

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

**OFFICER-INVOLVED SHOOTING – 043-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
Wilshire	04/27/2007		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	4 years, 7 months

**Reason for Police Contact**

Officer A and Officer B observed two males in a truck. Officer B thought the two males may have been involved in gang activity. Officers A and B then observed the truck fail to signal before changing lanes and initiated a traffic stop. One of the males, Subject 1, exited the truck and fled. Officers pursued and, when Subject 1 pointed a handgun at Officer A, an officer-involved shooting occurred.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
Subject 1: Male, 21 years.			

**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 04/01/08.

**Incident Summary**

Officers A and B were patrolling in a marked police vehicle when they observed two males driving a truck down the street. Officers A and B were aware that they were in an area known to be inhabited by a local street gang, and Officer B thought the two males were possibly involved in a gang activity. Officer B conducted a U-turn in order to monitor the truck.

Officer A advised Communications Division (CD) of the truck's license plate number so that it could be checked for wants and warrants. CD informed Officers A and B that there were no wants or warrants associated with the vehicle. Officers A and B then observed the truck fail to signal before changing lanes, and they decided to initiate a traffic stop.

Meanwhile, Officer C and Officer D observed Officers A and B driving on the opposite side of the street. Officers C and D heard Officers A and B running the license plate of a vehicle over their radio. Believing that Officers A and B were about to conduct a traffic stop, Officer C conducted a U-turn and began to drive toward their location.

Officer B activated the siren and red light in his police vehicle. The truck then pulled over to the right side of the street. When the truck came to a stop, the passenger door opened and Subject 1 exited. Officer A observed that Subject 1 was holding his waistband with his right hand, and he also observed the black handle of a handgun. Officer A yelled, "Gun," exited the police vehicle and drew his pistol.

Upon exiting the truck, Subject 1 fled through a parking lot. Officer A followed Subject 1. Officer A broadcast that he was in a foot pursuit.

Officer A followed Subject 1 through the parking lot and then onto the street. Meanwhile, Officer B placed the police vehicle in park and exited. Officer B paused to observe the driver of the truck, who remained inside the vehicle. Officer B then ran to assist Officer A in the ongoing foot pursuit.

Officer A observed Subject 1 remove the handgun from his waistband and hold it as he continued to run. Officer A twice ordered Subject 1 to stop and drop the gun, but Subject 1 did not comply. Officer A then broadcast that there was a man with a gun and provided his location.

Officer A ordered Subject 1 to stop and drop the gun two more times, but Subject 1 again failed to comply. Subject 1 then turned and ran down a driveway that led to a gated parking lot under a building. Officer A followed Subject 1 onto the driveway. Officer A observed Subject 1 come to a stop at the gate that blocked the entrance to the parking lot.

Subject 1 rapidly looked in Officer A's direction, twisting his body slightly to the right, and pointed his handgun at Officer A. In response, Officer A fired two rounds from his pistol at Subject 1, striking him once. Subject 1 then tossed his gun in a pitching motion, over a fence that ran along the edge of the driveway. Subject 1 then dropped to his knees and put his hands in front of his face.

As Officer A fired his rounds, Officer B arrived at the driveway. Fearing that Subject 1 might be in possession of another weapon, Officer B drew his pistol. Meanwhile, Officers C and D also arrived at the location. As they approached, Officer C saw Officer A fire two rounds and Officer D heard two rounds being fired, though he did not know

who had fired them. Officer D broadcast a help call, indicating that shots had been fired.

Officers C and D exited their vehicle and Officer D drew his pistol. Subject 1 then went down to the ground. Officer B then holstered his pistol, approached Subject 1, and handcuffed him.

Once Subject 1 was in custody, Officers A and D holstered their pistols. Officers B and C both observed that Subject 1 was bleeding. Officer A made a broadcast indicating that Subject 1 was in custody, and Officer C 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.

#### **A. Tactics**

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

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

The BOPC found Officer A and B'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 after observing the driver of the truck commit the traffic violation, Officers A and B appropriately decided to take enforcement action and conduct a traffic stop; however, they did not notify 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 creating circumstances wherein they can respond more rapidly if

needed. Recognizing that the subject was armed with a handgun, Officer A should have broadcast a request for assistance or help and the response of an air unit. Utilizing adequate personnel in any rapidly unfolding tactical event is crucial and facilitates the likelihood of a safe and successful apprehension.

Once involved in the foot pursuit, it would have been safer for the officers to broadcast their location, subject description, further articulate that the subject was armed with a handgun and that there was one additional subject inside the vehicle. The BOPC noted that Officer B did not secure the police vehicle prior to engaging in the foot pursuit and left the keys inside. After a brief period of time, Officer B appropriately broadcast the foot pursuit.

Officer A chased the subject around a blind corner at the top of a driveway leading to a parking garage. It would have been safer for Officer A to slow down and not blindly succumb to the instinct of following directly behind the subject.

In addition, when deciding to chase Subject 1 after seeing him exit the truck, Officer A engaged in a foot pursuit of an armed subject with, at best, a limited amount of cover. It is acknowledged that Officer A made a rapid decision under tense circumstances, and that he was aware of the danger that Subject 1 presented. However, Officer A's decision to follow Subject 1 was not consistent with Department training that officers should not attempt to follow a subject who is reasonably believed to possess a firearm.

When Officer A initially began to follow Subject 1 on foot, he did not verbalize his actions to Officer B. By not immediately alerting Officer B to the initiation of the foot pursuit, Officer A increased the chance that he and Officer B would become significantly separated.

Finally, the investigation determined that Officer B did not have his baton or Hobble Restraint Device during the incident and Officer A was without his baton. It is important that all officers have their required equipment available.

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

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

The BOPC noted that Subject 1 ran from the vehicle holding a handgun in his waistband. Fearing that the situation could escalate to the point where deadly force may become necessary, Officer A exited his vehicle and drew his pistol.

At the termination of the foot pursuit, Officer B observed Officer A fire two rounds at Subject 1. Subject 1, who was armed with a handgun, threw it over the fence and collapsed on the ground. Realizing that the situation had escalated to the point where deadly force was necessary, Officer B drew his weapon.

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 become necessary.

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

### **C. Lethal Use of Force**

The BOPC noted that Subject 1 pointed a handgun at Officer A. In immediate defense of his partner's and his life, Officer A fired two rounds at Subject 1.

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.