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

OFFICER-INVOLVED SHOOTING – 075-07

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
West LA	07/18/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer A	10 years, 4 months
Officer B	10 months

Reason for Police Contact

Officers were driving when they observed Subject 1 open fire into a crowd. When Subject 1 pointed his gun toward the officers, they fired at him.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: male, 14 years of age.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 06/17/08.

Incident Summary

Officers A (driver) and B (passenger) were in a police vehicle approaching an intersection when they heard what sounded like three gunshots. Officer A slowed down and looked around to determine the source of the gunshots. Approximately 70 feet to their front right, Officers A and B observed a crowd of people by a catering truck that was parked on the side of street, approximately ten feet from the intersection, screaming, running out into the street and hiding behind parked vehicles. Officer A placed the police vehicle in park and immediately exited with the intent of moving around behind the police vehicle, toward the front passenger side to formulate a game plan with Officer B.

Officer A was making his way behind the police vehicle when he observed Subject 1 and an unidentified male, running on the sidewalk, away from the crowd. Subject 1 ran sideways, facing the crowd, and raised a handgun toward them. Subject 1 then fired one or two rounds. Officer A unholstered his pistol.

Subject 1 and the unidentified subject continued running eastbound on the sidewalk, passing of the police vehicle. Officer A had not completely made his way around the vehicle and was positioned behind the trunk of the vehicle, without any cover, as the subjects were passing by. Officer A then observed Subject 1 looking at him and turning his body toward him. Subject 1 then raised his arm and pointed his handgun at Officer A.

Believing Subject 1 was about to shoot at him, Officer A raised his pistol, aimed it at Subject 1 and fired two rounds from a distance of approximately 52 feet. Subject 1 continued running for approximately 10 to 15 feet. Officer A then heard a metallic object fall on the ground and observed Subject 1's handgun sliding across the sidewalk, out of Subject 1's reach. Subject 1 then slowed down, fell to the ground on his back and began to roll around. Officer A observed the unidentified subject continue running and then turn, out of view.

Meanwhile, Officer B broadcast that shots were fired, and requested an air unit. Officer B then observed Subject 1 on the sidewalk between two parked vehicles. Subject 1 raised his right arm toward the crowd by the catering truck and held what appeared to be a handgun. Officer B exited the police vehicle, unholstered his pistol and used the vehicle doorframe as cover. Subject 1 began running on the sidewalk, away from the catering truck. Officer B yelled, "Stop, police." Subject 1 continued running. Officer B heard Officer A state, "Stop. Police," and then observed Officer A positioned to his right, without any cover. After Officer A yelled, "Stop, police," Subject 1 looked at Officer A and pointed his gun toward Officer A. Believing that Subject 1 was about to shoot his partner, Officer B raised his pistol and fired one round at Subject 1 from a distance of approximately 47 feet. Subject 1 continued running and then fell to the ground.

Officer A moved up to Subject 1, closing the distance between them to approximately 10 feet. As Officer A was about to broadcast a request for a rescue ambulance (RA), he heard an individual by the catering truck yell, "Someone's shot over here." Officer A broadcast a request for two RAs, and requested an air unit.

Meanwhile, Officer B remained at his position behind the vehicle doorframe and focused his attention toward the catering truck looking for additional subjects in that vicinity. He was then directed by Officer A to check on the shooting victim by the catering truck. Officer B approached the catering truck, using parked vehicles for cover.

As he got closer to the area of the catering truck, Officer B observed Witness B, who had been shot in the chest, laying on the ground with two to three other males tending

to him. The males began yelling, “Get an ambulance. Get an ambulance.” Officer B informed them that the ambulance was on its way and holstered his pistol.

> **Note:** It was later discovered that another male victim, Witness C, had also sustained gunshot wounds to his hip and left arm, but had run away from the immediate vicinity of the catering truck.

Shortly thereafter, Lieutenant A arrived at scene and approached Officer A. Lieutenant A obtained a Public Safety Statement from Officer A. After briefing Lieutenant A of the incident, Officer A informed him where Subject 1’s gun was located.

Sergeant A also arrived at scene along with several other units. Sergeant A directed Officer A to holster his pistol and directed Officer C to handcuff Subject 1 while he (Sergeant A) would assume the role of cover officer.

To avoid making contact with Subject 1’s blood-soaked clothing, Officer C donned a pair of gloves, approached Subject 1 and handcuffed him without further incident. Sergeant A holstered his pistol once Subject 1 was in custody.

LAFD personnel responded to the location and provided medical treatment to Witnesses B and C. Approximately two to five minutes after they had started working on Witnesses B and C, LAFD personnel were informed by an LAFD Captain, who was at the scene, that there was a third shooting victim (Subject 1). LAFD personnel provided medical treatment to Subject 1 and prepared him for transport.

Subject 1 failed to respond to medical treatment at the hospital and was pronounced dead. Witnesses B and C survived their injuries.

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 and B’s tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that after the officer-involved shooting (OIS), Officer A instructed Officer B to respond to the intersection to search for victims of the shooting. Subject 1 had not been taken into custody and one subject was still outstanding. Although it may have been tactically safer for the officers to wait for additional resources prior to searching for victims, the officers chose to expose themselves to slightly greater risk in the interest of public safety. This was a judgment call on the part of the officers. The officers made a reasonable decision based on the circumstances they were faced with. The BOPC found their actions appropriate.

It was also noted that Officer A left his position of cover from behind the police vehicle and approached Subject 1. Officer A appropriately waited for responding units to arrive prior to taking Subject 1 into custody. Based on the circumstances, the BOPC found this to be appropriate.

The BOPC found Officers A and B's tactics to be appropriate.

B. Drawing/Exhibition/Holstering

The BOPC noted that Officers A and B heard three gunshots and observed Subject 1 running armed with a handgun in his right hand. Subject 1 then pointed the handgun toward a crowd of people and fired one to two rounds. Believing the situation had escalated to the point where deadly force was necessary, Officers A and B drew their service weapons.

The BOPC determined that Officers A and B had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC noted that Subject 1 ignored Officer A's command to stop, raised his handgun upward and pointed it at Officer A. In immediate defense of his life, Officer A fired two rounds in a northerly direction from an approximate distance of 52 feet. When

Officer B observed Subject 1 point the handgun in his partner's direction, Officer B fired one round in a northerly direction from an approximate distance of 47 feet.

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 lethal use of force to be in policy.