

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

OFFICER INVOLVED SHOOTING – 083-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (x) Off()</u>	<u>Uniform-Yes(x) No()</u>
77 th Street	10/04/2006		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	6 years, 5 months

Reason for Police Contact

While responding to a radio call of a shooting, Officers A and B observed Subject 1, who matched the description of the shooting suspect, walking on the sidewalk. When the officers attempted to detain Subject 1, he fled. The officers engaged in a foot pursuit, during which Subject 1 turned and pointed a handgun at the officers. Officer A fired two rounds in response.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 38 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 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.

The following incident was adjudicated by the BOPC on 07/24/07.

Incident Summary

Communications Division (CD) broadcast that a shooting had occurred and provided a description and last known direction of travel for the involved subject. The dispatcher further indicated that the subject had fired one shot at a female victim.

Officers A and B heard the broadcast and responded towards the area of the incident, but did not advise CD that they were en-route to the call.

Officers A and B observed a male (Subject 1), who matched the description broadcast by CD, walking on the sidewalk. Officers A and B informed one another of their observations. Officer A, seated in the passenger seat, cracked open the door to the vehicle to prepare to exit as the driver, Officer B, slowed the police vehicle.

Officer B stopped the police vehicle in the roadway and Officer A exited, intending to detain Subject 1. Officer A instructed Subject 1 to stop. As Officer A began to reach for his radio to make a broadcast, Subject 1 fled from the officers. Both officers then initiated a foot pursuit of Subject 1.

Meanwhile, Officers C and D also heard the broadcast of a shooting. They proceeded towards the area of the call and arrived moments after Officers A and B. Officer C braked when he observed Officers A and B running after Subject 1, and Officer D began to exit the police vehicle.

Subject 1 turned onto a perpendicular street and continued to run along the sidewalk. As he rounded the corner, Subject 1 turned and extended his arm toward Officers A and B. Officer A noted that Subject 1 was holding a handgun. Officers B, C, and D also observed the handgun.

Officer A drew his service pistol, observed Subject 1 continue to turn toward the officers, and, believing that Subject 1 was about to shoot him, fired two rounds at Subject 1. Officer A then lowered his pistol to re-assess the situation. As he did so, he observed Subject 1's gun flying through the air across the roadway. Subject 1 then fell to the ground.

When Officer B observed the gun in Subject 1's hand, he yelled "gun" and drew his service pistol. Officer D also drew his pistol when he observed the gun.

Officers A, B, C, and D then approached Subject 1. Officer B told Subject 1 not to move and used his pistol to cover Subject 1. Subject 1 continued to move while on the ground. Officer D placed his foot on Subject 1's lower back to keep Subject 1 from moving. Officer C noted that Subject 1's arm was tucked underneath his torso, approached Subject 1, and removed the arm from underneath Subject 1's body.

Officer A broadcast his location and that shots had been fired. Officer B broadcast a request for a Rescue Ambulance and a supervisor.

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, B, C, and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC was satisfied with Officers A, B, C, and D's tactics as they observed the subject and responded appropriately. They communicated well and worked as a team in taking the subject into custody.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A exited the police vehicle and ordered Subject 1 to stop. Subject 1 looked toward the officers, ignored their commands, and began to flee. Officers A and B began to chase Subject 1. As Subject 1 rounded the corner, he turned toward the pursuing officers holding a handgun. Fearing they were about to be shot, Officers A and B drew their service pistols.

While Officer C was placing the vehicle in park, Officer D exited the vehicle and began running toward Officers A and B. As he was running, Officer D saw Subject 1 holding what he believed was a handgun. Officer D observed Subject 1 turn his body toward Officers A and B and point the handgun at them. Fearing Subject 1 was going to shoot him or Officers A and B, Officer D drew his service pistol.

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

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

C. Use of Force

The BOPC noted that, as Subject 1 rounded the corner, he turned toward the pursuing officers holding a handgun. As Subject 1 continued to turn, he pointed the handgun in Officers A and B's direction. Fearing that Subject 1 was going to try to shoot and kill him, Officer A fired two 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 force to be in policy.