

**ABRIDGED SUMMARY OF AN OFFICER-INVOLVED SHOOTING AND FINDINGS  
BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

**OFFICER-INVOLVED SHOOTING – 104-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(X ) Off()</u></b>	<b><u>Uniform-Yes() No(X)</u></b>
Hollenbeck	11/20/07		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer B	11 years, 10 months

**Reason for Police Contact**

During a narcotics surveillance, officers and detectives confronted Subject 1 in the driveway of his residence. Upon seeing the officers, Subject 1 drove from his residence in an attempt to escape. During his flight, Subject 1 drove his vehicle toward Officer B, who was standing in the street. At that time, an officer-involved shooting occurred.

<b><u>The subject(s)</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit (X)</u></b>
Male, 23 years			

**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 file (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) 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.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations while the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on November 4, 2008.

## **Incident Summary**

Detective A and Officer A monitored the activities of an individual (later identified as Subject 1) during a single day as he engaged in the sale of narcotics. The following day, Detective A, along with Officers A and B and Detectives B and C, decided that they would continue their surveillance of Subject 1. Detectives A, B, and C and Officers A and B were all attired in plainclothes. Detectives A and C and Officer B each drove a plain vehicle, while Detective B and Officer A drove together in another plain vehicle.

Detective A's body armor was in his vehicle. Officers A and B and Detective C's body armor and raid jacket were in their respective vehicles.

Detectives A, B, and C and Officers A and B drove to Subject 1's residence and observed Subject 1's vehicle parked in the driveway leading to the residence. Shortly thereafter, Detective A saw Subject 1 driving southbound with Subject 2 in the passenger's seat of his vehicle. Detectives A, B and C and Officers A and B followed him to a location approximately 2.5 miles outside the city of Los Angeles. After a period of time, the officers and detectives followed Subject 1's vehicle back toward his residence. After turning right onto the street near his residence, Subject 1 stopped his vehicle. Detective A observed an unidentified male approach the driver's side window of Subject 1's vehicle. He then observed Subject 1 make a hand to hand exchange with the unidentified male of narcotics for money.

Detective A stated that he directed Detectives B and C, along with Officer A, to take down Subject 1 if he went home. Detective A added that he was going to maintain surveillance on the buyer [the unidentified male] to see if detaining that individual was possible.

Detective A exited his vehicle in order to maintain sight of the unidentified male, then entered the yard of the residence, noticed an open shed and saw the unidentified male inside. Detective A identified himself as a police officer. He then observed the unidentified male cup and lift his hand toward his open mouth as if he was going to swallow the evidence. Detective A used his left hand to grab the unidentified male's right hand, which caused a struggle.

At the same time, Detectives B and C and Officer A focused their attention on Subject 1. Subject 1 pulled his vehicle into the driveway in front of his residence and was followed by Detective C. Detectives B and C and Officer A then exited their vehicles and walked westbound down the driveway, toward Subject 1's parked vehicle. Officer A observed that Subjects A and B were still seated inside Subject 1's vehicle. As Officer A approached, he saw that Subject 1 was about to open his door and exit the vehicle. Officer A exposed his badge, which was attached to his belt, as well as his service pistol and positioned himself at the driver's side door of Subject 1's vehicle, then pulled on the door handle. The door was locked, however, and Officer A knocked on the driver's side window, identified himself verbally and ordered Subject 1 to open the door.

Officer A saw Subject 1 look at him and then expressed surprise at Officer A's appearance. Subject 1 then began to look around and reach with his hands toward his waistband and toward the center console of the vehicle. Fearful that Subject 1 might arm himself with a weapon, Officer A took a step back and drew his service pistol and ordered Subject 1 to show his hands. Meanwhile, Detective B had approached the rear passenger's side door of Subject 1's vehicle. He lifted his shirt in order to display his badge, which was located on the right front area of his waistband. Detective B stated that his holstered service pistol was also made visible when he displayed his badge.

Detective B verbally identified himself and ordered Subjects 1 and 2 to exit the vehicle. Subject 2 turned around to look through the rear window of the vehicle, revved the engine and reversed out of the driveway. Detective C immediately moved to his left in order to avoid being struck by Subject 1's vehicle. Detective C had his badge exposed and drew his service pistol as Subject 1's vehicle went by him.

After Subject 1 backed out of the driveway and drove southbound on the street. Detective C and Officer A holstered their service pistols, and Officer A used his radio to broadcast that Subject 1 had left their location and was proceeding south on the street. Meanwhile, Officer B had seen Detective A walking quickly toward the shed in the yard of the second residence. Officer B did not see the unidentified male whom Detective A was following. Detective A walked out of Officer B's view just as Officer B parked his vehicle just north of the shed, facing southbound, on the east side of the street. Officer B exited his vehicle and immediately took out his badge from his left front pants pocket. He held the badge in his left hand because he expected that he would be detaining an individual and he wanted to make sure that he identified himself. Officer B also drew his service pistol at this time and ran around the rear of his vehicle.

