

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

OFFICER-INVOLVED SHOOTING – 053-07

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Outside City	06/11/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer A	18 years, 4 months
Officer B	6 years, 1 month

Reason for Police Contact

Officers pursued a vehicle that had been stolen in a robbery during which a pistol was used to threaten and assault a victim. At the conclusion of the vehicle pursuit, the driver of the vehicle fired at the officers, prompting the officers to fire multiple rounds in response.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 20 years.			
Subject 2: Male, 16 years.			

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 04/15/08

Incident Summary

Subject 1, armed with a pistol, committed a robbery, taking a vehicle from its owner. Subject 1 ordered Victim A out of the car. When Victim A was slow to respond, Subject 1 struck him in the head with the pistol. Subject 1 pulled Victim A out of the vehicle and ordered him to lay on the pavement. Subject 1 then took money, jewelry and shoes from Victim A. Subject 1 returned to the vehicle and fled.

Victim A used his cellular telephone to call Communications Division (CD) and report the "carjacking." CD initiated a crime broadcast, describing the incident in detail. Officers A and B, riding together in a marked police vehicle, acknowledged the radio call and responded to the victim's location.

Enroute to the victim's location, Officers A and B saw the vehicle stopped for a red traffic signal. Both officers saw a male matching the subject's description driving the vehicle. Neither officer saw any other occupants in the vehicle. When the light turned green, the vehicle continued down the street; Officer A made a U-turn and began to follow. Immediately after Officer A made the U-turn, the lights on the vehicle were extinguished and the vehicle accelerated.

Officer A activated the police vehicle's emergency lights and siren. Officer B informed CD they were in pursuit of the vehicle. The pursuit traversed several city blocks before entering a freeway.

While on the freeway, the pursuit reached speeds of between 80 and 100 mph. The vehicle exited the freeway, and the officers caught up to the vehicle, which again accelerated away. At an intersection, the vehicle failed to stop for a red light and was struck by another vehicle. The traffic collision slowed the vehicle, but did not stop it.

Note: The pursuit had now left the City of Los Angeles.

An Air Unit, piloted by Officer C, joined the pursuit. The Tactical Flight Officer (TFO), Officer D, took over the pursuit broadcast. Officer D illuminated the vehicle with the Air Unit's spotlight as it continued down the street. Officers A and B continued to follow.

Note: The Subject's vehicle made a quick turn. Officer D mistakenly broadcast the route of the pursuit as the incorrect street.

The vehicle began to slow and finally came to a stop.

Officer A reached over to turn the lights from rotating down to the forward facing red and blue and then looked back up and saw a handgun pointed back in his direction.

Officer A exited the police vehicle and began firing his pistol at the vicinity of Subject 1. Officer A expended all the ammunition in his pistol, then reloaded.

Note: The windows on the vehicle were heavily tinted and the officers were unable to see inside.

Officer B said he saw Subject 1's hand come out of the window with a gun pointing in the officers' direction, and that two rounds were fired. Officer B fired approximately three times through the rear window of the vehicle, in the general direction of where he believed Subject 1 was located.

The Air Unit was overhead as these events unfolded; however, neither Officer C nor Officer D were aware that gunshots were being exchanged between Officers A and B and Subject 1 until later arriving units broadcast this information over the radio.

Note: Unbeknownst to either Officer A or B, a second occupant, Subject 2, was in the front passenger seat of the vehicle.

Meanwhile, Officer B saw the passenger door of the vehicle open, and the person he believed to be the driver of the vehicle exited and had his back to Officer B. Officer B couldn't see the man's hands, so he gave him orders to get his hands up. The subject said, "Die," uttered an expletive, turned toward Officer B and raised his hands towards Officer B from his abdominal area. Officer B fired two rounds at Subject 2.

Note: Officer A did not see Subject 2 exit the vehicle, but did see the passenger door open.

Subject 2, who was struck by Officer B's gunfire, ran across the street, climbed a short flight of steps and collapsed onto the landing in front of a locked pedestrian gate.

Officer A continued to shoot at Subject 1. According to Officer A, he did not see any flashes from Subject 1's gun but heard gunshots. He fired two rounds, stopped, and saw that Subject 1 still did not drop the gun. Officer A started firing again.

