

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

**OFFICER-INVOLVED SHOOTING – 069-06**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Southwest	08/21/2006		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	5 years, 4 months
Officer C	10 years, 11 months
Officer J	5 years, 4 months

**Reason for Police Contact**

Officers A and B observed known gang members standing near a known gang location, including Subject 1, who the officers knew to be armed. The officers, along with other Area officers, formulated a plan to apprehend Subject 1 and other gang members in violation of their probation. While fleeing from the officers, Subject 1 pointed a gun at Officer C, who fired four rounds at Subject 1.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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 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.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on July 10, 2010.

## **Incident Summary**

Officers A and B drove past a location they knew was a common hangout for members of a street gang. Officer A observed known gang members and associates standing in the doorway of an apartment building and also observed one unidentified male seated on the steps of a neighboring building. Officer A knew that members of the gang were also often found congregating in the subterranean garage under that building.

Area officers were briefed during roll call that if gang members were seen around the apartments at or near the location, officers would gather together and travel to that area to address the problems there. Officer A called for officers to meet up at the police station in order to plan their approach to the location and discuss each officer's assignment. At the meeting were Officers A, B, C, D, E, F, G, H, I, and J.

Sergeant A was contacted and he advised the officers that he was close to the target location and would meet them there when they arrived. Subsequently, the officers left the police station for the target location.

Officers A, B, D, and I rode in one marked, black-and-white police vehicle, with Officer A driving. Officers E, F, and J followed them in a second marked, black-and-white police vehicle, with Officer E driving. Meanwhile, Officers C, G, and H rode in a third marked, black-and-white police vehicle, with Officer H driving. Officer C used his radio to broadcast to Communications Division (CD) that all of the officers were at the target location. Officers C, G, and H, who were responsible for rear containment of the target location, exited their vehicle and moved through a backyard of a residence. As they did so, they encountered some citizens at the rear of the residence. Officer G advised an unidentified female who was doing laundry in the backyard that she should go inside her residence. Officers C and H climbed over the wall that formed the border between the backyard and the target address. Officer G remained in the backyard and visually monitored the target location. Officers C and H positioned themselves to the rear of a nearby building and stood facing the rear of the target location. Officer A then drove his vehicle to the front of the target location, where he observed four known members of the gang, including Subject 1. At the same time, Officer E drove his vehicle to the location with the subterranean parking garage, as it was known that gang members often fled there from the target location in order to evade the police.

Sergeant A began to maneuver his police vehicle closer to the other officers' vehicles. As he did so, Officers A, B, D, and I exited their vehicle and approached the target location. Meanwhile, Officers E, F, and J exited their vehicle and deployed to the building with the subterranean parking garage. Officers E and F drew their service pistols.

As soon as Officer A stopped his vehicle, he noticed Subject 1 motion toward his waistband and then move into the apartment building. Officer A drew his service pistol and informed Officers B, D, and I that Subject 1 was armed. Officer A advised that the officers were entering the apartment building. Officer I drew his service pistol as he

entered the building. Meanwhile, Officers B and D detained two other individuals who remained at the front of the target building.

Officers A and I identified themselves as police officers and began moving down a hallway inside the target apartment. In one room, Officer A saw Subject 2 (an admitted gang member) and another unidentified male. Officer A believed that Subject 2 might also be armed and he asked Subject 2 to stand up and show him his hands in order to detain him. Officer A also ordered the unidentified male to stand up.

Meanwhile, at the rear of the target location, Officers C, G, and H observed Subject 1 exiting the apartment building through a window. Officers C and H also observed that Subject 1 had a pistol in his hand as he was exiting through the window. Officer C yelled that Subject 1 had a gun, and Officer H drew his service pistol. Officer C then observed Subject 1 moving toward him and Officer H. Officer C drew his service pistol and repeatedly advised Subject 1 to drop his gun. Subject 1 failed to comply with Officer C's orders, and he pointed the muzzle of his gun toward Officers C and H. Officer C fired two rounds at Subject 1 in response and then paused to assess the situation. Officer C observed Subject 1 backing up, with the gun still in his hand. Subject 1 then turned and ran away from the officers. As Subject 1 approached the wall separating the backyard of the target location and a neighboring residence, Subject 1 turned to face the officers again and pointed his gun a second time at Officers C and H. Officer C fired two more rounds at Subject 1, who then climbed over the wall. Officer C then re-holstered his service pistol. Officer C used his radio to broadcast a help call to CD. Officer C also broadcast shots had been fired and requested the establishment of a perimeter around the target location.

