

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

**OFFICER-INVOLVED SHOOTING – 065-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off()</u></b>	<b><u>Uniform-Yes(X) No(X)</u></b>
Rampart	08/03/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer C	6 years, 5 months

**Reason for Police Contact**

While investigating narcotics activity, plainclothes Officers A and B observed Subjects 1, 2 and 3 potentially engaged in a narcotics transaction. When uniformed Officers C and D arrived to assist, the subjects fled and the officers pursued them. Subject 1 pointed a firearm at Officer C, who responded by firing two rounds at Subject 1.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
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 06/26/07.

**Incident Summary**

Plainclothes Officers A and B were conducting a narcotics investigation as a result of numerous complaints from area residents. Uniformed Officers C and D advised Officers A and B they would be in the area and available via radio to assist if needed.

Officers A and B began a surveillance of an apartment building. Several minutes later, Officer A contacted Communications Division (CD) and provided the officers' status and location. The officers then observed two males, Subjects 1 and 2, walk up to the

apartment building and stop directly in front of the location. Subjects 1 and 2 appeared nervous and were looking up and down the street.

One of the males appeared to make a telephone call on a cellular telephone and, within a few minutes, Subject 3 exited the building and met with Subjects 1 and 2. The officers opined that the actions of Subject 1, 2 and 3 might be related to narcotics activity.

Subjects 1, 2 and 3 then walked away from the location and onto another street. A vehicle with three female occupants drove up to Subjects 1 and 2 and the male. Subject 3 approached the vehicle and appeared to speak with the females as Subjects 1 and 2 stood nearby.

The vehicle drove away and Subjects 1, 2 and 3 continued walking. Because the area was poorly lit, Officer A decided to move the officers' vehicle in order to maintain sight of the three individuals. As Officers A and B drove, they observed that Subjects 1, 2 and 3 continued looking around and nervously looking at passing cars and pedestrians.

As Officers A and B approached, the three subjects turned around and appeared to take notice of the officers' vehicle. Officers A and B drove past the subjects, made a U-turn, and stopped in front of a residence.

Officer B sounded the vehicle's horn in an effort to create the impression that he and his partner were looking for someone in a nearby car or residence.

Officer A then contacted CD and requested a uniformed patrol unit to respond to assist in conducting a pedestrian stop of the subjects for possible narcotics activity. Officers C and D, who were approximately two blocks away, acknowledged the broadcast, arrived at the location, and advised CD of their status and location.

Prior to the arrival of Officers C and D, Officers A and B lost sight of the subjects. Officer A exited the vehicle and moved across the street. Officer B remained inside the police vehicle and maintained sight of Officer A. Having repositioned, Officer A saw Subjects 1 and 2 spray painting on a light pole. Officer A relayed his observations to Officer B via the radio.

**Note:** Subject 3 was not seen again by the officers and was never identified.

Officers C and D turned onto the street where Officers A and B were stopped. Officer B made a radio transmission in an effort to direct them to where Subjects 1 and 2 were last seen by Officer A. Officer D activated the overhead and alley lights of the police vehicle and stopped behind Subjects 1 and 2. Subjects 1 and 2 turned around, looked in the direction of Officers C and D, and began running away from them. Officers C and D exited their police vehicle and ordered Subjects 1 and 2 to stop running and to raise their hands. At the same time, Officers C and D saw Officer A run across the roadway toward the sidewalk where Subjects 1 and 2 were running.

Subjects 1 and 2 ran in different directions. Subject 1 ran into the roadway, directly in front of Officer C and toward the police vehicle Officer B was seated in. Officer B exited the police vehicle to assist as Officer C pursued Subject 1 on foot.

Meanwhile, Officer A displayed his badge and pursued Subject 2 on foot, catching up with him in the driveway between two residences. When Officer A caught up with Subject 2, Officer A grabbed onto Subject 2's shirt, which slowed Subject 2 to a stop. The shirt began tearing and Subject 2 dove to the ground. Officer D joined Officer A to assist in taking Subject 2 into custody.

As Subject 1 continued running from Officer C and toward Officer B, Subject 1 removed pistol from his waistband. Officer C observed the gun and shouted a warning to the other officers.

Meanwhile, Officer A was conducting a pat-down search of Subject 2 as Officer D approached to assist. Officer A asked Subject 2 if he had a gun. Subject 2 told Officer A he had a gun in his pocket, at which time Officer A felt an object in Subject 2's right front pants pocket. Officer A removed a pistol from Subject 2's pocket, secured the pistol, and handcuffed Subject 2. Officer D heard Officer C yell, "Gun," and unholstered his pistol. Officer B also heard Officer C yell, "Gun," looked in Subject 1's direction, saw Subject 1 running with the pistol in his hand, and unholstered his pistol.

