

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

OFFICER-INVOLVED SHOOTING – 040-07

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Southwest	04/14/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer A	8 years, 3 months
Officer B	22 years, 2 months

Reason for Police Contact

Officers A and B observed Subject 1 riding a skateboard and appearing to conceal an unknown bulky item. The officers attempted to contact Subject 1, who then produced a handgun and fired at the officers. The officers both returned fire.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: male, 30 years of age.			

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 3/18/08.

Incident Summary

Officers A and B were patrolling when they observed Subject 1 riding his skateboard on the sidewalk approaching the left side of the officers' vehicle. The officers observed Subject 1's hands positioned underneath his sweatshirt, and it appeared to the officers that Subject 1 was concealing a bulky item near his front waistband area. Officer B noted that Subject 1 looked awkward as he tried to skateboard and hold the object at the same time. As Subject 1 passed by the driver's side of the police vehicle, he made eye contact with the officers, crossed behind their vehicle in a diagonal direction and

continued toward an intersection. The officers communicated their observations with one another and they decided to make contact with Subject 1.

Note: Officer A believed Subject 1 was possibly a “tagger” and was concealing spray paint. Officer B believed Subject 1 was possibly concealing stolen property.

Subject 1 continued to look back at the police vehicle, and he began to skateboard faster. The officers continued to follow Subject 1. As the police vehicle came within a few feet of Subject 1, Officer A illuminated Subject 1 with his flashlight and asked, “Hey, what’s going on?” Subject 1 suddenly jumped off his skateboard, leaving it on the sidewalk in front of a residence and ran in the opposite direction. Officer A immediately exited the front passenger door, still with his flashlight in his hand, and said, “I got him.” Officer B responded, “I’m with you,” as he parked the vehicle.

Meanwhile, Subject 1 ran a short distance toward the driveway of the residence, near to the place where he had abandoned his skateboard, cutting across the front lawn in a diagonal direction. As Officer A reached the entrance of the driveway, he observed Subject 1 in the driveway. Subject 1 then turned toward Officer A, while holding a handgun with both hands. As Subject 1 was turning, he made a moaning sound and yelled an expletive. Subject 1 then extended both arms, pointed his handgun at Officer A and fired two consecutive rounds.

Officer A yelled, “gun,” as he unholstered his pistol and used his flashlight to illuminate Subject 1. Officer A began firing as he moved toward a parked vehicle in the neighboring driveway for cover. As Officer A continued to fire and move, he believed Subject 1 was struck by one of the rounds he fired because Subject 1 grimaced and hunched over. However, Subject 1 then recovered and came back up with the gun in his right hand while his left hand remained near his abdomen area. Subject 1 continued to point his pistol at Officer A.

Officer A continued to fire his pistol as he moved toward the parked vehicle. Subject 1 fell to the ground on his back as Officer A’s pistol ran out of ammunition. Officer A threw his flashlight to the ground and reloaded his pistol as he continued toward the vehicle. Subject 1 then rolled over and appeared to be reloading or attempting to clear a malfunction in his gun. Subject 1 then sat up.

Meanwhile, upon hearing the gunshots and his partner yelling “gun,” Officer B unholstered his pistol and moved from the police vehicle toward the driveway. As Officer B approached the driveway, he observed flashes of light and continued to hear gunfire. When Officer B reached the entrance of the driveway, he observed Subject 1 in a seated position. Subject 1 then turned his upper body toward Officer B and raised his gun with his right hand, pointing it at Officer B. In response, Officer B fired three rounds. Subject 1 fell on his back for a moment and then sat back up and again pointed his pistol toward Officer B.

Meanwhile, Officer A had repositioned himself when he observed Subject 1 sit up and point his gun toward Officer B. A four-foot high chain-linked fence separated the two driveways of the residences. To avoid his rounds hitting the fence, Officer A moved up behind Subject 1, positioned his pistol over the fence and fired multiple rounds. Subject 1 fell on his back and then raised his right arm across his chest and pointed his gun at Officer A. Officer A fired two additional rounds at Subject 1. Subject 1's right hand then fell on top of his chest, with his finger still on the trigger of his gun, and he stopped moving.

Officer B moved toward Subject 1 and informed Officer A that he would cover Subject 1. Officer A holstered his pistol and then approached Subject 1. Officer A positioned himself near Subject 1, took Subject 1's gun and placed it on the ground. Officer A then turned Subject 1 onto his stomach and handcuffed him. After the handcuffs were applied, Officer B holstered his pistol and broadcast, "Officer needs help, officer needs help... shots fired."

Officer C and Officer D arrived at scene and requested a Rescue Ambulance (RA). A Los Angeles Fire Department (LAFD) RA responded to the scene and Subject 1 was determined to have died from his injuries.

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

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that after observing Subject 1 conceal an item under his sweatshirt, officers appropriately decided to investigate further. The officers reversed the patrol vehicle and approached Subject 1 from behind; however, they did not notify Communications Division (CD) of their status and location. Officers are trained to advise CD when they conduct officer-initiated activities, making nearby units aware of their location and enabling them to respond more rapidly if needed.

Officers A and B did a good job communicating with each other as the incident unfolded and assumed proper contact and cover roles as they approached Subject 1 and took him into custody. Once Subject 1 was taken into custody, Officer B broadcast, "Officer Needs Help, Officer Needs Help... shots fired." Officer B should have broadcast a request for assistance and further articulated that Subject 1 had already been taken into custody. The first responding unit requested an RA for Subject 1 approximately two minutes later. Once Subject 1 was handcuffed and a viable threat no longer existed, Officers A or B should have requested an RA for Subject 1.

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

B. Drawing/Exhibition/Holstering

The BOPC noted that at the termination of a brief foot pursuit, Subject 1 abruptly stopped and turned around, produced a handgun and fired two rounds at Officer A. Fearing for his life, Officer A drew his service pistol and pointed it at Subject 1.

Officer B was exiting the vehicle when he heard Officer A say "gun," followed by the sound of gunfire. Officer B drew his service pistol.

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. Lethal Use of Force

The BOPC noted that Subject 1 fired two rounds at Officer A. In immediate defense of his own life, Officer A fired to stop Subject 1's deadly assault. Subject 1 fell to the ground and began to manipulate his gun, which he appeared to be reloading. Subject 1 then pointed his gun at Officer B. Fearing for his partner's life, Officer A fired additional rounds, until he observed that Subject 1 was incapacitated and no longer a threat.

Meanwhile, Officer B observed Subject 1 in a seated position, pointing a handgun at him. In immediate defense of his own life, Officer B fired to stop Subject 1's threatening actions.

The BOPC determined that Officers A and B reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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