

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

OFFICER-INVOLVED SHOOTING – 078-06

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Northeast	09/17/2006		

Officer(s) Involved in Use of Force	Length of Service
Officer A	4 years, 11 months

Reason for Police Contact

Officers A and B heard gunshots from the parking lot of a gas station and observed muzzle flash from a sport utility vehicle (SUV) that was traveling in their direction. When the SUV was adjacent to the police vehicle, the officers observed Subject 1 point a handgun in their direction. Officer A fired four to six rounds at the SUV.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
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Subject 1: Male, 21 years of age.

Subject 2: 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 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 07/03/07.

Incident Summary

Officers A and B were patrolling in a marked police vehicle when they two loud "bangs" and slowed to locate the source of the sounds. Officer A observed an SUV stopped in front of a gas station. As Officer A monitored the SUV, he observed several muzzle flashes emanate from the passenger side of the vehicle and heard approximately six gunshots. Following the shooting, Officer A observed an individual run toward the SUV while holding his waistband. Officer A alerted his partner of his observations. The SUV then began to drive toward the officers' vehicle.

Officers A and B prepared for a possible confrontation by drawing their service pistols. Officer A, who was driving, drew his service pistol with one hand while holding onto the steering wheel of the police car with his other hand. When the SUV passed under an overhead light, Officer A observed Subject 1 point a handgun in his direction while sitting in the front passenger seat of the SUV. Officer A also noted that Subject 2 was holding onto the steering wheel and had ducked down. Officer A advised his partner of his observations and prepared to confront Subject 1.

Officer A indicated that he had no cover and believed that he was going to be a target for Subject 1. Officer A fired four to six rounds at Subject 1. Although Officer A was unsure if he had stopped the police vehicle, his foot was on the brake when the shooting occurred. When Officer A's sequence of fire began, the SUV was slightly offset to Officer A's side. The SUV slowly passed the police vehicle in the opposite direction. Officer A stopped firing when the SUV was directly in front of him. Officer B did not discharge his weapon because the A-pillar of the police vehicle and Officer A obstructed his view.

Subject 2 then accelerated the SUV away from the officers, prompting Officer A to conduct a U-turn and initiate a vehicle pursuit. As the pursuit unfolded, Officer A activated his emergency lights and siren while Officer B advised Communications Division (CD) that they were in pursuit and requested back-up. During the pursuit, Officer A observed Subject 1 extend his arm outside of the passenger window and throw a metal object and a bag to the ground.

Note: Officers A and B indicated that they holstered their service pistols during the pursuit.

Note: Neither Officer A nor B advised CD that shots had been fired or that the suspects had thrown several objects from the SUV.

When Subject 2 abruptly stopped the SUV, Officer A stopped the police vehicle behind the SUV to conduct a high-risk stop while Officer B advised CD of their location. The officers then drew their service pistols, positioned themselves behind their respective vehicle doors, and waited for back-up. When sufficient units arrived at scene, the subjects were arrested without further incident. Sergeant A arrived at scene and, based on the information provided by Officer A, established a perimeter and searched for an individual who ran through the gas station prior to the shooting incident. When a weapon was recovered from the gas station parking lot, the search for the third suspect was terminated.

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 warrant divisional training.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B heard two loud "bangs." Officer A slowed the police vehicle, and, as the officers attempted to identify the nature and location of the sounds, Officer A observed muzzle flashes and heard six to eight gunshots emanate from the front passenger side of an SUV.

Once the gunfire ceased, Subject 2 drove the SUV toward the officers. When the SUV approached the police vehicle, its speed decreased, Subject 1 pointed a handgun at Officers A and B, and an officer-involved shooting occurred. Subject 1 accelerated away from the officers and a vehicle pursuit ensued. Although Officer B appropriately broadcast to CD that they were in pursuit and gave a location, he did not advise CD that shots had been fired. This information should have been provided for the benefit of responding units.

The pursuit traversed several streets, during which Officer A observed Subject 1 throw a metal object and a bag from the passenger window of the SUV. This information was not broadcast to CD, which resulted in an undue delay in locating Subject 1's handgun. It would have been prudent for Officers A and B to have notified CD of the aforementioned information during the pursuit, thereby ensuring a timelier response by personnel to secure any evidence.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed muzzle flashes and heard gunshots emanate from an SUV. Once the gunfire ceased, the SUV drove toward the police vehicle. Officer A stopped his vehicle and drew his service pistol. Officer B also heard six to eight gunshots and drew his service pistol.

The BOPC determined that Officers A and B had sufficient information to believe the situation might escalate 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, as the SUV decreased its speed, its approach was illuminated by streetlights. Officer A noted that Subject 2 held the steering wheel with both hands as he ducked down while Subject 1 shifted his body toward the officers. When the SUV was adjacent to the police vehicle, Officer A observed Subject 1 pointing a handgun at Officer B and himself. In immediate defense of life, Officer A fired four to six rounds at Subject 1.

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