

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

OFFICER-INVOLVED SHOOTING – 038-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes() No(X)</u>
Newton	4/16/08		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Detective A	14 years, 8 months

Reason for Police Contact

Detectives had responded to the location to serve a search warrant for a narcotics investigation. While sitting in an unmarked vehicle on an observation post in front of the location to be searched, Detective A was approached by Subject 1, who asked him where he was from. An officer-involved shooting (OIS) occurred when Subject 1 pointed a weapon at Detective A.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 18 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. Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on March 31, 2009.

Incident Summary

Detectives were preparing to serve a search warrant at a residence for a narcotics related investigation. A briefing was held to discuss assignments, the subjects involved and any possible narcotics and weapons at the location. Plainclothes Detectives A and B, each driving a plain vehicle, were assigned to observation posts (OP) and were

directed to drive directly to the search warrant location and monitor the residence to gather additional intelligence. Detective A was designated to monitor the rear of the residence from inside his vehicle. Detective B was designated to monitor the front of the residence from inside his vehicle. Uniformed Officers C and D driving a marked police vehicle were assigned as the OP's uniformed backup unit and were advised to park approximately two blocks away from the search warrant location and remain out of view.

As Detective B drove to the search warrant location, he observed two subjects standing in front of a liquor store, and recognized one as the primary subject. Detective B advised the rest of the unit that he had observed the subject and indicated he would monitor his activities. Detective B utilized his radio and directed Detective A to reposition his OP from the rear to somewhere west of the front of the search warrant location while he monitored the subject's activities.

Detective A drove his vehicle and stopped directly across the street from the search warrant location. As Detective A parked his vehicle, he observed a male, subsequently identified as subject 1, dressed in gang attire. Detective A and Subject 1 made eye contact and Subject 1 continued to stare at Detective A. Detective A reclined his driver's seat to conceal himself and then observed Subject 1 walk into one of the residences.

Detective A heard Detective B broadcast that the primary subject was walking toward the search warrant location with another male. From inside the vehicle, Detective A moved from the driver's seat to the rear passenger seat, obtained his binoculars and monitored the primary subject's actions. Detective A then heard a voice coming from the front of his vehicle asking him where he was from.

Detective A observed Subject 1 standing a few feet away from front of his vehicle, slightly offset towards the driver's side, holding a handgun in his front waistband with his right hand. Subject 1 then removed the handgun from his waistband and pointed it toward Detective A. In response, Detective A drew his pistol, pointed it at Subject 1 and fired six rounds through his front windshield. Detective A observed muzzle flash coming from Subject 1's pistol as they exchanged gunfire. Detective A observed Subject 1 go down and disappear out of view and believed that he was attempting to conceal himself in front of the vehicle.

Note: Six expended .380 caliber cartridge casings were recovered from the scene. Subject 1's handgun was not recovered during the subsequent investigation.

Believing that Subject 1 might come around behind the vehicle and shoot him, Detective A exited the vehicle and cleared the rear, the front and underneath the vehicle with negative results. Detective A scanned the area and observed Subject 1 running away.

Detective A broadcast an officer needs help call and Detective B responded to assist. Detective A secured his vehicle and got into Detective B's vehicle to search for Subject 1. Detectives A and B were unable to catch up to Subject 1, and last saw him

run through a driveway of a residence. As several units were arriving at the scene, Detective A directed the responding units to position themselves at specific locations and established a perimeter around the area.

A K-9 Unit arrived at the scene and searched for Subject 1, who was located hiding inside an attic of a detached converted garage located in a rear yard. Subject 1 was 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 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 Detectives A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Detective A's drawing to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. The detectives should have broadcast a Code-5 and stated plainclothes officers would be operating in the area.

It would have been safer for Detectives A or B to broadcast a Code Five in the area to prevent a patrol unit from becoming unnecessarily involved in the unfolding tactical situation.

2. Detective A remained stopped and parked too close to the documented search warrant location even after making eye contact with Subject 1.

After determining Subject 1 was a possible gang member and having made eye contact with him, Detective A should have realized he was parked too close to the target location and repositioned his vehicle in order to avoid a confrontation with local gang members or individuals associated with the search warrant target location.

Detective A's decision to remain at the location placed him at a tactical disadvantage. It would have been preferred that Detective A had chosen a more distant location in which to park his vehicle and that he would have moved to another position after Subject 1 began staring at him.

3. During the initial broadcast, Detective A did not provide either his own description or that of Subject 1.

Detective A was working in an undercover capacity while armed and had just fired his weapon. Although personnel assigned to the operation may have recognized him, uninvolved personnel responding to the incident might have mistaken him for the suspect. It is also important to provide responding officers with suspect information so that the suspect may be identified and apprehended.

4. Detectives A and B opted to follow Subject 1 as he fled rather than establishing a perimeter.

It would have been prudent for Detectives A and B to establish a perimeter with the nearby personnel rather than chasing after Subject 1.

The BOPC found Detectives A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

Subject 1 approached Detective A's vehicle and confronted Detective A while holding the grip of a handgun in his waistband. Detective A had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary and drew his service pistol.

The BOPC found Detective A's drawing to be in policy.

C. Lethal Use of Force

Detective A observed Subject 1 standing in front of his vehicle armed with a handgun and feared Subject 1 would shoot at him. Detective A fired six rounds at Subject 1.

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