

**ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE ISUBJECT 2DENT
AND
FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

OFFICER INVOLVED SHOOTING – 081-07

Division	Date	Duty-On(X) Off()	Uniform-Yes() No(X)
Mission	08/05/07		

Involved Officer(s)	Length of Service
Police Officer A	1 year, 8 months

Reason for Police Contact

Officers became involved in a vehicle pursuit, which resulted in an officer-involved shooting incident.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Male, 25 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. Department Command Staff presented the matter to the BOPC, and made itself available for any inquiries by the BOPC.

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

The following incident was adjudicated by the BOPC on July 8, 2008.

Incident Summary

Officers A and B were on patrol when they observed a make and model vehicle traveling toward them. Officer A saw two male subjects inside the vehicle, and Officer B saw four, but the officers did not advise each other of their observations. After passing the police car, the officers saw the vehicle speed up, and then run a stop sign while making a right turn. The officers followed the vehicle and attempted to make a traffic stop on the vehicle, but the vehicle failed to stop. The officers advised Communications that they were in pursuit.

After a short distance, the vehicle abruptly pulled into an alley and stopped. Officer A saw the passenger door open and a male subject exit the car, followed immediately by a second male subject. Both subjects ran through a parking lot toward an apartment complex. Officer A began to chase the two fleeing subjects, running past the subject vehicle. Office A saw no other passengers in the vehicle.

Officer B exited the vehicle and saw the right rear passenger exit his door. The driver then exited through the left front door, followed by the Subject, who had jumped over the center console. At the same time, Officer B saw a pistol thrown out of the car, which slid on the asphalt. Officer B then drew his service pistol. Officer B saw the Subject squat down, pick up the pistol by the barrel, then use his other hand to grab the pistol by the grips. The Subject began to move toward the front of the car and away from Officer B, and in the same direction that Officer A had gone. As the Subject moved he raised the pistol and turned to face Officer A's direction. Officer B believed that the Subject intended to shoot Officer A, so Officer B raised his service pistol and began firing at the Subject, who continued to move away, and then fell to the roadway after Officer B fired six rounds. Officer B saw that while on the ground, the Subject repositioned himself to face Officer B. The Subject extended both his hands toward Officer B in a prone shooting position. Officer B then fired an additional three rounds at the Subject, who then dropped his head to the ground and ceased moving.

Officer A ran a short distance before he turned around and saw that his partner was not following. Officer A was returning to the police car when he heard eight or nine gunshots. Officer A broadcast a help call advising shots were fired, then ran back to the police car, and saw Officer B standing at the unit door with his pistol drawn and extended in a shooting position. Officer A unholstered his pistol.

Officer B holstered his pistol when he saw Officer A return. Officer A then saw a hand rise up from inside the vehicle, so Officer A began giving commands to the person inside the vehicle (later identified as Victim A). Officer B again unholstered his weapon. and several other uniformed officers arrived and took positions to assist. Officers directed Victim A from the vehicle. Assisting officers then approached and handcuffed the Subject, who was subsequently treated for gunshot wounds to his lower leg and neck, then transported to the hospital.

Upon interviewing Victim A, officers learned that he had been stopped in his own vehicle at a gas station, and had been kidnapped at gun point by the Subjects, who also took stole his vehicle.

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's tactics to warrant Administrative Disapproval.

The BOPC found Officer B's tactics to warrant training.

B. Drawing/Exhibiting

The BOPC found Officer A and B's drawing and exhibiting of a firearm to be in policy.

C. Use of Force

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

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. When the officers first observed the subject vehicle, both identified the vehicle as a potential stolen vehicle. Officer A believed there were two subjects in the vehicle, while Officer B saw four subjects. Because the two officers did not communicate in detail with each other, this discrepancy was not identified or discussed.
2. Both officers were unfamiliar with the area where they were working. When the pursuit abruptly came to an end, Officer A was unable to provide a specific location to Communications.
3. Officer A subsequently ran by the vehicle, believing all of the subjects had exited. Officer A ran out of sight of his partner, and was unaware of Officer B's observations concerning a third subject and a pistol.
4. Upon Officer A's return, Officer B holstered his weapon, even though the Subject was not yet handcuffed, nor was the vehicle cleared. When Witness A raised his hand from the back seat, Officer B had to draw his weapon a second time.

Therefore, the BOPC found Officer A's tactics to warrant Administrative Disapproval, and Officer's tactics to warrant training.

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."

Officer B engaged in a brief vehicle pursuit of subjects attempting to evade the officers. At the end of the pursuit, Officer B saw two subjects exit the vehicle hurriedly, while at the same time, a gun flew from the vehicle onto the ground. Officer B recognized that the subjects' suspicious actions, and the proximity of the handgun on the ground, created a substantial risk that Officer B might have to use lethal force, and unholstered his service weapon.

Officer A heard the sound of multiple gunshots coming from the location where he had last seen his partner. Officer A immediately believed that his partner might be involved in the lethal use of force, and Officer A put out a help call. Upon returning to the alley, Officer A saw Officer B in a shooting stance, and Officer A unholstered his weapon. Reasonably believing further use of lethal force might be necessary.

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

Use of Force

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

Officer B saw The Subject pick up the handgun from the ground, and begin to raise and point it in the direction of Officer A, while at the same time the Subject was moving toward Officer A. Officer B believed the Subject intended to shoot at Officer A, and presented an immediate threat of serious bodily injury or death to Officer A.

Therefore, the BOPC found it was objectively reasonable for Officer B to perceive that it was necessary to protect Officer A from the immediate threat of death or serious bodily injury presented by the Subject's actions, and that Officer B's use of lethal force warrants a finding of in policy.