

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

OFFICER-INVOLVED SHOOTING – 049-06

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	06/10/2006	3:01 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer C	3 years, 2 months

Reason for Police Contact

Officers approached a group of potential gang members to collect intelligence. One subject ran and officers initiated a foot pursuit. Officers observed the subject was carrying a handgun and, when the subject pointed the handgun at officers, one officer fired two rounds.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 22 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 05/15/07.

Incident Summary

Officers A, B, C, D, and E were driving to lunch. Officers A and B occupied one marked police vehicle and Officers C, D, and E occupied a second.

Officers A and B noticed a group of approximately five males whom the officers believed to be gang members congregated in front of a residence. Officers A and B decided to stop their vehicle and talk to the individuals.

Officer A stopped the police vehicle and asked the group to move their car. The group

began moving off of the street. Officers A and B then noticed an unidentified male who walked away from the officers with his right hand in his waistband area. Officers A and B followed the unidentified male. The unidentified male walked towards a group of approximately five to eight individuals at the rear of the building. Officer B ordered everyone to put their hands in the air.

Meanwhile, Officer D drove the second vehicle in the direction of the unidentified male in an attempt to establish a perimeter.

All of the individuals in the rear of the building complied with Officer B's order to put their hands in the air except for one individual (Subject 1). Subject 1 grabbed his right pants pocket, as if he had a gun. Officer A drew his service pistol, and Subject 1 began to run. Officer A ordered Subject 1 to stop, but Subject 1 did not comply. Officer A re-holstered his pistol and Officers A and B chased Subject 1.

Officer C joined the foot pursuit, taking the lead. Officer B informed Officer C that Subject 1 had a gun, and Officer C observed Subject 1 holding his right pants pocket.

Officers B, C and E chased Subject 1 giving him commands to stop as they ran. Officer B broadcast their direction of travel and a description of Subject 1.

Upon reaching an alley, Subject 1 slowed to a stop, crouched down, reached into his right front pants pocket, pulled out a revolver and attempted to place the revolver under a rug in the alley. Officer C stopped, drew his pistol and ordered Subject 1 to stop and lay on the ground. Subject 1 failed to comply and instead stood up and continued running down the alley, now holding the revolver in his right hand. Officer C re-holstered his pistol.

Meanwhile, Officer A, who dropped out of the foot pursuit in the early stages, decided to enter his police vehicle to meet the other officers. When he reached the alley, he picked up Officer E. Officer D heard that the subject was running. Officer D drove towards Subject 1's direction of travel.

Subject 1 ran out of view. Officers B and C followed Subject 1, using a gate as cover as they proceeded. Officer C maneuvered around the corner of the alley and observed Subject 1 running into a driveway and then into a small room attached to a carport area along the driveway. Subject 1 exited the small room, still holding the revolver.

Subject 1 pointed the revolver toward Officers B and C. Officer C ordered Subject 1 to stop and drop the gun. Subject 1 lowered the revolver, but continued running in the driveway. Officers B and C drew their pistols.

Officers B and C caught up to Subject 1, who was slowing down and wobbling back and forth. Subject 1 turned his upper torso toward the officers and pointed the revolver in his right hand at Officer C. Believing that he needed to immediately defend himself and his partner, Officer C fired two rounds toward Subject 1. Officer C was still walking at

the time he fired.

Subject 1 took approximately two additional steps, fell, and landed in a prone position on the ground. Subject 1's revolver fell on the ground to the right side of Subject 1.

Meanwhile, Officer D drove towards Subject 1's direction of travel. He observed Subject 1 being chased by Officers B and C but did not see anything in Subject 1's hands. Officer D parked, exited his vehicle, and heard two gunshots. Officer D broadcast shots fired and requested backup.

Following the officer-involved shooting, Officer B re-holstered his pistol, approached Subject 1, and took possession of the revolver, which was lying on the ground near Subject 1. Once the revolver was secured, Officer C re-holstered his pistol and approached and handcuffed Subject 1.

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 divisional training.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A, B, C, D, and E initiated an investigation without notifying Communications Division (CD) of their status and location. Officers are trained to advise CD when they conduct officer-initiated activities, which makes nearby units aware of their location and creates the circumstance wherein they can respond more rapidly if needed.

