay on the roadway and observed Subject 1 moving across the street while pointing a pistol in their direction. Officer A believed that the situation had escalated to the point where deadly force may have become necessary and drew his weapon.

Officer B stopped the police vehicle, opened his door, and assumed a braced position of cover while observing Subject 1 run diagonally across the street as he pointed his pistol at the officers. Officer B believed that the situation had escalated to the point where deadly force may have become necessary 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 have become necessary.

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

C. Use of Force

The BOPC noted that Officer A observed Subject 1 running diagonally toward he and his partner while pointing a handgun in their direction after having just fired the weapon. Subject 1 stopped near the curb with his weapon still pointed in the officers' direction. Officer A, in immediate defense of his and his partner's life, fired one round to stop Subject 1's actions. Subject 1 dropped the weapon and collapsed to the street. Subject 1 was not struck by the round fired by Officer A.

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.