

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

OFFICER-INVOLVED SHOOTING – 054-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Outside City	06/22/2006		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	2 years, 6 months

Reason for Police Contact

While on patrol, Officers A and B heard gunfire. As they approached the location where the gunfire had originated, they observed Subject 1 holding a shotgun. The officers ordered Subject 1 to surrender. Subject 1 ran toward a residence while aiming his shotgun at the officers. In response, Officer A fired several rounds at Subject 1.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: 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 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 05/29/07.

Incident Summary

Subject 1 and several other individuals were gathered on the porch of Subject 1's residence when a vehicle drove past them several times. When the vehicle appeared a third time, Subject 1 armed himself with a shotgun to guard against a possible confrontation with the occupants of the vehicle. An occupant of the vehicle pointed a handgun at Subject 1. Subject 1 fired one round from his shotgun while the occupant seated in the backseat of the vehicle fired several rounds. Following the exchange of gunfire, Subject 1 walked into the street with the shotgun in his hands as the vehicle drove away.

Officers A and B were nearby and heard the gunfire. Officer A observed a group of individuals running and assumed that the gunfire had originated from members of that group. Officer A then negotiated a U-turn and proceeded toward the perceived location of the gunfire to investigate. As he did so, Officer A immediately observed Subject 1 standing in the middle of the street, facing away from the officers, with a shotgun in his hand.

Note: Neither Officers A nor B notified Communications Division (CD) of their status or location.

Officer A stopped the police car and the officers alerted one another to the presence of the shotgun. The officers exited the police vehicle, stood behind their respective vehicle doors with their weapons drawn and advised Subject 1 to drop his weapon. Subject 1 ran toward his residence. When Subject 1 reached the front of his residence, Subject 1 pointed the shotgun in the officers' direction. Officer A fired two rounds in Subject 1's direction.

Subject 1 paused, then continued toward the front door of the residence, and again pointed the shotgun in Officer A's direction. Officer A then fired three additional rounds in Subject 1's direction. Subject 1 ran inside of his residence and closed the door behind him.

Following the shooting, Officers A and B repositioned themselves behind their police vehicle and requested help, advising CD that shots had been fired and that an airship was required. Wanting to have better coverage of Subject 1's residence, Officer A holstered his service pistol and retrieved a Department issued shotgun while Officer B provided cover. The officers then maintained a position behind the police car and waited for additional units to arrive.

Sergeant A and several other units arrived at scene, surrounded Subject 1's residence, and ordered the occupants to come out. As a result, Witness 1 was arrested without incident and provided the officers with information relative to Subject 1's injuries and the interior layout of the residence.

The officers then created an entry team and searched Subject 1's residence without incident. During the search, the officers located Subject 1's body in the kitchen and noted that he appeared to have succumbed to a gunshot wound to the chest. The search also located a shotgun on the living room floor.

The Los Angeles County Fire Department arrived at scene. Subject 1 failed to respond to medical treatment and was pronounced dead.

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 divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and B's drawing to be in policy. The BOPC also found Officer A's exhibiting of the shotgun to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B heard gunshots. The officers appropriately communicated their observations to one another before Officer A drove toward the perceived origination of the threat. The officers observed a group of individuals running away from a nearby intersection. Officer A stopped the police vehicle near Subject 1's location.

Officers A and B initiated an investigation without notifying CD of their status and location. Officers are trained to advise CD when they conduct officer-initiated activities, which makes units in the vicinity aware of their location and creates the circumstance wherein they can respond more rapidly if needed.

When Officers A and B observed Subject 1, he was standing in the middle of the roadway with his back toward the officers. The officers noted Subject 1 was holding a shotgun. Officers A and B exited the police vehicle, deployed behind their doors for cover, drew their service pistols and both officers ordered Subject 1 to drop the shotgun. Subject 1 ignored the officers' commands and ran toward his residence. The officers displayed self-discipline as they maintained their positions of cover and monitored Subject 1's actions.

After the shooting, Subject 1 fled inside his residence and Officers A and B re-deployed behind the trunk of their police vehicle. At this time, they exhibited sound tactical communication and worked as a team. Officer A advised Officer B he had fired rounds at Subject 1. As Officer A provided cover, Officer B broadcast a request to CD. Responding units were appropriately provided with the nature of the emergency, the area to be contained, and a suspect description. Officer A then obtained the Department-issued shotgun from the trunk of their vehicle.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B observed Subject 1 holding a shotgun. As they exited their police vehicle, Officers A and B drew their service pistols. The BOPC determined that Officers A and B had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

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

The BOPC noted that after the shooting occurred and Subject 1 entered the residence, Officers A and B deployed to the rear of their police vehicle. As Officer B provided cover, Officer A holstered his service pistol and retrieved the Department-issued shotgun from the trunk of his police vehicle. Officer A deployed the Department-issued shotgun as he took a position of cover behind the passenger door of their police vehicle. Faced with an aggressive suspect, who pointed a shotgun at Officer A on two separate occasions, the BOPC determined that Officer A had sufficient information to believe the situation may again escalate to the point where deadly force may become necessary.

The BOPC found Officer A's exhibiting of the shotgun to be in policy.

C. Use of Force

The BOPC noted that Subject 1 ran toward his residence with a shotgun in his right hand. Subject 1 turned and pointed the shotgun at Officer A. In fear of being shot, Officer A fired two rounds at Subject 1.

Subject 1 momentarily paused, then continued to approach the front door of the residence. Subject 1 grabbed the door handle, pulled the door open, and maintained his hold on the shotgun. Prior to entering, Subject 1 again grabbed the shotgun with both hands, turned and pointed the shotgun at Officer A. In immediate defense of his life, Officer A fired three 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.