

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

OFFICER-INVOLVED SHOOTING - 032-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
77 th Street	05/13/06		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer C	10 years, 8 months

Reason for Police Contact

Officers responded to a report of a group of armed gang members. Upon their arrival, officers observed eight to 10 individuals standing in front of a residence drinking and listening to music. As Officer C exited his vehicle he observed two males back away and separate themselves from the group. Officer C saw Subject 1 remove a handgun from his waistband. He also noticed Subject 2 reaching toward his waistband. Subject 1 and Subject 2 then both turned around and ran away from the officers. Subject 2 drew a handgun and pointed it at Officer C. In response, Officer C fired one round at Subject 2.

<u>Suspects</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 29 years.			
Subject 2: Male, 19 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 suspect 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 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 March 13, 2007.

Incident Summary

On the evening of May 13, 2006, Officers A and B responded to a call reporting the presence of armed gang members near an intersection. Officers A and B did not find any evidence of the gang members near that intersection, however, and they left. In the meantime, Police Officers C and D also decided to respond to the broadcast.

Officers C and D observed approximately eight to ten individuals standing, drinking, and listening to music in front of a residence. The officers communicated their observations to one another and decided to contact the group.

Officer D angled his police vehicle toward the group and began to come to a stop. Just before Officer D stopped the vehicle, Officer C slightly opened the passenger's side door in preparation to quickly exit the vehicle. As he did so, he observed two males (Subject 1 and Subject 2) start to back away and separate themselves from the group.

Holding his flashlight in his left hand, Officer C exited the vehicle as Officer D brought the vehicle to a stop. Meanwhile, Subject 1 and Subject 2 both backed up, away from the street, and moved along the driveway next to the residence. The subjects faced Officer C as they moved away from him.

Officer C pursued Subjects 1 and 2 on foot. As he did so, Officer C saw Subject 1 remove a handgun from his waistband. He also noticed Subject 2 reaching toward his waistband. Officer C then drew his weapon in response as he continued the pursuit. Officer C then yelled to Officer D, "Partner, gun." and he yelled to Subjects 1 and 2, "Stop. Put your hands up." Subjects 1 and 2 then both turned around, facing away from Officer C, and ran further along the driveway.

Officer D turned off the engine of his police vehicle and exited the vehicle. He then began to run after the subjects and his partner.

As he continued his pursuit, Officer C noticed that Subject 2 was still moving his right arm as if he was attempting to retrieve an object from his waistband.

Subject 1 then began turning toward Officer C. While aiming his pistol at Subject 1, Officer C observed Subject 2 turning toward him as well. Officer C also observed that Subject 2 had drawn a handgun and was pointing it in his direction. Officer C fired one round at Subject 2. Subject 2 screamed and threw his handgun away.

Subjects 1 and 2 then fell to the ground. Officer C commanded Subject 2 to stop moving and to show his hands. Subject 1 then rose to his feet and ran away.

Meanwhile, Officer D caught up to Officer C's location. Officer C informed Officer D that Subject 1 had fled the area. Officer C then holstered his weapon and placed Subject 2 into handcuffs.

Officer D broadcast a help call using his radio. Prior to doing so, Officer D ran to the front of the residence in order to verify the address where he and Officer C were located.

In response to these requests, a perimeter was established and officers from the Department's K-9 unit arrived at the scene to search for Subject 1. Operations South Bureau Gang Unit Officers E and F arrived at the scene around this time. Officer C directed Officers E and F to follow him back into the rear yard in order to locate the weapon that Subject 2 had thrown away. Upon seeing a handgun in the alley behind the residence, Officer C asked Officers E and F to stand guard over it.

Additional officers responded to the scene. Subject 1 was located and taken into custody without further incident.

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 C and D's tactics to warrant administrative disapproval.

B. Drawing/Exhibiting/ Holstering

The BOPC found Officers C and D's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

Overall, the BOPC was disappointed with the tactical decisions made by Officers C and D. The officers are experienced officers who have received a substantial amount of tactical training.

The BOPC noted that Officers C and D did not sufficiently discuss or prepare for potential tactical eventualities associated with their specific assignment. Officers C and D were not regularly assigned partners and needed to discuss applicable tactical considerations before engaging in field activities. This practice elevates performance and enhances the likelihood of making sound tactical decisions.

