

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

OFFICER-INVOLVED SHOOTING 067-06

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Hollenbeck	08/12/2006		

Officer(s) Involved in Use of Force	Length of Service
Officer A	18 years, 8 months
Officer B	1 year, 3 months

Reason for Police Contact

Officers A and B stopped a vehicle containing two subjects. One of the subjects exited the vehicle and began to shoot at Officers A and B with an assault rifle. Officer B was wounded. Officer A returned fire and wounded the subject.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 31 years.			

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 Subject 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 June 26, 2007.

Incident Summary

Officers A and B were patrolling in a marked police vehicle. Officer A was driving the vehicle and Officer B was the passenger. The officers saw a vehicle with only one headlight illuminated going northbound. Officer A saw two males in the vehicle, and observed the passenger of the vehicle appear to try to slide down in the passenger seat as if he was trying to secrete himself.

The officers were driving in the opposite direction of the vehicle, and Officer A made a U-turn and got behind the vehicle. The officers prepared to conduct a license plate

check, but were unable to do so because the vehicle had only paper car dealership plates displayed. Officer A activated the overhead lights and side spotlights on the police vehicle to indicate to the driver of the vehicle to pull over and to illuminate the interior of the vehicle. The driver of the vehicle did not immediately pull over, and continued driving at intermittent speeds within the speed limit.

The driver of the vehicle then pulled to the curb. Officer A began to stop the police vehicle approximately one car length behind the vehicle, offsetting the vehicle to the left. While Officer A was positioning the police vehicle, Officer B began broadcasting the officers' status to Communications Division (CD), but before he was able to give the location, he observed the passenger door of the vehicle crack open. Officer B told Officer A that the passenger was going to run.

Subject 1 emerged from the passenger door of the vehicle and spun around, holding an assault rifle. Subject 1 then began firing at the police vehicle, impacting the windshield. The officers ducked behind the dashboard. Officer B drew his pistol and began to return fire through the windshield. Meanwhile, Officer A felt something strike him in the face and determined that he needed to exit the vehicle and take up a more defensive position. Officer A opened the driver's door and exited the vehicle, staying as low as he could, and landed on his right knee. Officer A's knee then gave way and he fell. At that point, Officer A realized that, although he thought that he had placed the police vehicle in park, he actually had not, and it was rolling slowly forward.

Officer B was still in the vehicle, and when the vehicle hit the curb it caused him to fall below the dashboard. When he could no longer see Subject 1, Officer B stopped firing.

Officer A used the police vehicle as cover while he was on the ground; however, the vehicle moved away from him as it rolled forward. Officer A could still hear Subject 1 firing at the police vehicle but was unsure whether Officer B was returning fire, and he believed that Officer B may have been killed. Officer A heard Subject 1 run southbound past the police vehicle while continuing to shoot, stop briefly, then continue to shoot at the police vehicle.

Once the police vehicle had rolled past Officer A, he had a clear view of Subject 1. As Subject 1 continued shooting at the police vehicle, Officer A fired at Subject 1 until he expended all 9 rounds from his pistol and observed Subject 1 go down. Officer A then stood up and reloaded his pistol.

As he was reloading, Officer A observed Subject 1 get up and run around a corner and out of Officer A's sight. Officer A did not see Subject 1's rifle and was unsure whether Subject 1 still had it.

The driver of the subject's vehicle then accelerated northbound and fled the location.

20 seconds after Officer B's interrupted broadcast, Officer A broadcast that there were shots fired and an officer down. Officer A also provided a description of the subject's vehicle.

Meanwhile, when Officer B no longer heard gunshots, he attempted to reach down with his left hand to put out a broadcast, then realized that he had been shot in the left arm. Due to his injury, Officer B was unable to push the help button on his radio. As he was about to attempt to use the vehicle's radio, Officer B saw Officer A putting out a broadcast on his radio, and therefore did not make a broadcast himself. Officer B exited the vehicle, yelled to Officer A that he had been shot, and laid down on the sidewalk.

Unsure whether the assailants would return, Officer A provided cover to Officer B. Officer A observed an SUV coming down the street towards him and kept his pistol at low ready. The occupant of the SUV exited and asked if the officers needed help. Officer A holstered his pistol and replied that they needed assistance. Officer A then broadcast that a rescue ambulance (RA) was needed and reiterated that there was an officer down. Officer A then provided the officers' location, described the direction in which the vehicle had fled, gave a further description of the vehicle, and provided a description of Subject 1 and the direction in which he was last seen running. Meanwhile, the driver of the SUV and several residents of the area brought towels and ice for Officer B, who was bleeding heavily.

Sergeant A was the first unit to arrive at the scene in response to Officer A's broadcast. Sergeant A went to assist Officer B.

Additional units then began to respond, and a perimeter was established around the vicinity of the incident with the assistance of Sergeant B.

Meanwhile, local resident Witness A was in his backyard when he noticed that his cat looked startled. He then heard a thump and observed Subject 1 near the rear porch area of his residence bleeding heavily from his leg area. Witness A told Subject, and then went inside and called 911. Witness A explained to the operator that someone was in his backyard and that there was already a police presence in the area, but that officers needed to come and get the man out of the backyard. Witness B flagged down Sergeant B and explained to Sergeant B that Witness A was saying there was someone in his backyard and that they should check it.

