

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

OFFICER-INVOLVED SHOOTING – 098-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No(X)</u>
Southwest	11/09/2005		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Detective A	15 years, 9 months

Reason for Police Contact

While serving a search warrant at the residence of known gang members, a detective observed a subject attempting to flee the location through a window. When ordered to stop, the subject pointed a gun at the detective, who fired three rounds in response.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 2: 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 09/26/06.

Incident Summary

Officer A briefed Detectives A, B, C, D, E, F, G, H, I, J, K and L and Officers B and C regarding the service of a search warrant at the residence of Subject 1, who was already in custody. The officers were informed that Subject 1's brothers, who were gang members and known to be uncooperative, lived at the address.

Once at the location of the warrant, the officers assumed their positions around the exterior of the location as planned. Detectives A, D, E, G, H, I, and K drew their pistols.

Detective F and Officer A, who were wearing uniforms, stood on each side of the front door of the residence. Officer A knocked on the door and identified the officers' presence. Hearing no response, Officer A knocked again.

Meanwhile, Detective A, who was covering one side of the residence with Detective E, heard the sound of a window sliding open and saw Subject 2 attempting to climb out of the window. Detective A then saw that Subject 2 was holding a handgun.

Detective A yelled "Police" and ordered Subject 2 to stop as Subject 2 continued to emerge from the window. Detective A then saw Subject 2 turn the gun toward him and look in his direction. Believing that Subject 2 was going to shoot him, Detective A fired three rounds at Subject 2. At that same time, Subject 2 jumped from the window to the side of an adjacent shed. Subject 2 hung from the side of the shed and then fell to the ground, landing beneath the window from which he had jumped. As Detective A continued to cover Subject 2 with his pistol, Detective E approached Subject 2 and handcuffed him.

Upon hearing gunshots from the rear of the building, Officers B and C drew their pistols. Officer A and Detective F retreated from their positions by the front door and took cover behind a nearby vehicle. Meanwhile, Detective D heard shots and walked to the rear of the house.

Detective C broadcast that shots had been fired and requested additional units to the location, and Detective E broadcast a request for a Rescue Ambulance (RA).

The remaining occupants of the residence were ordered out of the house. Detectives B, F and G, and Officers A and B, searched the building for additional occupants, but none were located. Detective F drew his pistol prior to entering the building.

Subject 2 was transported to a local hospital, where he was admitted and treated for gunshot wounds to his legs.

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 Detectives D and E's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Detectives A, B, D, E, F, G, H, I, K and L and Officers A, B, and C's drawing to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that, after becoming aware of the shooting, Detective E moved to Detective A's position to assist and observed the suspect on the ground with his hands clearly visible. Detective E then approached Subject 2 and applied the handcuffs. It would have been tactically safer to wait for the other officers to clear the residence prior to approaching Subject 2 or instruct Subject 2 to move to a safer location before approaching him.

Upon hearing the shots, Detective D left his designated position and moved to Detective A's location to assist. It would have been safer for Detective D to have remained at his assigned position until it was determined that he was relieved of his assigned responsibility.

The BOPC found Detectives D and E's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC noted that, during the search warrant briefing, the detectives and officers were advised that known gang members lived at the location. Cognizant of the propensity for gang members to carry firearms and the potential that the incident could escalate and necessitate the use of deadly force, Detectives A, B, D, E, F, G, H, I, and K and Officers A, B, and C appropriately drew their firearms. Upon hearing the shots fired, Detective L also drew a service pistol.

The BOPC determined that the detectives and the officers had sufficient information to believe the situation might escalate to the point where deadly force may become necessary.

The BOPC found Detectives A, B, D, E, F, G, H, I, K and L and Officers A, B, and C's drawing to be in policy.

C. Use of Force

The BOPC noted that, as Detective A observed Subject 2 climb through the window while holding a handgun in his hand, he identified himself and ordered Subject 2 to stop. Subject 2 did not stop and pointed the gun at Detective A. Fearing that he was about to be shot, Detective A fired three rounds, striking Subject 2 in both legs. The BOPC determined that it was reasonable for Detective A to perceive Subject 2's actions as life threatening and that his use of deadly force was appropriate.

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