

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

**OFFICER-INVOLVED SHOOTING – 095-06**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off()</b>	<b>Uniform-Yes(X) No()</b>
77 <sup>th</sup> Street	10/24/06		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	8 years, 4 months

**Reason for Police Contact**

While on patrol, officers observed a known gang member. When the subject acted unusually, officers attempted to initiate a consensual encounter. The subject fled and the officers initiated a foot pursuit down an alleyway. During the foot pursuit, the subject produced a handgun and an officer-involved shooting occurred.

<b>Suspect</b>	<b>Deceased ()</b>	<b>Wounded ()</b>	<b>Non-Hit (X)</b>
Subject 1: Male, 23 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 8/07/07. The BOPC unanimously made the following findings.

**Incident Summary**

Officers A and B were on patrol. The officers observed Subject 1, whom they knew to be a gang member. Officer B continued to drive until the officers' vehicle and Subject 1 were parallel to one another. Subject 1 continued to walk on the sidewalk. While driving parallel to Subject 1, Officer B spoke to Subject 1 from his open driver's side window. Subject 1 responded politely. Officer A noted to Officer B that this was unusual behavior for Subject 1, who typically was unfriendly towards the officers. Based on what Officers A and B believed was unusual behavior, the officers decided to

initiate a consensual encounter with Subject 1. Officer B also had prior intelligence that Subject 1 may have obtained a firearm.

Officer B stopped the vehicle parallel to the sidewalk. Officer B continued to speak with Subject 1 from inside the vehicle. Meanwhile, Officer A exited the passenger side of the vehicle. Officer A noted that he intended to notify Communications Division (CD) of his location and status as he was exiting the vehicle, but was unable to do so. Upon seeing Officer A exit the vehicle, Subject 1 began to run. As he ran, Subject 1 held the front waistband area of his baggy sweatpants.

Officer A began to pursue Subject 1 on foot. Officer B exited the police vehicle and also pursued Subject 1. Officer B noticed Subject 1 attempting to take an item out of his front right pocket.

Officer A broadcast the foot pursuit and the officers' location to CD.

Subject 1 entered an alley. Officer A slowed his pace, holstered his radio, and entered the alley. Officer A ran "offset" from Subject 1. Officer B followed behind Officer A. As they were approximately half way down the alley, Officer A observed Subject 1 holding a handgun. Officer A ordered Subject 1 to drop his gun four times.

While still running, Subject 1 raised his right arm until it was parallel to his shoulder and turned his upper torso in the direction of Officer A. Officer A believed Subject 1 still had a gun in his right hand because Subject 1's hand was clenched. To Officer A, it appeared as though Subject 1 was making a right-hand turn towards him to aim his handgun and shoot him. Officer A drew his service weapon and aimed at Subject 1.

Officer A then heard one shot. Believing Subject 1 had fired a shot at him, Officer A fired one round from his pistol. The shot missed Subject 1.

Subject 1 stated that he did not fire his weapon at the officers. Subject 1 said that he raised his right arm to throw his gun in an upward arch towards the right side of the alley, but he did not turn back toward the officers. It was subsequently determined that Subject 1 threw his handgun towards a driveway and that, as Subject 1's handgun struck the pavement of the driveway, it discharged one round which struck a cinder block wall.

Subject 1 attempted to continue running down the alley, but a gate blocked his path. Subject 1 jumped onto a chain link fence that ran parallel to the gate and attempted to scale it.

Officer A lowered his weapon to a two-handed low ready position and continued down the alley. Officer A stopped short of the gate. Officer B drew his service weapon and held it at a low ready position.

Officer B ordered Subject 1 to stop and get down. Subject 1 complied, ripping his shirt as he came off the fence, and lay prone on the ground. Officer B holstered his weapon, approached Subject 1, straddled him, and handcuffed him. Officer B did not conduct a pat-down search of Subject 1.

Officer A broadcast his location to CD and that shots had been fired. Officer A then began to search for Subject 1's discarded weapon, which he found in a driveway.

### **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 Officer 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 Officers A and B drove parallel to Subject 1 and spoke with him while still seated inside their police vehicle. It would have been tactically safer for the officers to exit the police vehicle and then engage in conversation with Subject 1. It would have also been tactically prudent for the officers to advise CD of their location as soon as they made the decision to speak with Subject 1. The first indication that CD received of the officers' location was during the foot pursuit that subsequently ensued.

The BOPC noted that Officers A and B initiated a foot pursuit with the strong belief that Subject 1 was in possession of a firearm. Further, the BOPC noted that they alley in

which the officers pursued Subject 1 provided minimal cover in the event that Subject 1 presented a deadly threat with a firearm. The BOPC noted that it might have been tactically safer for the officers to request additional units and initiate containment.

Due to the dangers presented by following a suspect who is reasonably believed to possess a firearm, the Department's training bulletin addressing this issue advises against doing so.

The BOPC noted that Officer B straddled Subject 1's back and handcuffed him without further incident. After Subject 1 had been handcuffed, Officer B did not search Subject 1. It would have been tactically safer for Officer B to kneel onto Subject 1's shoulder area and handcuff him with a lower center of gravity and more stable platform in the event that Subject 1 attempted to raise upward or roll over. It would have been tactically safer for Officer B to utilize the trained handcuffing technique and immediately search Subject 1 to ensure he was not concealing any additional weapons.

The BOPC noted that Officer B did not maintain a baton on his person during this incident. Officer B is to be reminded that he is required to maintain a baton on his equipment belt at all times while performing field duties, thus providing him with various force options.

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

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

The BOPC noted that Officer B had prior knowledge that Subject 1 may be in possession of a pistol. The officers recognized Subject 1's friendly behavior as noticeably different from previous contacts. As the officers exited their police vehicle, Subject 1 turned and ran away from them while grasping his front waistband as if supporting a concealed handgun. When Subject 1 neared the end of the alley at a locked gate, he quickly turned and a gunshot emanated.

The BOPC noted that Officer B, while following Officer A southbound through the alley during the foot pursuit, heard two gunshots. Officer B feared an armed confrontation, stopped, and drew his service pistol.

The BOPC determined that Officers A and B has 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**

The BOPC noted that, as Subject 1 neared the end of the alley, Officer A observed Subject 1 raise his right arm and begin to turn towards him. Officer A observed an object in Subject 1's outstretched hand and heard a gunshot. Subject 1's movements, the sound of a gunshot, and the poor lighting conditions in the alley led Officer A to

believe that Subject 1 had fired one round at him. In response to what he perceived was a deadly threat, Officer A drew his weapon and fired one round at Subject 1.

Given the totality of the circumstances, the BOPC believed that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death. As such, the BOPC found Officer A's use of force to be in policy.