

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

**OFFICER-INVOLVED SHOOTING – 053-05**

<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>
Northeast	07/05/2005		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	20 years, 4 months

**Reason for Police Contact**

Officers attempted to stop a vehicle suspected of involvement in a number of crimes. Following a short pursuit, a passenger of the vehicle exited and fled on foot. As the passenger continued to flee, an officer-involved shooting occurred.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit (x)</u></b>
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Subject 1: Male, 19 years of age.

Subject 2: Male, 20 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 June 27, 2006.

**Incident Summary**

Officers A and B were patrolling in a marked police vehicle. Officer A saw an SUV one block to the north of the officers' location. Both officers had prior knowledge of a similar SUV that had been associated with a number of crimes, which included a drive-by shooting and an incident where an armed passenger had fled from the SUV during a traffic stop. Also, both officers had been informed by another officer that the registered owner of the SUV was driving with a suspended license and had an outstanding

warrant. Furthermore, Officer A had been informed that the driver of the SUV carried a gun.

As the officers drove towards the SUV, they saw the license plate and realized it was the same vehicle they were familiar with from the prior incidents. The officers saw that the vehicle had two occupants: Subject 1 (passenger) and Subject 2 (driver). The officers decided to stop the SUV.

As the officers followed the SUV, Officer A broadcast to Communications Division (CD) that they were conducting a traffic stop. Officer B activated the police vehicle's forward-facing red light and sounded the horn. The SUV did not stop. Officer B activated the police vehicle's overhead lights and sounded the siren as the officers continued to follow the SUV at an estimated speed of 15 to 30 miles per hour.

The SUV turned onto a narrow roadway that dead-ended at a fire road. As the vehicle turned, Subject 1 exited and began to run alongside it.

As the officers continued to follow, Officer A saw that Subject 1 was holding a pistol in his left hand. Officer A told his partner that Subject 1 had a gun and broadcast that he was going in foot pursuit.

The SUV drove toward the fire road. Meanwhile, Subject 1 ran into the gated driveway of a residence. The officers lost sight of Subject 1 as he turned into the driveway.

Officer B stopped the police vehicle and Officer A exited. Officer A drew his service weapon and maneuvered around the corner of the driveway. As he came around the corner, Officer A saw that Subject 1 was attempting to scale the gate. Officer A told Subject 1 to "Stop." As Subject 1 attempted to climb over the gate, it swung open and Subject 1 fell to the ground. As Subject 1 fell, the pistol he was carrying fell to the ground.

Subject 1 began to run away from Officer A, but then turned back and reached towards the dropped pistol. Officer A told Subject 1, "Don't pick up the gun." Subject 1 did not pick up the pistol, but turned and ran from Officer A. According to Officer A, as Subject 1 fell from the gate, he had his right hand at his waistband. Officer A further stated that, as Subject 1 turned back and reached for the pistol, he changed hands and put his left hand at his waistband.

According to Officer A, as Subject 1 ran away from him, he gave repeated verbal commands to Subject 1 to "Stop." Subject 1 stopped, with his right hand towards the front of his waist, then turned to his right and faced towards Officer A. This enabled Officer A to see that Subject 1's right hand was inside his pants at the waist. Officer A, whose weapon was aimed at Subject 1, then saw Subject 1 "jerk" his hand out of his pants. Officer A believed that Subject 1 had a gun in his hand. Fearing that he was about to be shot, Officer A fired a single round at Subject 1. Once the round was fired, Subject 1 immediately turned to his left and continued to run away. Officer A

temporarily lost sight of Subject 1 due to a tree blocking his view. Officer A repositioned and saw that Subject 1 was stopped with his hands up.

**Note:** According to Subject 1, an officer told him, "Stop, or I'll shoot," and shot at him. Subject 1 stated that, just before the officer shot, he was running.

