

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

OFFICER-INVOLVED SHOOTING 032-05

| Division | Date | Duty-On (x) Off() | Uniform-Yes(x) No() |
|-----------------|-------------|--------------------------|----------------------------|
| Southeast | 04/09/05 | | |

| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
| Officer A | 4 years, 3 months |
| Officer B | 2 years, 3 months |

Reason for Police Contact

Officers heard shots being fired and responded to the area of the shots. As they approached, two officers saw a male running toward them with an AK-47 assault rifle. The male pointed the rifle towards the officers and fired one round. The officers both returned fire at the male, fatally wounding him.

| Suspect | Deceased (x) | Wounded () | Non-Hit () |
|----------------------------|---------------------|-------------------|-------------------|
| Subject 1: Male, 31 years. | | | |

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 April 4, 2006.

Incident Summary

On the evening of Friday, April 8, 2005, an unidentified female called 911 and reported that a gang member had fired a gun in the street. The caller provided a description and direction of travel of the suspect before terminating the call. Communications Division (CD) assigned a Southeast Patrol Division unit to the call. In addition to the assigned unit, Southeast Patrol Division uniformed Police Officers A and B monitored the

broadcast and responded to the scene. Officers A and B conducted an area search but did not locate the suspect.

On April 9, 2005, prior to his start of watch, Officer A spoke with an officer who had responded to the incident the previous evening. This officer told Officer A that the suspected shooter was believed to be a particular member of a local gang.

That evening Officers A and B met with a group of Southeast Patrol Division police officers in a parking lot. As they were talking, the officers heard the sound of several gunshots coming from the vicinity of the previous evening's incident. The officers drove toward the area of the gunfire via different routes. As Officers A and B drove down a street close to the scene of the incident, Subject 1 was running, holding an AK-47 assault rifle, toward the officers.

According to Officer A, as the officers were driving along the street, Officer B said he thought he saw someone running. Officer B, who was driving their police vehicle, pointed out Subject 1 to Officer A. As Subject 1 got closer to the officers, Officer A saw that Subject 1 had something in his hand. As Subject 1 got closer, Officer A saw that subject 1 was carrying a rifle and told Officer B "I think it's a rifle." Officer B then stopped the vehicle and Officer A began to exit. As he did so, Subject 1 raised his weapon in the officers' direction. Officer A, still partially seated inside the vehicle, holding his door open with his right foot and using his door as cover, drew his pistol and fired seven or eight rounds at Subject 1 from an approximate distance of 65 feet. As Officer A was firing, he saw a muzzle flash from Subject 1's weapon. Officer A stopped firing when Subject 1 dropped his weapon and fell to the ground.

Meanwhile, according to Officer B, he saw Subject 1 running and illuminated him with his vehicle's spotlight. Officer B saw that Subject 1 was carrying a rifle. According to Officer B, Officer A shouted, "Stop the car. Stop the car." Officer B saw Subject 1 begin to point the rifle toward him and stopped the car. Officer B heard shots coming from his right. Officer B exited his vehicle, drew his pistol and took cover behind his vehicle door. He looked to where he had last seen Subject 1 and saw that Subject 1 was now down on his knees with his left hand on the ground and his right hand reaching toward the AK-47, which was nearby on the ground.

Both officers shouted at Subject 1 to move away from the gun. Subject 1 did not comply, and instead reached for his weapon. The officers saw Subject 1 take hold of the weapon with his hand in the area of the trigger and, while still in a semi-prone position, begin to rotate the muzzle of the weapon in their direction. Officers A and B responded by firing an additional seven or eight rounds at Subject 1. Officer B responded by firing two rounds at Subject 1. Subject 1 then rolled onto his back and released his weapon.

As a result of the officers' gunfire, Subject 1 sustained a total of four gunshot wounds. Subject 1 had discharged one round from his rifle during the exchange. Neither police officer was struck by the round.

Officer B told Subject 1 to get on his stomach and roll away from the weapon. Officers A and B then approached Subject 1. Officer B began handcuffing Subject 1 while Officer A provided cover. Officer A then reholstered his pistol and assisted with the completion of the handcuffing.

A Rescue Ambulance responded to the scene and transported Subject 1 to a local hospital where he subsequently died.

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 weapon 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 that Officers A and B's tactical actions warrant formal training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC determined that Officers A and B should have discussed a tactical plan and approach before responding to any additional incidents in the area of the earlier shots. The BOPC would also have preferred that a sergeant (supervisor) had been involved in a discussion of the previous day's shooting.

The BOPC further noted that Officers A and B did not discuss a tactical plan as the incident unfolded, and that they did not broadcast their location and status until after the officer-involved shooting (OIS) had occurred. The BOPC would have preferred that the

officers had broadcast that they were in the vicinity of the shots fired location and that they had located a possible suspect.

The BOPC noted that after the OIS, Officers B repositioned without waiting for an acknowledgement from Officer A and Officers A and B approached Subject 1 prior to the arrival of an additional unit. The BOPC would have preferred that the officers had remained behind cover until an additional unit had arrived and that they had coordinated an approach to Subject 1. The BOPC also noted that Officers A and B both participated in handcuffing Subject 1 and would have preferred that one officer had remained in a covering position as the other made contact. The BOPC would have preferred that Officer A had reloaded his pistol when it was safe to do so.

The BOPC determined that Officers A and B require formal tactical training.

B. Drawing/Exhibiting/Holstering

Noting that they were confronted by an armed suspect, the BOPC determined that Officers A and B had sufficient information to believe the situation might escalate to the point where deadly force may become necessary and found all officers' drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC noted that Officer A fired seven or eight rounds at Subject 1 when he saw Subject 1 point an assault rifle at the officers. Officer A then fired seven or eight additional rounds at Subject 1 when he failed to comply with orders to stay away from his weapon, retrieved the weapon and pointed it at the officers. The BOPC noted further that Officer B fired when Subject 1 failed to comply with orders to stay away from his weapon, retrieved the weapon and pointed it at the officers.

The BOPC found that both officers had sufficient information to believe the suspect presented an immediate threat of serious bodily injury or death and found their uses of deadly force to be in policy.