

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

OFFICER-INVOLVED SHOOTING – 033-06

<u>Division</u>	<u>Date</u>	<u>Duty-On()</u>	<u>Off(X)</u>	<u>Uniform-Yes()</u>	<u>No(X)</u>
Outside City	05/15/2006				

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	21 years, 3 months

Reason for Police Contact

An off-duty officer saw Subject 1 attempt to break into his vehicle. The officer confronted Subject 1, who moved toward the officer with a metallic object in his hand. The officer responded by firing a warning shot.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 18 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 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.

The following incident was adjudicated by the BOPC on March 13, 2007.

Incident Summary

In the early morning hours of May 15, 2006, off-duty Officer A was wearing plainclothes and was sitting inside his personal vehicle parked in front of his residence. Officer A noticed a Lexus motor vehicle with its headlights off pass by him twice, and then saw the Lexus parked at the corner of two neighborhood streets, close to his residence.

Officer A then saw Subject 1 on the passenger side of his (Officer A's) vehicle, shaking the handle of the right front passenger door. Officer A also heard metal clicking sounds against the door window. Officer A noticed that Subject 1 had what appeared to be gloves and a metal object in his hands. Officer A believed that Subject 1 was attempting to burglarize his vehicle.

Officer A drew his service pistol and exited the vehicle. Officer A identified himself as a police officer and told Subject 1 to get down on the ground. As Subject 1 moved toward Officer A with a metal object in his hand, Officer A fired one warning shot into a dirt embankment behind Subject 1 in order to stop Subject 1 from advancing. After that, Subject 1 complied and laid down on the ground.

Officer A noticed Subject 1 moving his hands in and out from underneath his body. Officer A instructed his son, who came out onto the balcony of their home, to call the police and to come down and assist. Officer A's son did as Officer A had instructed him.

Meanwhile, the Lexus passed Officer A once again. This time, the Lexus stopped in the middle of the roadway, close to Officer A's position. Subject 2 exited the Lexus and approached Subject 1. There, Subject 2 attempted to convince Subject 1 to get up and leave. Subject 2 also argued with Officer A, questioning Officer A's status as a police officer. Officer A believed that both subjects were trying to distract Officer A by being verbally aggressive toward him. Officer A instructed his son to retrieve his LAPD identification from inside his vehicle. Officer A then passed the identification card to Subject 2. Subject 2 said she did not believe that Officer A was a police officer. Officer A then retrieved his ID card from Subject 2. Meanwhile, three additional subjects walked toward Officer A's position and formed a semi-circle around Officer A and Subject 1. The subjects were verbally aggressive with Officer A and demanded that Officer A allow Subject 1 to leave. At one point, Subject 2 approached Subject 1, took a screwdriver from his hands, and walked back toward the Lexus.

While waiting for the police to arrive, Officer A instructed his son to retrieve a set of handcuffs and a tape recorder from his vehicle. Officer A's son did so and handed the items to Officer A.

Police officers arrived a short time later and all five subjects were arrested for attempted burglary.

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's tactics to warrant administrative disapproval.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing of a firearm to be in policy.

C. Non-lethal Use of Force

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

D. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted Officer A's observation of the Lexus' actions substantiated reasonable suspicion and warranted the response of the local law enforcement agency to conduct an investigation. However, Officer A delayed informing the local law enforcement agency about his observation.

Officer A was seated inside a vehicle with a pistol on his lap. Officer A should be reminded that while off-duty, all weapons should be concealed out of public view and carried in a secured manner.

Officer A left a position of advantage behind his vehicle and closed the distance between himself and Subject 1. Officer A's actions left him vulnerable to an attack.

Following the officer-involved shooting, Subject 1 complied with Officer A's verbal commands to lay on the ground. Officer A asked his son to assist him in his detention of Subject 1. The BOPC was concerned with Officer A's decision to involve his son in a potentially volatile situation. This caused Officer A to split his attention between Subject 1 and the safety of his son.

The group of Subject 1's accomplices formed a semi-circle and yelled at Officer A, who attempted to engage them in conversation as a distraction technique. It is apparent that Officer A's technique was ineffective and Officer A should have reverted to his training and displayed command presence to control the approaching group.

Officer A also approached Subject 1 and used his body weight to control him while his weapon was drawn. The BOPC is concerned about this decision, as it potentially created a situation where Subject 1 could have engaged Officer A in a struggle over his weapon.

Finally, the BOPC noted during Officer A's attempt to identify himself, Officer A allowed Subject 2 to come within arm's reach, placing himself at a tactical disadvantage.

The BOPC found Officer A's tactics to warrant administrative disapproval.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A drew his service pistol when he observed that Subject 1 was attempting to open his vehicle door. Officer A drew his pistol. The BOPC determined that Officer A had sufficient information to believe that the situation had risen to the level where deadly force may become necessary.

The BOPC found Officer A's drawing of a firearm to be in policy.

C. Non-lethal Use of Force

The BOPC noted that, as Subject 1 attempted to rise from the ground, Officer A placed his bodyweight on Subject 1's back in order to force him back to the ground. Officer A remained in that position until the arrival of police officers. The BOPC found Officer A's use of non-lethal force to be in policy.

D. Use of Force

The BOPC noted Officer A was unable to clearly see Subject 1's hands and moved to the front of the vehicle where he confirmed Subject 1 was armed with a screwdriver. Subject 1 lunged forward from approximately eight feet. Officer A believed he was about to be stabbed and fired one warning shot. The BOPC found Officer A's use of lethal force to be in policy.