

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

**OFFICER-INVOLVED SHOOTING – 077-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
West Valley	09/09/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Sergeant A	9 years, 9 months

**Reason for Police Contact**

Sergeant A was waved down by Subject 1, who stated a second male, Subject 2, needed medical help in a nearby pedestrian tunnel. When Sergeant A entered the tunnel to investigate, Subject 1 assaulted him and Subject 2 approached him with a knife. Sergeant A fired two shots at Subject 2.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit (X)</u></b>
Subject 1: Male, unidentified.			
Subject 2: Male, unidentified.			

**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 05/15/07.

**Incident Summary**

Sergeant A was driving when Subject 1 pulled his cargo van along side of the sergeant's police vehicle. After getting Sergeant A's attention by honking his horn, Subject 1 informed him that a man had fallen down and needed help and that this person could be found in a nearby pedestrian tunnel. Sergeant A was familiar with the narcotics activity in the area and indicated that Sergeant A believed that Subject 1 may have been a methamphetamine user.

Intending to render assistance, Sergeant A drove to the pedestrian tunnel and parked near the walkway leading to the tunnel while Subject 1 followed behind and parked on the opposite side of the walkway. When Sergeant A and Subject 1 exited their respective vehicles and approached the entrance to the tunnel, Subject 1 stated that the person in trouble was further up the walkway. Sergeant A then advised Subject 1 to remain outside of the tunnel while he completed his inspection of the tunnel. After walking several feet into the tunnel, Sergeant A observed Subject 2 lying on the ground and advised Communications Division (CD) of his location. Unbeknownst to Sergeant A, Subject 1 had entered the tunnel and approached Sergeant A from behind. Subject 1 then shouted, "Hey, officer!" When Sergeant A looked over his shoulder toward Subject 1, Subject 1, he was struck on the head.

Stunned by the blow to his head, Sergeant A fell to his hands and knees. When Sergeant A pushed himself up into a kneeling position, Sergeant A noted that Subject 2 was standing in front of him with a knife in his left hand.

According to Sergeant A, Subject 2 stared at him and appeared angry. Because he had been struck in the head and was now confronted by an individual who held a knife his hand, Sergeant A believed that Suspects 1 and 2 planned to ambush and kill him. Sergeant A, while kneeling, drew his weapon and fired two rounds at Subject 2. Sergeant A then turned to confront Subject 1 and observed him run out of the end of the tunnel. Noting that Subject 2 fell to the ground and was apparently incapacitated, Sergeant A stood up and ran after Subject 1, while advising CD that he needed back-up over his police radio. Sergeant A then activated the emergency trigger of his police radio, prompting CD to upgrade the earlier broadcast to an "officer needs help" call.

When Sergeant A reached the end of the tunnel, Subject 1 was already in his van, accelerating away.

Sergeant A then re-entered the tunnel to confront Subject 2 and observed him running toward the opposite end of the tunnel. Sergeant A pursued Subject 2 on foot but lost sight of him when Sergeant A reached the end of the tunnel. Sergeant A then holstered his weapon, advised CD that shots had been fired, and broadcast the description of the subjects and their last known direction of travel.

The subjects were not located and remain unidentified.

### **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's tactics to warrant divisional training.

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

The BOPC found Sergeant A's drawing to be in policy.

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

The BOPC found Sergeant A's use of lethal force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that Sergeant A was familiar with the narcotics activity in the area and indicated that Sergeant A believed that Subject 1 may have been a methamphetamine user. These circumstances created a situation where it was warranted to obtain further information from Subject 1. Sergeant A would have benefited from conducting a Department of Motor Vehicle check on Subject 1's vehicle and requesting that Subject 1 provide identification.

As Sergeant A approached Subject 2, who was laying on the walkway, he heard Subject 1 say, "Hey, officer." Sergeant A turned his head and was struck by Subject 1, which caused him to fall to his hands and knees. Sergeant A was unaware that Subject 1 followed him into the tunnel. Sergeant A is reminded of the importance to remain aware of his surroundings at all times.

The BOPC also noted that when Sergeant A fired at Subject 2, he turned to confront Subject 1 and observed him running out of the tunnel. Sergeant A chased Subject 1 and observed him fleeing the area in a vehicle. Although Sergeant A believed Subject 2 was incapacitated by his gunfire, he should have remained in the tunnel and avoided turning his back on him. The decision to pursue Subject 1 created the circumstance wherein Subject 2 was able to elude apprehension by running out the opposite end of the tunnel.

Sergeant A initially broadcast a back-up request, but quickly regained his composure and upgraded the request to a help call by pressing his emergency trigger. Subsequent to both subjects fleeing the area, Sergeant A properly communicated the subjects' last known location and possible directions of travel.

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

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

The BOPC noted Sergeant A was struck in the head and concluded that he had been lured into an ambush situation. Sergeant A was on his hands and knees when he looked up and observed that Subject 2 was in possession of a knife and was approaching him. Fearing that he was about to be stabbed, Sergeant A drew his service pistol.

The BOPC determined that Sergeant A had sufficient information to believe the incident had escalated to the point where deadly force was necessary. The BOPC found Sergeant A's drawing to be in policy.

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

The BOPC noted that Sergeant A observed that Subject 2 was in possession of a knife and had approached him. Sergeant A believed that he was about to be stabbed and fired two rounds in quick succession to thwart Subject 2's advances. Subject 2 immediately fell to the ground, causing Sergeant A to believe that his gunfire had incapacitated Subject 2.

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