

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

**OFFICER-INVOLVED SHOOTING - 085-05**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No( )</u></b>
Central	09/12/2005		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Captain A	21 years, 9 months
Officer A	9 years, 10 months
Officer B	27 years, 6 months
Officer C	7 years, 10 month
Officer D	15 years, 9 months
Officer E	8 years, 3 months

**Reason for Police Contact**

Radio call of a bank robbery.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded (x)</u></b>	<b><u>Non-Hit ( )</u></b>
Subject 1: Male, 52 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, pertinent suspect criminal history, and addenda items); the relevant 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 August 29, 2006.

**Incident Summary**

Captain A and Officer A were on duty when they heard a broadcast for an armed bank robbery in progress nearby. Officers B and C advised Communications Division that they would handle the bank robbery call. Captain A and Officer A responded toward the

bank.<sup>1</sup> As they proceeded northbound, they came upon a security guard who pointed them in the direction of an individual (Subject 1) walking westbound, approximately one block west of Captain A and Officer A. The security guard indicated that Subject 1 was the individual who had just robbed the bank.

Officer A attempted to broadcast that they had the robbery suspect in sight, but the broadcast was not received on the Central Area radio frequency. Officer A drove their police vehicle west and then south, following Subject 1. Subject 1 crossed over to the west sidewalk, and Officer A pulled up behind Subject 1 and pointed him out to Captain A.

Captain A and Officer A discussed that Officer A would be the contact officer and Captain A would broadcast if they had to go in foot pursuit of Subject 1. They planned that Officer A would deploy the shotgun and attempt to get Subject 1 to stop and give himself up. Officer A brought the police vehicle to a stop, unlocked the shotgun but did not remove it from its rack. Captain A and Officer A exited the police vehicle and ordered Subject 1 to stop. Captain A drew Captain A's service pistol as Captain A exited the police vehicle. Seeing that Subject 1 was not stopping, Officer A got back into the police vehicle and drove south, passing Subject 1. Officer A did not deploy the shotgun because Subject 1 showed no signs of stopping, and Officer A did not want to become involved in a foot pursuit while armed with the shotgun.

Officer A parked the police vehicle facing west at the curb on the northwest corner at the south end of the block in an attempt to "cut off" Subject 1. However, Subject 1 did not stop. Captain A advised Communications Division that they were following the robbery suspect, and Officer A put out an "officer needs help" broadcast. Subject 1 walked around the front of the police vehicle, across the street and proceeded west on the south sidewalk. Officer A exited the police vehicle, drew Officer A's service pistol and joined Captain A in ordering Subject 1 to stop. Officer A walked west in the number 1 lane while Captain A stayed on the north curb using a vehicle parked along the north curb for cover.

As Subject 1 continued to walk west on the south sidewalk, he turned toward the officers and opened his coat. The officers observed that Subject 1 had what appeared to be a handgun and a dagger-like knife in his waistband.<sup>2</sup> Officer A broadcast another "officer needs help" call and requested that units equipped with a TASER and a Beanbag Projectile Shotgun respond to the incident location. Additional units began to respond, and Captain A stepped out into the roadway to assist Officer A.

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<sup>1</sup> Officer A stated that Officer A advised Communications Division to show them as backup to the officers assigned to the robbery call. In addition, Captain A stated that they attempted to advise Communications Division that they were responding, but the "air" was busy. No broadcast regarding Captain A and Officer A responding as backup to the robbery call was recorded.

<sup>2</sup> The item that appeared to be a handgun was later determined to be an inoperable replica pellet pistol. The knife was real, had a blade that was approximately 9 inches long and was contained in a matching sheath.

In response to Officer A's "help call," Officers D and E responded to Captain A and Officer A's location. As the officers approached, they observed Officer A in the street giving commands to Subject 1 who was on the sidewalk. Officer E initially attempted to continue to drive west past Subject 1, but could not because Captain A and Officer A were in the roadway. Officer E stopped their police vehicle on the south curb just east of Subject 1. Officers D and E began to exit their police vehicle and draw their service pistols.

In the meantime, Officers B and C arrived and parked their police vehicle facing west at the end of the block to the east of Officers D and E. Officers B and C exited their police vehicle and drew their service pistols. Officer C took a position of cover at the trunk of Officers D and E's police vehicle.