During this firing sequence, Officer A moved away from the police vehicle and took up a position of cover in front of a van parked at the curb. Officer A then moved away from the van and back to cover behind the door of the police vehicle. Officer A noticed what he believed to be rounds coming out of the subject's rear window, and he believed Subject 1 was continuing to shoot at the officers.

From a crouched position, Officer A fired an additional thirteen rounds at the rear window of the vehicle. Officer A pistol malfunctioned. Officer A cleared the malfunction, told his partner that he was out of ammunition and popped the trunk of the police vehicle, where he carried additional magazines. Meanwhile, Officer B continued to return fire at the subjects' vehicle.

Note: Meanwhile, Officers E and F had been monitoring the pursuit and were trying to catch up with Officers A and B. Using the spotlight from the Air Unit as a reference point, and relying on the radio transmissions from Officer D, Officer F tried to assist Officer E with locating the termination point of the pursuit.

After returning to his open driver's door, Officer A still heard what he believed to be gunfire coming from the subjects' vehicle and started firing rounds directly into the back of the vehicle.

Meanwhile, additional units were responding to the location. Officers G and H had heard the Air Unit say a subject was running through the houses. Believing the pursuit had terminated on the street they turned on, Officers G and H felt they were in a position to apprehend the fleeing subject.

Officers G and H were advised by the Air Unit to stop at a particular location. Anticipating a foot pursuit, the officers stepped out of their police vehicle and heard shots being fired. The officers decided to get their ballistic helmets and redeploy near where cars were parked.

Also responding to assist with the pursuit were Officers I and J, who had been monitoring the broadcast. Officer I heard the Air Unit broadcasting information about the subject vehicle slowing and formed the opinion the pursuit was reaching its termination point. The officers stopped their police vehicle at an intersection, exited and heard rounds of gunfire going over their heads.

Also responding to the pursuit termination point were Officers K and L, who were driving a marked police vehicle. The Air Unit told them which direction to respond. As soon as the officers turned onto the street as directed, they realized they were facing the subject vehicle and heard shots being fired.

In addition to the above listed officers who had responded to the pursuit termination point, Officer M, who was without a partner and driving a marked police vehicle, had also arrived.

Meanwhile, Officers E and F had moved into position to assist Officers A and B. Officer F heard shots being fired, though he did not see who was shooting and was also unsure of the target. Officer F immediately informed Officer B that he was there.

Officer B informed Officer F that Subject 2 was on the steps.

Officer E heard Officer F yell that a subject had run from the vehicle. Officer E unholstered his weapon and took cover, not knowing exactly where the subject was.

Either Officer A or B informed Officer F they needed a shotgun. Officer F directed Officer E to retrieve their shotgun from their vehicle and bring it to him. Once Officer F received the shotgun from Officer E, Officer F moved to Officer A's position at the driver's door.

While Officer F was in the process of redeploying with the shotgun, Officers M and K, both armed with Urban Police Rifles (UPRs), moved to the location. Officers M and K used vehicles parked at the curb for cover.

Note: Neither Officer M nor K was aware of the fact that Subject 2 was lying at the top of a set of steps as they moved on the sidewalk.

Meanwhile, Officers A and B had stopped shooting. Subject 1 had also stopped shooting and had thrown or dropped his pistol onto the pavement, while still in the vehicle.

Note: Officer A had fired a total of between 68 and 72 rounds, and Officer B a total of 26.

Officer E moved his police vehicle forward to provide cover against any threat posed by Subject 2. The officers redeployed behind Officer E's police vehicle and aimed their weapons at Subject 2. Officer E stepped out of his police vehicle and took cover to the rear of Officer A and B's police vehicle.

Officer A holstered his weapon, walked around to the passenger side of his vehicle and started giving commands for the Subject 1 to step out of the vehicle. Subject 1 crawled out of the open passenger door of the vehicle and laid in the street.

Sergeant A had also responded to the pursuit termination point and was gathered with a group of officers who had sought cover. Sergeant A broadcast that the officers were actually on a different street than that which was being broadcast by the Air Unit.

