

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

OFFICER-INVOLVED SHOOTING 092-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
77 th Street	10/15/05		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 years, 11 months
Officer B	12 years, 1 month

Reason for Police Contact

Officers responded to a shots fired, assault with a deadly weapon radio call. Upon arrival, the victim indicated that she was driving by the location when she observed a male (Subject 1) arguing with an unknown female while in possession of a shotgun. Subject 1 became enraged and fired the shotgun at the victim. Subject 1 then retreated into a residence. As officers obtained the victim's information, Subject 1 began to fire his weapon through the roof and an officer-involved shooting ensued.

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 27 years.			

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 October 3, 2006.

Incident Summary

On the evening of Saturday, October 15, 2005, Subject 1 was involved in a verbal argument with an unidentified female on a street. Subject 1 was armed with a shotgun and fired one shot at a vehicle nearby, which contained three women and two children. The driver of that vehicle subsequently dialed 9-1-1 and several officers and an air unit were dispatched to the scene.

Upon their arrival at the scene, officers contacted the victim who advised that Subject 1 was inside a residence. This residence was set back from the main street, with a duplex directly in front of the residence where Subject 1 was located. The initial responding officers took tactical positions to observe the target residence and to contain Subject 1 inside.

A request was made for Special Weapons and Tactics (SWAT) officers to be dispatched to the scene. Subject 1 fired numerous rounds through the roof of the residence and inside the residence where he had barricaded himself prior to SWAT's arrival.

Among the personnel who arrived at the scene were Officers A, B, and C. After Officer A arrived, he heard Sergeant A broadcast a request for any snipers to respond with their sniper equipment. In response, Officer A obtained his rifle and met with Sergeant A.

Officer A obtained approval from Sergeant A to set up a sniper position across the street from the residence where Subject 1 was contained. While en route to that position, Officer C joined Officer A to act as his spotter.

Officers A and C then climbed onto the roof of a residence, where they set up their sniper position. On the roof, Officer A set up the rifle, lay down on the roof, and was able to acquire an observation point, looking towards the target location. Officer A notified Sergeant A that he was only able to observe the attic opening. Officer A was then directed to re-deploy to gain a better view.

As Officers A and C were gathering up their equipment, they heard gunfire. Officer A noticed muzzle flash emanating from the attic opening. Officer A noted that it was a "long type of muzzle flash," as if someone was shooting a rifle. Officer A knew that there were numerous officers located in the direction of Subject 1's fire, as well as civilians in the area.

Officer A heard what sounded like bullets traveling over his head. As such, in fear for his life and the lives of the officers in the street, as well as the residents in the area, Officer A fired two rounds toward the muzzle flash.

Officer B had taken a position from which he could observe the south side of the target location. There, Officer B deployed his rifle. After having been there for approximately 10 to 15 minutes, Officer B heard and observed a barrage of gunfire coming from an attic vent at the target location. Officer B believed that Subject 1 fired six to eight rounds.

Officer B was aware that there was a sniper team deployed, although he was not aware of the precise location of the team. After Officer B heard the initial volley of fire from the attic, Officer B heard Officer C broadcast that the officers were taking gunfire.

Following a lull in Subject 1's gunfire, Officer A then noticed another muzzle flash coming from the attic vent. Officer A fired one additional round at the muzzle flash.

Officer B also observed the muzzle flashes from the second volley of gunfire coming from Subject 1's location. Officer B fired one round at the muzzle flashes in an attempt to stop Subject 1 from firing.

Officer D and other officers then determined a need to extinguish various lights in the area in order to provide a tactical advantage to the officers deployed at or near the target location. As such, Officer D requested a rifle for that purpose. Officer D fired three rounds from the rifle, extinguishing three lights in the area.

The standoff with Subject 1 continued for several hours. A Crisis Negotiation Team member had intermittent conversations with Subject 1, eventually convincing him to exit the residence and surrender. Subject 1 exited his residence and was arrested. No injuries were sustained by officers, civilians, or Subject 1 in the course of this incident.

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 make specific findings in the following areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a pistol by any involved officer(s); the Use of Force by any involved officer(s) and any additional pertinent issues. All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve the 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 that the tactics used by all involved officers were appropriate.

B. Drawing/Exhibiting/ Holstering

The BOPC found all involved officers' drawing to be in policy.

C. Lethal Use of Force

The BOPC found Officers A and B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that throughout the incident, the initial responding officers maintained cover and minimized the necessity to return fire. The BOPC found that the tactics used by all involved officers were appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC determined that the involved officers had sufficient information to believe that the incident may escalate to the point where deadly force may be justified. The BOPC found that the drawing/exhibiting/holstering by all involved officers were appropriate.

C. Lethal Use of Force

The BOPC noted that as Officer A took a position on the rooftop, he observed Subject 1 begin to fire his weapon. Officer A continued to focus on the muzzle flash from Subject 1's weapon until he heard a round strike near his position and heard other rounds fly over his head. Fearing for his and Officer C's safety, Officer A fired a total of three rounds toward Subject 1's position. 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.

The BOPC further noted that Officer B, who was monitoring Subject 1's actions, heard Officer C broadcast that Subject 1 was shooting at them. Fearing for Officers A and C, Officer B fired one round to stop Subject 1 from firing his weapon. The BOPC determined it was reasonable for Officer B to believe that Subject 1 presented an immediate threat of serious bodily injury or death.

The BOPC found officers A and B's lethal use of force to be in policy.