Upon hearing gunfire, Officers A and I began to retreat back toward the front of the target building. Officer A exited the front of the building, and then he and Officer D began to move toward the rear of the building, where they believed the shots had been fired. Simultaneously, Sergeant A had exited his vehicle and arrived near the front of the target location. He accompanied Officers A and D toward the rear of the location, while Officers B and I remained near the front of the target location, maintaining control over the two detainees that were there. Officers E, F, and J moved through the subterranean garage, and Officer J drew his service pistol. After verifying that it was safe to do so, the officers exited the garage and joined Officers C, G, and H in the rear yard of the building with the subterranean parking garage. Officers A and F re-holstered their service pistols.

Officers A, C, and F then re-drew their service pistols. Cognizant that Subject 1 might double back toward the target location, Officer D moved along the side of the target building and rejoined Officers B and I. Sergeant A and Officers A, C, E, F, H, and J moved through the parking lot behind the target location.

Officer C then looked over the wall over which Subject 1 had just climbed. He observed Subject 1's handgun near a parked vehicle, and he then noticed Subject 1 lying alongside that vehicle. Officers A, C, E, F, and J re-holstered their service pistols.

Sergeant A and Officers A, C, E, F, H, and J all climbed over the wall. Officers A, E, and F re-drew their service pistols. Officer C immediately positioned himself at Subject 1's weapon. Officers A and J then approached Subject 1, while Officers E, F, and H provided cover and watched for any potentially hostile activity coming from within the buildings. Sergeant A observed that Subject 1 appeared to be bleeding from his shoulder and his knee. Officer A re-holstered his service pistol, and then he and Officer J attempted to reach for Subject 1's arms in order to handcuff him. Subject 1 resisted by pulling his arms in toward his body. Officers A and J directed Subject 1 to stop resisting, but Subject 1 continued to resist them; so as Officer A continued to struggle to move Subject 1's hands toward his back, he struck Subject 1's ribcage twice with a closed fist. Officer A was subsequently successful in moving one of Subject 1's hands to his back. Meanwhile, Officer J was also struggling to gain control of Subject 1's arms. Officer J struck Subject 1 three times in the shoulder blade area and was then able to move Subject 1's other hand toward his back. Officers A and J then handcuffed Subject 1. Until he was notified that Subject 1's weapon had been recovered, Officer A used his bodyweight to keep Subject 1 down on the ground.

After verifying with Officer C that Subject 1 was the suspect Officer C had fired at, Sergeant A requested a rescue ambulance (RA) as well as an air unit. Sergeant A verified that Officer C was the only officer who had fired a weapon, and he ordered all of the officers around him not to discuss the incident.

After hearing gunfire, and before the broadcast indicating that Subject 1 was in custody, Officer B moved the two detainees into the target building and drew his service pistol. Officer D also drew his service pistol after hearing gunfire. Officer B then entered the apartment and observed individuals running around inside. Officers B and I detained everyone inside the apartment and ordered them into the living room. Once it was broadcast that Subject 1 was in custody, Officer B re-holstered the service pistol. Officers B, D, and I, then directed each detainee to exit the building. Sergeant B, who had responded to the scene, also entered the target building and assisted in moving the detainees outside. As the individuals walked out of the target apartment, they were handcuffed and taken to the sidewalk by additional officers who had responded to the scene. Sergeant B and Officers B, D, and I then cleared every room within the apartment to make sure that there were no other people left inside. Once the apartment had been cleared, Officer I re-holstered his service pistol.

Los Angeles Fire Department (LAFD) personnel arrived at the scene and treated Subject 1 for a gunshot wound to his lower left leg.

### **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 Sergeant A and Officers A, B, C, D, E, F, G, H, I, and J's tactics to warrant formal training.

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

The BOPC found Officers A, B, C, D, E, F, G, H, I, and J's drawing to be in policy.

