

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

OFFICER INVOLVED SHOOTING - 121-05

Division	Date	Duty-On (x) Off()	Uniform-Yes(x) No()
Rampart	12/31/2005		

Officer(s) Involved in Use of Force	Length of Service
Officer A	3 years, 7 months
Officer B	3 years, 2 months

Reason for Police Contact

Officers A and B were informed by Witness A that Subject 1 had pushed her against a wall, thrown her on a couch and held a handgun to her head. Witness A provided the officers with a location for Subject 1 and a description of Subject 1's vehicle. Officers A and B were driving to the location described by Witness A when they observed a vehicle matching the description of Subject 1's. After the vehicle pulled into a driveway, the occupant ran, produced a handgun and an officer-involved shooting ensued.

Subject	Deceased ()	Wounded ()	Non-Hit (x)
Subject 1: Male, 27 years.			

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, pertinent subject criminal history, and addenda items); the relevant 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 December 19, 2006.

Incident Summary

Uniformed Police Officers A and B responded to an unknown trouble radio broadcast. Upon arriving at that location, Officers A and B spoke with Witness A, who informed them that she and Subject 1 lived together and were dating each other. Witness A stated that she and Subject 1 got into an argument during which Subject 1 pushed her into a wall twice and then threw her onto a couch, causing her to fall to the ground.

Witness A stated that Subject 1 then retrieved a handgun from an unknown location and pointed it directly at her, making contact with her forehead. Subject 1 then said to Witness A, "See, this is the only way you shut up." Witness A ran into another room, picked up a phone, and dialed 911. Subject 1 followed Witness A and pulled the phone jack from the wall, disconnecting Witness A's call. Subject 1 then exited the residence and fled to an unknown location.

Witness A told Officers A and B that Subject 1 had family who lived in the area of a local intersection. Officers A and B made checks and discovered that Subject 1 had a address located close to the intersection described by Witness A. Witness A also told Officers A and B that Subject 1 what type of vehicle Subject 1 drove.

Officers A and B initiated an Assault with a Deadly Weapon (ADW) crime report based on what Witness A had told them. They then returned to the police station to complete their report, which they submitted to Sergeant A. Officers A and B told Sergeant A that they were going to drive the location provided by Witness A to see if they could locate the vehicle described to them by Witness A. They also informed Sergeant A that if they saw the vehicle, they would request a supervisor and an additional unit.

Officers A and B left the station in their marked police vehicle. Officer A was the driver and Officer B was the passenger. As they left the police station, Officer A asked Officer B what they would do if they came across the vehicle described to them by Witness A. Officer B told him they would request backup and make a radio broadcast indicating that they were following an ADW subject. Officer B also acknowledged that, as the passenger officer, he was responsible for radio communications.

As Officers A and B drove to the location, they noticed a vehicle turning in front of the officers' vehicle. Officer A recognized that the vehicle matched the description of Subject 1's and said to Officer B, "Hey, that's the vehicle. That's the vehicle."

Shortly thereafter, the vehicle turned left and stopped in a driveway. The driveway was enclosed by a tall chain-link gate that had slats woven through the links from top to bottom. Inside the fence, the driveway continued for approximately 105 feet.

Officer A stopped his police vehicle approximately five feet behind the vehicle. Officers A and B saw the male driver of the vehicle (later determined to be Subject 1) exit his vehicle. As Officer A put the police vehicle in park, he saw Subject 1 holding his waistband. Officers A and B both exited their police vehicle, leaving the engine running,

and Officer A drew his weapon and pointed it at Subject 1. Also around this time, while looking at Subject 1, Officer A noticed a shiny and/or silver object.

Officers A and B both saw Subject 1 look in their direction and then move toward the chain link gate. As Subject 1 arrived at the gate, Officer A yelled at him to stop and to put his hands up.

Officer A then saw Subject 1 look back in his direction one more time. Subject 1 then turned back toward the gate and opened it wide enough for one or two people to pass through.

Subject 1 went through the open gate and continued along the long driveway. Officers A and B both lost sight of him at this time. Officer A then moved in pursuit of Subject 1, followed by Officer B. As Officer A approached the location, he used his radio to request backup and to state that he was in pursuit of a man with a gun.

