

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

OFFICER-INVOLVED SHOOTING – 059-05

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Van Nuys	07/13/2005		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer B	8 years, 3 months
Officer C	4 years, 9 months
Officer F	6 years, 10 months

Reason for Police Contact

Officers stopped a vehicle for a traffic violation. A passenger ran from officers, then produced a handgun and fired at the officers. Officers returned fire.

<u>Subject(s)</u>	<u>Deceased (x)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Male, 19 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 July 11, 2006.

Incident Summary

Officer A was patrolling alone in a marked police vehicle. Officer A saw a vehicle driving with its high beams illuminated. Officer A flashed the high beams of his police vehicle to alert the driver of the vehicle regarding its high beams. However, the vehicle continued driving with the high beams illuminated. Officer A decided to stop the vehicle for the observed traffic violation.

Officer A performed a U-turn, pulled behind the vehicle and checked its license plate number. This check indicated that the vehicle was registered to a rental company and was not reported stolen. Officer A activated his emergency lights. The vehicle turned into the parking lot of a grocery store and stopped. Officer A stopped his police vehicle behind and off-set to the right of the vehicle and used the police vehicle's lights to illuminate the vehicle's interior. Officer A informed Communications Division (CD) that he was conducting a traffic stop. The vehicle had three occupants, including Subject 1, the rear seat passenger.

Officer A approached the driver's side of the vehicle. As he did so, he saw that Subject 1 was moving his body up and down, as if he was trying to conceal something. Officer A stayed at the rear door of the vehicle and told its occupants to put their hands on the roof of the car. The occupants of the vehicle did as instructed and Officer A positioned himself so he could watch the three in the vehicle's rear-view mirror.

Officer A told the driver why he had stopped him and the driver replied that his high beam indicator was not working. Officer A asked the driver for his driver's license, insurance and registration. Subject 1 then slowly moved his hands back towards his waist and legs and Officer A told him to put his hands back where he could see them. The driver verbally provided identification to Officer A, who wrote the information down and told the driver to wait while the information was checked.

Based on the clothing, hairstyles and tattoos of the vehicle's occupants, Officer A formed the impression that they could be gang members. Officer A saw a marked police vehicle driving through the parking lot. Officer A motioned with a hand signal for the officers in the police vehicle, Officers B and C, to join him. Officers B and C exited their vehicle and approached Officer A.

The driver was instructed to exit the vehicle. As this instruction was being given, Subject 1 reached downwards, prompting Officer A to warn Officers B and C, "He's reaching for something." The front-seat passenger then bent down and appeared to pass something to the driver. The driver then appeared to conceal the passed item in front of his body. As these movements were taking place, Officer A told the vehicle's occupants to show their hands. Concerned that the movement could be an indication that the vehicle's occupants were arming themselves, Officer A drew his service pistol.

The driver exited the vehicle and complied with an instruction to stand by the curb with his hands on his head. The front-seat passenger was then given the same instructions and similarly complied. Subject 1 was then given multiple instructions to get out of the vehicle. After the third instruction, Subject 1 complied.

Officer C approached the front-seat passenger and began a pat-down search. Subject 1 then ran away from the scene of the stop. Officer B began to give chase. As he ran, Subject 1's hands were at the front of his waistband.

Officer A saw Subject 1's hands at his waistband and shouted a warning to Officers B and C. Subject 1 ran across the street. As he did so, he drew a pistol from his

waistband. Then, as he continued to run, Subject 1 pointed the pistol back towards Officer B and fired several rounds.

As he continued to run behind Subject 1, Officer B drew his service pistol and fired three to five rounds toward Subject 1. Officer B did not observe any effect on Subject 1 from these rounds. Officer B reholstered his pistol and continued in foot pursuit.

Meanwhile, Officer C drew his service pistol. Officer C did not fire because the background consisted of a restaurant as well as traffic in the roadway. Officer C then reholstered, went in foot pursuit of Subject 1, and broadcast that shots had been fired and that officers needed help and were in foot pursuit.

Officer A moved to the cover of a bus kiosk and pointed his pistol at Subject 1. Officer A did not fire as Officers B and C were in Officer A's line of fire. Officer A then turned his attention back to the vehicle's driver and front-seat passenger and ordered them to lie on their stomachs. Officer A broadcast that a unit was in foot pursuit of an armed suspect and that Officer A was holding two suspects at gunpoint.

As Subject 1 ran from the officers, he approached a car, pointed his pistol and shouted at its driver. The driver's door opened and the driver exited the car. Subject 1 entered the car and closed the door, then promptly exited, still holding his pistol. Subject 1 then continued to flee on foot.

