

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

**OFFICER-INVOLVED SHOOTING – 105-05**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off()</b>	<b>Uniform-Yes(X) No()</b>
77 <sup>th</sup> Street	11/27/2005		

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

**Reason for Police Contact**

Officers were monitoring gang activity when they observed a potentially armed subject who fled upon seeing the officers. The subject stole a vehicle and drove it towards the officers. To avoid being struck, an officer fired at the vehicle.

<b>Suspect</b>	<b>Deceased ()</b>	<b>Wounded ()</b>	<b>Non-Hit (x)</b>
Subject 1: Male, 22 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 10/10/06. The BOPC unanimously made the following findings.

**Incident Summary**

Officers A and B were on patrol, monitoring a feud between two rival gangs. Officer A observed Subject 1 riding a bicycle on the sidewalk toward the officers. Believing that Subject 1 was a gang member because of his attire and wanting to stop him for the observed Municipal Code violation,<sup>1</sup> Officer A drove his police car along side of Subject 1 while Officer B asked Subject 1 if they could speak with him.

Although Subject 1 looked in the officers' direction, he continued to ride his bike past

<sup>1</sup> Los Angeles Municipal Code 56.15.

them. According to Officer B, it appeared that Subject 1 was attempting to evade them because he rode his bike faster. Officer B also noted that it appeared Subject 1 was trying to conceal, and later discard, a heavy object in his waistband or pocket.

Although no weapons were seen in Subject 1's possession, Officer B broadcast, "Can I get an airship to my location, 415 man with a gun..." while Officer A activated the forward facing red light and sounded the siren for Subject 1 to stop. Disregarding the orders to stop, Subject 1 continued fumble with an object in his waistband. At one point during the pursuit, Officer A drove on the sidewalk for approximately 30 yards.

As Subject 1 traveled westbound, Victim 1, another driver, traveled eastbound. Wanting to avoid a collision with Subject 1, Victim 1 stopped his car. Subject 1 then abandoned his bicycle in the roadway and ran toward Victim 1's car. Seeing this, the officers stopped their police car and positioned themselves behind their respective vehicle doors in anticipation of a foot pursuit or a confrontation with Subject 1. Officer A drew his weapon to a low ready position but re-holstered when Victim 1's car passed him and then chased Subject 1 on foot with his partner.

When Officer B reached Victim 1's car, he noted that Subject 1 was attempting to force Victim 1 out of the car and drew his weapon because he believed that Subject 1 was armed. When Officers C and D arrived at scene, they observed Officer B standing next to Victim 1's car. Officer D also noted that two individuals were fighting in the front seats of the victim's car and that Officer A was possibly involved. Officer D exited his vehicle and ran toward Victim 1's car. Subject 1 forced Victim 1 out of the car and drove toward Officer D. Officer D, believing that he was going to be struck by the vehicle and that he could not get out of the vehicles path, un-holstered his service pistol and fired one round at Subject 1 from a distance of 10 to 13 feet.

Subject 1 then "jerked" the vehicle to the left and continued without striking Officer D. Subject 1 subsequently collided with a tree and fled on foot. Officer C maintained his position, advised CD of Subject 1's last known direction of travel, and established a perimeter.

### **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, B, C, and D's tactics to warrant formal training.

**B. Drawing/Exhibiting/Holstering**

The BOPC found Officers A, C, and D's drawing to be in policy.

**C. Use of Force**

The BOPC found Officer D's use of force to be out of policy, warranting administrative disapproval.

**Basis for Findings**

**A. Tactics**

The BOPC noted that, despite being aware that Subject 1 had violated a municipal code section, Officers A and B attempted to initiate what appeared to be a consensual encounter with Subject 1, rather than initiate a pedestrian stop with clear commands. Further, the BOPC would have preferred that the officers had exited their police vehicle and had taken a position of advantage prior to engaging the subject.

When the officer began to pursue Subject 1, the BOPC would have preferred that the officers had requested additional resources and broadcast the suspect's physical description, his direction of travel and that the suspect was riding a bicycle. Further, at one point during the pursuit, Officer A drove the police vehicle on the sidewalk past an open fast food restaurant. The BOPC would have preferred that the officers had remained on the street and stayed behind Subject 1.

The BOPC would have preferred that, once they arrived on scene, Officer C and D broadcast their observations to CD to inform other responding units.

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

**B. Drawing/Exhibiting/Holstering**

The BOPC found that the officers had sufficient information to believe the situation might escalate to the point where deadly force may become necessary and found Officers A, C, and D's drawing to be in policy.

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

The BOPC found that Officer D's lethal use of force was not within the standards of Department policy, which require that an officer threatened by an oncoming vehicle move out of the vehicle's path instead of shooting at the vehicle or its occupants. Officer D was unable to provide sufficient cause to believe that there were no apparent means to flee from the moving vehicle. The BOPC found Officer D's lethal use of force to be out of policy, warranting administrative disapproval.