

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

OFFICER-INVOLVED SHOOTING – 061-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Northeast	07/28/06		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	3 years, 2 months

Reason for Police Contact

While monitoring gang activity, officers observed a potentially armed suspect attempting to break into a vehicle. As officers pursued the fleeing suspect, one officer fell, causing a negligent discharge.

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 12 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 6/12/07. The BOPC unanimously made the following findings.

Incident Summary

Officers A, B, and C were assigned to monitor gang-related activities. The officers drove into an alley that was frequented by gang members. Officer A noticed a vehicle parked in the alley and a male (Subject 1) wearing what appeared to be gang attire standing near the vehicle. Officer A believed that Subject 1 was trying to break into the vehicle either to steal the vehicle itself or to steal items from within the vehicle.

Officers A and C noticed that Subject 1 began to duck down near the vehicle as if to hide from the officers. Officer B stopped the police vehicle near the vehicle.

As Officers A, B, and C exited the police vehicle, Subject 1 began walking past the parked police vehicle. Officer A told Subject 1 to stop. Subject 1 continued to walk and reached towards his waistband. This led Officer A to believe that Subject 1 was arming himself. Officer A drew his pistol to a low ready position and notified his partners of his observations. Meanwhile, Officer B broadcast the officers' location to Communications Division.

Subject 1 ignored Officer A's commands and left the officers' sight. Officers A and B followed Subject 1. Officer C remained with the police vehicle. Officers A and B "pied" the corner when approaching the walkway as they proceeded after Subject 1 and systematically cleared the area.

Officers A and B then observed Subject 1 ahead of their location. Officer A sought cover behind a wall and a pillar at the base of a flight of steps. As Officer A walked toward a position of cover, he removed his radio with his left hand with the intent to broadcast Subject 1's location to responding units. Officer A held his pistol in his right hand. Officer A slipped and lost his footing, fell backward, and extended both arms to break his fall. As Officer A landed, he lost his grasp on his service pistol and in an attempt to reacquire his grip, he unintentionally pressed the trigger, discharging one round.

Officer A quickly stood up and holstered his pistol. Officer B ensured that Officer A was uninjured and then realized that Officer A had had a negligent discharge.

The officers then observed Subject 1 and broadcast to Officer C to drive to the area where Subject 1 was running. Officer C responded to the location where he detained Subject 1 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 Officers A, B, and C's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing to be in policy.

C. Use of Force

The BOPC found Officer A's use of force to be negligent, warranting administrative disapproval.

Basis for Findings

A. Tactics

The BOPC noted that Officer A observed Subject 1 attempting to open the door of vehicle. Upon seeing the officers, Subject 1 attempted to conceal himself behind another parked vehicle, and later walked away from the officers.

Officer B advised Communications Division of their location. However, based on the suspected armed status of Subject 1, the BOPC determined that it would have been prudent for Officer B to include additional information in his broadcast and request additional resources. Responding units could have assisted with Subject 1's capture and should have been provided information such as a description of the suspect, his direction of travel, that he may possibly be armed, and a direction to approach.

Officer B parked the police vehicle in close proximity to the vehicle, where Officers A and C observed Subject 1. Officer A indicated that as he was exiting the police vehicle, Subject 1 walked past the police vehicle. This placed the officers at a tactical disadvantage, given that they were still in the process of exiting their vehicle when Subject 1 walked quickly past them.

The BOPC is concerned that the positioning of the police vehicle placed the officers in danger, given the close proximity to Subject 1. The close proximity did not allow the officers sufficient time to exit their police vehicle before Subject 1 walked past the vehicle in the opposite direction. The BOPC would have preferred that Officer B had stopped the police vehicle farther from the vehicle and would have preferred that the officers approached Subject 1 on foot, so as to provide them with a tactical advantage.

Officers A and B proceeded to the buildings where Subject 1 was last seen and tactically deployed, thus minimizing the risk of an ambush. Officer C was advised by Officer B to stay with the police vehicle and to determine if there was observable vehicle tampering to the vehicle. Once Officers A and B committed to conduct a search, Officer C should have joined them. Officers A and B were facing a suspect that actively resisted detention and was potentially armed. Additionally, there exists the possibility

that an armed suspect could double back and pose a threat to a lone officer.

The BOPC would have also preferred that once Officer C inspected the vehicle and determined that there was no evidence of any crime, he had relayed that information to Officers A and B, who were still actively pursuing Subject 1, so that Officers A and B would have the benefit of that information when deciding whether to continue to pursue Subject 1.

As Officers A and B walked, they systematically cleared their path. Officer A observed Subject 1 and proceeded to simultaneously retrieve his radio in his left hand, maintain his service pistol in his right hand, monitor Subject 1's actions, and move toward cover down a descending flight of steps. The BOPC determined that it would have been prudent for Officer A to establish a position of cover prior to retrieving his radio, or to task Officer B with the responsibility of communicating.

Upon realizing that Officer A had a negligent discharge, Officer B used his radio to call for additional resources and a supervisor to respond to the scene. The BOPC would have preferred that Officer A had indicated the nature of the situation, including the fact that an officer had a negligent discharge, in order to prevent Officer C, who was in the area and heard the gunshot, from thinking that Subject 1 had fired at the officers.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A exited the rear passenger door of the police vehicle and ordered Subject 1 to stop. Subject 1 ignored the officer's commands, grabbed his waistband, and walked away. Officer A, based on his training and experience, believed Subject 1's actions were consistent with an armed suspect and drew his service pistol. The BOPC determined that Officer A had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

The BOPC found Officer A's drawing to be in policy.

C. Use of Force

The BOPC noted that when Officer A observed Subject 1, he retrieved his radio with his left hand while holding his service pistol in his right hand. With both hands occupied, Officer A descended a flight of steps.

Officer A lost his footing, fell backward, and extended both arms to break his fall. As Officer A landed, he lost his grasp on his service pistol and in an attempt to reacquire his grip, he unintentionally pressed the trigger, discharging one round.

The BOPC is critical that Officer A failed to adhere to the basic firearm safety rules while handling his service pistol. The BOPC found Officer A's use of force to be negligent, warranting administrative disapproval.