The BOPC noted that Officers A and B should have discussed their intentions with each other and communicated them to the officers in the second vehicle. Communication among partners is critical and when one partner works independent of the other, officer safety is jeopardized.

Officer A decided to contact a group of individuals, whom he believed to be gang members drinking in a public roadway, while still seated inside his police vehicle. This placed Officers A and B in a tactically disadvantageous position to contact a large group of individuals, especially when they were believed to be gang members. It would have been preferable for Officer A to have exited his police vehicle and approached the group on foot.

When Officers A and B exited their vehicle, their attention was drawn to an unidentified male standing behind a fence. The unidentified male looked in the officers' direction, grabbed his waistband area with his right hand and proceeded to walk away from the officers. Officers A and B followed the unidentified male. Following immediately behind were Officers C and E, who stopped and conducted pat down searches of the remaining individuals before proceeding to the rear, thereby ensuring that their backs were not unnecessarily exposed to potential danger.

Officer D, the driver of the second vehicle, observed the unidentified male attempting to flee from Officers A and B and did not exit his police vehicle. Instead, he took the initiative to cover two sides of a perimeter while maintaining a safe distance, and avoiding a cross fire situation with his fellow officers should an armed subject appear. He also placed himself in a position to adjust should a larger perimeter become necessary.

Officers B and C pursued Subject 1. Towards the end of the pursuit, Officer B entered a driveway with the intention of containment. The BOPC found that Officer B's decision placed him in an open area that did not afford him any cover. The BOPC noted that once Subject 1 entered the small room adjacent to the driveway, an additional consideration for Officers B and C would have been to maintain cover and initiate a containment of the location.

Meanwhile, Officer A picked up Officer E and drove toward Subject 1's direction of travel. Officers A and E heard two gunshots, at which time Officer E requested a "back-up" via CD. The BOPC noted that upon hearing gunfire in the immediate area of the

foot pursuit, it would have been prudent for Officer E to broadcast an “officer needs help” call. When an officer requests assistance, it is imperative that the responding units are aware of the seriousness of the threat facing the requesting unit.

The BOPC noted that Officers B and C continued their foot pursuit of Subject 1, believing that Subject 1 was armed. The surroundings initially afforded varying levels of potential cover as they pursued Subject 1. However, the BOPC noted that Officers B and C had minimal cover as the foot pursuit progressed.

Generally, officers are not to engage in a foot pursuit of an armed suspect unless there is adequate cover to continue the pursuit with the intent of monitoring the suspect’s progress to better establish a perimeter. The BOPC notes that Officers B and C should have considered the balance that must be made between what tactics provide a sufficient likelihood that the suspect will be apprehended and those that afford the appropriate level of officer safety. The safe and successful apprehension of a fleeing suspect is more likely when partners have previously discussed what tactics they will use to effect the arrest of a fleeing suspect.

After the officer-involved shooting occurred, Subject 1 fell to the ground in a prone position. Subject 1’s handgun was on the ground in close proximity to Subject 1’s right hand. Officer B recovered Subject 1’s handgun and Subject 1 was taken into custody without further incident. Officer A took possession of Subject 1’s handgun from Officer B and secured it in the trunk of his police vehicle. Based on recent events where crowd control issues arose at crime scenes, the BOPC found Officer B’s decision to take control of the handgun and have Officer A secure it, reasonable. However, the BOPC noted that Officer B should not have unloaded the firearm.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed Subject 1 grabbing his front pants pockets as if attempting to support a heavy, hard object. Officer A, based on his training and experience, believed Subject 1’s actions were consistent with Subject 1 being armed and drew his service pistol. The BOPC determined that Officer A had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

The BOPC further noted that Subject 1 abruptly stopped running, crouched down, and removed a handgun from his right pants pocket. Officer C drew his service pistol and ordered Subject 1 to drop the handgun and lay on the ground. Subject 1 refused to comply with the officer’s commands and proceeded to run with a handgun in his right hand. Officer C holstered his service pistol and continued to pursue Subject 1 on foot, with Officer B following behind him. Subject 1 pointed his handgun at Officers B and C. Officers B and C drew their service pistols.

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

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

C. Use of Force

The BOPC noted that as Officer C followed Subject 1, Officer C observed Subject 1 slow his pace, turn his upper body and point a handgun in his direction. In fear of being shot, Officer C fired two rounds at Subject 1.

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

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