

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

OFFICER-INVOLVED SHOOTING – 084-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Northeast	09/11/2005		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	16 years, 5 months

Reason for Police Contact

Officers observed Subject 1 standing near a parked vehicle and believed he was possibly a burglary or Grand Theft Auto suspect. When they drove up to Subject 1 and ordered him to show his hands, Subject 1 pointed a handgun at the officers. Officer A fired three shots in response, causing Subject 1 to flee.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 37 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 08/29/06.

Incident Summary

Officers A (driver), B (front passenger), and C (rear passenger) observed Subject 1, who they believed might be a burglary or Grand Theft Auto suspect, standing on the curb near a parked vehicle. Officer A drove toward Subject 1 without advising Communications Division (CD) of their status or location. Subject 1 appeared inebriated and attempted to conceal something in his hand. Concerned that Subject 1 was concealing a beer bottle or that he was possibly armed, Officer B asked Subject 1 to show his hands. While seated in the police vehicle, Officer B began to un-holster his service pistol.

Subject 1 stepped forward and pointed a handgun in the officers' direction, causing Officer A to un-holster his service pistol. Officer A believed he saw a muzzle flash from Subject 1's gun. Officer A then extended his arm across Officer B and fired three rounds at Subject 1. Subject 1 reacted by lowering his gun and crouching down.

As Officer C attempted to exit the police vehicle, Officer A drove the vehicle forward. Subject 1 then fled the scene on foot.

Officer A exited the vehicle and learned that Officer B had sustained a gunshot wound to his hand. Despite being injured, Officer B, along with Officer C, exited their police vehicle. Officer A ran alone toward an adjacent street, where he heard someone running. Meanwhile, Officer C advised CD that shots had been fired. The officers searched for Subject 1, but were unable to locate him. The officers holstered their pistols before additional units arrived.

Officer B was subsequently transported to the hospital where he was treated for a gunshot wound to his hand. The investigation determined that Officer B was struck by a bullet fired from Officer A's pistol.

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, and C's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B, and C'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

Officers A, B, and C were conducting directed patrol when Officer B observed Subject 1 standing near a parked vehicle. The BOPC noted that the officers did not advise CD of their status and location and would have preferred that they had prior to making contact with the subject. The officers also did not use their vehicle's spotlights to locate and illuminate Subject 1.

The officers remained in their police vehicle and could not see Subject 1's hand, which was concealed along the side of his body.

Officer B spoke to Subject 1 while seated in the police vehicle. The officers should have parked the police vehicle away from Subject 1 and approached Subject 1 on foot.

As Officer B was in the process of giving Subject 1 commands, Subject 1 produced a handgun and pointed it at Officer B. After firing three rounds, Officer A drove forward while Officer C was in the process of exiting the police vehicle. Officer A had should have verbalized his intention to drive forward to his partners to ensure that all officers were inside the vehicle and accounted for. Officer A should have created more distance from the subject, and the officers should have more actively monitored Subject 1's movements following the shooting in order to assist in either his apprehension or to prevent a possible ambush situation.

The officers exited their vehicle and attempted to locate Subject 1. Officer C's broadcast to CD did not include the suspect's possible direction of travel, nor did he request a Rescue Ambulance (RA) for Officer B.

The BOPC found Officers A, B, and C's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

Officer A was confronted by an armed suspect who pointed a handgun at his partner, Officer B. Fearing Subject 1 was about to shoot Officer B, Officer A drew his service pistol. Believing that there was an exchange of gunfire between Officer A and Subject 1, Officers B and C drew their service pistols as they exited the vehicle.

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

C. Use of Force

Officer A stopped the police vehicle adjacent to Subject 1. Subject 1's hand was concealed behind a parked vehicle and was not visible to Officer A. When Officer B ordered Subject 1 to show his hands, Subject 1 produced a pistol and pointed it toward Officer B. Officer A drew his service pistol and observed what he thought to be a muzzle flash coming from the barrel of Subject 1's pistol. Officer A fired three rounds at

Subject 1 through the front passenger window while Officer B was seated in the passenger seat.

Generally, the driver's responsibility is to drive out of the danger zone or re-position the police vehicle to afford the officers better cover and/or concealment instead of engaging the suspect. In addition, by firing his rounds through the passenger window of the police vehicle at Subject 1, Officer A inadvertently struck Officer B in the hand. However, in this instance, the exigency of the threat required immediate action.

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