

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

**OFFICER-INVOLVED SHOOTING – 080-06**

<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>
Northeast	09/23/06		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	10 years, 2 months
Officer B	13 years, 1 months

**Reason for Police Contact**

Officers A and B responded to a radio call of a male with a gun. They located Subject 1, who matched the male's description. Subject 1 fled from the officers into a residential backyard. The officers engaged in a foot pursuit. Subject 1 turned toward Officer A holding an object Officer B believed to be a handgun. Officer B fired one round at Subject 1.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit (X)</u></b>
Subject 1: Male, 20 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 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 07/31/07.

**Incident Summary**

Officers A and B heard a radio call regarding a man with a gun near their location, and decided to respond. As they reached an intersection near the location of the call, they were flagged down by off-duty Detective A. Detective A had seen the armed subject and called 9-1-1, thereby generating the radio call. Detective A directed Officers A and B to the subject's last known location and he informed them that the subject was wearing dark clothing.

Officers A and B drove to the location as directed by Detective A. Officer B observed a male (Subject 1) who matched the description provided by Detective A. Subject 1 was walking away from the officers' location. Officer A used his radio to advise a Department air unit that had also responded to the radio call of their location and that they had located a possible suspect.

Officer B drove closer to Subject 1 and yelled at him to put his hands up. Subject 1 ignored the officers and kept walking away from them. Officer B again ordered Subject 1 to put his hands up, and Subject 1 again ignored the command. Officer B stopped the police vehicle and observed Subject 1 look over his shoulder at him and Officer A. Subject 1 then began to walk away from the officers more quickly, and Officer B observed that he was holding his waistband as he walked away. Officer A then exited the police vehicle, and Officer B observed that Subject 1 began to run away from the officers.

Officer A pursued Subject 1 on foot. Meanwhile, Officer B followed Officer A and Subject 1 in the police vehicle. Officer A continued to order Subject 1 to stop, and Subject 1 continued to ignore him. Officer B then accelerated past both Officer A and Subject 1 in an attempt to cut off Subject 1's movement. As he drove past, Officer B observed that Subject 1 was holding his waistband with both hands.

Subject 1 then turned and ran along the driveway of a residence. Officer A followed Subject 1 up the driveway while Officer B stopped the police vehicle in front of the residence at that address. Officer B then exited his vehicle and began to run up the driveway to join Officer A. Officer B drew his service pistol as he ran. Meanwhile, Officer A observed Subject 1 continue to run into the backyard behind the residence. Officer A used the corner of the residence as cover, and then maneuvered around the corner in order to maintain his view of Subject 1.

Officer A observed Subject 1 move toward a fence and unsuccessfully try to climb it. Subject 1 then moved into an enclosed corner of the backyard. As he did so, Officer A moved into the backyard toward the fence. Meanwhile, Officer B maneuvered around the corner of the residence in order to look into the backyard. Officer B followed Officer A's movement through the backyard.

Officer A repeatedly ordered Subject 1, who had his back to the officers, to get on the ground. Officer A also told Subject 1 to turn around. Meanwhile, Officer B ordered Subject 1 to put his hands up. Officer B saw that Subject 1 was still grabbing onto his waistband with both hands. Officer B's view of Subject 1 was partially obstructed by a picnic table located between himself and Subject 1.

Subject 1 suddenly spun around, turning toward Officer A. Officer B observed Subject 1 move his hands near his chest area, and he also observed an object in Subject 1's hand that he believed to be a handgun.

**Note:** According to Subject 1, he was holding his cellular telephone.

In response to his observations, Officer B fired one round at Subject 1. The round did not strike Subject 1. Subject 1 immediately put his hands up. Officer B noticed that Subject 1 no longer appeared to be holding anything. Officer A then ordered Subject 1 to get on the ground.

Officer B then broadcast that shots had been fired. Officer B re-holstered his service pistol after observing Subject 1 comply with Officer A's orders to get on the ground. Subject 1 had placed both of his hands underneath his chest when he got down on the ground, so Officer A ordered Subject 1 to put his hands out to his sides. Subject 1 complied, and Officers A and B approached Subject 1's position.

Officer A, who was covering Subject 1 with his service pistol, observed Subject 1 attempt to get up. In response, Officer A put his foot onto Subject 1's back near the shoulder areas and held Subject 1 down. Meanwhile, Officer B handcuffed Subject 1.

The officers then broadcast that the subject was in custody and Officer A re-holstered his service pistol.

A gun was subsequently recovered close to the location where Subject 1 was taken into custody.

### **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 formal 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 B's use of lethal force to be in policy.

### **D. Non-Lethal Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that, while en route to the call, Officer A demonstrated initiative by requesting an airship to respond to the call. Once the officers contacted the off-duty detective and obtained the armed subject's description and his location, it would have been tactically safer for the officers to have requested additional resources and utilized the air unit that was overhead. These additional resources would have provided them necessary personnel and force options to best resolve the incident. Additionally, Officers A and B did not broadcast their location over the area base frequency. Officers are trained to advise Communications Division (CD) of their location when they conduct field investigations. Lastly, the officers did not advise Detective A to standby at a safe location in the event additional information may be needed, or to facilitate any resulting investigation.