Officer B also chose to move back around the rear of his vehicle to avoid running into a "blind spot" near the area where he last saw Detective A. He took a wide turn around his vehicle, moving into the street so that he could make a better observation of where Detective A and the unidentified subject had gone to. Officer B moved three and four feet from the east curb while focusing his attention toward the shed. Shortly thereafter, he heard the sound of screeching tires from the street north of his position and observed Subject 1's vehicle coming southbound on the street at a speed of approximately forty to forty-five miles per hour.

Officer B turned his left leg in the direction of Subject 1's vehicle and turned his body slightly more towards where Subject 1's vehicle was located. At this point, Officer B observed that Subject 1's vehicle swerve in his direction. Officer B stated that Subject 1's vehicle was on the wrong side of the road and was driving against the normal flow of traffic. Officer B saw Subject 1 driving the vehicle with Subject 2 in the front passenger's seat.

Officer B had no further memory with regard to the remainder of this incident. His next memory is of being at a hospital where he received medical treatment for the injuries he suffered as a result of this incident.

When asked, Officer B indicated that at the time of his last memory of the incident, he did not feel that he had any way to escape being struck by Subject 1's vehicle.

Physical evidence collected after this incident indicated that Officer B fired two rounds from his service pistol. One round impacted the asphalt street pavement at a downward angle. The other round impacted the windshield of Subject 1's vehicle and exited the rear window of that vehicle in two fragments.

Subject 1's vehicle struck Officer B, projecting him approximately forty-seven feet from the point of impact. Officer B suffered the following injuries as a result of the impact with Subject 1's vehicle: bilateral fractures of both femurs, a compound fractured left tibia, a fractured left patella, a dislocated right patella with two torn ligaments, fractured left ribs, a fractured left orbital bone, facial lacerations, abrasions, and contusions, broken and missing teeth, and numerous abrasions to his legs, arms, and hands.

The Subjects' daughter was seated in a car seat in the back seat of their vehicle at the time of the incident. Subject 1 indicated that his daughter was not struck by any of the rounds fired by Officer B, and Subject 2 indicated that his daughter was not hurt by the broken glass that was present as a result of the traffic collision with Officer B.

### **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 while 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 that the tactics of Detectives A, B and C and Officers A and B warranted an Administrative Disapproval.

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

The BOPC found that the Drawing/Exhibiting by Detective C and Officers A and B was In Policy.

### **C. Non-Lethal Use of Force**

The BOPC found that the Non-Lethal Use of Force by Detective A was In Policy.

### **D. Lethal Use of Force**

The BOPC found that the Lethal Use of Force by Officer B was In Policy.

### **Basis for Findings**

In their analysis of this incident, the BOPC identified the following considerations:

#### **Tactics**

1. The patrol division Watch Commander was not notified regarding the surveillance operation.

The officers should have notified the patrol division Watch Commander regarding the operation and the location of the surveillance. It would have been tactically safer if patrol officers were made aware of the operation in the event that assistance was necessary during the operation.

2. The officers were conducting surveillance outside of the City of Los Angeles without notifying the patrol division Watch Commander.

The officers should have notified the patrol division Watch Commander that they were conducting surveillance outside the city limits in the event that assistance was needed.

3. The officers did not advise Communications Division (CD) of their code-six status or that they were conducting surveillance in the area.

It would have been prudent for the officers to advise CD of their status and location should assistance be required.

4. All of the officers had their raid jackets and body armor stowed away in their respective vehicles.
5. Detective A attempted to detain a narcotics suspect on his own without assistance of other officers.

Detective A confronted the buyer on his own and became involved in a Use of Force. It is imperative that Detective A have a partner with him in the event that he became overpowered or injured during the altercation.

6. The BOPC noted that Detective C and Officer B left their ASTRO radios inside their respective vehicles when they exited.

Detective C and Officer B created a circumstance where they had no means of communicating to other units or CD, if necessary. In this instance, had Detective C had his radio, he would have been able to provide a timely broadcast that would have advised the other personnel of Subject 1's description and the direction of travel. Furthermore, Officer B may have heard the broadcast that the suspect was fleeing in his direction, affording him crucial information regarding Subject 1's whereabouts

The BOPC found that the tactics of Detectives A, B and C and Officers A and B warranted an administrative disapproval.

### **Drawing/Exhibiting**

The BOPC evaluated the circumstances relevant to Detective C along with Officers A and B's drawing and determined that in each instance the officers had sufficient information to reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may become necessary.

The BOPC found that the Drawing/Exhibiting by Detective C and Officers A and B was in policy.

### **Non-Lethal Use of Force**

The BOPC evaluated the circumstances relevant to Detective A's Non-Lethal Use of Force and determined the use of force was reasonable to overcome the suspect's actions.

The BOPC found that the Non-Lethal Use of Force by Detective A was in policy.

### **Lethal Use of Force**

The BOPC evaluated the circumstances relevant to Officer B's lethal use of force. The BOPC determined that Officer B had sufficient reason to believe that it was necessary to protect himself from the immediate threat of serious bodily injury or death. Due to the limited time available, it was reasonable for Officer B to fire his service pistol to address the immediate threat that the suspect posed.

The BOPC found that the Lethal Use of Force by Officer B was in policy.