

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

**OFFICER-INVOLVED SHOOTING – 046-06**

<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>
Southwest	06/03/2006		

<b><u>Officer(s) involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer B	8 years, 7 months

**Reason for Police Contact**

Subject 1 ran across the street, in front of a police vehicle, forcing the officer driving the vehicle to brake in order to avoid a collision. When the police officers attempted to detain Subject 1, he fled on foot. A short foot pursuit ensued. Subject 1 shot one of the officers at the conclusion of the foot pursuit.

<b><u>Subject(s)</u></b>	<b><u>Deceased (x)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Subject 1: Male, 52 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, 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 April 17, 2007.

**Incident Summary**

Uniformed Police Officers A and B were patrolling in a marked police vehicle. Officer B was driving the vehicle. As the officers traveled westbound on a residential street, Subject 1 ran across the road from the north to the south sidewalk. In doing so, Subject 1 caused Officer B to brake suddenly to avoid a collision. The officers decided to stop Subject 1 for the observed infraction.

**Note:** Unbeknownst to Officers A and B, Subject 1 had just committed a robbery at a nearby gas station, wherein he had threatened a cashier with a handgun and stolen a quantity of cash.

Upon reaching the south sidewalk, Subject 1 looked over his shoulder, toward the officers, stopped running and started to walk quickly westbound, toward a nearby intersection. Officer A exited the police vehicle, followed by Officer B. Officer A told Subject 1 to “Stop” and “Come here.”

Officer B exited the police vehicle and attempted to broadcast the officers’ status and location to Communications Division (CD). However, the frequency was busy and the attempt was unsuccessful.

**Note:** Another unit was broadcasting on the frequency regarding the robbery at the gas station. Neither Officer A nor Officer B heard this broadcast.

Subject 1 then began to run westbound, along the sidewalk. The officers went in foot pursuit of Subject 1. Officer A was closest to Subject 1 as they ran, with Officer B following approximately eight feet behind. Officer A could hear Officer B behind Officer A as Officer A ran. Officer B made additional unsuccessful attempts to broadcast as the foot pursuit got underway. Neither officer saw anything in Subject 1’s hands.

Having run a short distance westbound, Subject 1 reached the corner of a residential property. As the officers continued to pursue him, Subject 1 turned south (left), ran onto the front lawn of the property, then climbed a short flight steps onto the porch.

As Subject 1 made it to the porch, Officer A caught up and grabbed at him. Meanwhile, Officer B was still following, positioned approximately eight feet behind Officer A.

Meanwhile, as Officer B moved southbound on the lawn, toward the steps leading to the porch, Officer B heard a small caliber gunshot. As Officer B heard the gunshot, Officer B’s view of Officer A and Subject 1 was obstructed by a pillar at the northwest corner of the porch.

**Note:** Officer B recognized the sound of the gunshot as a small caliber round, as opposed to a nine millimeter round such as Officer A’s pistol would have discharged. Subject 1’s weapon was subsequently determined to be a .22 caliber revolver.

Upon hearing the gunshot, Officer B drew Officer B’s pistol, holstered Officer B’s radio and sidestepped to a position north of the raised porch from which Officer B could look around the eastern side of the pillar. As Officer B came around the corner of the pillar, Officer B saw Subject 1 fire a second round directly at Officer A. As this shot was fired, Officer A appeared to Officer B to be falling or trying to duck the gunfire. At that time, Officer B fired six consecutive rounds at Subject 1. As Officer B fired, Officer B heard Subject 1 discharge a third round.

Having fired the sixth round, Officer B saw Subject 1 drop a handgun and fall face-first to the ground, with his head facing south. Officer B then moved back around the pillar, to the porch. As Officer B did so, Officer B drew Officer B's radio and broadcast the officers' location and that there was an "officer down."

Officer B came around to the porch, where Officer B saw that Subject 1 was no longer moving. Officer B saw that Subject 1's revolver was on the porch. Officer B also saw that Officer A, who was lying on Officer A's left side, was bleeding profusely.

