

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

**OFFICER-INVOLVED SHOOTING – 089-10**

| <b>Division</b> | <b>Date</b> | <b>Duty-On (X) Off () Uniform-Yes () No (X)</b> |
|-----------------|-------------|---|
| 77th Street     | 12/31/10    |   |

| <b>Officer(s) Involved in Use of Force</b> | <b>Length of Service</b> |
|--|--------------------------|
| Officer A                                  | 8 years, 1 month         |
| Officer B                                  | 13 years, 7 months       |

**Reason for Police Contact**

Officers heard shots fired as they were conducting an investigation and responded to the location when they were confronted by an armed suspect, resulting in an officer-involved shooting.

| <b>Subject(s)</b>                 | <b>Deceased ()</b> | <b>Wounded ()</b> | <b>Non-Hit (X)</b> |
|-----------------------------------|--------------------|-------------------|--------------------|
| Subject: Female, 28 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 Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on November 8, 2011.

## **Incident Summary**

Officers received information that an unpermitted New Year's Eve party was going to be held at a location. As a result, plainclothes Officers A, B, C and D were deployed to observe the location. Officers A and B were partners and traveling in the same unmarked police vehicle.

Meanwhile, the Subject and Witness 1 drove to the location, stopping first at another location nearby.

The Subject and Witness 1 began to argue and according to the Subject, Witness 1 punched her in the face. The Subject exited her vehicle, retrieved a tire iron from the rear and broke the window on an unidentified person's vehicle at the location. Witness 1 left the location on foot, walking southbound.

The Subject got back into her vehicle and drove around the block. Meanwhile, Witness 1 attempted to start a conversation with Witness 2. As Witness 1 stood near Witness 2 and tried to start a conversation with him, the Subject drove northbound past Witnesses 1 and 2's location and, while still seated in her vehicle, pointed a handgun in Witness 1's direction and fired one round at Witness 1, missing him.

Witness 1 walked southbound. The Subject stopped her vehicle, exited and threw her gun at Witness 1, and Witness 1 ran across the street, away from the Subject. The Subject walked toward Witness 2 and Witness 1 walked back across the street. The Subject picked up the gun from the ground and fired approximately seven more rounds at Witness 1 as Witness 1 then ran across the street and southbound. Witness 1 was not struck by the Subject's gunfire.

### **Officer A's account**

Officer A observed the Subject run westbound to the center divider and diagonally to the west side of the street and disappear from view. Officer A then heard four to five gunshots fired south of the officers' location; however, Officer A was unable to see southbound because of their vehicle's position. According to Officer A, Officer C broadcast "shots fired."

Officers A and B immediately drove south, in the direction of the gunfire. Officer A saw the Subject pacing back and forth on the east sidewalk. According to Officer A, the Subject was yelling and seemed agitated.

Officer B conducted a U-turn to go northbound and as he did so, according to Officer A, Officer B advised that the Subject had a gun. As the officers traveled northbound, Officer A saw the Subject talking toward Witness 2 and holding a black automatic handgun in her right hand. Officer B continued driving slowly northbound. Officer A unholstered his pistol believing the situation could escalate to the use of deadly force. Officer A also broadcast that the Subject had a gun.

As the officers approached, Officer A saw the Subject turn and look in their direction. According to Officer A, the Subject looked at Officer A, raised her handgun, and pointed it toward Officer A. Officer A partially extended his pistol out of the open passenger's side window and fired two rounds at the Subject.

**Note:** Officers A and B's vehicle was moving at the time of the officer-involved shooting (OIS).

Officer B accelerated their vehicle, and Officer A holstered his pistol.

#### Officer B's account

Officer B heard six to eight gunshots that sounded as if they were coming from south of his location. Officer C then broadcast "shots fired." In an effort to determine from where the shots were coming, Officer B drove southbound. Officer B saw the Subject running east in the middle of the street. As Officer B continued to drive south, he also saw Witness 1 in the middle of the street in the southbound lanes looking north.

At that point, a radio broadcast indicated that the shooter was a female so Officer B redirected his attention to the Subject who was now on the sidewalk and speaking with Witness 2. The Subject then jogged northbound. Officer B conducted a U-turn and drove northbound; paralleling the Subject who Officer B could see had a gun. Officer B told Officer A that the Subject had a gun and he continued driving parallel to the Subject. According to Officer B, he contemplated conducting a high-risk stop of the Subject, but decided against it since the conditions in the area made it difficult to do so and he was aware that uniformed officers were on the way. Officer B continued to parallel the Subject to make sure she did not leave the area.

Officer B saw the Subject look in their direction and say something that he could not hear. According to Officer B, the Subject was hunched over and appeared as if she were trying to discern who was in their car. The Subject then started yelling and moving her hands and Officer B observed that the gun was in her hand. Officer B saw Officer A turn, in the passenger seat, toward the Subject, blocking Officer B's view of the Subject. Officer B then heard two shots. Officer B did not know if the Subject shot at them or if it was Officer A that fired and so he immediately accelerated their vehicle and drove north out of the "kill zone."

Officer B heard a request for help or "shots fired" radio broadcast and he looked back and saw marked black and white police vehicles approaching their location.

#### The Subject's account

According to the Subject, she was shooting at Witness 1 when she saw the officers' vehicle and she did not know what to think. The Subject thought there might have been gang members in the vehicle. According to the Subject, she pointed her gun at Officers A and B's vehicle because Officer A shot at her.

The Subject then walked to the side of her vehicle, pulled the magazine out of her gun, which was empty, dropped the gun and went and sat down and waited for the officers to arrest her.

**Note:** A pistol was recovered at the scene. The Subject admitted to possessing and using the recovered handgun during the incident. Moreover, the Deoxyribonucleic Acid (DNA) profile recovered from the pistol during the investigation matched the DNA profile obtained from the Subject.

