

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

**OFFICER INVOLVED SHOOTING – 070-08**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off( )</b>	<b>Uniform-Yes(X) No( )</b>
Southeast	08/09/08		

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

**Reason for Police Contact**

Officers stopped to check on a group of males, and one male subject fled on foot armed with a gun. The officers chased the subject, which resulted in a use of force incident.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
Subject: Male, 23 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.

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 June 16, 2009.

**Incident Summary**

Uniformed Police Officers A,B, C, and D were assigned to work as a four-officer unit deployed in a marked hybrid police vehicle. The officers were traveling in the vehicle when they observed a group of approximately 10 males who appeared to possibly be gang members. The males were on the sidewalk and driveway of a residence, apparently drinking. The officers stopped the police vehicle by the driveway and the officers proceeded to exit.

The officers observed one of the male subjects move away from the group and run down the driveway toward the rear of the residence. Officer B and Officer C proceeded to chase the Subject. Officer B was approximately 5 to 7 feet behind and observed the Subject holding his waistband with his right hand as he ran.

Officer D broadcast that the officers were Code Six and requested a backup. Meanwhile, Officers B and C observed the Subject jump over a short wall located on the south property line. The Subject turned and disappeared out of their view. Officers B and C slowed down before they reached the corner, and Officer B was aware that Officers A and D were positioned east of his location, so he advised them that the Subject was running eastbound on the driveway.

When Officer A reached the driveway, he observed the Subject running toward him and looking back at him. Officer A observed a black pistol in the Subject's right hand, which was pointed downward. Officer A drew his pistol and told the Subject to "Drop it." The Subject turned his head toward Officer A and began to raise his pistol toward Officer A. In response, Officer A fired one round from his pistol from a distance of approximately 27 feet, missing the Subject. The Subject froze and then threw the pistol. Officer A ordered the Subject to get down on the ground, and the Subject complied.

Officer D was running approximately 15 feet behind Officer A when he heard one gunshot. Officer D caught up to Officer A and observed the Subject in a prone position on the ground. Officers B and C reported that they were positioned behind the residence when they heard one gunshot. Officer B drew his pistol and carefully started toward the front of the residence. Officers B and C observed Officer A at the driveway with his pistol drawn and the Subject in a prone position on the ground. Officers C and B jumped over the short wall and moved toward the Subject's location. Officer C drew his pistol as he approached the Subject. Officer A then directed Officer C to take the Subject into custody. Officer C holstered his pistol, and handcuffed the Subject without further incident. Officer D broadcast that there was a Code Four and the Subject was in custody.

After the Subject was in custody, Officer A holstered his pistol and walked over to the area where the Subject discarded his pistol. Officer A observed the Subject's pistol on ground in the front yard with the hammer cocked. Officer A secured the Subject's pistol.

## **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 A, B, C, and D's tactics to warrant a tactical debrief.

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

The BOPC found Officer A, B, and C's drawing and exhibiting of a firearm to be in policy, requiring no further action.

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

The BOPC found Officer A's use of lethal force to be in policy, requiring no further action.

## **Basis for Findings**

### **A. Tactics**

In its analysis of this incident, the BOPC noted the following tactical considerations identified in the Department's investigation:

1. Deployment of the police vehicle.

The California Commission on Peace Officer Standards and Training advises that when officers make contact with suspects during a pedestrian stop, they should position themselves for the greatest safety and tactical advantage.

In this instance, Officer C stopped the police vehicle after having driven past the group of possible gang members. This position placed the officers at a tactical disadvantage.

The BOPC noted that Officer C was reminded to position the police vehicle in a manner that provides officers the greatest tactical advantage.

## 2. Positive Aspects

There were several positive actions that occurred in this incident, including that the officers had discussed tactics, specifically foot pursuits, and designated Officer B to broadcast all communications over his radio; during the foot pursuit there was communication between officers; Officers B and C utilized sound tactics when moving around the corner of the house while chasing the suspect on foot; and Officer A ensured there were no citizens struck by gunfire.

The BOPC concurs that a Tactical Debrief is the appropriate mechanism for Officers A, B, C, and D to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

### **Drawing/Exhibiting**

Department policy relative to drawing and exhibiting a firearm is that, "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified."

During this incident, Officer A was confronted with a subject who was armed with a handgun and pointed it in his direction. Believing that the situation had escalated to the point where lethal force had become necessary, Officer A drew his service pistol and fired it at the subject. Officers B and C heard the gunshot and drew their service pistols, believing the situation had escalated to the point at which lethal force might become necessary.

Therefore, the drawing and exhibiting by Officers A, B, and C warrants a finding of in policy, with no further action required.

### **Use of Force**

Department Policy directs that "An officer is authorized to use of deadly force when it reasonably appears necessary to protect himself or others from an immediate threat of death or serious bodily injury."

During this incident, Officers C and B were in foot pursuit of a subject. According to Officer A, he observed the subject running towards him, with the subject holding a handgun in his right hand. Officer A yelled for the subject to drop the gun, but he began to raise it up while looking at Officer A. Officer A responded by firing one time to defend himself. The BOPC found it was objectively reasonable for Officer A to perceive that it was necessary to protect himself from the immediate threat of death or serious bodily injury presented by the subject's actions, and therefore Officer A's use of force warrants a finding of in policy, with no further action required.