Officer B halted his foot pursuit and drew his pistol when he observed Subject 1 enter the car. Then, when Subject 1 exited the car, Officer B saw him point his pistol towards him. Officer B did not fire his weapon because he did not have a clear background.

When Subject 1 began to run after exiting the car, Officers B and C reholstered their pistols and resumed the foot pursuit. Officer C followed in the roadway and Officer B followed on the sidewalk. As the officers pursued, Officer C repeatedly shouted at Subject 1 to "Stop."

As Subject 1 approached a motel, he turned and pointed his pistol towards Officer B. Officer B responded by drawing his pistol and firing three to five rounds at Subject 1. Meanwhile, using a parked vehicle as cover, Officer C drew Officer C's pistol and fired three to five rounds at Subject 1.

Subject 1 turned into a parking area and was lost from the officers' sight. Thinking that Subject 1 could be standing-by to ambush them, Officer C shouted a warning to Officer B.

Using the corner of a building for cover, Officer B reloaded his weapon. Subject 1 then re-emerged onto the sidewalk and fired his weapon towards the officers. Officer B responded by firing three to five rounds at Subject 1. Officer C fired one to two rounds at Subject 1. As they fired, Officers B and C respectively used the corner of the building and a parked car for cover.

Subject 1 fell to the ground and dropped his pistol. Officer B moved forward towards Subject 1. Subject 1, who was in a seated position on the sidewalk, reached for and picked up his pistol. Subject 1 then pointed the pistol towards the officers. Officer B responded by firing one or two rounds at Subject 1. Meanwhile, Officer C, who had also redeployed closer to Subject 1 and taken a position of cover behind a car, fired two to four rounds at Subject 1.

Subject 1 dropped his pistol and fell backwards onto the sidewalk. Officer C commanded Subject 1 not to move. Subject 1 replied that he could not move, and told the officers to kill him.

Officer B saw that Subject 1's pistol was on the sidewalk, between Subject 1's legs. With his own gun still drawn, Officer B approached Subject 1, picked up his pistol and moved it several feet away from Subject 1.

Officers D and E were nearby and responded to the involved officers' broadcasts. As they approached the scene, Officers D and E drew their service pistols. Officer B told Officers D and E that he was going to handcuff Subject 1. Officer E told Officer B that Officer E and Officer D would cover him. The three officers approached Subject 1. Officer B reholstered his pistol and handcuffed Subject 1 while Officers E and D stood alongside with their pistols pointed at Subject 1. Officer C broadcast a request for a Rescue Ambulance (RA).

Meanwhile, Police Officers F and G arrived on the scene. Officer F took over the role of controlling Subject 1. Officer F initially placed Officer F's knees on Subject 1's back, but soon realized that Subject 1 was bleeding. Officers E and F then checked Subject 1 for injuries and found that he was bleeding heavily. Subject 1 was moving around and yelling. In order to maintain control of Subject 1, Officer F placed a foot on Subject 1's back.

An RA arrived on the scene and Subject 1 was subsequently transported to a hospital where he 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, B, C, D and E's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B, C, D, E and F's drawing and exhibition of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officer F's use of non-lethal force to warrant divisional training.

D. Use of Force

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

Basis for Findings

A. Tactics

The BOPC would have preferred that Officer A had dictated the location of the initial traffic stop, possibly away from the busy intersection at which the grocery store parking lot was located. The BOPC further noted that it would have been preferable for Officer A to have off-set his vehicle to the left of the vehicle, as opposed to the right, so as to create a position of tactical advantage relative to the vehicle's occupants.

The BOPC noted that Officer B did not communicate or otherwise coordinate with his fellow officers when Officer B initially went in foot pursuit of Subject 1.

The BOPC noted that, as Officers B and C pursued Subject 1 on foot, Officer A obtained cover behind a bus kiosk, while ordering the remaining vehicle occupants to a prone position. The BOPC would have preferred that Officer A had used alternative cover that provided Officer A with a more advantageous position.

The BOPC noted that Officer C waited for the radio frequency to clear to broadcast the officers' location to CD, but was unable to due to the radio being too busy. The BOPC would have preferred that, even though the radio frequency was busy, Officers B and C had placed themselves at scene with CD at the earliest possible time.

The BOPC also noted that during the foot pursuit, Officer B dropped his side-handle baton, flashlight and radio. The BOPC noted that officers should make every effort to maintain control of all equipment so it may be used, if necessary, at any time.