Officer A went through the gate, followed by Officer B, at which time both officers regained sight of Subject 1, who continued to run. Officer B then drew his weapon.

Around this time, Subject 1 turned back toward Officers A and B, raised his arm, and pointed it at the officers. Officers A and B both saw a flash and heard a gunshot. Officer A, who had been running with his weapon pointed at Subject 1, immediately began moving toward cover. As he did so, he fired one round at Subject 1. Officer B stopped where he was, dropped down to one knee and fired three rounds at Subject 1.

Subject 1 continued moving and he kept his arm pointed back at the officers. Just before reaching cover, and only about one half of a second after firing his first round, Officer A fired a second round at Subject 1.

Officer A then ducked down behind a tree. Officer B, after firing his three rounds, also moved and took cover behind a bush. Officer B broadcast a help call, indicating that shots had been fired and their location. Officer B also requested the response of a police helicopter and indicated the need to set up a perimeter.

Officers C and D responded in their police vehicle to Officer B's help call. Upon arriving at the scene, Officer C noticed some units already setting up a perimeter. Officer D, the driver, parked his police vehicle behind Officer A's.

Officer C exited the vehicle and drew his weapon. He then moved toward Officers A and B. Officer D also saw Officers A and B and followed Officer C toward them. Around this time an air unit responded to the scene, and Officer C communicated with it in order to set up a perimeter around the area.

Meanwhile, Officer D gathered information from Officer A about Subject 1's most recent actions and came to the conclusion that he might be barricaded somewhere in the vicinity. Officer D then returned to his vehicle, retrieved a slug shotgun, and came back to a position of cover near Officer A. Officer D held the slug shotgun in the low-ready position.

Around this time, Sergeants B and C arrived at the scene. Sergeant C located the officers who were inside of the chain link gate and, when he determined it was safe to do so, he took Officer A away from the residence. Meanwhile, Sergeant B approached Officer B and took him out as well. Sergeant B directed two officers to take up positions to replace Officers A and B in covering the area where Subject 1 was believed to be.

Officer A de-cocked his weapon at some point before exiting through the gate. Officer B de-cocked his weapon after he had stepped off of the property and moved out of Subject 1's potential line of fire.

With the perimeter contained, and the air unit orbiting above the scene, an officer heard a gunshot from the area where Subject 1 was believed to be located and broadcast this observation. Flight Officer A then observed what appeared to be Subject 1, lying on the ground.

Officers E, F, and G then approached Subject 1 and found that he was unconscious and bleeding. A handgun was lying on the ground nearby.

Officers C and D followed Officers E, F, and G. Officers C and D handcuffed Subject 1. After that, medical personnel from a rescue ambulance that had arrived at the scene were brought back to Subject 1's location in order to treat him for his injuries.

Subject 1 was transported to a hospital, where he was subsequently pronounced dead.

The County of Los Angeles Department of Coroner's Autopsy Report ascribed Subject 1's death to the gunshot wound to his head. No other gunshot wounds were noted in the report. The Coroner's report indicated that Subject 1's death was caused by a "self-inflicted contact 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 make specific findings in the following areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a pistol by any involved officer(s); the Use of Force by any involved officer(s) and any additional pertinent issues. All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve the 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 divisional training.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B responded to an unknown trouble radio call at a residence. The investigation revealed that Witness A and Subject 1 were involved in an argument. Subject 1 became angry, threw Witness A to the floor, and pointed a handgun at her forehead. Witness A provided the officers with Subject 1's physical description and advised them of the vehicle he drove. Witness A further stated that Subject 1's brother resided in the area.

Officers A and B completed the appropriate crime report and listed Subject 1 as the named subject. Furthermore, they advised their supervisor of their investigation and advised him that they were going to look in the area described by Witness A for Subject 1's vehicle. Officers A and B were driving when they observed a vehicle matching the description of Subject 1's vehicle. Officers A and B were behind the vehicle as Subject 1 negotiated a left turn into a driveway, stopped, and exited his vehicle. Officers A and B deployed outside of their police vehicle but did not advise Communications Division (CD) of their location and status with the subject.

