

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

OFFICER-INVOLVED SHOOTING – 042-07

Division Harbor **Date** 04/26/2007 **Duty-On (x) Off ()** **Uniform-Yes (x) No ()**

Officer(s) Involved in Use of Force Officer A **Length of Service** 11 years, 4 months

Reason for Police Contact

Officers A and B received information regarding armed gang members congregating in front of an apartment complex, including a description of one individual, Subject 1, who was in possession of a gun. When the officers contacted Subject 1, he pointed a pistol at Officer A and an officer-involved shooting occurred.

Subject Subject 1: Male, 21 years. **Deceased (x)** **Wounded ()** **Non-Hit ()**

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 03/25/08

Incident Summary

Officers A and B received information that armed gang members were congregating in front of an apartment complex. A description of a male with a gun was provided to the officers. Officer A called Officer C on his cellular telephone regarding the information received.

During their telephone conversation, Officers A and C discussed tactics pertaining to approach, contact and containment. Officers A and B met up with Officer C and his partner, Officer D. Officers A and C each briefed their respective partners on the plan they had formulated prior to arriving at the apartment complex.

With Officers A and B in the lead, both units approached the location. Officer A informed Communications Division (CD) when they arrived. The officers saw three males at the front of the apartment complex, including a male (Subject 1) who matched the description of the armed individual. When Subject 1 saw the officers, he started to run into the complex. Officer B, with his pistol unholstered, momentarily entered the courtyard and lost sight of Officer A. The other two subjects who had been standing with Subject 1 ran in an unknown direction and were never located or identified.

Officers A and B ran down the driveway to the corner of the building; Officer B's weapon was unholstered. Officer A saw that the window screen on the first floor window was pushed out, and Subject 1 was attempting to climb out of the window. Subject 1 was holding a pistol in his right hand.

Officer A saw Subject 1 turn his head in his direction and point the pistol toward Officer A. Officer A, believing that Subject 1 was going to shoot him, drew his own pistol and fired two rounds at Subject 1. Subject 1 then fell back into the apartment, out of the officer's sight.

Meanwhile, upon hearing the gunshots, Officer C unholstered his pistol. Officer C peered around the corner and made visual contact with Officer A, who had retreated into the driveway. Officers C and D could hear Officer A on the radio requesting additional units for "shots fired." They attempted radio communication with Officers A and B but were unsuccessful because of competing radio traffic. They eventually made visual contact with Officers A and B. Officer A told them to return and hold the perimeter at that location.

Officer A broadcast a request for additional units and began setting up a perimeter. Officer A also requested a Rescue Ambulance (RA). Sergeants A and B arrived at the scene. Officer A was unsure as to whether or not the rounds he had fired struck Subject 1; however, based on the statements made by witnesses, it appeared Subject 1 had been struck.

Given the indications that Subject 1 was a wounded, armed, and barricaded suspect, Sergeant B requested additional resources. Once additional resources arrived on the scene, a team of officers entered the apartment and found Subject 1 unconscious and non-responsive. Subject 1 was handcuffed and then paramedics were called in from the perimeter where they had staged earlier. Firefighters/paramedics entered the apartment, examined Subject 1 and declared him dead.

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, B, C and D's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A, B, C and D's drawing to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that, upon arrival, Officers A and B pursued Subject 1 while at least two other individuals fled in various directions. Although the other fleeing persons could have potentially been armed, presenting a threat to the officers as they pursued Subject 1, Officers A and B had no indication or information causing them to believe this to be so. Officers A and B acted on the specific information that they were provided with and decided to continue after Subject 1, believing that the other persons were not a threat.

Upon arrival, Officer B exited his police vehicle, drew his pistol, and pursued Subject 1 into the courtyard. Pursuing a subject on foot with his pistol drawn increases the potential for an unintentional discharge and could have limited Officer B's force options if the need were to arise. However, the BOPC noted that during this incident, Officer B's judgment to pursue Subject 1 while having his pistol drawn was the safest manner in which to progress.

Officers A, B, C and D discussed a plan prior to their arrival. This plan was not completely followed once the officers arrived and Subject 1 fled on foot. Officer B pursued Subject 1 through the courtyard, while Officer A ran toward the side of the building in an effort to provide containment. This caused Officers A and B to separate for a short time. Officer C looked around the corner of the building, making eye contact with Officer A. This created a potential crossfire situation, as Officers C and D were close to where Subject 1 was last observed and where Officer A had just fired his rounds.

After the officer-involved shooting, Officer B broadcast on simplex that there had been shots fired. Uninvolved officers indicated that they heard a “shots fired” broadcast on simplex. Shortly afterward, Officer B broadcast “shots fired” on the base frequency. Officer B should ensure his radio is on the base frequency prior to broadcasting to CD. Additionally, in this incident, a help request would have been more appropriate and prudent.

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

B. Drawing and Exhibiting

The BOPC noted that Officer B exited his police vehicle and observed Subject 1 run through the courtyard while holding his front waistband as if supporting a concealed weapon. Believing that Subject 1 may remove a handgun and turn on him, Officer B drew his pistol.

Officer D exited the police vehicle and based on previous information of a possible gang member with a gun, drew a pistol. Officer C heard two to three shots being fired and while not being sure of the origin of these rounds, drew his pistol.

Officer A observed Subject 1 attempting to exit the building. As Subject 1 was partially outside of the window, he pointed a pistol at Officer A and believing he was about to be shot, Officer A drew his pistol.

The BOPC determined that Officers A, B, C and D had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary.

The BOPC found Officer A, B, C and D’s drawing to be in policy.

C. Lethal Use of Force

Officer A observed Subject 1 attempting to climb out the window of the apartment building. Subject 1 pointed a pistol at Officer A while the upper portion of his body was outside the window. Believing he was about to be shot, Officer A fired two rounds at Subject 1 to prevent his assault.

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.