

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

OFFICER-INVOLVED SHOOTING – 097-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes() No(X)</u>
Southeast	11/02/2006		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer B	11 years

Reason for Police Contact

While returning to the police station, Detective A and Officers A and B observed a group of pedestrians jaywalking. Officer A recognized Subject 1, a possible suspect in a homicide investigation, and initiated a pedestrian stop. Subject 1 fled the scene of the stop. Officers A and B engaged in a foot pursuit, during which Subject 1 produced a firearm and Officer B fired at Subject 1.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 19 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 08/21/07.

Incident Summary

Officers A and B, and Detective A, were driving in an unmarked police vehicle, fitted with emergency lights and sirens. Officer A was driving, Officer B was in the front passenger seat, and Detective A was in the rear passenger seat. The officers and detective were wearing raid jackets and had their Department badges displayed on their belts.

The officers observed a group of males crossing the roadway outside of any designated crosswalks. Officers A and B noticed that the group of males forced traffic on the roadway to brake in order to avoid running into them. Officer A recognized one of the individuals, Subject 1, as a possible suspect in a homicide investigation. Officer A also knew that Subject 1 was a member of a local street gang.

The group of males reached the opposite side of the roadway and continued to walk in the roadway. Officer A decided to initiate contact with the group and "chirped" the police vehicle's siren to get their attention. He also put his hand out and made a "stop" motion toward the group. Officer A observed Subject 1 stop walking at this point.

Officer A stopped the police vehicle near a limousine that was parked along the curb. Officer B then directed Subject 1 and the other three individuals with him to move onto the sidewalk and face away from the officers. The three individuals who were with Subject 1 complied with Officer B's commands. Meanwhile, Officer B observed Subject 1 duck down behind the parked limousine.

Detective A and Officers A and B then exited their police vehicle.

Officer B walked toward the rear of the parked limousine while Officer A moved toward the front of the limousine. Officer B then observed that Subject 1 had repositioned himself by placing his back up against the wall of a store, still facing the officers. Officer B also observed Subject 1 angle his body slightly away from the officers, raise his hands above his shoulders, and then drop his hands to his waistband. Officer B told Subject 1 not to place his hands near his waist, but Subject 1 continued to raise and drop his hands and lift his shirt up. When he noticed that Subject 1 was not obeying his commands and reaching toward his waist, Officer B drew his service pistol.

At this time, Detective A and Officers A and B observed Subject 1 begin to run along the sidewalk. Officers A and B ran after Subject 1 while Detective A stayed with the other three subjects. Detective A lost sight of Subject 1 and Officers A and B remained on the sidewalk in order to guard the remaining subjects.

As he pursued Subject 1, Officer A ordered Subject 1 to stop and to put his hands up. Subject 1 moved his hands toward his hip area and Officer A drew his service pistol. Meanwhile, Subject 1 ran into a lot and through an open bay door into a building situated on that lot. As Subject 1 ran, he removed his jacket and dropped it to the ground. Officer A entered the lot and took cover behind some vehicles that were parked outside of an open bay door. Officer B also entered the lot and ran past Officer A, toward the open bay door.

As Officer B was just about to enter the building, he saw Subject 1 reaching toward the side of his body and grabbing hold of a handgun that was tucked into his waistband. Subject 1 then pulled out the handgun and angled himself so that he was facing toward Officer B. In response, Officer B fired four rounds at Subject 1.

Subject 1 then turned and continued running through a short hallway into another room within the building. Officer B ran after Subject 1, stopping at the edge of the short hallway. Officer B then carefully maneuvered around the corner of the hallway in order to relocate Subject 1. Officer B observed Subject 1 near a doorway along the side of the building. The doorway led into a rear yard behind the business where a number of vehicles were parked. Officer B then saw Subject 1 turn, bringing his arm across the front of his body and his shoulder back toward Officer B. Officer B fired one more round at Subject 1.

Around this time, Officer A joined Officer B at the edge of the small hallway inside the building. Officers A and B then saw Subject 1 run into the rear yard, and they followed behind him. Meanwhile, from the sidewalk, Detective A heard shots being fired.

Detective A told the three subjects to get down on the ground. She then returned to the police vehicle and retrieved a radio from the backseat. One of the three subjects then fled the location. Detective A broadcast a help call, indicating that shots had been fired and identifying the officers' location. Detective A then went into the building through the bay doors, drawing a service pistol before entering.

As Officers A and B neared the exit of the business, Officer A observed a loaded revolver lying on the ground. In the rear yard, Officer B saw Subject 1 standing on the far side of one of the vehicles parked in the yard, and then he saw Subject 1 going down to the ground at that location. Officer B heard Subject 1 screaming, "You shot me. I'm shot."

Officers A and B approached Subject 1. Officer B observed that Subject 1 no longer had a gun in his hands. Officer A then used his radio to broadcast his location, and to request backup and a supervisor. Officer B then went to handcuff Subject 1, but then realized that he did not have his handcuffs with him. Officer B asked Officer A for his handcuffs, then re-holstered his weapon and handcuffed and searched Subject 1. Officer A broadcast a request for a rescue ambulance (RA).