Officer B assessed that Subject 1 was no longer a threat, reloaded Officer B's pistol and reholstered. Officer B then positioned himself between Subject 1's body and the revolver and searched for the location of Officer A's injury, which he soon located under Officer A's left armpit. Officer B applied pressure to the site of the injury.

Officer B then re-broadcast the officers' location and requested a Rescue Ambulance (RA).

Shortly after this broadcast was made, Police Officers C and D arrived at the location and approached the porch. Officer D observed the injured Officer A and returned to the police vehicle to retrieve a trauma kit. Meanwhile, Officer C drew Officer C's pistol in order to cover Subject 1. Officer C told Subject 1 to place his hands behind his back, but received no response. Officer C saw that Subject 1 was not moving, reholstered Officer C's pistol, approached Subject 1 and handcuffed his arms behind his back.

Numerous units subsequently responded to the "officer down" broadcast, including officers trained as Emergency Medical Technicians. Officers provided emergency care to Officer A, pending the arrival of Los Angeles Fire Department (LAFD) personnel.

Paramedics responded, provided Officer A with emergency treatment and transported Officer A from the scene to a hospital. Meanwhile, additional LAFD personnel tended to Subject 1.

Subject 1 was subsequently pronounced dead at the scene of the incident.

Officer A sustained gunshot wounds to the right arm and a gunshot wound caused by a projectile that entered under Officer A's left armpit and traveled to Officer A's spinal cord. Officer A was paralyzed below the mid-sternum area as a result of the latter gunshot wound.

### **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 no action.

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

The BOPC found Officer B and C'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 numerous instances of prudent tactical decisions and proper actions were identified during the review of this incident. Those actions were:

- Once the officers committed to chasing Subject 1, Officer B appropriately exited the police vehicle and joined Officer A in the foot pursuit. This tactical decision maximized Officer B's ability to render immediate aid to Officer A.
- Throughout the incident, Officer B attempted to broadcast the foot pursuit. However, because the frequency was in use, Officer B was unable to transmit. During the incident, Officer B was fully aware of the communications problem and attempted several times to remedy the situation.
- Upon hearing a shot fired on the porch, Officer B stopped and maximized Officer B's tactical advantage by using available cover, instead of continuing blindly around the front of the porch.
- Officer B exercised fire discipline and only fired at Subject 1 until he dropped his handgun.
- In spite of the harrowing situation, Officer B used sound judgement after seeing Officer A grievously wounded by appropriately assessing the situation, determining that Subject 1 was no longer a threat and reloading Officer B's pistol prior to approaching Subject 1.

- Officer B, cognizant that prior attempts to broadcast information to CD had failed, immediately broadcast the officers' location and that there was an "officer down."

As in most rapidly unfolding tactical incidents, there were areas identified where improvements could be made. Due to the large perimeter that was established and the amount of vehicles at scene, LAFD paramedics were delayed in responding. The BOPC noted that, although incidents such as this can be chaotic, it is important that the appropriate ingress and egress routes be established and maintained to ensure the timely response of medical personnel. The BOPC found that the placement of vehicles at critical incidents is a reoccurring problem that needs to be addressed Department-wide.

The BOPC found that the tactics used by Officers A and B were appropriate.

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

The BOPC noted that, after hearing gunfire from the porch that Officer A had chased Subject 1 onto, Officer B, in fear of an armed confrontation, drew Officer B's service pistol.

After responding to the "help call" and being summoned to the porch by Officer B, Officer C, in fear of an armed confrontation, drew Officer C's service pistol and covered Subject 1 until it was determined that he was no longer a threat.

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

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

The BOPC noted that, while involved in a foot pursuit and after hearing a shot fired, Officer B moved to a position that afforded a view of Officer A. Officer B observed Subject 1 standing over Officer A and pointing a pistol at Officer A. Officer B, in immediate defense of Officer A's life, fired six consecutive rounds at Subject 1. The BOPC found that the number of rounds fired by Officer B were reasonable under the circumstances.

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