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

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

#### **D. Less-Lethal Use of Force**

The BOPC found Officers A and J's use of non-lethal force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

In adjudicating this incident, the BOPC considered that:

There was a significant and consequential lack of planning on the part of the officers involved in this incident. As an apparent result of this lack of planning, the officers involved committed a series of significant tactical errors, many of which unnecessarily placed them into extremely dangerous situations. While a written plan was not necessarily required for the execution of this operation, the officers' intended actions, once they arrived at the scene, were analogous with the service of a search warrant, which is a procedure that requires a written plan due to the number of variables and contingencies that may occur throughout its execution.

The officers' lack of planning prior to this incident was evidenced by the failure to define clear objectives and strategy for the operation. Although some of the officers were familiar with the target location and knew it to be a gang hangout that generated complaints from nearby citizens, it was unclear precisely what the officers were intending to do once they arrived at the target location.

There were indications that the officers intended to look for any individuals who were in violation of their probation. Yet, with the exception of Subject 1, the officers did not engage in any meaningful discussion about precisely whom they expected to find at the target location, what were the terms of each individual's probation, and whether the officers had the right to detain each individual on sight as a result of those terms. Further, there are no indications that intelligence was gathered about individuals the officers were likely to encounter at the target location.

In addition to the absence of clear objectives for their operation, the apparent lack of planning led to a lack of clarity as to what each officer's responsibility would be in certain critical situations during the operation.

A further apparent consequence of the lack of adequate planning for this operation was that the officers involved did not assume any positions that would have provided containment on the both sides of the target building. Subject 1 fled in the opposite direction, away from the officers who were performing containment.

Furthermore, Officer G was located to the rear of the residence away from the target location, likely placing him out of position to be of much assistance in containing any suspects that fled the target location. Although Officer G was able to maintain at least a limited line of sight to the rear of the target building, the fact that he was relatively far away and behind a couple of walls rendered him largely ineffective in this instance.

It also appears that a lack of planning for this operation resulted in a failure to consider the deployment of less-lethal weapons, such as a TASER and a beanbag shotgun, as well as the assignment of such weapons to specific officers who could be called upon to use them if and when necessary.

The apparent lack of planning additionally failed to provide for the designation of an officer who would be responsible for monitoring the base frequency, the team's communications, and contacting CD in case of an emergency. The BOPC noted that this responsibility should have been assigned to a specific officer before the operation was executed.

It would have been tactically preferable for the officers to have planned for the presence of an air unit at the scene as they were aware of the fact that gang members at the target location often fled on foot in order to evade contact with the police.

The lack of planning for this incident was finally apparent in the failure to ensure appropriate supervisory oversight of the operation. The BOPC noted that Sergeant A was not with the officers when they initially arrived at the scene. As a result, the sergeant did not provide any supervisory oversight of their operation until after the officer-involved shooting had already occurred.

The BOPC also noted a number of tactical errors during the incident itself. First, upon seeing Subject 1 grab his waistband and run into the apartment building, Officers A and

I engaged in a foot pursuit, following Subject 1 into the apartment. This decision potentially placed Officers A and I in serious danger, as they were pursuing a suspect who was believed to be armed into an apartment that was known to contain high levels of gang activity. Officers A and I did not know how many people were inside the apartment when they entered nor could they tell whether Subject 1 might utilize a concealed position inside the apartment to ambush them as they entered. Due to the dangers presented by following a suspect who is reasonably believed to possess a firearm, the Department's training bulletin addressing this issue advises against doing so.

Furthermore, it does not appear that Officers A and I communicated the fact that they had entered the apartment to the officers who were conducting rear containment. This presented another potentially dangerous situation as the rear containment officers might have found it necessary to fire their weapons at a hostile suspect who exited the back of the building. In doing so, they might have also been firing in the general direction of Officers A and I as they continued their pursuit of that hostile suspect.

After Officer A heard gunfire coming from the rear of the target location, he decided to exit the apartment. Subsequently, Sergeant A and Officers A and D made their way to the rear of the building. It does not appear that these officers communicated their movements to the rear containment officers, thereby increasing the risk that they would place themselves in a cross-fire.