It would have been prudent for Officers A and B to notify CD of their location prior to attempting to locate Subject 1's vehicle. This would have given them the benefit of having a known location for units to respond until they were able to provide a more specific location.

When Officers A and B exited the police vehicle, Officer A observed Subject 1 holding a shiny object in his waistband area; however, he did not communicate this observation to Officer B. Communication among partners is important for officer safety.

Officers A and B both issued verbal commands to Subject 1. Subject 1 ignored the officers' commands and opened the sliding gate. As Subject 1 ran through the open gate, Officers A and B momentarily lost sight of him. They were unable to see through the fence, as it consisted of a chain link with reinforced wooden slats. In an attempt to maintain sight of Subject 1, Officers A and B ran through the open gate with Officer A broadcasting that they were in foot pursuit and providing their location and direction of travel.

As Officers A and B ran after Subject 1, Subject 1 turned, extended his right arm, and fired a round at them. In immediate defense of their lives, Officer A fired two rounds and Officer B fired three rounds at Subject 1.

Subject 1 appeared to be unaffected by the rounds and continued to run out of sight. Officers A and B appropriately maintained positions of cover and waited for the response of additional units. It was determined that Officers A and B did not de-cock their weapons until they re-deployed to another location. It would have been safer to have de-cocked their service pistols after the immediate threat had ceased and an appropriate assessment was performed. The delay in de-cocking created circumstances wherein a negligent discharge was more likely to occur.

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

B. Drawing/Exhibiting/Holstering

As Officers A and B drove their police vehicle to the location provided by Witness A, they observed a vehicle exit an alley and proceed in front of them. The officers noted that the vehicle matched the description of Subject 1's vehicle and communicated their observations to one another. Subject 1 negotiated a left turn into a driveway, exited the vehicle, and held a shiny object in his waistband area. Officer A observed that Subject 1 was holding a shiny object in his waistband area, exited the police vehicle, and drew his service pistol. The BOPC determined that Officer A had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

Officer B exited the police vehicle and observed Subject 1 ignore their commands by continuing to flee on foot. As Officer B proceeded past the open gate, he observed Subject 1 continuing to run up the driveway. Officer B was aware that Subject 1 had committed a crime that involved the possession of a handgun and drew his service pistol with the reasonable belief that the incident could escalate to necessitate the use of lethal force. The BOPC determined that Officer B had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

Officer C began to respond to the scene when he heard the initial broadcast of the foot pursuit of a man with a gun. As he continued to respond, he heard the incident escalate to a "shots fired" and then an "officer needs help" call. Officer C exited the police

vehicle and drew his service pistol. The BOPC determined that Officer C had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary.

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

Officer D approached Officer A, confirmed that an officer-involved shooting had occurred and obtained the information regarding Subject 1's last known location. Officer D recognized the potential that Subject 1 may have barricaded himself in the garage at the end of the ascending driveway. Subsequently, Officer D retrieved his slug shotgun from his police vehicle and deployed it as he took a position of cover behind a tree. The BOPC determined that Officer D had sufficient information to reasonably believe that the situation may escalate to the point where deadly force may become necessary. Although the investigation did not determine whether Officer D actually loaded his slug shotgun with slug rounds, the circumstances of the incident met the criteria for its deployment.

The BOPC found Officer D's deployment of the slug shotgun to be in policy.

C. Use of Force

As Officers A and B ran up the driveway after Subject 1, Subject 1's back was facing the officers and his hands were concealed in front of his body. Subject 1 continued running, he turned his torso to his right, and extended his right arm toward the officers. Officers A and B heard a gunshot and observed a flash coming from the subject's position. Believing Subject 1 had fired a round and fearing for his safety, Officer A fired one round at Subject 1 from approximately 45 feet. Subject 1 appeared unaffected and continued running with his right arm still extended toward the officers. Believing Subject 1 may fire a second round, and fearing for his safety, Officer A fired a second round at Subject 1 from approximately 50 feet. The BOPC determined that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death. Simultaneously, believing that Subject 1 had fired a round and fearing for his safety, Officer B dropped to a kneeling position and fired three rounds in rapid succession from approximately 45 feet. The BOPC determined that Officer B reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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