Subject 1 then turned toward Officers D and E with his dagger in his right hand and began to pull at his replica pistol with his left hand. Subject 1 advanced to within approximately 15 to 20 feet of Officer E as Officer E was exiting his police vehicle. Officer A ordered Subject 1 to stop and drop the knife to no avail. In fear that Subject 1 was going to stab Officer E, Officer A fired a total of five rounds at Subject 1 from a distance of approximately 14 feet. Subject 1 collapsed on the ground.

Officers C, D and E formed an arrest team. Officer E ordered Subject 1 to move his hands away from his body and stop reaching for the handgun. Once Subject 1 put his hands out to his sides, the officers approached him to take him into custody. Officer E kicked the knife out of Subject 1's reach. Officer E then placed a foot on Subject 1's left hand, removed the replica pistol from Subject 1's waistband and threw it out of reach of Subject 1. Officer C placed a foot on Subject 1's right hand to keep Subject 1 from reaching for any weapons. The officers rolled Subject 1 over onto his stomach, and Officer D applied his handcuffs to Subject 1 without incident. Officer B requested a Rescue Ambulance. Subject 1 was subsequently transported to the hospital, where he underwent treatment for multiple gunshot wounds.

#### **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 Captain A and Officer A's tactics to warrant formal training.

The BOPC found Officers C, D and E's tactics to warrant divisional training.

#### **B. Drawing/Exhibiting/Holstering**

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

#### **C. Non-Lethal Use of Force**

The BOPC found Officers C and E's non-lethal use of force to be in policy, warranting divisional training.

#### **D. Use of Force**

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

#### **Basis for Findings**

##### **A. Tactics**

The BOPC would have preferred that Captain A had worn a ballistic vest to reduce the inherent risk involved with field enforcement activities. The BOPC noted that Captain A broadcast the wrong street number when notifying Communications Division that they were following the robbery suspect. The BOPC also noted that after Captain A and Officer A initially exited the police vehicle, Officer A re-entered the police vehicle and followed Subject 1, leaving Captain A to follow on foot. The BOPC would have preferred that Officer A had advised Captain A of Officer A's intentions to re-enter the police vehicle and redeploy. The BOPC noted that Officer A drove the police vehicle past Subject 1 and positioned the police vehicle in Subject 1's path, putting Officer A at a tactical disadvantage and creating a crossfire situation. The BOPC would have preferred that Officer A had redeployed to a position with sufficient cover with Captain A to monitor Subject 1's progress and direct the placement of responding units to form a perimeter. The BOPC noted that both Captain A and Officer A gave Subject 1 verbal commands. The BOPC would have preferred that they had established contact and cover responsibilities, and maintained those roles throughout the incident. The BOPC also noted that Officer A had not drawn Officer A's service pistol before verbally engaging Subject 1, a reported armed suspect, and did not provide pertinent information when making an "officer needs help" broadcast.

The BOPC found Captain A and Officer A's tactics to warrant formal training.

The BOPC would have preferred that Officer E had stopped his police vehicle a sufficient distance from Subject 1 to allow the officers time to exit their vehicle and draw their service weapons before Subject 1 could advance on them. The BOPC would have

also preferred that Officer D had advised Officer E to maintain a safe distance from Subject 1. The BOPC noted that Officers C and E approached Subject 1 with their service pistols drawn and stepped on Subject 1's hands in an attempt to keep Subject 1 from retrieving any weapons, which could have resulted in the officers losing their balance and control of Subject 1. The BOPC would have preferred that the officers had waited for additional units to respond and designated "contact and cover" officers, allowing the contact officers to use both hands to control Subject 1.

The BOPC found Officers C, D and E's tactics to warrant divisional training.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC determined that Captain A and Officers A, B, C, D and E had sufficient information to believe the situation may escalate to the point where deadly force may become necessary when they drew their service pistols.

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

#### **C. Non-Lethal Use of Force**

The BOPC determined that Officers C and E's non-lethal uses of force were reasonable to prevent Subject 1 from obtaining a weapon. However, the officers are reminded that using their feet to control a suspect could result in them losing their balance and control of the suspect.

The BOPC found Officers C and E's non-lethal uses of force to be in policy, warranting divisional training.

#### **D. Use of Force**

The BOPC determined that it was reasonable for Officer A to believe that Subject 1 presented an immediate threat of serious bodily injury or death to Officer E at the time Officer A fired five rounds at Subject 1.

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