

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

OFFICER-INVOLVED SHOOTING – 113-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Van Nuys	12/26/2006		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	14 years, 4 months

Reason for Police Contact

Officers A and B observed Subject 1 commit Vehicle Code violations and formed the opinion he may be driving under the influence. When Subject 1 failed to yield to the officers, they initiated a vehicle pursuit. At the conclusion of the pursuit, Subject 1 approached Officers A and B holding a metal object in his hands and did not comply with the officers' commands to stop. Officer A fired several rounds in response.

<u>Subject</u>	<u>Deceased (x)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Male, 45 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 BOPC 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 12/04/07.

Incident Summary

Officers A and B were assigned to a Driving Under the Influence (DUI) enforcement detail. The officers followed a vehicle with an inoperative rear brake light and observed that the driver was possibly not wearing a seatbelt. Wanting to stop the vehicle for these Vehicle Code violations, Officer A activated the overhead forward facing red light to initiate a traffic stop while Officer B requested a want/warrant check.

The driver of the vehicle (Subject 1) failed to yield and negotiated a turn onto a perpendicular street, prompting Officer A to activate the police vehicle's siren and overhead rotating emergency lights.

Officer B then advised Communications Division (CD) that they were following a vehicle for failing to yield and requested an airship and back up. The officers observed Subject 1 travel at low speeds and swerve back and forth between traffic lanes failing to yield. Officer B advised CD that they were now in pursuit of a possible DUI driver.

Officers C and D heard Officer B's broadcast and joined the pursuit as the secondary unit. Sergeant A also heard Officer B's broadcast and joined the pursuit as well. As the pursuit progressed, Officer B requested that a Pursuit Intervention Technique (PIT) qualified unit join the pursuit and Officers E and F joined the pursuit.

Sergeant A heard Officer B's request, advised him to not perform a PIT maneuver and requested that a Tire Deflation Device (TDD) be deployed. In response, Sergeants B and C deployed a TDD in the roadway in front of Subject 1's vehicle. Subject 1 drove over the TDD, but the officers were unsure if the tires deflated.

Officers G and H also heard the request for a TDD and deployed a second device in the roadway. Officer H observed all four of Subject 1's tires strike the TDD. Sergeants B and C also re-deployed their TDD. Subject 1 drove over the device, which deflated all four of his vehicle's tires.

Subject 1 stopped his vehicle, immediately exited his vehicle, and ran toward the officers while holding a chrome object in his hands with his hands at waist height. The object appeared to have a dark hollow center, which Officer A believed was the barrel of a gun. Officer A stopped the police vehicle without placing it in park, opened the driver's side door, and drew his service pistol while crouched behind the door with one foot still on the break pedal. When Subject 1 continued to advance toward Officer A, Officer A repeatedly instructed Subject 1 to "drop it." However, Subject 1 continued to advance. Officer A fired five rounds from his service pistol at Subject 1.

Officer B exited from the passenger side of the police vehicle and drew his service pistol. He observed Subject 1 run toward them while reaching toward his waistband and retrieving what appeared to him to be some kind of weapon.

Subject 1 fell onto the pavement and dropped the object he was holding. The officers then approached Subject 1 and took him into custody without further incident. A Rescue Ambulance (RA) was requested, arrived at the scene, and transported Subject 1 to the hospital, where he was subsequently pronounced dead.

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's tactics to be appropriate.

The BOPC found Officer 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 use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that, when Subject 1's vehicle became disabled, Officer A stopped the police vehicle, opened the driver's door, and placed his foot on the roadway. Officer A did not place the police vehicle transmission into park because the event was rapidly developing, requiring him to draw his service pistol to confront the perceived deadly threat that Subject 1 posed. Subject 1's actions were sudden and appeared to be violent, allowing Officer A very little time to react.

Ideally, the BOPC would have preferred that Officer A had placed the police vehicle into park prior to opening the vehicle door. Although the shooting position was not ideal, the spontaneity of the incident prevented Officer A from acquiring a more suitable position. Officer B appropriately broadcast the vehicle pursuit and used his vehicle door as cover as he identified the deadly threat.

The BOPC noted that Officer B was not wearing body armor.

The BOPC found Officer A's tactics to be appropriate.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that, due to Subject 1's actions of moving around in the cab of the vehicle and failing to stop during the pursuit, Officers A and B formed the opinion that Subject 1 may have been intoxicated. At the termination of the pursuit, Officers A and B observed Subject 1 open the driver's door and exit holding an object in his hand. Fearing an armed confrontation, Officers A and B drew their service pistols. The BOPC determined that Officers A and B had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC noted that at the termination of the pursuit, Officer A crouched behind the open driver's door with one foot on the roadway and the other maintaining pressure on the brake pedal. Subject 1 exited his vehicle and turned toward Officer A. Subject 1 then extended his hands/arms in front of his torso approximately waist high and ran toward Officer A. Subject 1 failed to comply with Officer A's instructions to stop and continued to run directly at Officer A.

As Subject 1 closed the distance, Officer A observed an object in his hand, which appeared to be metal. The object appeared to have a dark hollow center, which Officer A believed was the barrel of a gun. Officer A repeatedly shouted, "Drop it," but Subject 1 did not comply. In fear for his life, Officer A fired five rounds at Subject 1 causing Subject 1 to fall to the roadway.

The BOPC determined that Officer A reasonably believed that the suspect presented an immediate threat of serious bodily injury or death.

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