The BOPC noted that it may have been unwise for Officer B to approach Subject 1 to retrieve Subject 1's pistol, as opposed to waiting behind cover until additional resources arrived on scene and coordinating an approach.

The BOPC noted that responding Officers D and E approached too close to Subject 1 and would have preferred that the officers had provided cover for the officers taking Subject 1 into custody from a further distance.

The BOPC found that Officers A, B, C, D and E's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC noted that, after all three occupants were ordered out of the vehicle, Officer C began a pat-down search of the front passenger. At this time, Subject 1 ran away and reached into his front waistband. Officers B and C pursued Subject 1 as Officer A remained with the other two vehicle occupants. As Subject 1 ran, he removed a pistol from his front waistband, pointed it at Officer B and fired several rounds. Officer B drew Officer B's service pistol and returned fire. Officer C also drew Officer C's service pistol as Subject 1 fired at Officer B. Officer A simultaneously drew Officer A's service pistol.

The BOPC noted that Officers B and C holstered and continued to pursue Subject 1. Subject 1 then unsuccessfully attempted to take a victim's vehicle at gunpoint. Officers B and C stopped and drew their service pistols as Subject 1 pointed his pistol at the victim. Subject 1 exited the vehicle and continued to run as he held the pistol in his right hand.

The BOPC further noted that Officers B and C holstered and continued to pursue Subject 1. As Subject 1 reached the front of a motel, he slowed, turned around and pointed his pistol at Officer B. Officer B again drew Officer B's service pistol and fired several rounds at Subject 1. Officer C feared Subject 1 was about to shoot Officer B or C, drew Officer C's service pistol and fired several rounds at Subject 1. Ultimately, Subject 1 fell to the sidewalk and additional officers began to arrive. Officer E arrived and drew Officer E's service pistol to cover Subject 1 while Officer B handcuffed him. Once Subject 1 was handcuffed and searched, Officer E holstered his service pistol. Officer D arrived, and fearing an armed confrontation with Subject 1, drew his service pistol. Once Officer D realized that Subject 1 was controlled and no longer armed, Officer D holstered his service pistol.

The BOPC determined the officers were involved in a situation that escalated to the point where deadly force became necessary and found Officers A, B, C, D and E's drawing to be in policy.

C. Non-Lethal Use of Force

The BOPC noted that Officer F placed a knee on Subject 1's back to maintain control of Subject 1 and to stop Subject 1 from moving about. Officer F then stood and placed a foot in the middle of Subject 1's back to prevent Subject 1 from moving.

The BOPC noted that Officer F was involved in restraining a subject who had not yet been brought fully under control following a shooting. Officer F used body weight to hold down Subject 1 and prevent him from moving around. The BOPC found this non-

lethal use of force to be reasonable, given Subject 1's uncooperative actions and the officer's need to maintain control of him. However, the BOPC noted that Officer F's use of a foot to hold Subject 1 down, as opposed to effecting the restraint from a kneeling position, was not consistent with Department training. The BOPC found Officer F's use of non-lethal force to warrant divisional training.

D. Use of Force

The BOPC noted that, as Subject 1 ran from the initial traffic stop location, he reached into his front waistband, removed a pistol, pointed it at Officer B and fired three to five rounds at Officer B. Officer B drew his service pistol and fired three to five rounds at Subject 1 to stop his actions. Subject 1 appeared unaffected and continued to run with his pistol still in his right hand.

The BOPC noted that, as Subject 1 arrived at the front of the motel, he slowed, turned around and again pointed his pistol at Officer B. Officer B, fearing he was about to be shot, fired three to five rounds at Subject 1 to stop his actions. Officer C feared Officer B or C was about to be shot and fired three to five rounds at Subject 1 to stop his actions.

The BOPC noted that Subject 1 then ran into a parking area, out of the officers' view, and both Officers B and C obtained cover. As Subject 1 quickly reappeared and ran onto the sidewalk from the parking area, he pointed his pistol at Officers B and C and fired several rounds at them. Officer B fired three to five rounds at Subject 1 to stop his actions. Officer C fired one to two rounds at Subject 1 to stop his actions.

The BOPC further noted that Subject 1 then fell to the sidewalk and dropped his pistol, picked it up, and again pointed it at Officers B and C. Officer B fired an additional one to two rounds while Officer C fired two to four rounds to stop Subject 1's actions. The BOPC determined that Officers B and C's use of force was reasonable to stop Subject 1's aggressive actions and take him into custody. The BOPC found Officers B and C's use of force to be in policy.