When they reached the location, Officer B observed Subject 1 walking on the parkway. According to Officer A, he had switched to simplex to communicate with the air unit. He stated he broadcast that they were with a possible suspect and broadcast his location. It would have been tactically safer to advise CD of their location as well as ensuring two-way communication between themselves and the air unit.

According to Officer B, he initially attempted to detain Subject 1 by issuing orders from inside the police vehicle. Attempting to detain a subject who was believed to be armed from inside the police vehicle placed both Officer A and Officer B in positions of disadvantage and unnecessarily increased the risk that they would be harmed if Subject 1 decided to turn around and shoot at them.

Officer B stopped the police vehicle behind Subject 1 as Officer A exited the police vehicle, drew his service pistol, stood behind the passenger door and ordered Subject 1 to stop and put his hands up. Subject 1 ignored the officers' commands and ran away from the officers. Officer A then elected to pursue Subject 1 on foot. Officer B opted to remain in the vehicle and parallel his partner, because he believed that he could not keep up with his partner on foot. Officer B stated that he had discussed foot pursuits with his partner in the past and, if his partner jumped out of the vehicle to pursue a person, he would jump out of the vehicle in order to stay together. This pre-planned tactic did not take place in this instance. Additionally, the BOPC was concerned that Officer A pursued Subject 1, whom he believed to be armed, without the benefit of cover.

As Officer A pursued Subject 1, he carried his service pistol in his hand at a low ready position. Officer A is reminded that running with a firearm in hand can increase an officer's chance of having an unintentional discharge. Officers should have their firearms holstered when involved in a foot pursuit.

In an effort to intercept Subject 1, Officer B accelerated the police vehicle past his partner and Subject 1, placing himself at a tactical disadvantage and creating a potential crossfire with his partner. Subject 1 ran into and along a residential driveway and toward the backyard of the property followed by the officers. As Subject 1 entered the rear yard of the residence, the BOPC would have preferred that the officers had given some additional consideration to containment versus apprehension. Again, had effective communication been established with the air unit, a "birds-eye-view" of the unfolding tactical incident would have resulted in a safer course of action.

Officers A and B tactically deployed to the backyard and regained a complete view of Subject 1 who was attempting to climb the fence on the property. The officers left their positions of cover and simultaneously gave commands to Subject 1. Officers are reminded that giving multiple commands may cause confusion on the part of the subject. Although the officers were well intentioned, they failed to exercise good judgement by leaving cover and placing themselves at a tactical disadvantage with a potentially armed subject.

After the officer-involved shooting occurred, Subject 1 complied with the officers' commands and was placed in a prone position. As Officer A approached Subject 1, he assumed a push-up position and began to push himself up. Still holding his service pistol at the low ready position, Officer A placed his foot on Subject 1's back and used his bodyweight to prevent him from moving, allowing Officer B to handcuff him. Officers are reminded that while attempting to control and handcuff a subject on the ground, they are not to step on the person's limbs, hands or back. Doing so may throw an officer off balance, will be viewed negatively by the public and may cause unnecessary injuries.

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

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

The BOPC noted that, upon observing Subject 1 walking on the parkway, Officer B stopped the police vehicle behind Subject 1 as Officer A exited the police vehicle. Given the information that Officers A and B had received from off-duty Detective A, paired with the fact that they were in a known gang area, Officer A drew his service pistol.

As Officer B pursued Subject 1 in the police vehicle, Subject 1 fled into a residential driveway. Officer B stopped the police vehicle, exited, and drew his service pistol as he followed Subject 1 up the driveway.

The BOPC determined that Officers A and B had sufficient information to believe the situation may escalate 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 Officers A and B deployed into the backyard and observed Subject 1 attempting to climb the fence on the property. Officer A ordered Subject 1 to stop and put his hands up. Subject 1 ignored Officer A's commands and ran along the fence, to the corner of a patio area. Subject 1 had both of his hands concealed in his front waistband area. Officers A and B had their service pistols in a low ready position and gave commands to Subject 1, who failed to comply. Subject 1 stood up and turned toward the officers holding an object in his right hand at mid-chest level that Officer B perceived to be a handgun. Officer B fired one round at Subject 1.

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

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

### **D. Non-Lethal Use of Force**

The BOPC noted that after the officer-involved shooting occurred, Subject 1 complied with the officers' commands and was placed in a prone position. Officer A approached Subject 1, who assumed a push-up position and began to push himself up. Still holding his gun at the low ready position, Officer A placed his foot on Subject 1's back and used his bodyweight to prevent him from moving, allowing Officer B to handcuff him.

The BOPC determined that Officer A applied reasonable force to overcome Subject 1's resistance.

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