Subject 1 turned, looked in Officer C's direction, and then reached back and pointed the pistol in Officer C's direction. Officer C unholstered his service pistol, stopped, and fired two rounds in Subject 1's direction. Subject 1 then stumbled, fell to the pavement and dropped his pistol.

Officer B directed Officer C to cover Subject 1. Officer B then holstered his pistol and handcuffed Subject 1. Officer C then holstered his own pistol. Officer D approached Officers C and B, saw that Subject 1 was on the ground handcuffed, and holstered his pistol.

Officer D used the radio to advise CD that shots had been fired, inaccurately provided the officers' general location, and requested additional units for assistance.

**Note:** Officer A later provided CD with an accurate location for the incident.

Sergeant A arrived on-scene and broadcast his status and location to CD. Sergeant A met with Officer C, who provided him with a Public Safety Statement.

Subject 1 told officers that he had been shot in the mouth and complained of pain to his teeth. Officer B contacted CD and requested that a Rescue Ambulance respond to the location. Los Angeles City Fire Department (LAFD) personnel arrived on-scene to

provide medical assistance to Subject 1. The LAFD personnel determined that Subject 1 had sustained an injury to his teeth, but did not require medical attention at that time.

### **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 Officer C's tactics to be appropriate.

The BOPC found Officers A, B, and D's actions to warrant divisional training.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found Officers B, C, and D's drawing to be in policy.

#### **C. Use of Force**

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that Officers A and B received information regarding possible narcotics activity. The officers appropriately responded to the location, parked their vehicle and conducted surveillance in the area. Several minutes into the surveillance, the officers broadcast their location to CD. It would have been tactically safer for the officers to have provided this information immediately upon their arrival. Had the officers needed immediate assistance, CD would have been unable to direct responding patrol units.

As the officers continued to monitor the area, they observed Subjects 1 and 2 pacing back and forth. A short time later Subject 3 joined the pair and they began to walk away from the officers' location. Officers A and B decided to reposition their vehicle to

maintain sight of the group, but did so without advising CD. It would have been tactically safer for the officers to have updated CD with their new location.

After Officers A and B stopped their vehicle, the officers observed the third male approach a vehicle and engage the occupants in conversation. Believing the group was involved in narcotics activity, Officers A and B requested an uniformed police unit to respond. While awaiting an additional unit, Officer A exited the van and repositioned himself to better observe the subjects. After doing so, Officer A observed Subjects 1 and 2 spray paint a light post.

Officers C and D responded to the request. As Officers C and D approached the location, Officer A provided them the description of the subjects. Officers C and D observed Subjects 1 and 2 look in their direction and run away. Officer D remained with Officer C until he observed that Officer A was engaged with Subject 2. Officer D noticed that Officer B was in a position to render immediate aid to Officer C before responding to Officer A's location. The BOPC was pleased that the officers were able to adapt to the subjects' actions without compromising their safety.

Simultaneous to Subject 1 running in the middle of the street, Subject 2 remained on the sidewalk and ran into Officer A who was displaying his badge. Subject 2 stopped running and dove to the ground into a prone position. Officer A detained Subject 2 and recovered a loaded pistol from him.

Upon observing that Subject 1 was armed, Officer B appropriately repositioned himself so that he did not create a crossfire situation between himself and the other officers.

Following the shooting, Officer D requested assistance and a supervisor to his location. Unfortunately, Officer D provided CD with incorrect street names. It would have been tactically safer for Officer D to know his location at all times, to prevent any delays for responding resources.

The BOPC was satisfied with Officer C's tactics. He communicated well and worked as a team with his fellow officers. The BOPC found Officer C's tactics to be appropriate.

The BOPC found Officers A, B, and D's actions to warrant divisional training.

## **B. Drawing/Exhibiting/Holstering**

The BOPC noted that, as Officers C and D followed Subject 1, Officer C observed Subject 1 remove a weapon from his waistband. Officer C stopped running, drew his service pistol and alerted the other officers that Subject 1 was armed with a weapon. Officer D, who was following Officer C, stopped and drew his service pistol.

Officer B exited the van when he observed Subject 1 running away and was in position to intercept him when he heard Officer C's warning. Officer B observed Subject 1 armed with a handgun, drew his service pistol and repositioned himself behind cover.

The BOPC determined that Officers B, C, and D had sufficient information to believe the incident had escalated to the point where deadly force was necessary.

The BOPC found Officers B, C, and D's drawing to be in policy.

### **C. Use of Force**

The BOPC noted that Officer C observed Subject 1 turn to and point a pistol in Officer C's direction. Fearing for his life and the lives of the other officers, Officer C fired two rounds at Subject 1. Subject 1 was struck in the front teeth by one of the rounds causing him to fall to the ground into a prone position and drop the pistol. Subject 1 was then taken into custody without further incident.

The BOPC determined that Officer C reasonably believed that the subject presented an immediate threat of serious bodily injury or death. The BOPC found Officer C's use of lethal force to be in policy.