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's tactics to warrant administrative disapproval.

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

B. Drawing/Exhibiting/Holstering

The BOPC found Detective A and Officers A and B's drawing 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

The BOPC noted that observed four males slowly walking across the roadway, causing vehicles to brake in order to avoid colliding with them. As their police vehicle neared the pedestrians, Officers A and B recognized one of the pedestrians as Subject 1, a documented gang member that had been implicated in a homicide that was still under investigation. However, Officers A and B did not disseminate the above crucial information to Detective A before they initiated their pedestrian stop, thereby placing the detective at a tactical disadvantage.

Detective A and Officers A and B also detained Subject 1 and his three companions without appropriately notifying Communications Division (CD) of their status and location. Officer A used the siren to gain the attention and compliance of the suspects in the roadway, which demonstrated that there was time to make the appropriate notification to CD.

The BOPC determined that Officer A's failure to notify CD of the officers' status and location was most appropriately viewed as administrative disapproval because Officer A has previously been directed to training regarding this issue.

The pedestrians were ordered to face the wall and all complied except Subject 1, who clutched his waistband as he ran. Officers A and B immediately pursued Subject 1. Detective A repositioned on the sidewalk to simultaneously monitor the actions of Officers A and B and the remaining three subjects.

Officers A and B initiated a foot pursuit without either of them or Detective A broadcasting their location, direction of travel, the subject's description or the type of crime suspected.

The BOPC noted that Officers A and B initiated a foot pursuit of Subject 1, who they reasonably believed to be armed, leaving Detective A with the three subjects that were

neither searched nor handcuffed. Officers A and B's decision to initiate a foot pursuit resulted in a situation where Detective A was tactically compromised and where Officers A and B would have been unable to render assistance if this had become necessary.

In applying the Department's standard on separation, officers are considered split up when either their distance is so great from one another, or barriers exist that would unreasonably delay the ability to assist a partner officer. In the event that partners become separated, they must be able to maintain voice or radio contact. The BOPC noted that Detective A attempted to maintain a line of sight with Officers A and B, but the foot pursuit created a circumstance where Detective A was unable to see Officers A and B, or to verbally communicate with them. Detective A's radio was in the police vehicle, further limiting Detective A's ability to communicate with Officers A and B.

The BOPC considered the fact that officers are trained, when working three to a car, that the responsibility of the third officer is to not engage in the foot pursuit but to assist by establishing containment. In this instance, the tactic was inappropriately applied because Detective A was left alone with three subjects. The BOPC recognized the inadvertent application of the containment tactic and determined that the separation concerns would best be addressed through additional training.

Officers A and B made sound decisions during the foot pursuit. As Subject 1 ran into the open business, Officer A followed while using parked vehicles as cover. Upon making entry to the building, Officer B observed Subject 1 running toward an open doorway. Subject 1 proceeded to remove a handgun from his waistband and turned his body toward Officer B. Officer B fired four rounds at Subject 1. Subject 1 continued running through the doorway and out of the officers' sight.

After the first sequence of fire, Officer B carefully maneuvered around the corner of the doorway and observed Subject 1 running toward an open bay door leading to a rear yard. Subject 1 then turned his torso and pointed his handgun at Officer B. Officer B fired one round.

Meanwhile, back on the sidewalk, Detective A maintained control of the three additional subjects and ensured they did not follow the path of the foot pursuit. After the first sequence of fire, Detective A appropriately ordered the three subjects to the ground. One of the subjects failed to comply with her commands and fled.

The BOPC found Officer A's tactics to warrant administrative disapproval.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer B observed Subject 1 walking toward the sidewalk while supporting an unknown object on his right side. Subject 1 momentarily crouched down behind the front passenger side of a parked vehicle before proceeding to the sidewalk. Officer B deployed to the rear of the parked vehicle for cover and ordered the

pedestrians to face the wall. All complied, except Subject 1, who maintained his back against the wall and repeatedly reached toward his waistband. Officer B believed Subject 1's actions were consistent with an armed suspect and drew his service pistol. The BOPC determined that Officer B had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

As Officer A drove toward the pedestrians, he recognized Subject 1 as an individual that was currently being investigated in connection with a homicide. After initiating a pedestrian stop, Subject 1 failed to comply with the officers' commands and ran while clutching his waistband. Officer A believed Subject 1's actions were consistent with an armed suspect and drew his service pistol. The BOPC determined that Officer A had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

Upon hearing three to four gunshots, Detective A approached the doorway through which the foot pursuit had passed. Detective A drew, fearing a possible armed confrontation. The BOPC determined that Detective A reasonably believed the situation had escalated to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC noted that Subject 1 removed a handgun from his waistband and turned his body toward Officer B. Officer B fired four rounds at Subject 1. Subject 1 continued toward an open bay door; however, prior to reaching the threshold, Subject pointed the handgun at Officer B. Officer B fired one round at Subject 1.

The BOPC determined that Officer B reasonably believed Subject 1 presented an immediate threat of serious bodily injury or death.

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