

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

OFFICER-INVOLVED SHOOTING – 113-05

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Foothill	12/25/2005		

Officer(s) Involved in Use of Force	Length of Service
Officer A	2 years, 10 months
Officer B	2 years, 5 months

Reason for Police Contact

Officers A and B responded to a call of a female with mental illness in possession of a handgun that may or may not have been real. When the officers located the female, she pointed the handgun at the officers, who fired several rounds in response.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Female, 43 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 12/05/06.

Incident Summary

Subject 1 called 9-1-1 claiming that a person living in an upstairs unit of her apartment complex had a gun. After communicating with Subject 1's mother, it was determined that Subject 1 suffered from a mental illness and was in possession of a gun, which may or may not have been a replica.

Officers A and B were assigned the call and determined that, given the nature of the call, Officer A would be armed with the TASER while Officer B would be equipped with a baton.

When the officers arrived at the apartment complex, Officer B parked the police vehicle in front of the complex so that he and his partner could seek cover behind their respective vehicle doors if needed. As the officers walked up the driveway of the apartment complex, several witnesses informed the officers that Subject 1 was in possession of a fake gun. Due to the crowd that had formed, Officer A requested that a back-up unit respond to their location while Officer B ordered the crowd to calm down.

Believing that Subject 1 could be in possession of an actual firearm, Officers B drew his service pistol and Officer A armed himself with a TASER. The officers began to search for Subject 1 and Officer A located her in the carport of the apartment complex. Subject 1 yelled to the officers that she had a real gun.

Officer A clipped the TASER to his utility belt and drew his service pistol. He could not see if Subject 1 was holding a weapon because a parked vehicle concealed her lower body and hand. Although no weapons were seen in Subject 1's possession, Officers A and B ordered Subject 1 to drop "it" several times. Subject 1 then moved behind a different vehicle and pointed a gun in Officer A's direction, causing Officer A to fire one round in her direction. When Subject 1 continued to track Officer A with her handgun, he fired two additional rounds while moving forward to assume a position of cover behind a parked vehicle.

Meanwhile, when Officer B observed Subject 1 point a gun in Officer A's direction, he also fired one round at Subject 1.

Both officers sought cover behind a parked vehicle, temporarily losing sight of Subject 1. Then, with their weapons drawn, the officers approached Subject 1 and noted that she was on the ground in a fetal position with her back towards them. Officer A observed a gun near Subject 1's body, kicked the gun aside, and handcuffed Subject 1's hands in front of her body.

Officer A requested a Rescue Ambulance (RA) for Subject 1. She was transported to a hospital and treated for a gunshot wound.

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

Basis for Findings

A. Tactics

The BOPC noted that Officer B parked the police vehicle in front of the radio call location. It would have been safer for him to park the vehicle a greater distance from the radio call location and approach on foot.

Officers A and B exited their police vehicle and approached witnesses in the driveway, and then proceeded down the driveway. It would have been safer for Officers A and B to take a position of cover away from the driveway, while directing witnesses to their location to obtain the pertinent information prior to approaching the apartment building. In addition, knowing that Subject 1 was mentally unstable and possibly armed with a gun, Officers A and B should have waited for the responding back-up unit before making their approach.

Officers A and B located Subject 1 in the apartment complex carport. Officer A issued commands to Subject 1 without using cover. Subject 1 then moved and pointed a handgun toward Officer A. Officer A fired one round at Subject 1 and observed the round to have no effect. At that point, Officer A fired two additional rounds at Subject 1 as he moved toward a position of cover. Subject 1 fell to the ground. Without communicating or having a view of Subject 1 or her handgun, Officers A and B left their positions of cover and advanced toward Subject 1. It would have been safer for the officers to maintain their cover, communicate and formulate a plan prior to making their approach.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that when Officers A and B walked down the driveway in search of a female armed with a gun, they had a reasonable belief that she may confront them and drew their service pistols.

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

C. Use of Force

Officers A and B located Subject 1 under a carport at the end of the driveway. Subject 1's lower body and hand were concealed behind a parked vehicle and were not visible to the officers. Officer A ordered Subject 1 to drop the unseen weapon several times; however, Subject 1 failed to comply. Instead, Subject 1 walked from the driver's side of the vehicle, around the front of the vehicle, and then pointed a handgun toward Officer A. Fearing she was going to shoot him, Officer A fired one round at Subject 1. Apparently unaffected, Subject 1 began to track Officer A with her handgun as he moved to a position of cover. Officer A, once again fearing she was going to shoot him, fired two additional rounds at Subject 1.

Meanwhile, Officer B observed Subject 1 produce a handgun and point it toward Officer A. Officer B fired one round at Subject 1.

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