An arrest team consisting of Officers F, M and N moved forward and handcuffed Subject 1. Once Subject 1 was secured, an arrest team consisting of Officers M, N, O, and P moved forward and handcuffed Subject 2.

After being handcuffed, Subject 2 was searched by Officer N. Officer N recovered a quantity of cocaine from Subject 2's trouser pocket.

Subject 2 was lying atop a .357 caliber revolver, loaded with six live cartridges, which was discovered when he was rolled over. Officer O recovered the revolver and secured it in the trunk of his police vehicle. A second handgun (Subject 1's) was recovered in the street.

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 made the following findings.

A. Tactics

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

By a three-two vote, the BOPC found Officer D's tactics to warrant formal training.

The BOPC unanimously found Officers K and M's tactics to warrant divisional training.

The BOPC unanimously found Officers E and F's tactics to be appropriate

B. Drawing/Exhibiting/Holstering

The BOPC unanimously found Officers A, B, E, F K and M's drawing to be in policy.

C. Lethal Use of Force

The BOPC unanimously found Officers A and B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that a review of this incident revealed several positive tactical aspects and identified areas where improvements could be made. This was the first time that Officers A and B had worked together and they appropriately discussed contact/cover responsibilities and foot pursuit tactics at the start of watch.

Once the Air Unit was over the pursuit, Officer D advised Communications Division (CD) they were with the primary unit and available for tracking. Officer A promptly acknowledged and asked the Air Unit to take over broadcasting the pursuit. When the pursuit ended, Officer D incorrectly reported the location of the termination point.

Subject 1 stopped and Officer A positioned the police vehicle approximately 20 feet directly behind the stolen vehicle. Subject 1 then extended his right arm out through the open driver's window, pointed and fired a pistol back in the direction of the police vehicle. In response, Officers A and B exited the police vehicle, deployed behind their respective doors, drew their service pistols and engaged the armed subject.

During a lull in the gunfire, Officer A left his position behind his driver's door and maneuvered to an alternate standing position of cover at the front of an unattended van. Officer A did not announce his intention to move forward and stated the distance was minimal and within line of sight of his partner. As the incident continued, Officer A redeployed back to a position behind the open driver's door of the police vehicle and again engaged the subject. During this sequence of fire, Officer A experienced a malfunction with his service pistol, but did not inform his partner. Officer A cleared the malfunction, appropriately announced his weapon was out of ammunition, moved to the

trunk of the police vehicle to retrieve additional magazines and returned to his position behind the driver's door.

Meanwhile, the right front door of the stolen vehicle swung open and Subject 2 stepped out onto the street with his back toward Officer A. Officer A ordered the subject to raise his hands. Instead of complying, Subject 2 moved to his right away from the vehicle, stated "Die" and an expletive, and turned clockwise while simultaneously raising both arms from his abdominal area toward Officer B, resulting in Officer B firing his service pistol at Subject 2. Apparently unaffected by the gunfire, Subject 2 ran up a stairway that led to the locked pedestrian gate. Subject 2 then collapsed on the steps with one arm beneath him. Officer A heard his partner communicate that shots were still being fired from the vehicle and, for the first time, realized there had been at least two occupants in the stolen vehicle. Officer B did not communicate this pertinent information to Officer A. Only after Subject 1 was handcuffed did Officer A become aware of a second subject. The BOPC determined that there was a lack of communication between Officers A and B throughout the incident. Communication is crucial for the safety of police officers and the public.

The investigation revealed that Officer A fired as many as 72 rounds at Subject 1 and that Officer B fired a total of 26 rounds at both subjects. The BOPC would have strongly preferred that Officers A and B had exercised better fire control. It was noted that, immediately following this incident, Officers A and B were directed to attend formal training in firearms, which focused on fire control and assessment. Officers A and B completed the training prior to their return to field duties following the incident.

Officers A and B had not checked out any shotgun (lethal or beanbag projectile) for their unit at the start of watch. Although not mandated, additional equipment is encouraged and could have played a vital role in this incident.

While the Air Unit was overhead, Officer D reported that he saw a subject flee from the vehicle and he began coordinating the establishment of a containment perimeter. However, when communicating instructions, Officer D repeatedly misidentified the street name, instead providing the name of a street which was two blocks from the actual location. As a result of this mistake, units were directed to respond into the line of Officers A and B's gunfire and officer safety was jeopardized.

