

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

OFFICER-INVOLVED SHOOTING – 042-06

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	05/26/2006	10:35 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer B	9 years, 11 months

Reason for Police Contact

Officers were en route to a shots fired call when they encountered armed suspects. After apprehending one suspect, an officer initiated a foot pursuit of the second, which ended with an officer-involved shooting.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 20 years of age.			
Subject 2: Male, 17 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 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 03/27/07.

Incident Summary

Officers A and B were en route to a shots fired call when they observed three males. One of these individuals (Subject 1) was holding a pistol and a second (Subject 2) was holding a rifle. Officers A and B observed Subject 1 and Subject 2 cross the street and flee. The third male, who was never identified, ran in a different direction.

Officers A and B focused their attention on Subjects 1 and 2 because they were armed. The officers lost sight of Subjects 1 and 2, and proceeded to patrol in search of them. The officers noticed Subjects 1 and 2 running along the street and observed Subject 2

throw the rifle over a fence. As they continued to run, Subject 1 passed Subject 2, turned toward the officers, and pointed the pistol toward the police vehicle.

Note: During this time, Officer B made broadcasts to Communications Division (CD), including the officers' location. However, it appears that these transmissions were not received.

Officer A stopped the police vehicle in the middle of the street, placed it in park, and drew his pistol. Officer B exited the police vehicle and also drew his pistol. Officer B fired three rounds at Subject 1, starting from the passenger door of the police vehicle and moving toward Subject 1. Officer B also yelled commands at Subject 1.

As soon as the shots were fired, Subject 2 dropped to the ground and surrendered in a prone position.

Meanwhile, Officer A exited the driver side of the police vehicle and Officers A and B both proceeded away from their police vehicle. Officer B instructed Officer A to cover Subject 2, while Officer B continued to chase Subject 1. Officer A covered Subject 2 and ordered him not to move.

Subject 1 continued running, jumped over a chain-link fence, ran through a front yard, and up a driveway. Officer B took a position of cover behind a vehicle that was parked partially blocking driveway where Subject 1 was located. Subject 1 then ran across the end of the driveway and in front of a van parked in the driveway. As he did so, Officer B believed that he saw Subject 1 point a pistol in Officer B's direction. Officer B fired two additional rounds in the direction of Subject 1. Subject 1 ran out of Officer B's view.

Officer B requested a perimeter be established and made an "officer needs help" transmission. This broadcast was received by CD.

Officers C and D were the first backup officers to arrive in response to the help call. Officer D handcuffed Subject 2. Subject 1 was later located and arrested without incident.

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 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 B's use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B were actively searching for the shooting suspects while responding to the radio call and became involved in a spontaneous and rapidly unfolding tactical incident. The BOPC noted that the first broadcast received by CD related to this incident was transmitted by Officer B did not include pertinent information such as the correct location of the officers, the subjects' description, and the last direction of travel for the subjects.

Officer B left the cover of his police vehicle and followed Subject 1, who was armed with a pistol. Officer B did not use available cover provided by the parked vehicles. It would have been more tactically sound for Officer B to remain behind his ballistic door panel or moved with the cover of the parked vehicles.

Officer A left the cover provided by his police vehicle and approached Subject 2. It would have been more prudent and tactically sound to maintain a position of cover behind the vehicle door or to move to another viable position of cover.

The BOPC found Officers A and B 's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B observed two armed subjects flee from them, feared an armed confrontation with the two subjects, and drew their service pistols upon exiting their police vehicle.

The BOPC determined that Officers A and B had sufficient information to believe the incident 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 as Officer B exited his police vehicle to confront Subjects 1 and 2, Subject 1, who was running away from Officer B, turned and pointed a pistol at him. Officer B, in fear that he or his partner would be shot, fired three rounds at Subject 1.

Subject 1 fled, emerging in front of a parked van. As Subject 1 emerged from the front passenger side of the van, he pointed a pistol at Officer B. Officer B, in fear of being shot, fired another two rounds in at Subject 1. None of Officer B's rounds struck Subject 1.

The investigation revealed that a pistol was recovered near the driver side rear of the van. Subject 1 was near the front passenger side of the van at the time of the second shooting. The BOPC considered this issue and determined that, due to Officer B's elevated stress level after being involved in the first shooting as well as the poor lighting where the second shooting occurred, it was reasonable for Officer B to believe Subject 1 had pointed the pistol at him a second time.

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

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