

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

OFFICER-INVOLVED SHOOTING – 106-07

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southeast	12/14/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer B	5 years, 4 months

Reason for Police Contact

Area gang officers conducted a gang suppression operation as follow-up to a shooting inside a housing development which resulted in an officer-involved shooting.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
Subject 2: Male, 17 years old.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 October 7, 2008.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

Incident Summary

Area police officers arrested three subjects after responding to a "shots fired" radio call inside a housing development. During the arrest, officers recovered an AK-47 assault rifle and three semi-automatic pistols. All three subjects were documented gang members.

Officers A, B, C, D, E, F, G, and H were briefed regarding a shooting that occurred earlier that morning. Subject 1, a resident of the housing development and known gang member, was named as an intended victim in the shooting, which may have been in retaliation for actions Subject 1 had taken against other gang members.

Officer F, the primary officer assigned to the gang involved in the shooting, formulated a plan to locate and contact Subject 1. Officer F deployed all eight officers to the housing development and told them to position their units to maximize containment of the area. The plan was for Officers F and G to locate Subject 1 by checking the locations he was known to frequent and position officers in those locations.

Officers A-H, driving marked police vehicles, entered the housing development with Officers F and G in the lead vehicle. Officers F and G drove to a predetermined parking lot, where they exited their vehicle and immediately observed Subject 1 standing nearby. Subject 1 looked at the officers, took a couple of steps backward, and dropped a handgun at his feet.

Subject 1 picked up the handgun and ran. Officers F and G pursued Subject 1 on foot. Officer F drew his service pistol as he chased Subject 1 and broadcast that Subject 1 had a gun. Officer B said he heard the broadcast indicate that the subject was on a bicycle and that he had a gun.

Officer G ran to Subject 1's girlfriend's residence. As Subject 1 entered the front door of his girlfriend's apartment, the officers had the front and rear doors under observation. Subject 1 opened the rear door, saw Officer G, stopped, threw down a handgun, and went back inside. Officer G drew his service pistol and then recovered the gun discarded by Subject 1.

In the meantime, Officers B and C heard the radio broadcast regarding the subject with a gun. Officer C saw a subject on a bicycle, later identified as Subject 2, looking back over his shoulder and pedaling fast. Subject 2 was cutting through a parking lot and headed directly toward the police vehicle. Believing this was the person being chased by Officers F and G, Officer C told Officer B, "There he is. There he is."

As Subject 2 rode past the police vehicle, Officer C exited his vehicle and gave verbal commands for Subject 2 to stop. Subject 2 ignored the commands, dismounted his bicycle, and ran. Officers B and C followed.

Officers A, E, and H observed Subject 2 running and joined the chase. Officer D drove to a position where he could cut off and contain Subject 2.

Officer B, running in front of Officer C, was behind Subject 2. As Subject 2 turned a corner and moved between buildings, Officer B observed Subject 2 grab his right side, look back, and pull a handgun from his right pocket.

While he continued to run, Subject 2 turned and started to point his handgun at Officer B. Officer B thought Subject 2 was going to shoot him. Officer B slowed his run, clutched his pistol in both hands, and fired three rounds at Subject 2. After Officer B fired, Subject 2 dropped his handgun and continued to run. Officer B holstered his pistol, and he and Officer C continued to pursue Subject 2.

Officer F heard the three shots, believed that unknown subjects were shooting at him and Officer G, broadcast that shots were fired, and issued a request for help.

Subject 2 ran around a building and out of sight. As Officers B and C came around the building, they saw Subject 2 standing near an apartment door. The lower portion of Subject 2's body was hidden from view by a wall on the porch of the apartment. Both officers drew their service pistols. Subject 2 appeared to be knocking or pulling on the door. Officer B gave Subject 2 verbal commands to show his hands, which he ignored. Simultaneously, the apartment door opened, and Subject 2 entered. Officer C, knowing that there was a back door to the apartment, went around the building to cover that exit.

Officers A, E, and H responded to assist Officers B and C. Officers F and G also left their position and responded to assist the other officers. Each officer drew their service pistol and deployed to a position surrounding the apartment.

Once the area was contained, Officer F observed Subject 1 walking from the area of his apartment. Officer F ordered Subject 1 to stop but, ignoring the command, Subject 1 ran, followed by Officer F. Officer F chased Subject 1 out of view of the other officers. Concerned that Subject 1 may have re-armed himself, Officer F drew his service pistol. Officer F ordered Subject 1 to the ground into a prone position, and he complied. Officer F holstered his weapon, knelt on Subject 1, and called for a back-up unit. The back-up unit took custody of Subject 1, and Officer F resumed his position covering the apartment.

Sergeant A was the first supervisor to arrive on scene. Sergeant A obtained a brief statement from Officer C and assumed the initial responsibility of monitoring Officer C.

Detective A arrived on scene and obtained a Public Safety Statement from Officer B. Following the statement, Detective A assumed the responsibility of monitoring Officer B.

Lieutenant A then arrived on scene. Upon being briefed by Sergeant A, Lieutenant A assumed the role of Incident Commander and a categorical use of force investigation was initiated.

Officers made several attempts to call Subject 2 out of the apartment with negative results. Consequently, Metropolitan Division Special Weapons and Tactics (SWAT) was summoned to the scene. Officers B and C were removed from the perimeter as a result of their involvement in the Officer-Involved Shooting (OIS).

While awaiting the arrival of SWAT personnel, the surrounding apartments were evacuated. As a result of a misunderstanding, certain occupants in an apartment were inadvertently evacuated by officers who believed that the subject was in the apartment next door. After obtaining a search warrant, SWAT personnel entered the correct apartment and found it unoccupied.

