

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

OFFICER-INVOLVED SHOOTING – 106-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	11/30/2005		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	4 years

Reason for Police Contact

While conducting foot patrol, Officers A and B observed Subjects 1 and 2 holding a gun and apparently holding a male captive. When Officer A identified himself as an officer and ordered Subject 1 to stop, Subject 1 turned the arm holding the gun toward Officer A. Officer A fired three rounds at Subject 1.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 47 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 10/24/06.

Incident Summary

Subjects 1 and 2, bail bondsmen, set out to apprehend Witness 1 for an outstanding felony warrant. Subjects 1 and 2 not were attired in clothing that would readily identify them as bail bondsmen. Although Subject 1 did not possess a Carry Concealed Weapons (CCW) permit, he was armed with a pistol. Subjects 1 and 2 arrived at Witness 1's residence and conducted surveillance.

Meanwhile, Officers A and B were in the area conducting crime suppression. The officers conducted a pedestrian stop of unrelated subjects, but did not advise Communications Division (CD) of their actions.

Subjects 1 and 2 eventually observed Witness 1 arrive at his residence with his family and attempted to apprehend him. Subject 1 pointed a pistol at Witness 1 and instructed him to stop, while Subject 2 secured Witness 1's wrists by holding them behind his back. While still holding Witness 1's wrists, Subject 2 walked back to their vehicle. Subject 1 continued to point the pistol at Witness 1.

Officers A and B heard a person yell for help and then observed Subject 1 push Witness 1 from behind while pointing a gun toward Witness 1's head. Coupled with Witness 1's screams for help and the presence of a handgun, Officer A thought that the incident was a robbery in progress or a potential kidnapping. Officer A then identified himself as a police officer, yelled, "Gun," drew his weapon, and ordered Subject 1 to drop the gun.

Alerted by his partner, Officer B looked in Subject 1's direction, noted that Subject 1 was armed, and took cover. Subject 1 looked in Officer A's direction and began to move the arm holding the pistol in Officer A's direction.

Believing Subject 1 was about to shoot him, Officer A fired three rounds at Subject 1, striking him twice.

Subjects 1 and 2 and Witness 1 then fell to the ground and lay on their stomachs. Subject 1's pistol was on the ground several feet from where he was laying. Officer A requested help over his police radio, and, with the assistance of Officer B, took three individuals into custody without further incident. Subject 1 was transported to the hospital for medical treatment.

When a hostile crowd started to form around the area, Officer A picked up Subject 1's pistol and placed it in his rear pocket. He returned it to its original position when additional units arrived and calmed the crowd.

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 divisional 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 lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that prior to the officer-involved shooting, Officers A and B advised CD of their location, but did not advise CD that they had detained subjects. This would have alerted other officers in the area of their actions.

After the officer-involved shooting, Subjects 1 and 2 and Witness 1 fell to the ground. Subject 1's handgun was on the ground, and a large group of residents exited their homes and began to approach the scene. Fearing Subject 1 may retrieve his weapon or the residents may attempt to take it, Officers A and B approached and handcuffed Subjects 1 and 2, and Officer A placed Subject 1's handgun in his rear pocket. Once there were sufficient officers present to control the crowd, Officer A placed the handgun back in its original position. Officer A should have secured the weapon and not placed it back in its original position to eliminate the possible perception of planting evidence.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted Officer A observed Subject 1 push Witness 1 from behind and point a handgun toward Witness 1's head. Officer A drew his service pistol and alerted his partner of his observations by yelling, "Gun!" Officer B drew his service pistol and assumed a position of cover.

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

C. Use of Force

The BOPC noted that when Officer A observed Subject 1 point a handgun at Witness 1's head, Officer A identified himself as a police officer and ordered Subject 1 to stop. Subject 1 looked in Officer A's direction and began to move his arm, which was holding the handgun, toward Officer A. Officer A fired three rounds at Subject 1.

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