According to Witness A, Subject 1 ran from the police and jumped a fence. As Subject 1 was running away from the police, the pursuing officer said, "Stop or I'll shoot." Subject 1 kept going and the police officer fired.

According to Witness B, he heard a police officer yelling, saw Subject 1 walking quickly, then heard a shot. After the shot was fired, Subject 1 turned around and faced towards "wherever the shot came from," put up his hands and sat down.

**Note:** It was subsequently determined that Subject 1 was not in possession of a gun when Officer A fired at him.

The round fired by Officer A did not strike Subject 1. Officer A ordered Subject 1 to crawl towards him so that Officer A could reposition himself in order to maintain visual contact with Officer B.

Meanwhile, Officer B watched the SUV as it drove on the fire road and stopped at a gate. Officer B saw Subject 2 exit the SUV and run behind a large bush. Officer B exited the police vehicle. As he did so, Officer B heard a single gunshot from the direction of the driveway. Officer B did not know who had fired the shot. Officer B broadcast that shots had been fired.

**Note:** A loaded pistol was subsequently recovered from behind the bush where Officer B had seen Subject 2 run.

Officer B walked back towards the driveway where Officer A was located. He saw that Officer A had Subject 1 held at gunpoint and that Subject 1 appeared to be under control. Officer B then saw that Subject 2 had re-entered the SUV and was slowly reversing back down the fire road, toward the police vehicle. Officer B moved back to the police vehicle. As the SUV stopped next to the police vehicle, Officer B drew his service weapon and ordered Subject 2 to park and exit the SUV.

Both officers held their respective subjects at gunpoint until additional officers arrived on the scene.

#### **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 administrative disapproval.

**B. Drawing/Exhibiting/Holstering**

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

**C. Use of Force**

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

**Basis for Findings**

**A. Tactics**

The BOPC noted that Officers A and B did not effectively communicate with each other about their plan to stop the SUV. Given the officers' prior knowledge of the vehicle, the BOPC would have preferred that the officers had requested an additional unit and an air unit prior to attempting the traffic stop.

The BOPC noted that, as the officers attempted to conduct a traffic stop on the SUV, Officer A informed CD of their location. However, the SUV failed to yield and continued traveling. The BOPC noted that when the SUV failed to yield, the officers did not advise CD of this, nor update their location.

The BOPC noted that Officer A's foot pursuit broadcast did not include the officers' location or the subjects' direction of travel.

The BOPC noted that Officer A exited the police vehicle and followed Subject 1 on foot, while Officer B pulled the police vehicle forward a short distance and stopped to monitor Subject 2. As Officer B remained in the police vehicle, Officer A followed Subject 1 into the driveway. The BOPC noted that, by pulling the police vehicle forward, Officer B exposed himself to a subject armed with a gun. In addition, the BOPC noted that the officers' actions resulted in them separating from each other and in Officer A confronting an armed subject alone. The BOPC further noted that, as Officer A followed Subject 1 along the driveway, Officer A did not use available cover.

The BOPC found Officers A and B's tactics to warrant administrative disapproval.

**B. Drawing/Exhibiting/Holstering**

The BOPC determined that Officers A and B had sufficient information to believe that the incident may escalate to the point where deadly force may be justified.

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

**C. Use of Force**

The BOPC noted that, according to Officer A, Subject 1 turned, with his hand tucked inside his waistband, to face Officer A. Officer A pointed his service weapon at Subject 1 ordered him to stop.

The BOPC noted that Officer A believed Subject 1 was concealing a second handgun in his waistband, and that Officer A observed Subject 1 make a "jerky" motion with his right hand, causing the officer to believe that Subject 1 was removing a handgun from his waistband.

The BOPC noted that, at the time Officer A fired at Subject 1, he did not observe him to be in possession of a handgun or any object resembling a handgun. However, based on the totality of the facts known to Officer A at the time that he fired the round, the BOPC determined that it was reasonable for the officer to believe the suspect presented an immediate threat of serious bodily injury or death.

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