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

OFFICER-INVOLVED SHOOTING – 048-07

Division	Date	Duty-On (X) Off()	Uniform-Yes() No(X)
Newton	05/19/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer B	10 years, 3 months

Reason for Police Contact

Officers observed when they believed to be a hand-to-hand narcotics transaction as they conducted surveillance near a treatment center for heroin addicts. A pursuit of the subjects was initiated. Subject 1 pointed a handgun at Officer B and an officer-involved shooting occurred.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: male, 60 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 04/22/08.

Incident Summary

Officers were deployed to conduct surveillance for narcotics activity near an opiate detoxification rehabilitation clinic. One of the services provided by the clinic is a methadone treatment program for heroin addicts. The officers were attired in plainclothes and utilized plain vehicles.

> **Note:** The officers were not wearing ballistic vests or raid jackets. These items were stowed in the trunks of their plain vehicles. They also did not broadcast their location upon arrival.

Officer A was the first to arrive at the location. Officer A utilized a radio to advise that possible narcotics activity was being observed in the area. Officers B, C, D, and E responded that they were en route.

Officer C broadcast his observation of a heavyset male standing mid-block on one side of the street. Two males approached the heavyset male and exchanged currency for small unknown items. After making contact with the heavyset male, the other two males began to walk down the street. Officer A broadcast the description of the two males, who were spotted at a corner by Officers D and E. Officer A directed Officers D and E, via the radio, to detain the two males, while Officer A would detain the heavyset male.

Meanwhile, Officers B and C observed a fourth male, Subject 1, standing on a corner. A male, Subject 2, approached Subject 1, and there appeared to be a hand-to-hand transaction between Subject 1 and Subject 2. Officer C advised the other officers that he and Officer B would detain Subject 1 and Witness A. It was decided that Officer B would detain Subject 1 and Officer C would detain Subject 2. Officer C proceeded to drive down the street and turned at an angle, stopping the vehicle. Both officers immediately exited their vehicle. Officer C stated, “Police, let me see your hands,” as he approached Subject 2.

Subject 1 immediately ran. Officer B yelled, “Police, stop, police,” and chased him. At Officer C broadcast that Officer B was chasing Subject 1. Officer C grabbed Witness A's hands, which Subject 2 had placed on top of his head, and moved him to where he could maintain visual contact with Officer B and Subject 1.

Meanwhile, Officer A had driven down a different street and was in the process of detaining the heavyset male. Officer A exited the police vehicle and called the heavyset male to get his attention when Officer A heard Officer C's broadcast. Officer A then observed Subject 1 running.

Officer A proceeded to drive toward Subject 1 and Officer B's direction. Officer A observed Subject 1 running across the street with his hands near his stomach area. It appeared as though Subject 1 was rummaging through his pockets. Officer A observed Officer B running behind Subject 1 yelling, "Stop, stop. Police, police." Subject 1 ran toward a white minivan parked on the street. Subject 1 stopped near the minivan and began to crawl underneath the vehicle, on his stomach. Subject 1 managed to get his upper torso underneath the minivan while his legs remained exposed.

Upon reaching Subject 1, Officer B moved to Subject 1's left side, knelt down and attempted to pull Subject 1 out from underneath the minivan by grabbing Subject 1's shirt with his left hand. Subject 1 continued to struggle and concealed both of his hands near his waistband area. Believing Subject 1 was attempting to arm himself, Officer B drew his pistol and ordered Subject 1 to show him his hands. Officer B said that Subject 1 then lifted his left shoulder off the ground and threw his body in one direction. Officer B observed Subject 1's right arm underneath his body, across his stomach, and

a blue steel handgun in his right hand pointed at him.

Officer B saw Subject 1 with a gun and fired three consecutive rounds at Subject 1 from a kneeling position. Officer B then stood up and ordered Subject 1 to drop the gun. Subject 1 did not comply and still had his gun pointed at Officer B. Officer B fired two additional rounds. Subject 1's hand went limp and the gun fell out of his hand.

Officer A requested that an RA respond for Subject 1. A Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) received the alarm and responded to the scene. LAFD personnel administered emergency medical treatment and Subject 1 was then transported to a hospital. Subject 1 failed to respond to the medical treatment and was pronounced dead by medical personnel.

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

B. Drawing/Exhibiting/Holstering

The BOPC found Officers B, D and E's drawing to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A, B, C, D and E were working a plainclothes roving Observation Post (OP) detail with their ballistic vests and raid jackets stowed in their respective vehicles. The officers should have worn their Department raid jackets.

Additionally, ballistic vests would have afforded them a higher level of safety in this instance.

Officers A, B, C, D and E did not advise Communications Division (CD) of their status or location when they had the intent of monitoring Subject 1 and the other individuals. The subjects were on foot and it would have been prudent for the officers to advise CD that they were in the area, should assistance have been required.

Officers B and C attempted to detain two subjects, however, Subject 1 immediately ran away. Officer B went into foot pursuit of Subject 1 while Officer C maintained control of the second subject. At the time of the officer-involved shooting (OIS), Officer A was responding to assist Officer B and was close by. Officer C began to move his subject to close the gap between himself and Officer B. The BOPC would have preferred that Officer B had not engaged in the foot pursuit by himself and had another officer in close proximity, in order to render immediate aid.

With the exception of their service pistols and handcuffs, Officers D and E were not wearing any of their tactical equipment. Further, it would have been preferable that uniformed officers in a marked police vehicle had been assigned as the chase car.

The BOPC also noted that Officers D and E had detained two individuals involved in the possible narcotics transaction, handcuffing one subject. After the OIS, both officers left the subjects unattended to render aid to Officer B, resulting in their escape. It would have been prudent for one officer to have maintained control of the two subjects, allowing the other officer to respond to Officer B's location.

The BOPC found Officers A, B, C, D and E's tactics to warrant formal training.

B. Drawing/Exhibition/Holstering

The BOPC noted that Subject 1 ran from Officer B, assumed a position on the pavement and crawled under a van, concealing his upper torso. Officer B identified himself and ordered Subject 1 to stop. Officer B observed Subject 1 fail to comply and conceal his hands. Believing that Subject 1 might be arming himself with a weapon and fearing that the situation could escalate to the point where deadly force may become necessary, Officer B drew his service pistol.

Upon hearing gunshots, Officer E ran in the direction where he believed the gunfire originated. Officer E observed Officer B with his pistol drawn and Subject 1 lying underneath a van. Fearing an armed confrontation, Officer E drew his service pistol.

Upon hearing gunshots, Officer D ran in the direction of where he believed the gunfire originated. Officer D heard Officer B say that the subject had a gun. Fearing an armed confrontation, Officer D drew his service pistol.

The BOPC determined that Officer B along with Officers D and E had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary.

The BOPC found Officers B, D and E's drawing to be in policy.

C. Use of Force

The BOPC noted that Subject 1, while under the vehicle, pointed a handgun at Officer B. Fearing that Subject 1 was going to shoot and kill him, Officer B, in immediate defense of his life, fired five rounds at Subject 1.

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

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