Officers E and F monitored the progress of the pursuit. A short time later, the Air Unit arrived overhead and illuminated the vehicle. The spotlight provided a visual reference for the officers as they attempted to reach the primary unit. The officers reached the termination of the pursuit and Officer E tactically positioned the police vehicle offset to the rear of the primary unit and advised CD of his status and location. The officers immediately deployed from their vehicle and assisted in taking the subjects into custody.

Officers K and M responded to the incident. Officer M heard shots being fired and deployed his UPR. When the gunfire ceased, the officers walked toward Officers A and B's location, which created a crossfire situation. Although parked vehicles along the

curb were utilized to shield their approach, the officers proceeded past the vehicle occupied by Subject 1. In addition, with their attention concentrated on Subject 1, they unknowingly moved past Subject 2, who lay wounded and armed nearby. Upon reaching the primary unit, Officer M slung the UPR in front of him using a three-point sling and assisted in handcuffing Subject 1.

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

The BOPC found Officers K and M's tactics to warrant divisional training.

The BOPC found Officers E and F's tactics to be appropriate.

B. Drawing and Exhibiting

At the termination of the pursuit, Officers A and B were confronted by Subject 1, who pointed a pistol and fired several rounds at them. Officers A and B reasonably believed the situation had escalated to the point where deadly force was justified, and they drew their service pistols.

Officers E and F responded to the termination of the pursuit and observed an officer-involved shooting in progress. Officers E and F reasonably believed the situation had escalated to the point where deadly force was justified, and drew their service pistols. During the incident, Officer F also deployed the Department shotgun.

Officers K and M also responded to the termination of the pursuit and observed an officer-involved in progress. Officers K and M reasonably believed the situation had escalated to the point where deadly force was justified. Officer K drew his service pistol, and Officer M deployed the UPR.

The BOPC determined that Officers A, B, E, F, K and M had sufficient information to believe the situation had escalated to the point where deadly force may become necessary, and the criteria for the weapons they deployed were met.

The BOPC found Officers A, B, E, F and K's drawing, and Officers F and M's exhibiting to be in policy.

Note: Additional officers drew or exhibited weapons throughout this incident but were not significantly involved. These officers did not receive specific findings relating to the drawing and/or exhibiting of their respective weapons.

C. Lethal Use of Force

At the termination of a vehicle pursuit, Officers A and B were confronted by Subject 1 who extended his right arm out through the open driver's window and pointed and fired a pistol at the officers.

In immediate defense of his own life and his partner's life, Officer A fired a sustained sequence of rounds. Officer A reloaded, and Subject 1 again extended his pistol out through the driver's window and pointed it back at the officers. Officer A fired several additional rounds at Subject 1. Hearing continued gunfire, which he believed to be an active shooter, Officer A continued with a sustained sequence of fire, reloading his pistol several times during the exchange.

Meanwhile, in immediate defense of his own life and his partner's life, from a crouched position behind his open passenger's door, Officer B fired at least 26 rounds to engage two different armed subjects. Initially, Officer B fired an estimated three rounds through the vehicle's darkly tinted rear window at Subject 1. While assessing the possible effect of his return fire, Officer B observed the front passenger door of the vehicle swing open and Subject 2 step out onto the street with his back toward Officer B. Officer B reasonably presumed the driver was the lone occupant in the vehicle and had moved across the front seat to exit the passenger door. Officer B ordered Subject 1 to raise his hands. Instead of complying, Subject 2 moved to his right away from the stolen vehicle and stated, "Die" and an expletive. Subject 2 turned while simultaneously raising both arms toward Officer B. Although Officer B did not see a firearm in Subject 2's hands, his prior observation of shots being fired by the driver subject caused him to believe that Subject 2 was the driver and was still armed. In immediate defense of his life, Officer B fired at Subject 2.

The BOPC determined that Officers A and B reasonably believed that Subjects 1 and 2 presented an immediate threat of serious bodily injury or death.

The BOPC found Officers A and B's use of lethal force to be in policy.