Officers C and D responded to a radio call of a gang group. The initial call stated that there were 40 gang members congregated with handguns in their waistbands. This type of call warrants consideration into requesting an air unit to assist in locating the group and providing a situation report to the officers. This information would have assisted Officers C and D in formulating an appropriate tactical plan. Additionally, consideration should have been given to advising Communications Division of their status in the area. This would have made nearby units aware of their location and created the circumstance wherein they could more rapidly respond if needed.

When driving to the scene, Officers C and D observed a group in front of a residence. Officer D positioned the police vehicle directly in front of the potentially armed group. It would have been tactically safer for the officers to stop prior to the group and deploy on foot after broadcasting their location and requesting an additional unit to respond.

The BOPC noted that it appears that Officer C acted independently when he immediately exited the police vehicle and pursued Subjects 1 and 2. Officer C did not communicate his intentions to Officer D. Additionally, Officers C and D ran past the remaining members of the group, who were also potentially armed and posed a viable threat to the officers. There was no tactical communication between Officers C and D to coordinate their actions to address the fleeing suspects and those that remained in the group.

After Officer C saw that the two suspects were armed with handguns, he continued to engage in the foot pursuit. Officers are not to engage in a foot pursuit of an armed suspect. Officer C should have moved with adequate cover and established a perimeter by directing responding units to specific perimeter positions. Additionally, Officer C ran with his service pistol in his hand, increasing the likelihood of a negligent discharge.

After the shooting occurred, Officer C approached Subject 2, de-cocked and holstered his service pistol and handcuffed Subject 2. It would have been tactically safer for Officer C to maintain the role of cover officer while Officer D approached and

handcuffed Subject 2. The BOPC also noted that Officer D was not sure if he had his service pistol drawn at the time Officer C approached Subject 2, essentially creating a circumstance in which no weapon was drawn to provide Officer C cover.

Officer D then ran to the front of the residence to confirm their location in order to broadcast a "help" call. The BOPC is concerned that the officers were unaware of their specific location and unable to provide responding units with an accurate location, potentially delaying a response in the event the circumstances did not provide the opportunity to confirm their location.

Officers E and F arrived in response to the "help" call. Officer C led Officers E and F to the alley behind the garage, where he observed Subject 2 throw his gun. Once the pistol was located in the alley, Officers E and F stood guard near the gun. Officers E and F remained until Sergeant A provided them with further direction to photograph the firearm and properly secure it in a police vehicle.

A tactically safer action would have been to continue perimeter integrity, keeping personnel out of the area that had not yet been cleared. Upon the arrival of the K-9 officers, they could more effectively conduct a search of the perimeter with a properly configured and equipped search team.

Finally, the BOPC noted that Officers C and D did not carry their batons on their equipment belt during the incident. The officers are reminded that batons are a significant equipment item to be carried at all times when conducting police activities.

The BOPC found Officers C and D's tactics to warrant administrative disapproval.

The BOPC found Officers E and F's tactics to warrant divisional training.

Drawing/Exhibiting/Holstering

Officers C and D heard a previous broadcast for a group of approximately 40 gang members with guns in their waistbands. The officers observed a group of eight to 10 possible gang members in the same general area and stopped to investigate. Subjects 1 and 2 separated from the group, which heightened the suspicion that they may be armed. Officer C exited the vehicle and observed Subjects 1 and 2 reach for their waistbands and remove handguns. Officer C believed the situation could escalate to necessitate the use of deadly force and drew his service pistol.

The BOPC determined that Officers C and D had sufficient information to believe that the situation had risen to the level where deadly force may become necessary. The BOPC found Officers C and D's drawing to be in policy.

Lethal Use of Force

As Officer C ran on the driveway after Subjects 1 and 2, they both turned and pointed their pistols at Officer C. Officer C focused his attention on Subject 2, as he continued to point his pistol at him. Officer C feared he was about to be shot and fired one round at Subject 2 to stop the deadly threat. Subject 2 dropped to the ground and was taken into custody without further incident.

The BOPC determined that Officer C reasonably believed that Subject 2 presented an immediate threat of serious bodily injury or death. The BOPC found Officer C's use of lethal force to be in policy.