

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

OFFICER-INVOLVED SHOOTING – 051-07

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southeast	05/28/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer A	8 years, 10 months

Reason for Police Contact

Officers A and B responded to a radio call for an Assault with a Deadly Weapon (ADW). As the officers conducted an investigation into the ADW, there was a broadcast of a nearby shooting. Officers responded to the shooting scene to assist the involved officers with their investigation. Officers D and E saw two men riding a moped on a public roadway in violation of the California Vehicle Code, decided to conduct an investigation and were joined by additional officers. Subject 1, whom the officers observed to be armed, ran from the officers. As the officers pursued Subject 1, Officer A saw Subject 1 hold his waistband and turn toward the officers. Officer A then fired his pistol at Subject 1, striking him.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: Male, 18 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 04/29/08.

Incident Summary

Officers A and B responded to a radio call of an Assault with a Deadly Weapon (ADW). When they arrived at the location, they were assisted by Sergeant A and Officer C.

The officers contacted the victim of the ADW, who had sustained non-fatal gunshot wounds. The victim was uncooperative and refused to answer the officers' questions. A witness informed the officers that the subjects involved in the shooting might have been in a dark colored vehicle. As the officers conducted their ADW investigation, Communications Division (CD) broadcast an additional radio call of a nearby shooting involving a brown vehicle.

The preliminary ADW investigation was completed, and the officers decided to drive to the other shooting location in an attempt to assist the officers there.

In the meantime, Officers D and E noticed two males riding a moped on a public roadway in violation of the California Vehicle Code.

Officers D and E decided to stop the moped and conduct an investigation. Officer E illuminated the moped. As the moped stopped, the passenger (Subject 1) jumped off the back. Subject 1 had a surprised look on his face, grabbed his front waistband area and ran away from the officers. The driver of the moped then drove away from the location.

Note: The driver of the moped was never identified and the moped itself was never located.

Officers A and B drove toward the location. The officers saw Subject 1 running. Immediately thereafter, they saw Officers D and E's police vehicle make a U-turn and pursue Subject 1 a high rate of speed.

Both Officers A and B formed the opinion that the police vehicle was chasing Subject 1 and decided to assist.

Officer D drove past Subject 1 cut off Subject 1's route of escape with his vehicle. The subject immediately stopped and tried to jump over a fence. Officers D and E exited their vehicle.

Officers A and B stopped their vehicle and joined Officers D and E in an effort to corral Subject 1, who was unsuccessful in his attempt to scale the fence. As they did so, Officer A saw that Subject 1 had a pistol in his waistband. Meanwhile, Officer B saw Subject 1 remove a pistol from his waistband and point it at Officers A and B.

Subject 1 then turned and began to run away along the street. Officers A, B and E pursued Subject 1 on foot.

Officer A, who had unholstered his pistol after seeing Subject 1 with a pistol in Subject 1's waistband, began to chase Subject 1, shouting at him to drop his gun.

Officer B, who had unholstered his pistol after seeing Subject 1 point a pistol at him, recalled shouting, "Get on the ground. Gun," after seeing Subject 1 with the pistol.

Officer D unholstered his pistol upon hearing Officer B's warning.

As the officers pursued Subject 1, Officer E observed Subject 1 look back over his shoulder and point a pistol at the pursuing officers. Officer E unholstered his pistol.

According to Officer A, Subject 1 was continuing to run, while holding his waistband. Subject 1 turned in Officer A's direction, and Officer A believed Subject 1 was coming up with a gun and feared for his life. Officer A then fired four rounds at Subject 1, striking him. Subject 1 fell to the ground.

According to Officer B, as Subject 1 continued to run, he continually bladed his body back and forth, apparently trying to acquire sight of where the officers were at. At this point, Officer B believed that Subject 1 still had the pistol in his hand.

Meanwhile, Officer D ran back toward his police vehicle because he didn't know where the second male on the moped had gone. He heard officers yell, "stop" and then heard three or four gunshots, but did not observe the shooting as he was looking in another direction.

Sergeant A and Officer C arrived at the scene and stopped near Subject 1, who was lying face down in the street. Subject 1 was lying on his stomach with his hands under his torso. Officers F and G arrived to assist with the incident. Officer B, with the assistance of Officers G and/or C, handcuffed Subject 1.

Sergeant A requested a Rescue Ambulance (RA), which arrived, treated, and transported Subject 1 to a hospital, where he was pronounced dead.

Note: It was subsequently determined that Subject 1 was not in possession of a gun when the shooting occurred. A pistol was recovered close to the location where Subject 1 had attempted to scale the fence. A cellular telephone was recovered at the scene of the shooting.

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 D's tactics to warrant administrative disapproval.

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

B. Drawing/Exhibiting/Holstering

The BOPC found officers A, B, D, and E'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 a review of this incident revealed areas where improvements could be made. Officers D and E did not advise CD of their status or location when they had the intent to stop Subject 1. Officers A and B did not advise CD of their status or location when they responded to assist Officers D and E. 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. Utilizing adequate personnel in any rapidly unfolding tactical event is crucial and facilitates the likelihood of a safe and successful apprehension.

Officer D placed the police vehicle in front of the subject. This act of cutting off the path of a subject believed to be possibly armed with a firearm placed him and his partner at a tactical disadvantage and created a crossfire situation. Additionally, recognizing that the subject was armed with a handgun, Officers A, B, and E should have kept their distance instead of giving chase, given the possibility of a potential ambush.

The BOPC was also concerned that Officer D did not pay attention to the tactical situation at hand. Officer D stated that he was watching the officers' rear for a potential ambush when the officers were engaged in a foot pursuit with an armed subject. Based on the circumstances, Officer D should have assisted the other officers with apprehending Subject 1. Officer D took his focus away from the threat. The investigation also determined that Officer D did not have his baton or Hobble Restraint Device during the incident. It is important that all officers have their required equipment available while working a uniform assignment.

The BOPC found Officer D's tactics to warrant administrative disapproval.

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

B. Drawing and Exhibiting

Officer A observed Subject 1 gripping a pistol with his right hand inside his waistband. Fearing that the situation had escalated to the point where deadly force may become necessary, Officer A drew his service pistol.

Officer B observed Subject 1 produce a handgun from his waistband area and point it at him and Officer A. Fearing that the situation could escalate to the point where deadly force may become necessary, Officer B drew his service pistol.

During the foot pursuit, Officer E observed Subject 1 draw what looked like a chrome or nickel plated semi-automatic handgun from his waistband and point it in the direction of Officers A and B. Fearing that the situation had escalated to the point where deadly force was necessary, Officer E drew his service weapon.

Fearing that the outstanding subject on the moped could return, Officer D drew his service weapon and monitored the street close to the officers' location.

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

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

C. Lethal Use of Force

While in foot pursuit, Officer A observed Subject 1, whom he had previously observed to be armed with a handgun, run in a full sprint. Subject 1, while holding his waistband area, turned towards Officer A. Fearing that Subject 1 was about to shoot at him, Officer A, in immediate defense of his life, fired four 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.