After Officer B heard gunfire coming from the rear of the target building, Officer B directed the two detainees to step into the building and lay down on the ground. Officer B then entered the target apartment and observed an unknown number of individuals running around inside. Officer B told the individuals to lay on the ground due to the fact that there was gunfire being exchanged outside. It therefore appears possible that Officer B might have entered the apartment in order to avoid exposing himself and those inside to the danger of the gunfire that was occurring outside. However, by entering a known gang location that contained an unknown number of inhabitants at the time of the incident, Officer B was exposed to the substantial danger of being attacked by hostile individuals who were still inside the apartment.

The BOPC noted that after the officer-involved shooting, Subject 1 scaled a block wall and disappeared out of the officer's view. Officer C continued to close the distance and ultimately conducted a "quick peek" over the wall in an effort to locate Subject 1. Upon observing Subject 1 lying on the ground on the other side of the wall, with the gun near him, Officer C continued to remain in an "apprehension" mode versus a "containment" mode. Officer C advised Officers A and J of his observations. Subsequently, Officers A, C, and J scaled the wall to detain Subject 1 and secure the handgun.

It would have been tactically safer for the officers to contain Subject 1 by setting up a perimeter, while requesting an air unit and directing additional officers to containment positions. Once Officer C observed Subject 1 lying on the ground on the other side of

the wall with the handgun nearby, Officer C then became obligated to ensure Subject 1 was taken into custody and provided with medical treatment if needed.

The BOPC found Sergeant A and Officers A, B, C, D, E, F, G, H, I, and J's tactics to warrant formal training.

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

The BOPC noted that, upon observing Subject 1 exit the rear window of the building while holding a handgun, Officer C feared an armed confrontation and drew his service pistol. After Subject 1 scaled the wall out of Officer C's view, Officer C no longer believed Subject 1 was an immediate threat and holstered his service pistol. As Officer C approached the wall that Subject 1 had just scaled, he drew his service pistol believing that Subject 1 may be on the other side and fearing another armed confrontation.

Officers A and J responded to the rear of the building after hearing shots being fired and Officer C's radio broadcast. Upon their arrival at the rear, Officer C advised them that Subject 1 was in possession of a handgun and had scaled the block wall. After Officer C looked over the wall and observed Subject 1 lying on the ground on the other side with the handgun nearby, he advised Officers A and J of his observations.

Officers A and J feared an armed confrontation with Subject 1 and drew their service pistols. Officer A, C, and J took turns covering with their service pistols as each officer holstered and scaled the wall to subsequently detain Subject 1.

Officers B, D, E, F, H, and I all drew their weapons at times during the incident.

The BOPC determined that Officers A, B, C, D, E, F, G, H, I, and J had sufficient information to believe the situation had escalated to the point where deadly force may become necessary. The BOPC found Officers A, B, C, D, E, F, G, H, I, and J's drawing to be in policy.

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

The BOPC noted that Officer C observed Subject 1 exit a rear window of the apartment building while holding a handgun. Subject 1 ran toward Officer C. Officer C ordered Subject 1 to drop the gun, but Subject 1 refused, instead raising the handgun and pointing it directly at Officer C. Officer C, in immediate defense of his life, fired two rounds at Subject 1 to stop his actions. Subject 1 stopped, walked backwards a few steps, then turned and ran away from Officer C. Just prior to scaling a block wall, Subject 1 turned and again pointed his handgun at Officer C. Officer C fired two additional rounds at Subject 1 to stop his actions. Subject 1 then scaled the block wall, out of Officer C's view.

The BOPC determined that Officer C reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death. The BOPC found Officer C's use of lethal force to be in policy.

#### **D. Non-Lethal Use of Force**

The BOPC noted that Officers A and J scaled the block wall in order to detain Subject 1, who was lying in a prone position on the opposite side. As Officer A and J began to handcuff Subject 1, Subject 1 resisted by pulling both of his arms inward under the front of his body.

Officer A utilized a firm grip on Subject 1's arms, placed one knee upon Subject 1's lower back, and delivered two punches to his rib cage area with his fist in order to gain his compliance to effect handcuffing.

Officer J utilized a firm grip on Subject 1's arms and delivered two punches to his upper back area with his fist in order to gain his compliance to effect handcuffing.

The BOPC determined that Officers A and J applied reasonable force to overcome Subject 1's resistance. The BOPC found Officers A and J's use of non-lethal force to be in policy.