

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

**OFFICER-INVOLVED SHOOTING – 056-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
North Hollywood	06/14/2007		

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

**Reason for Police Contact**

Officers stopped a vehicle regarding a traffic violation and outstanding warrant. An occupant of the vehicle ran from the stop and pointed a gun at Officer A, resulting in an officer-involved shooting.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
Subject 1: Male, 25 years.			

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate the 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 05/13/08.

**Incident Summary**

Officers A and B were driving together in a marked police vehicle when they observed a vehicle without any illuminated taillights in front of them. Officer B followed the vehicle while Officer A entered its license plate number into his Department computer and determined that there was an outstanding warrant associated with the vehicle.

Officers A and B followed the vehicle and verbally acknowledged to each other that they planned to conduct a vehicle stop. Officer B activated the police vehicle's overhead lights and observed the passenger's side door of the vehicle partially open. The vehicle then turned, and Officers A and B continued to follow it.

Shortly after the vehicle turned, it pulled over toward the curb. Officers A and B both observed the passenger's side door begin to open as the vehicle was coming to a stop, and they then observed the passenger (Subject 1) exit and look back in their direction. Officer A exited the police vehicle, took a position of cover behind the front passenger side door and drew his service pistol.

**Note:** Officer A observed that Subject 1's right hand was holding the handle of a gun that was partially hanging out of his right front pants pocket. Officer A indicated that he thought the gun was longer than a normal pistol, and that approximately six to seven inches of the gun was hanging out of Subject 1's pocket.

Officer B said that Subject 1 reached into his waistband with both hands and removed a gun as he exited the vehicle.

Officers A and B verbally notified each other that they had observed Subject 1 with a gun. After putting the police vehicle into park, Officer B exited, took a position of cover behind the front driver's side door and drew his service pistol. As Subject 1 began to run, Officer A ordered him to stop and drop the gun and Officer B ordered him to stop and put his hands up.

Subject 1 disregarded the commands and ran toward an apartment building in front of him. As Subject 1 approached the front gate of the building, Officer A lost sight of him.

While Subject 1 was at the front gate of the apartment building, Officer A heard the gate rattling. Officer A continued to issue verbal commands to Subject 1, telling him to "stop, come back." Meanwhile, Officer B kept his attention focused on the vehicle and the driver who remained inside. Suddenly, Subject 1 emerged from the front of the apartment building and began running toward Officers A and B. Officer A observed that Subject 1 held his gun in his right hand, swinging his right arm back and forth as he ran.

Subject 1 ran to the sidewalk. Officer A moved from behind his vehicle door and repositioned himself behind a minivan that was parked along the curb. Subject 1 continued running and Officer A stepped away from the van to avoid losing sight of him.

**Note:** Meanwhile, Officer B had observed that the driver of the vehicle, Subject 2, was holding both of her hands up. Officer B ordered Subject 2 to keep her hands up. Officer B then saw Subject 1 as he unsuccessfully attempted to open the front gate to the apartment building. Subject 1 turned away from the gate and ran back toward the sidewalk.

As soon as Officer A moved out from behind the minivan, Subject 1 turned his left shoulder toward Officer A and pointed the gun in his right hand at Officer A. In response to Subject 1's actions, and while still on the move, Officer A fired two rounds at Subject 1 from his service pistol. Officer A observed that Subject 1 remained upright

and that Subject 1's gun was still pointed in his direction. Officer A then fired a third round and observed Subject 1 fall to the ground on his stomach, drop his gun and place his hands out at his sides. Officer A advanced toward Subject 1 and ordered him not to move.

Officer A told Officer B to request a rescue ambulance. Officer B also broadcast a request for help, indicated that shots had been fired and gave his location. Officer B then looked back at Subject 2 and told her not to move. Moments later, additional officers responded and approached Officer A's position. Responding officers began to secure Subject 1 with handcuffs, and Officer A holstered his service pistol and assisted them. Officer A then posted one of the responding officers at the location where Subject 1's gun had landed.

Officer B ordered Subject 2 to exit the vehicle, and responding officers took her into custody without incident. Officer B then holstered his service pistol. Los Angeles Fire Department personnel arrived at the scene and treated Subject 1 for his injuries. Subject 1 was then transported to a nearby hospital for further treatment.

### **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 Officers 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. Lethal Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that, after observing Subject 2 commit a traffic violation, Officers A and B appropriately decided to take enforcement action and conduct a traffic stop; however, they did not notify Communications Division (CD) of their status and location. Officers are trained to advise CD when they conduct officer-initiated activities, making nearby units aware of their location and creating circumstances wherein they can respond more rapidly if needed. Upon recognizing that Subject 1 was armed with a handgun, Officers A and B should have broadcast a request for assistance or help and the response of an air unit. Utilizing adequate personnel in any rapidly unfolding tactical event is crucial and facilitates the likelihood of a safe and successful apprehension.

The BOPC further noted that Officers A and B simultaneously shouted commands at Subject 1. In a rapidly unfolding tactical situation, this can lead to confusion. One officer should have voiced commands to Subject 1 while the other officer assumed the role of the cover officer.

The BOPC determined that all appropriate threats were considered and properly addressed in the decision to take cover behind a parked van. The ability to maintain sight of the identified armed threat justified the inherent hazards presented by passing the subjects' vehicle. Officer B provided the necessary cover to negate the threat to Officer A from the remaining occupant, who remained seated in the vehicle with her hands in the air.

There is no indication that Officer A communicated his intentions to Officer B prior to leaving the cover of the police vehicle and repositioning himself behind the parked van. Officer B was forced to react quickly to Officer A's movement by repositioning himself. Officer A's lack of communication with Officer B regarding this tactical decision could have potentially left him and/or Officer B in a disadvantageous situation.

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

### **B. Drawing/Exhibiting/Holstering**

The BOPC noted that, as the vehicle was coming to a stop, Subject 1 exited the front passenger door and fled on foot. Officers A and B immediately exited their police vehicle. Believing that Subject 1 was armed and the situation could escalate to the point where deadly force may become necessary, Officers A and B drew their service weapons.

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. Lethal Use of Force**

The BOPC noted that Subject 1 ignored Officer A's commands and attempted to enter an apartment building through a security gate. After Subject 1 was unable to gain access through the locked security gate, he removed a handgun from his right pocket and began to run on the sidewalk. Subject 1 looked over his left shoulder and pointed the handgun at Officer A. In immediate defense of his life, Officer A fired two rounds. Officer A determined that Subject 1 continued to point the handgun at him and fired an additional two rounds.

The BOPC determined that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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