

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

OFFICER-INVOLVED SHOOTING – 084-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes() No(X)</u>
Hollenbeck	10/06/2006		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 years, 10 months

Reason for Police Contact

Several plainclothes officers were conducting an Alcohol Beverage Control (ABC) operation. While driving between target locations, the officers observed Subject 1 looking in their direction. Subject 1 then reached for his waistband. Believing Subject 1 was going to draw a weapon, Officer A fired three rounds at Subject 1.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 17 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 conducting an operation to test whether or not establishments licensed by the State of California ABC would comply with regulations prohibiting the sale of beer, wine, or liquor to persons under 21 years of age.

Officer A was the driver of the vehicle, Officer B was seated in the front passenger seat, and Department Law Enforcement Explorers (Explorers) A and B were seated in the rear passenger seats.

Note: The officers did not advise Communications Division (CD) that they were at the location.

Sergeant A and Police Officers C, D, and E assisted by conducting surveillance of the targeted establishments and providing cover for the officers and Explorers during the operation.

The store employee at the market did not sell Explorer A alcohol. Explorer A and Officer A exited the store several seconds apart and returned to their vehicle.

Officer A exited the parking lot and drove to an intersection where he stopped for a red light. The assisting undercover units began to drive away from the area en-route to the next test location.

While waiting for the traffic signal to change, Officer A saw two males (one of whom was Subject 1) walking on the sidewalk. Officer A looked back in the direction of the traffic signal to see if the signal had changed. Officer A then turned his attention back to Subject 1 and the unidentified male and saw that they had stopped and were standing next to each other on the sidewalk. Officer A then saw Subject 1 remove a semi-automatic pistol from his waistband and point it in his direction.

Meanwhile, Explorers A and B were conversing with Officer A. When Officer A did not respond to a question they asked, Explorer A looked toward the sidewalk, observed Subject 1 pointing a pistol in their direction and ducked down. Officer B observed Subject 1 and the unidentified male looking in their direction, and then observed Subject 1 making hand gestures and grab his waistband. Officer B opined that Subject 1 was going to draw a firearm and directed both Explorers to get down for their safety.

Officer A unholstered his service pistol. Officer A turned his body toward Subject 1, extended his service pistol out of the police vehicle's window, aimed in the direction of Subject 1 and fired three rounds.

Apparently unharmed by the gunfire, Subject 1 and the unidentified male ran away from the officers' vehicle. Officer A placed the vehicle in park, exited the vehicle, ran across the roadway and took cover behind a large traffic signal box. Officer A then holstered his pistol.

Meanwhile, Officer B exited the passenger side of the vehicle. Officer B reached into the vehicle's interior floorboard in an attempt to retrieve a radio. Officer A then initiated a radio broadcast for help and reported that shots had been fired.

Officers D and E, who were nearby, heard two to three gunshots. Officer E turned and observed Officer A standing in the roadway. Officer D drove toward the intersection in an attempt to locate Subject 1 and the unidentified male.

Sergeant A and Officer C, who were also nearby, heard the gunshots, made a U-turn, and traveled back toward the intersection. Upon hearing Officer A's broadcast, they also attempted to locate Subject 1 and the unidentified male.

Officer C broadcast a description of the involved plain police vehicles to CD and indicated that they were occupied by plainclothes police officers. Seconds later, Officer A broadcast additional information to CD, including the clothing description of Subject 1 and the unidentified male, the type of weapon involved and the subjects' direction of travel.

As uniformed police officers began arriving on scene and a perimeter was established, Sergeant A responded to the scene of the officer-involved shooting. Subject 1 was subsequently detained.

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 Officer A's drawing to be in policy.

C. Use of Force

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

D. Additional

The BOPC directed the Area Commanding Officer to ensure that a debrief was conducted regarding this incident.

Basis for Findings

A. Tactics

The BOPC noted that, although the ABC compliance check operation involved multiple locations, Officers A and B did not provide CD with their specific location.

Officer B observed Subject 1 reach for his waistband and believed that he was going to remove a handgun. Although Officer B did not draw a service pistol because Officer A was between Officer B and the Subject 1, the life threatening nature of the incident required Officer B to attempt to redeploy to a position from which the armed subject could be engaged. It was also noted that Officer B dropped a police radio on the floorboard of the police vehicle and never retrieved it upon exiting. In a rapidly unfolding tactical scenario, it is important to have the ability to communicate with CD and responding units.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A was stopped at a red traffic signal. Officer A observed Subject 1 and another male standing on the sidewalk near the market where they had just completed their operation. Officer A observed Subject 1 retrieve a pistol from his waistband and point it directly at him. Fearing he was about to be shot, Officer A, while still seated inside of his vehicle, shifted his weight, turned to face the threat and drew his service pistol.

The BOPC determined that Officer A had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC noted that Subject 1 retrieved a pistol from his waistband and pointed it directly at Officer A. Officer A, fearing he was about to be shot, drew his service pistol and fired three rounds at Subject 1. Subject 1 and the unidentified male ran out of view. Neither Subject 1 nor the unidentified male were injured during this incident.

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.

D. Additional

The BOPC directed the Area Commanding Officer to ensure that a debrief was conducted with involved personnel regarding this incident, to include the following areas:

- A detailed help call was broadcast with additional follow-up information to assist responding officers. In situations similar to this, providing the undercover officer's clothing and vehicle description to assist responding officers with identifying them would be beneficial. During this incident, an officer who was not directly involved subsequently broadcast this information after the initial help call had been broadcast.
- The officer's vehicle was moved after the officer-involved shooting. Due to the likelihood of disturbing evidence, this is not generally advised. In this specific incident, it had no adverse affect on the investigation.
- The Department Law Enforcement Explorers remained in the rear seat of the officers' vehicle after the officer-involved shooting, until one of them was removed for separation purposes by a supervisor. It may have been tactically safer for them to be directed to an alternate position of cover outside of the vehicle, as the incident was still somewhat active.