Sergeant B called over uniformed Police Officers C, D, E and F. Sergeant B explained that there was a possible suspect hiding in the backyard. Sergeant B assigned Officers C and D to handcuff any suspects, and assigned Officers E and F as cover officers.

Sergeant B and the team of officers began to walk down the driveway of the residence with their guns drawn. Sergeant B requested that an airship that was already present illuminate the backyard. Officer C and Officer D, took the lead, with Sergeant B and Officers E and F behind them. The officers located Subject 1 in the rear yard, hiding underneath a vehicle that was parked in a carport and covered with a tarp.

Officer C ordered Subject 1 to come out and keep his hands out in front of him. Subject 1 crawled out and was handcuffed. Subject 1, who was bleeding, was then escorted out of the backyard to the front of the house. Sergeant A requested a RA for Subject 1 from the Los Angeles Fire Department who was already present due to Officer B's injuries. Officer A was informed that they had a suspect detained, responded to the location, and positively identified Subject 1 as the shooter. Subject 1 was arrested. Officers A and B, as well as Subject 1, were taken to the hospital for treatment.

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 adopted the following findings.

A. Tactics

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

The BOPC found Officer B's tactics to be appropriate.

B. Drawing and Exhibiting

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B displayed extreme courage and the will to survive while faced by imminent peril.

This incident demonstrates how what can best be described as a routine traffic stop can rapidly escalate into a life and death encounter. Officers A and B elected to stop the vehicle for an observed equipment violation. As the driver pulled the vehicle to the curb, Officer B appropriately initiated a broadcast to CD with the intention of notifying them of

their location. During the broadcast, Officer B observed the passenger side door open and believed that the passenger was preparing to flee. Officer B terminated his broadcast in order to notify his partner of his observations. The passenger of the vehicle, Subject 1, exited and immediately opened fire on the officers. Both officers took cover beneath the dashboard of the vehicle to avoid being shot and Officer A subsequently exited the police vehicle.

As a result of the very sudden and violent attack, Officer A thought he had shifted the gear lever of the police vehicle to park; however, as he lay on the roadway, it became apparent that the police vehicle was rolling forward. Although this placed Officer A at a tactical disadvantage as he was left exposed in the street, he had the presence of mind to adapt and as a result was able to wound Subject 1 and stop the attack.

Following the shooting, Officer A expended his initial ammunition capacity of nine rounds and his service pistol then went into slide lock. Officer A conducted a speed reload with a spare magazine of ammunition, manipulated the slide of his service pistol more than once and ejected five live rounds. The BOPC determined that although Officer A's actions during this incident were heroic, he would benefit from additional firearms related training.

Sergeant B monitored the broadcast reporting shots fired with an officer down and responded. Upon arrival, Sergeant A directed Sergeant B to coordinate the establishment of a containment perimeter. While in the process of doing so, Sergeant B was contacted by a citizen who advised her that a possible wounded subject was in the rear yard. Sergeant B assembled four officers to search the rear yard for the subject.

The subject was located and called out, where he was detained without further incident. The BOPC evaluated Sergeant B's decision and concluded that Sergeant B's actions were appropriate. The BOPC discussed the options of utilizing Special Weapons and Tactics (SWAT) personnel and/or K-9 personnel. Although these options would be ideal, they noted that the search directed by Sergeant B was very limited in scope and that once the subject was located, the officers did not approach. Instead, they used cover and called him out from his concealed location.

Officer B attempted to notify Communications Division of the officers' status and location during this incident, and showed tremendous maturity in responding to the deadly threat.

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

The BOPC found Officer B's tactics to be appropriate.

B. Drawing and Exhibiting

The BOPC noted that Officers A and B were conducting a traffic stop when the passenger suddenly exited the vehicle armed with an assault rifle. The subject raised

the rifle and began shooting at the officers, both of whom were still seated in the police vehicle. In preparation to confront the deadly threat, Officers A and B drew their service pistols.

The BOPC determined that the officers reasonably believed the situation had escalated to the point where deadly force was justified.

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

C. Use of Force

The BOPC noted the police vehicle had not yet come to a stop when Subject 1 began firing into the vehicle's windshield. Both Officers A and B took cover below the dashboard sightline in order to avoid being shot. As Officer B drew his service pistol and peered over the dashboard, he observed the suspect shooting from a standing position on the sidewalk next to the passenger side of the vehicle. In immediate defense of life, Officer B fired 14 rounds through his own windshield at Subject 1.

In an effort to reach a more defensible and protected position, Officer A opened the driver's door and rolled out of the vehicle and proned himself on the roadway. Officer A drew his service pistol and heard footsteps running. As the police vehicle continued to roll slowly forward, Subject 1 emerged into view on the sidewalk. Subject 1 was walking backwards and was shooting the rifle toward the right front passenger seat area that was occupied by Officer B. In immediate defense of life, Officer A fired nine rounds at Subject 1.

The BOPC determined that Officers A and B reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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