

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

OFFICER-INVOLVED SHOOTING – 039-06

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	05/21/2006		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	11 years, 1 month

Reason for Police Contact

While en route to a radio call, officers heard multiple gunshots. Officers drove in the direction of the gunshots and observed a vehicle driving away at rapid speed, which the officers pursued. A subject pointed a gun at Officer A, who responded by firing at the subject.

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

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 03/20/07.

Incident Summary

While driving to a radio call, Officers A and B heard gunshots. Officer B drew his service pistol and held it at a low ready position as they drove in the direction of the gunshots. An oncoming vehicle, driven by Subject 1, approached the officers from the opposite side of the street at a high rate of speed. Attempting to stop the vehicle, Officer A activated the police vehicle's forward facing red light and steered into the oncoming vehicle's path. The vehicle drove around the police vehicle. Meanwhile, Officer B broadcast to Communications Division (CD) that the officers needed back up.

Officer A turned to follow the speeding vehicle. A short vehicle pursuit ensued. The vehicle eventually slowed and Subject 1 exited and fled on foot along an alley. Subject 2, the passenger, attempted to exit the vehicle but became entangled in the seatbelt.

Note: According to Officer A, during the pursuit he told Officer B to broadcast that they were in pursuit of “a shooting vehicle, ADW [Assault with a Deadly Weapon] suspects.”

Officer A ran after Subject 1, who attempted to climb a fence. Officer A drew his service pistol and ordered Subject 1 to stop. Subject 1 stepped back from the fence and pointed a handgun towards Officer A. Officer A responded by firing two rounds at Subject 1. Officer A had slowed from a run to a walk by the time he fired the rounds.

Officer A took cover behind a telephone pole. Officer A peeked around the pole and saw Subject 1 running. Officer A re-holstered his service pistol and continued to follow Subject 1.

Meanwhile, Officer B exited the police vehicle. Officer B observed Subject 2 exit the vehicle and run. Officer B reholstered his service pistol and initiated a foot pursuit of Subject 2. Officer B heard gunshots from the alley, which caused Officer B to abandon the foot pursuit, redraw his service pistol, and proceed in the direction of the gunshots. As Officer B entered the alley, Officer B saw Officer A running. Officer A instructed Officer B to return to the police vehicle as the keys were still in the ignition and the windows were open.

Shortly thereafter, an Air Unit arrived over the scene. Responding units established a perimeter of the area; however, Subjects 1 and 2 were not apprehended.

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.

The BOPC found Officer B’s tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that, after hearing numerous gunshots, Officer A drove the police vehicle in the direction of the gunshots. The BOPC noted that Officers A and B observed a vehicle accelerate to a high rate of speed away from the gunshots. Officer A believed that the vehicle was associated with the gunshots and drove into the opposing lanes to force the vehicle to stop. The BOPC noted that, although this is generally not a recommended tactic, the alternative, passing the vehicle, created a circumstance where the officers would have been more significantly exposed to potential gunfire from the fleeing vehicle.

When Officer B broadcast that back-up was needed, it would have benefited the responding units had the broadcast included the fact that shots had been heard, a description of Subject 1's vehicle, and the desired direction of travel for the responding units.

The vehicle sped past the officers and that Officer A initiated a vehicle pursuit. Officer B's broadcast to Communications Division omitted pertinent information regarding the vehicle pursuit, such as a description of the subject's vehicle, the reason for the initiation of the pursuit and a request for a back-up or air unit.

Subjects 1 and 2 exited the still-moving vehicle and fled in different directions. Officers A and B went in different directions to pursue the subjects and lost sight of one another, which created a situation where they were unable to render immediate aid to one another and were unaware of each other's location at the time of the officer-involved shooting.

Poor communication between the involved officers resulted in substantially compromised tactics. It was incumbent upon Officer A, who was functioning as a Field Training Officer, to effectively coordinate the tactical response.

Officers are taught that a vehicle remains a viable threat and should be cleared before the initiation of a foot pursuit of a fleeing subject. However, Officer A initiated a foot pursuit of Subject 1 without first clearing the vehicle. It would have been tactically advantageous to clear the vehicle to ensure that there were no additional subjects inside, and to direct responding units to establish a perimeter.

Subject 1 continued to run after the officer-involved shooting occurred and Officer A, with the knowledge that Subject 1 was armed, left cover and continued to pursue Subject 1. Officers should not attempt to follow a subject who is reasonably believed to possess a firearm unless the surroundings provide a reasonable amount of cover to allow the officers to move from one position to another. Officer A should have established a perimeter with the intent of apprehending Subject 1 with a coordinated and systematic search of the area.

Officers A and B both engaged in foot pursuits of Subjects 1 and 2, but that neither officer broadcast that they were in foot pursuit, the location of the foot pursuit, nor the subjects' descriptions.

Officer A did not remove the keys from the police vehicle prior to engaging in the foot pursuit, resulting in the police vehicle being left unattended in the roadway with the windows down and the keys in the ignition, vulnerable to theft. Officer A left his baton in the police vehicle and did not carry a collapsible baton.

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

The BOPC found Officer B's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer B, believing that an armed confrontation was imminent and that the situation could escalate to necessitate the use of deadly force, drew the service pistol while seated in the police vehicle. Officer B held the service pistol in a one-handed low ready position along the outside of Officer B's right leg and holstered it once the pursuit was initiated.

When Subject 1's vehicle stopped, Subject 2 exited. In anticipation of confronting armed subjects, Officer B drew the service pistol a second time. After Subject 1's vehicle drove away, Officer B drew the service pistol a third time and holstered it as he engaged in a foot pursuit of the passenger.

Upon observing a possible shooting suspect flee from the subject's vehicle, run down an alley, and attempt to climb over a fence, Officer A, in fear of an armed confrontation with the subject, drew his service pistol.

The BOPC determined that Officers A and B had sufficient information to believe their incidents could escalate to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC noted that that Officer A ordered Subject 1 down off of the fence and that Subject 1 initially complied, but then pointed a handgun at Officer A. In immediate

defense of Officer A life, Officer A fired two rounds in rapid succession from the service pistol at Subject 1 from a distance of approximately 83 feet.

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.