

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

**OFFICER-INVOLVED SHOOTING – 038-06**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off()</b>	<b>Uniform-Yes(X) No()</b>
Southeast	05/21/06		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	8 years, 10 months
Officer C	10 years, 2 months

**Reason for Police Contact**

Officers responded to a call of group of gang members disturbing at a local playground. When they arrived, they observed a subject they believed to be armed with a handgun flee into a gymnasium. Officers A and B pursued the subject, who drew a handgun and aimed it at the officers. Officer A fired several rounds in response.

<b>Subject</b>	<b>Deceased ()</b>	<b>Wounded (X)</b>	<b>Non-Hit ()</b>
Subject 1: Male, 16 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 05/15/07.

**Incident Summary**

Officers A, B, and C responded to a call of a group of unruly gang members at a local playground. When the officers arrived at the playground, Officer C observed a group of approximately 10 to 15 subjects, some of who were making gang-related hand signs, near the playground's gymnasium. As Officer C stopped the police vehicle near the

gymnasium, he observed that the group was much larger than he had initially perceived, with perhaps 30 to 40 subjects.

Officers A, B and C observed Subject 1 look in the officers' direction, crouch down, grab his waistband and begin moving through the crowd of people away from the officers. Based on his actions, the officers believed Subject 1 may have been armed.

Officers A and B exited the police vehicle. Subject 1 then began to run toward the gymnasium. At the same time, other subjects in the group ran toward the gymnasium. Officers A and B pursued the group on foot. Officer C repositioned the police vehicle toward the side of the gymnasium, believing that the group might exit on that side.

Officer B drew his weapon as he and Officer A entered the gymnasium. Officer B saw Subject 1 standing near the gymnasium door. Deciding Subject 1 was not armed, Officer B began to pursue another subject. However, when Officer B was in closer proximity to Subject 1, Officer B observed Subject 1 holding a handgun. Subject 1 then turned toward Officer B and raised the gun in his direction. Officer A also observed Subject 1 turn toward Officer B and point a handgun at him, prompting Officer A to draw his weapon.

Officer A believed that Subject 1 was going to shoot Officer B and aimed his weapon at Subject 1. Subject 1 then pointed his handgun toward Officer A. Officer A fired four rounds at Subject 1.

After hearing the shots fired, Officer B saw Subject 1 on the ground with a handgun lying nearby. Officer B picked up Subject 1's handgun and then handcuffed Subject 1.

Officer C heard the gunfire and drew his weapon.

Officer B broadcast a help call and later broadcast a request for a rescue ambulance.

### **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.<sup>1</sup>

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<sup>1</sup> One Police Commissioner recused himself from review of this case.

## **A. Tactics**

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

## **B. Drawing/Exhibiting/Holstering**

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

## **C. Non-lethal Use of Force**

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

## **D. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

1. Officers A and B went in foot pursuit of Subject 1, who they believed was armed.

Although officers should not normally attempt to follow suspects who are believed to possess firearms, in this case, the officers cited concerns for the safety of children and persons on the park premises.

2. Officers A, B and C encountered a large unruly group of subjects without advising Communications Division (CD) of the situation.

It would have been prudent for Officers A, B and C, prior to engaging the subjects, to have planned their tactics such as requesting an Air Unit and additional units.

3. Officers A and B pursued many subjects into the gymnasium including Subject 1 who they believed was armed with a handgun.

It would have been prudent for Officers A and B to have broadcast the foot pursuit, used available cover and not have ran past other subjects who could have been armed.

4. When Subject 1 stopped running, Officer B inaccurately formed the opinion that he was not armed and began to pursue another individual.

It would have been prudent for Officer B to have continued to consider Subject 1 a threat until detained and searched.

5. Officer C remained in the police vehicle while Officers A and B entered the gymnasium.

While not actively engaged in the foot pursuit, it would have been prudent for Officer C to have contacted (CD) and coordinated the response of additional resources.

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

### **B. Drawing/Exhibiting/Holstering**

Officer B observed Subject 1 hold his front waistband area in an apparent attempt to support a concealed handgun. Officer B had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary and drew his service pistol.

Officer A observed Subject 1 stop near the doorway of the gymnasium and produce a handgun. Officer A had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary and drew his service pistol.

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

### **C. Non-lethal Use of Force**

Officer C heard gunfire and ordered several nearby individuals to get down onto the ground for their own safety. All of the individuals complied, with the exception of one. Officer C used a leg sweep to take that individual to the ground. Officer C then placed his foot on the lower back of the individual to prevent him from standing as the individual was in immediate danger of sustaining serious bodily injury or death.

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

### **D. Use of Force**

Subject 1 pointed a handgun at Officer B before turning and pointing the gun at Officer A. In response, Officer A fired four rounds at Subject 1.

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