

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

OFFICER-INVOLVED SHOOTING – 055-06

Division	Date	Duty-On () Off(x)	Uniform-Yes() No(x)
West Valley	07/02/06		

Officer(s) Involved in Use of Force	Length of Service
Detective A	24 years, 9 months

Reason for Police Contact

While off-duty, Detective A and Subject 1, Detective A's wife, became involved in an argument. Subject 1 fired two shots at Detective A with Detective A's service pistol, wounding him. Detective A fled as Subject 1 continued to pursue him. Detective A fired a warning shot to prevent Subject 1's continued advance.

Subject	Deceased ()	Wounded ()	Non-Hit (x)
Subject 1: Female, 38 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

On the evening of July 1, 2006, off-duty Detective A and his wife (Subject 1) arrived at Subject 1's apartment. Present at the apartment were Witnesses A and B (Subject 1's children) and Witness C (Witness A's child).

Detective A brought his workbag with him to the apartment and placed the bag in Subject 1's bedroom. The workbag contained two holstered pistols, two magazines, a revolver, and Detective A's LAPD badge.

Detective A undressed, got into bed and fell asleep. Detective A was subsequently awakened by Subject 1 and an argument ensued. Detective A jumped out of bed, at which point Subject 1 went to the foot of the bed, picked up one of Detective A's pistols, and pointed it directly at Detective A.

Detective A extended his arms out with his palms down and attempted to talk to Subject 1. He told Subject 1 to put the pistol down, but Subject 1 continued arguing. Subject 1 then shot Detective A, striking him in his right arm. Detective A fell to the floor. Detective A then felt a shot strike his left buttocks as Subject 1 shot him a second time.

Subject 1 told Detective A to get up, and pointed the pistol at him with her finger on the trigger. Detective A complied, and told Subject 1 that he had been shot and to put the pistol down. Witness A then entered the room and told Subject 1 to stop. Detective A again told Subject 1 to put the pistol down and not to shoot. Subject 1 then threw the pistol onto the bed and Detective A asked for someone to call 9-1-1.

Detective A grabbed the pistol off of the bed. Detective A then saw a second pistol out of its holster on the floor next to the bed. Detective A picked up the second pistol and ran out of the apartment and into the street. As he fled, Detective A was bleeding from his gunshot wounds and yelling for someone to help.

Subject 1 went down to the parking area where Detective A had parked his vehicle. Witness A followed her, and told Witness B to bring Witness C with them. Subject 1 then drove out of the apartment building in the vehicle to look for Detective A with Witness A in the front passenger seat and Witnesses B and C in the backseat.

As Detective A fled, he saw Witness D at a bus stop. Detective A told Witness D that he was an off-duty LAPD officer, that he had been shot, and asked her to call 9-1-1. Witness D tried to call using her cellular telephone, but 9-1-1 was busy. Detective A then went into the roadway and attempted to flag down passing vehicles. Detective A then saw Subject 1 driving erratically toward him.

Detective A did not know if Subject 1 was in possession of his revolver. As Subject 1 drove toward Detective A, Detective A pointed one of his pistols at the vehicle while repositioning himself behind the nearby bus stop. Subject 1 accelerated the vehicle forward toward Detective A. Detective A ran behind the bus bench. The vehicle driven by Subject 1 then collided with a tree adjacent to the bus stop.

Subject 1 exited the vehicle and began chasing Detective A on foot. Witness A followed behind Subject 1. Detective A told Subject 1 to get away from him. Subject 1 and Witness A caught up to Detective A, and Subject 1 hit him with her fists. Detective A backed up, but Subject 1 continued to chase him. Detective A then fired a warning shot from his pistol.

Note: Detective A fired the warning shot in a downward direction, onto the roadway.

Once he had fired the warning shot, Detective A continued to run away from Subject 1. As he did so, Detective A saw an approaching police vehicle. Bleeding, and still holding both pistols, Detective A flagged down the police vehicle.

Meanwhile, Officers A and B responded as the back-up unit to a radio call of a shooting. However, they were the first officers to arrive on-scene. Upon arriving, Officers A and B observed Detective A pointing two pistols at the ground and repeatedly yelling that he was a police officer.

Subject 1 was then taken into custody without incident.

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 Detective A's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found that drawing/exhibiting/holstering did not apply.

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC determined that, although Subject 1's actions were erratic and very dangerous, Detective A showed great restraint. Additionally, the attack on Detective A was very sudden and violent, allowing him very little time to react. The BOPC found Detective A's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found that drawing did not apply.

C. Use of Force

The BOPC determined that, although warning shots are generally prohibited, in this incident it was reasonable for Detective A to believe that Subject 1 posed an immediate threat of serious bodily injury or death. The BOPC recognized that Detective A had been seriously wounded and ran a considerable distance to escape Subject 1. At the time he fired the warning shot, Detective A was bleeding and was in possession of two firearms. Detective A could have become incapacitated at any time due to the blood loss he was experiencing. Had that occurred, Detective A would have lost control of his firearms and been vulnerable to further attack by Subject 1.

The BOPC determined that Detective A had no other reasonable alternatives at the moment he fired the warning shot. The BOPC found Detective A's use of force to be in policy.