

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

OFFICER-INVOLVED SHOOTING – 094-05

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Southwest	10/21/2005		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	7 years, 5 months
Officer B	3 years, 3 months

Reason for Police Contact

While conducting an investigation of a possible weapons or narcotics suspect, Officer B observed the rear passenger of a passing vehicle fire a handgun out the window of the vehicle. Officer B returned fire.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Unknown			

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 September 12, 2006.

Incident Summary

During the evening of October 21, 2005, Officers A and B were one of multiple units conducting directed patrol because of a football game between schools with rival gangs.

Officers A and B were driving their marked police vehicle when they observed a group fighting in the parking lot of a restaurant on the corner of an intersection just ahead of them. Officer A broadcast a request for two to three additional units to respond to the

location. As the officers approached the restaurant, the group in the parking lot dispersed.

The officers observed an individual who had been involved in the fight jump over the fence at the side of the restaurant parking lot, and then proceed along a driveway. Based on these actions of the individual, the officers formed the opinion that this individual may be in possession of a weapon or narcotics.

The officers stopped the individual who had jumped the fence, and Officer B patted him down while Officer A stood by as the cover officer. Officer B did not locate any weapons or narcotics on the individual. While Officer B interviewed the individual, Officer A walked down the driveway to search for any contraband or weapons that the individual may have discarded.

While interviewing the individual, Officer B heard gunshots coming from the area of the restaurant. He looked in that direction and observed a gray or green sedan traveling on a side street behind the restaurant. Officer B observed Subject 1 hanging out the back passenger-side window of the sedan with a handgun in his hand. Officer B observed Subject 1 fire three to four rounds from his handgun in the direction of the restaurant parking lot. Subject 1 then pulled his body back inside the sedan, but continued to point his handgun out the window. Subject 1 then fired three to four rounds in Officer B's direction.

Officer B drew his service pistol, moved toward the police vehicle for cover and fired three rounds at Subject 1 in a westerly direction as the sedan drove away.

Officer A broadcast a "shots fired" call as he ran back down the driveway toward Officer B. The individual whom the officers had originally stopped fled the location.

The officers got back into their police vehicle and began to attempt to follow the sedan. Officer B informed Officer A that Officer B had fired at Subject 1 in the sedan. As the officers drove after the sedan, Officer B had trouble broadcasting on the radio because of the amount of radio traffic. Officer B was eventually able to broadcast the description of Subject 1 and the sedan. The officers lost sight of the sedan approximately five blocks from the scene of the shooting.

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 formal training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer B's drawing and exhibition of a firearm to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

Once Officers A and B made contact with the initial individual, they should have handcuffed him to be better able to control him and preventing his escape when the shooting began. The officers also should have broadcast that the gang group had dispersed, and that the officers had detained an individual they believed to be in possession of a weapon or narcotics along with broadcasting their current location. In addition, Officer A should not have abandoned his "cover officer" responsibilities with Officer B to search for any discarded weapons or contraband. Officer A placed Officer B at a tactical disadvantage by leaving him alone with an uncontrolled suspect. Also, when Officer A broadcast the "shots fired" call, he should have provided additional pertinent information such as the description of Subject 1, the sedan and the sedan's direction of travel. The BOPC determined that Officers A and B will benefit from additional formal tactical training.

B. Drawing/Exhibiting/Holstering

The BOPC determined that Officer B had sufficient information to believe the situation may escalate to the point where deadly force may become necessary when he drew his service pistol. The BOPC found Officer B's drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC determined that it was reasonable for Officer B to believe that Subject 1 presented an immediate threat of serious bodily injury or death at the time Officer B fired three rounds from his service pistol at Subject 1. The BOPC found Officer B's use of force to be in policy.