Meanwhile, as additional units approached the location in response to the “shots fired” broadcast, Officers C and D exited their vehicle, drew their weapons, and began yelling verbal commands to the Subject. Officers E and F arrived, exited their vehicles and drew their weapons. The Subject’s car was parked between Officers E and F, and the Subject. The officers cleared the car for additional suspects before they approached the Subject and then assisted with taking the Subject into custody.

At first the Subject did not comply, but then got down on the ground in a prone position; however, she continued to move and prevented the officers from handcuffing her. Officer E put a knee in the Subject’s back, grabbed the Subject’s left hand and cuffed it. Meanwhile, Officers A and B returned to the location as the Subject was being taken into custody. Officer B could see that the Subject was not handcuffed so he assisted the officers who were trying to handcuff her. Officer B did not know if the Subject was still armed. Officer B put a knee in the Subject’s back and used body weight to control her. Additionally, the Subject kept raising her head so Officer B grabbed her hair and held her head down. The Subject was then handcuffed, assisted to her feet, and taken to a patrol car.

### **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 revolver 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 actions to warrant a tactical debrief.

## **B. Drawing/Exhibiting**

The BOPC found Officers A, C, D, E and F's drawing and exhibition of a firearm to be in policy.

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

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

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

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

### **Basis for Findings**

#### **A. Tactics**

In their analysis of this incident, the BOPC identified the following tactical considerations:

##### **1. Paralleling the Suspect**

In this instance, the officers observed the Subject walking northbound with a handgun in her hand. In an effort to maintain sight of the Subject and to monitor her actions, the officers opted to position their vehicle in the street parallel to the Subject's location. The officers followed the Subject in their undercover police vehicle as she walked northbound.

Generally, officers are discouraged from driving parallel to armed suspects based on the potential tactical disadvantage which it may create. In this case, Officer B's intention was not to engage the Subject, but to maintain visual contact with the Subject while awaiting the response of additional units. Due to the distance afforded by the several lanes of traffic and the construction area, the tactical disadvantage was minimized. Although paralleling a suspect may place officers at a tactical disadvantage, the BOPC recognized that in this case, it was not the officers' intent to confront the Subject.

The BOPC determined the officers' actions did not substantially deviate from approved Department tactical training.

##### **2. Shooting from a moving vehicle**

In this instance, the officers approached the Subject from behind while seated in their undercover police vehicle and observed a handgun in the Subject's right hand. The Subject turned toward the officers and pointed a handgun in their direction. Officer A believed he was about to be shot, turned toward the Subject and an officer-

involved shooting occurred. Believing they were being shot at, Officer B drove their police vehicle northbound out of the kill zone.

The Subject's act of pointing her handgun at Officers A and B created a situation which would lead officers of similar training and experience to believe that there was an imminent threat of death or serious bodily injury. Under these circumstances, it was reasonable for Officer A to discharge his service pistol from the slow moving vehicle in immediate defense of her life.

The BOPC determined the tactics utilized did not unjustifiably and substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officers A and B's actions to warrant a tactical debrief.

## **B. Drawing/Exhibiting**

In this instance, Officer A observed the Subject walking with a handgun in her right hand. Fearing the situation may escalate to where deadly force may be justified, Officer A drew a service pistol. The Subject's possession of a firearm created a situation wherein an officer with similar training and experience would reasonably believe that there was a substantial risk that the tactical situation may escalate to the point where lethal force may be justified.

Meanwhile, Officers C and D heard the gunshots fired and observed the Subject in possession of a handgun. The officers exited their vehicle, drew their service pistols and gave commands to the Subject in an effort to take her into custody. The Subject's possession of a firearm created a situation wherein an officer with similar training and experience would reasonably believe that there was a substantial risk that the tactical situation may escalate to the point where Lethal Force may be justified.

Meanwhile, Officers E and F responded to the location and observed the Subject's vehicle double parked. The officers drew their service pistols and cleared the vehicle for additional suspects before proceeding past the vehicle and assisting with taking the Subject into custody. The action of drawing of a firearm while clearing a vehicle is consistent with Department tactical training.

In conclusion, the BOPC found Officers A, C, D, E and F's drawing and exhibition of a firearm to be in policy.

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

Officer E placed a handcuff on the Subject's left hand as Officer F was attempting to handcuff the Subject's right hand. Officer B observed the Subject continually raising her head. Officer B approached the Subject, placed his knee on her back and proceeded to grab her hair in effort to prevent the Subject's head from moving.

Officers with similar training and experience would reasonably believe that the application of non-lethal force would be appropriate based on the Subject's actions. Although unorthodox, Officer B's use of non-lethal force to overcome the resistance of the Subject was objectively reasonable and within Department guidelines.

In conclusion, the BOPC found Officer B's use of non-lethal force to be in policy.

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

During this operation, the officers heard shots being fired just south of their position. Officers A and B responded to the area where they believed the shots were being fired. As the officers proceeded, a different officer broadcast a description of the Subject. Officers A and B observed the Subject walking with a handgun in her right hand. In an effort to monitor the Subject's actions, Officer B slowly drove parallel to the Subject. The Subject observed the officers' undercover vehicle following her, turned toward the officers and with the handgun in her right hand, began to raise it in the officers' direction. Officer A observed the Subject's actions and in fear for their lives, fired two rounds out of the passenger's side window at the Subject.

The BOPC noted that this was a dynamic and fast moving event involving the Subject who was armed with a handgun. The Subject's act of pointing her handgun at Officers A and B would cause an officer with similar training and experience to reasonably be in fear for their lives. Therefore, the decision by Officer A to utilize lethal force in order to address the threat presented by the Subject was objectively reasonable and consistent with Department policy.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.