

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

**OFFICER-INVOLVED SHOOTING – 094-06**

<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>
77 <sup>th</sup> Street	10/20/06		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	6 years, 9 months

**Reason for Police Contact**

While responding to a report of a traffic collision, Officers A and B observed a subject acting in a suspicious manner. When Officer A attempted to contact the subject, the subject fled and, while running, pointed a gun at Officer A. Officer A responded by firing at the subject.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit (x)</u></b>
Subject 1: Male, 24 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 08/28/07.

**Incident Summary**

Officers A and B responded to a report of a traffic collision. When the officers arrived at the location of the call, they advised Communications Division (CD) that they were unable to locate any individuals or vehicles that may have been involved in the traffic collision and requested additional information.

While waiting for additional information, the officers attempted to locate individuals who may have been involved in the traffic collision. During their search through the neighborhood, the officers observed Subject 1 standing on the sidewalk next to a

parked vehicle. Subject 1 was leaning on the vehicle and appeared to be speaking through the open front passenger window to an occupant.

Officer A slowed the police vehicle and looked in the direction of the parked vehicle. The officers also observed two females (Witnesses A and B) in the vehicle. Upon seeing the police vehicle, Subject 1 stood upright and appeared to be startled. Officer A spoke to Subject 1 from inside the police vehicle, and then stopped the police vehicle parallel to the parked vehicle.

Subject 1 placed his left hand into the front pocket of his jeans. Subject 1 then turned his body away from the police vehicle, as if attempting to conceal something. Subject 1 removed his empty left hand from his pocket, but kept his right hand along his waistband. Officer A believed this was suspicious behavior.

Believing it was no longer safe to remain in the police vehicle, Officer A opened the driver's side door of the police vehicle. As he did so, Subject 1 began to walk away from the police vehicle. Officer A exited the police vehicle. Subject 1 then stepped off the sidewalk and ran into the roadway.

Officer A pursued Subject 1 on foot. As Subject 1 ran, Subject 1 clutched the outside of his right front pants pocket with his open right hand. Officer A determined that Subject 1 was possibly in possession of a handgun. Officer A instructed Subject 1 to stop.

Officer A then observed a black object, which he believed was a handgun, begin to slide out of Subject 1's right front pocket. Officer A broadcast that he was in a foot pursuit of a man with a gun, and requested back-up and an air unit. Officer A pursued Subject 1 into the driveway of a residential property.

Meanwhile, Officer B observed Officer A and Subject 1's movements in the police vehicle's rear view mirrors. Officer B moved to the driver's side, put the police vehicle into reverse, and began backing up with the intention of cutting off Subject 1's path. When Officer B saw the foot pursuit enter the driveway, he stopped the police vehicle and exited to follow Officer A.

Officer A followed Subject 1 into the driveway. Officer A then observed that Subject 1 was holding a handgun in his right hand. Subject 1 turned his upper torso and pointed the handgun at Officer A. Officer A slowed, unholstered his service pistol, and fired a round toward Subject 1.

After firing the round, Officer A continued walking slowly down the driveway behind Subject 1, intending to track Subject 1's movements. Subject 1 stumbled, then again turned his torso toward Officer A and pointed the handgun in Officer A's direction. In response, Officer A fired a second round toward Subject 1.

Officer A then broadcast, "Shots fired...I need help...Officer needs help shots fired."

**Note:** Officer B was not in a position to see the shooting.

Subject 1 ran into a chain-link fence that separated the rear of the residential property from an alley and proceeded into the alley. Officer A observed that Subject 1's hands were empty and determined that Subject 1 must have discarded his weapon. Officer A continued to pursue Subject 1

Around this time, Officer A attempted to re-holster his pistol. However, he could not secure the snap on his holster because he had not de-cocked the pistol. Officer A held the pistol in the holster with his right hand as he continued to pursue Subject 1.

Subject 1 then entered the backyard of a residence and ran past Witness C, who was standing in the backyard. Witness C observed that Subject 1 had a revolver in his right hand and believed Subject 1 was going to shoot him. Witness C dropped to the ground for protection. Witness C observed Subject 1 throw the revolver to the ground. Subject 1 then ran into the residence and locked the back door.

Officer A entered the backyard, broadcast Subject 1's location, and directed units to respond to the front of the residence. Officer A proceeded along a walkway adjacent to the residence. A fence prevented Officer A from entering the front yard of the residence.

From his position, Officer A saw that Subject 1 had exited the house via the front door and was standing on the front porch. By this time, a number of additional officers had arrived at the location. Officer A ordered Subject 1 to surrender. Subject 1 ran back into the residence and barricaded himself inside, holding Victim A hostage.