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, D, and F's tactics to warrant Administrative Disapproval and extensive retraining.

The BOPC found Lieutenant A, Sergeant A, and Officers B, C, E, G, and H's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. In this instance, uniformed personnel conducted a specific briefing to address concerns associated with the initial shooting incident. Public safety warranted an expeditious deployment into the field and took precedence over the personnel attending a scheduled patrol roll call; however, Lieutenant A should have

coordinated with the on-duty watch commander to facilitate his/her attendance at the alternate roll call.

2. Lieutenant A, the only unit supervisor working on the day of the OIS, completed the Supervisor's Daily Report and completed all supervisory functions generally completed by the unit sergeant. Proactive supervisory oversight of field operations, however, requires active involvement and the presence of a supervisor. The involved personnel held an extensive briefing and formulated a plan with the specific intent to locate Subject 1 that involved all of the unit's officers. In this instance, Lieutenant A should have ensured that an on-scene supervisor was integrated into the operation.
3. The officers should have advised Communications Division (CD) of their status and location as well as broadcast their foot pursuit on the Area base frequency. Officers are trained to advise CD when they conduct officer-initiated activities, making nearby units aware of their location so they can respond more rapidly, if needed.
4. The use of an alternate radio frequency had inherent limitations. It had a reduced effective communications range; it was neither monitored by CD nor heard by personnel operating on the relevant Area base frequency; and it did not capture communications for later review. These limitations created supervisory and managerial challenges relative to oversight and created a potential perception of secrecy. Most importantly, officer safety was compromised. By operating on a frequency that is neither monitored by CD nor heard by personnel operating on the relevant Area base frequency, a circumstance was created wherein non-unit officers were unaware of any rapidly unfolding tactical situations. The officers should have utilized a tactical frequency designated by CD for this operation.
5. The foot pursuit broadcast was made on an alternate simplex frequency and did not include pertinent information.

The following information should be included in a foot pursuit broadcast:

- *Officer's location*
- *Number and location of suspects*
- *Direction of travel*
- *Suspect description*
- *Type of crime*
- *Where additional units should respond*
- *The type of weapon, if armed (Training Bulletin, Volume XXXV, Issue 17, July 2003)*

Communication among partners and other officers present is paramount for officer safety and planning. Officers are trained to work together and function as a team. Officer safety is enhanced through providing a complete foot pursuit broadcast, which makes surrounding units aware of the rapidly unfolding tactical scenario, so that they are able to appropriately respond.

6. Officers F and G, who could be characterized as the primary unit, did not broadcast that Subject 1 barricaded himself inside a residence.

The lack of accurate and thorough information caused undue confusion among the officers and delayed the response of additional personnel resources. Officers F and G should have broadcast information relevant to Subject 1 running inside the residence and requested a tactical frequency to establish a perimeter to contain the subject, coordinate all activities, and restrict access to the area.

7. Officers A and D had a pre-planned tactic that involved separation of partners.

Officers are considered split-up when either their distance is so great from one another, or barriers exist that would unreasonably delay an officer's ability to assist his or her partner when confronted by a suspect. (Training Bulletin, Volume XXXV, Issue 17, July 2003)

The practice of incorporating partner separation into a pre-planned tactic is worthy of concern. Officer safety requires that partner officers be aware of their partner's location and possess the ability to respond to render aid. In this instance, the officers admittedly did not know the whereabouts of their partner, constituting separation.

8. Officer C did not broadcast the OIS.

When an officer requests assistance, it is imperative that the responding units are aware of the seriousness of the threat facing the requesting unit. Too often, officers request back-up, when in fact the situation is one that actually requires assistance, or even help. The basic requirement for this system to be effective is for the officer to automatically go "Code Six." (Standardized Roll Call Training, Deployment Period 6/2006)

Officer C was close behind Officer B from the time of the OIS to the termination of the foot pursuit. During this period, Officer C should have broadcast information regarding the OIS. Officer B's close proximity to the subject required him to be prepared to re-engage the subject if necessary.

9. Communication among partners and to the other officers involved in the incident is vital to maintaining acceptable levels of officer safety. Information pertaining to the location of a weapon should be relayed as soon as reasonably possible for evidence recovery.
10. Officer F's decision to leave his position on the perimeter without notifying another officer created a circumstance of separation in a housing project containing a large number of gang members. Officer F clearly intended to apprehend Subject 1 as he closed the distance between them, ordered Subject 1 to stop, and made physical contact without additional personnel present. Officer F unwisely took action to

confront a subject known to be previously armed with a handgun, thereby jeopardizing his safety.

11. With the tactical situation still unfolding, Sergeant A should have kept both Officers B and C at the scene. With officers' individual accounts and observations varying, keeping them centrally located may have assisted in the apprehension of the outstanding subject.

The BOPC criticized the tactics utilized by Officers A, D, and F. The tactical errors and decisions by Officers A, D, and F compounded to make their performance seriously deficient.

The BOPC found Officers A, D, and F's tactics to warrant Administrative Disapproval and extensive retraining.

The BOPC found Lieutenant A, Sergeant A, and Officers B, C, E, G, and H's tactics to warrant a standard debrief.

B. Drawing/Exhibiting/Holstering

The BOPC evaluated the circumstances relevant to Officers A, B, C, E, F, G, and H'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 Officers A, B, C, D, E, F, G, and H's drawing to be in policy.

C. 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 death or serious bodily injury.

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