

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

OFFICER-INVOLVED SHOOTING – 110-05

Division	Date	Duty-On (X) Off()	Uniform-Yes() No(X)
Wilshire	12/16/2005		

Officer(s) Involved in Use of Force	Length of Service
Officer A	6 years, 7 months
Officer B	4 years, 3 months

Reason for Police Contact

Officers A and B attempted to arrest Subject 1, who was uncooperative and swung a chain at the officers. The officers used a TASER to attempt to subdue the subject, who continued to resist and swing the chain at the officers. The officers fired several shots at the subject, and later used various non-lethal techniques to complete the arrest.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 39 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

Detective A requested that Officers A and B arrest Subject 1, who had an outstanding felony arrest warrant and was possibly mentally disturbed. The officers had been informed that Subject 1 frequented a local storage facility where he rented storage space. Detective A told the officers to make sure they had equipment, such as their Oleoresin Capsicum (OC) spray, TASER and collapsible baton, with them when they made contact with Subject 1.

The officers were dressed in plainclothes and were driving an unmarked vehicle. Officer A carried his service pistol, a pair of handcuffs, a TASER, and his ASTRO radio on his person. Officer B carried his service pistol, two spare magazines of ammunition and a pair of handcuffs on his person. Both officers had their badges on metal chains displayed on the outside of their shirts.

When the officers arrived at the storage facility, they were told by an employee that Subject 1 had been at the location earlier. Officer A requested that the employee call him if Subject 1 returned, which he did later that day. The officers then returned to the storage facility.

The officers made their way to Subject 1's storage unit, which was on the second floor of the facility. Officer A tucked his badge into his shirt so as to walk past Subject 1 unidentified, and then pulled out his badge. The officers then informed Subject 1 that they were police officers and that Subject 1 was under arrest.

Subject 1 turned around and began shouting at the officers while holding a chain. The officers instructed Subject 1 to put the chain down, but Subject 1 ignored their instructions. Officer B warned Subject 1 that if he did not put the chain down, he would be "tased." Subject 1 then swung the chain at Officer B and ran down the corridor, away from the officers to an open elevator. Officer A broadcast that they had an uncooperative subject, and the officers pursued Subject 1 down the corridor. Communications Division broadcast a request for backup.

Once inside the elevator, Subject 1 faced the officers with the chain still in his hand. Officer B, who had drawn his pistol, again ordered Subject 1 to drop the chain, and Officer A warned that he would use the TASER. When Subject 1 did not comply with the officers' orders, Officer A discharged the TASER at Subject 1, but it did not have any effect on Subject 1.

Subject 1 advanced toward the officers, and Officer B warned Subject 1 to drop the chain or Officer B would shoot him. Subject 1 swung the chain at Officer B's face. Officer B fired one round from his pistol, and Subject 1 retreated back into the elevator.

When the elevator door began to close, Officer B used his foot to trigger the door safety mechanism, and the door opened. Subject 1 emerged from the elevator and again swung the chain at Officer B, who fired a second round from his pistol at Subject 1. This sequence of events repeated six more times with Officer B firing a total of eight rounds from his service pistol at Subject 1.

In the meantime, Officer A drew his service pistol and broadcast a help call, and, later, the officers' location and the subject's description. After Officer B had fired his eighth round, Subject 1 swung the chain toward the officers, and Officer A fired one round from his service pistol at Subject 1. Subject 1 then retreated back into the elevator and collapsed onto the floor.

Sergeant A and Officers C, D, E, and F responded to the storage facility and heard the shots fired. As they approached Subject 1 in the elevator, Officer D put a finger on the trigger of Officer D's pistol. Officers C, D, E and F entered the elevator to take Subject 1 into custody.

Subject 1 resisted and failed to comply with the officers' verbal commands. Officer B put his foot on Subject 1's leg to keep Subject 1 from kicking and Officer E used his closed fist to strike Subject 1 three times in the face. The officers were then able to handcuff Subject 1. The officers then searched Subject 1 and moved the chain out of his reach.

Subject 1 was provided with medical treatment and then transported to the hospital where he underwent surgery for multiple gunshot wounds.

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 and B's tactics to warrant administrative disapproval.

The BOPC found Sergeant A and Officers C, D, E and F's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers B and D's drawing to warrant divisional training.

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

B. Non-Lethal Use of Force

The BOPC found Officers B and E's non-lethal use of force to warrant divisional training.

The BOPC found Officers A, D and F's non-lethal use of force to be in policy.

C. Less-Lethal Use of Force

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

D. Use of Force

The BOPC found Officers A and B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B should have used the Department's Mental Evaluation Unit (MEU) prior to making contact with Subject 1, considering that the officers had knowledge of Subject 1's history and background. Officers A and B should have also worn their raid jackets and ballistic vests, and carried all of their required equipment, including batons and additional magazines, prior to approaching Subject 1. The officers also should have requested uniformed units to assist with the arrest of Subject 1.

Officers A and B generally lacked planning for this assignment, which placed the officers in unnecessary danger and at a disadvantage in dealing with Subject 1.

The BOPC found Officers A and B's tactics to warrant administrative disapproval.

The BOPC found Sergeant A and Officers C, D, E and F's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC determined that Sergeant A and Officers A, B, C, D, E, and F had sufficient information to believe the situation might escalate to the point where deadly force may become necessary when they drew their pistols.

However, it would have been safer for Officer B to have holstered his pistol prior to proceeding down the hallway after Subject 1. Also, Officer D placed a finger on the trigger of Officer D's service pistol while approaching Subject 1.

The BOPC found Officers B and D's drawing to warrant divisional training.

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

C. Non-Lethal Use of Force

The BOPC determined that the officers' non-lethal use of force was reasonable to overcome Subject 1's resistance.

However, it would have been safer for Officer E to strike Subject 1 in a soft muscle tissue area to avoid injury to his hand, rather than strike Subject 1 in the face. It would have been tactically safer for Officer B to use his hands to control Subject 1, rather than place his foot on Subject 1's leg.

The BOPC found Officers B and E's non-lethal use of force to warrant divisional training.

The BOPC found Officers A, D, and F's non-lethal use of force to be in policy.

D. Less-Lethal Use of Force

The BOPC noted that Officer A fired the TASER at Subject 1, and determined that this was a reasonable less-lethal use of force.

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

E. Use of Force

The BOPC determined that Officers A and B reasonably believed Subject 1 presented an immediate threat of serious bodily injury or death when the officers fired at Subject 1.

The BOPC found Officers A and B's lethal use of force to be in policy.