

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

OFFICER-INVOLVED SHOOTING – 015-08

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Rampart	02/16/2008		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	7 years, 3 months

Reason for Police Contact

While searching for an attempted robbery suspect, Officers A and B observed Subject 1 pointing what they believed was a semiautomatic gun at a victim. Officer A fired one round at Subject 1.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Male, 22 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, 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 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. 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 01/20/09.

Incident Summary

While on patrol, Officers A and B reviewed their Mobile Data Terminal (MDT) for pending radio calls. Officer A observed that Communications Division (CD) had broadcasted an attempted robbery call in their area. The comments of the call described the suspect (Subject 1) and stated that the person reporting (PR) would be waiting for the officers to direct them to the suspect. The comments also stated that the PR was a Spanish speaker.

Officer A advised CD that they would handle the call and informed Officer B about the comments of the call. The officers proceeded to the location and met with the PR, Victim 1.

Officer B stopped the police vehicle in the middle of the street as Victim 1 approached the driver's side window. The officers remained seated in the police vehicle while Victim 1 spoke with Officer B in Spanish.

Victim 1 told Officer B that Subject 1 approached him and said that he wanted to take his money. Subject 1 had spoken to Victim 1 in Spanish. When Victim 1 refused to give him money, Subject 1 lifted his shirt and grabbed a black handgun from his waistband. Subject 1 then ran to an adjacent street.

Officer B translated Victim 1's comments for Officer A. The officers decided that, because Subject 1 had a gun and had just left the location, they would search for Subject 1. Officer B instructed Victim 1 to remain at the location. He then made a U-turn and proceeded around the block to begin his search.

The officers decided that Officer B would act as the contact officer because the suspect was most likely a Spanish speaker.

Officer A then observed a male matching Subject 1's description walking along the sidewalk of a cross street and informed Officer B. Officer B turned onto the cross street and observed Subject 1 standing on the sidewalk.

Officer B stopped the police vehicle in the roadway. Both officers exited the vehicle and drew their service pistols to the low-ready position because, from the information in the radio call and from Victim 1, they believed that Subject 1 was armed with a handgun.

As Officer A exited the vehicle, he observed Victim 2 running from the area. He then ordered Subject 1, in English, to raise his hands. Subject 1 raised his hand and pointed what Officer A believed to be semiautomatic handgun at Victim 2. Officer A ordered Subject 1, in English, to drop the gun.

Subject 1 did not comply with Officer A's orders and continued to point the handgun in Victim 2's direction. Officer A moved from behind the police vehicle's passenger door to behind the engine block of a parked car. As he moved, Officer A fired one round at Subject 1. Subject 1 fell to the sidewalk with the handgun partially concealed under his chest.

Meanwhile, after stopping the police vehicle and drawing his service pistol, Officer B moved behind the driver's side door of the police vehicle. Officer B ordered Subject 1 to put his hands up in Spanish.

Officer B then observed Subject 1 raise his hand and point what he believed to be a handgun in the direction of the three people standing on the corner. As Officer B raised

his service pistol to aim at Subject 1, he heard a shot that he believed came from Officer A's pistol.

Just prior to the shooting, Victims 2 and 3 were walking along the sidewalk and observed Subject 1 walking toward them. Subject 1 pulled out a gun from his waistband, extended his arm parallel to the ground and pointed the gun directly at Victims 2 and 3.

Victim 3 then observed a police vehicle stop next to Subject 1. As the officers commanded Subject 1 to put down the gun in English, Victim 3 crossed the street and took cover behind a fence. Victim 3 heard a gunshot and saw Subject 1 fall. Victim 2 remained on the sidewalk.

Officer A broadcast requested a Rescue Ambulance (RA) for Subject 1. Subject 1 was transported to the hospital where he was pronounced dead.

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 a tactical debrief.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. Officers A and B remained seated in the police vehicle as Victim 1 approached and initiated contact.

It would have been prudent for the officers to have exited their police vehicle and directed Victim 1 to the sidewalk before initiating contact with him.

2. Officers A and B did not conduct a preliminary crime broadcast.

It would have been prudent for Officers A and B to have provided the area officers with pertinent information relative to a crime that had just occurred.

3. Officers A and B did not advise CD of their status and location when they initially observed Subject 1.

It would have been prudent for Officers A and B, upon observing Subject 1, to have broadcast their location and direction of travel.

4. Officers A and B gave simultaneous commands to Subject 1.

It would have been prudent for the verbal directives to have been given by only one officer. In this instance, it would have been best accomplished by Officer B, because he was fluent in both English and Spanish.

The BOPC found Officers A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

Officers A and B observed Subject 1, whom they believed to be armed with a handgun, pointing the gun at two victims. Officers A and B had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary and drew their service pistols.

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

C. Use of Force

Officer A observed Subject 1, whom he believed to be armed with a handgun, pointing the gun at two victims. To protect the victims from the immediate threat of serious bodily injury or death, Officer A fired one round at Subject 1.

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