Meanwhile, Officer B had also reached the backyard. Officer B picked up Subject 1's revolver. Officer B moved toward the front of the house to join Officer A.

Both officers then moved back to the rear of the residence. Around this time, Officer B unholstered his service pistol.

The officers escorted Witness C out of the backyard and into the alley. Officer A advised CD that he and Officer B were at the rear of the residence.

Officers C, D, and E arrived at the scene. Officer C remained at the mouth of the alley to contain bystanders while Officers D and E continued to Officers A and B's location. Officer D observed that Officer B was holding a revolver. Officer D took the revolver from Officer B and secured it in the trunk of his vehicle.

Sergeant A met the officers in the alley and requested information regarding the incident.

Special Weapons and Tactics (SWAT) officers arrived to the location. Several hours later, Subject 1 surrendered and was taken into custody without further 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 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 Officers A and B's drawing to be in policy.

### **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that the officers observed Subject 1 conversing with the occupants of a parked vehicle. The BOPC would have preferred that the officers had tactically deployed by parking their vehicle away from Subject 1. However, the BOPC noted that Subject 1's actions did not raise suspicion until Officer A began to more closely monitor Subject 1. Suspicious of Subject 1's actions, Officer A exited the police vehicle for officer safety purposes. As Officer A opened the police vehicle door, Subject 1 immediately fled.

The BOPC noted that Officer A emerged from the police vehicle and chased Subject 1. The BOPC would have preferred that Officers A and B had communicated their intentions relative to Subject 1 prior to Officer A initiating a foot pursuit.

Officer B entered the driver's side of the vehicle and followed Officer A and Subject 1. This is a tactic that often times results in less than desirable separation of officers and/or an unintentional cross-fire situation. Remaining together allows officers to better work as a team with the ultimate goal of safely apprehending a fleeing subject.

Officer A broadcast that he was in foot pursuit of a man with a gun. Officer A's broadcast of the foot pursuit did not include a description of the subject to assist responding personnel. Further, as Officer A had not seen a gun at the time this broadcast was made, the BOPC would have preferred that Officers A had broadcast that he was pursuing a possible armed subject. Inaccurate information could result in a non-justified or improper act by responding personnel.

Officer A pursued Subject 1 into the gated front yard of a residence. Although Officer A articulated that his intentions were to track the subject's movement and contain him, his actions were more consistent with apprehension. Once Subject 1 ran through the narrow driveway that was void of cover, Officer A should have given strong consideration to containment versus apprehension instead of following Subject 1 down the driveway.

After the shooting, Officer B was able to join Officer A. The BOPC evaluated the separation of the officers immediately preceding the shooting. The BOPC would have preferred that both officers were closer in proximity to each other, but noted that the distance between them was not substantial. Both officers chased Subject 1 southbound through the driveway, where Subject 1 collided with the rear chain-link fence of the property.

According to Officer A, he noticed that Subject 1 no longer had the gun in his right hand. Subject 1 ran through the alley with both officers following close behind. Again, the totality of the circumstances at this point in the incident suggest that the officers should have taken a containment approach, and utilized responding resources to establish a perimeter.

The BOPC noted that while pursuing Subject 1 through the alley, Officer A holstered his handgun, but was unable to snap the holster because he had not de-cocked his weapon. The BOPC reminded Officer A to de-cock his weapon when necessity to fire no longer exists to reduce the likelihood of unintended discharges.

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

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

The BOPC noted that Subject 1 turned his torso back, toward Officer A. Officer A observed Subject 1 holding a handgun in his right hand. Believing that Subject 1 was going to shoot him, Officer A stopped and drew his service pistol.

After Subject 1 barricaded himself inside the residence, Officers A and B ran back to the rear yard of the location. In the process, Officer B drew his service pistol.

The BOPC determined that Officers A and B had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary.

The BOPC found Officers A and B's drawing to be in policy.

### **C. Use of Force**

As Subject 1 ran, he turned and looked toward Officer A. Officer A noticed that Subject 1 was holding a handgun in his right hand. Believing that Subject 1 was going to shoot him, Officer A stopped and drew his service pistol. Officer A fired one round at Subject 1.

As they advanced through the driveway, Subject 1 stumbled and again looked back toward Officer A. Subject 1 looked over his right shoulder, extended his right arm backward and pointed the handgun at Officer A. Believing Subject 1 was going to shoot at him, Officer A fired a second round at Subject 1.

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 force to be in policy.