

**ABRIDGED SUMMARY OF AN OFFICER-INVOLVED SHOOTING AND FINDINGS  
BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

**OFFICER-INVOLVED SHOOTING – 019-08**

<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>
Van Nuys	02/27/08		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	12 years

**Reason for Police Contact**

A short pursuit of a vehicle that was believed to be stolen occurred. After the vehicle had stopped, Subject A exited the vehicle with black metal pole in his hands, which he pointed at officers while he approached them. At that time, an OIS occurred.

<b><u>The subject(s)</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Male, 25 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 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 February 10, 2009.

**Incident Summary**

Officers A and Officer B were each riding a marked police motorcycle and were working a crime suppression detail.

Officers A and B were positioned at an alleyway, monitoring traffic. Officer B observed that a passenger (Subject A) and the driver (Subject B) of a passing vehicle were not wearing seatbelts. Officer B advised Officer A that he wanted to conduct a vehicle stop.

Officers A and B exited the alleyway, activated their emergency lights and followed the vehicle. The officers observed that there were five occupants inside the vehicle.

The front seat passenger was subsequently identified as Subject C, the rear middle seat passenger as Subject D and the right rear seat passenger as Subject E.

Officer B requested that Communications Division (CD) conduct a want and warrant check on the vehicle's license plate. CD advised that there were no wants or warrants on the vehicle.

Subject B pulled his vehicle over to the curb of the street.

Officer A observed that the vehicle's brake lights were still activated, which indicated to him that the vehicle had not been turned off. Officer A used the Public Address (PA) system to direct Subject B to turn off his vehicle. After Subject B complied, the officers dismounted their motorcycles. Officer B approached the driver's side while Officer A approached the passenger's side of the vehicle.

From where he was positioned, Officer A attempted to get a view of everyone's hands. Officer A could see Subjects B, C and E's hands; however, he could not see Subjects A or D's hands because of a child safety seat that was on Subject D's lap.

Officer B approached Subject B, identified himself and explained that Subject B was being stopped for a seatbelt violation. Officer B asked Subject B for his driver's license. Subject B indicated that he had left his license at home. Officer B then asked Subject B if he had any other type of identification. Subject B retrieved his wallet, opened it and stated that he did not think he had any identification. Subject B then dropped his wallet and, as he leaned forward to pick his wallet up, started the vehicle and began to drive away. Officer B did not observe a key in the vehicle's ignition when Subject B started the vehicle, which led him to believe that the vehicle was possibly stolen. Officer B ordered Subject B to stop the vehicle; however, Subject B continued to drive away. Officers A and B returned to their motorcycles and went in pursuit of the vehicle.

According to Officer A, Subject B was driving approximately 40 miles per hour (mph) with the vehicle's lights off. Subject B also drove in the opposite lane to pass vehicles that were ahead of him.

A moment after the pursuit started Officer B broadcast via CD that he was in pursuit of a possible stolen vehicle. Officer A utilized his PA system and advised Officer B that he would take over the broadcasting to Communications Division.

As Subject B's vehicle approached the upcoming intersection, Subject B slowed down because of traffic and a red tri-signal. When Subject B's vehicle stopped, Officer A observed the right rear passenger door open and Subject E's right foot stepping on the ground. However, Subject E immediately placed his foot back inside the vehicle and closed the door.

Officer B observed the left rear passenger door open and Subject A exit the vehicle holding a black object. Subject A turned to face Officer B and started to approach him. The front end of the object, which Officer B believed was a metal pipe, was pointed toward Officer B.

Officer B directed Subject A to get back inside the car. Subject A looked at Officer B and continued to approach him. Officer B directed Subject A to get down. Meanwhile, the vehicle moved forward to the right turn lane.

Officer B believed that Subject A was about to strike him with the pipe. In response, Officer B drove his motorcycle toward Subject A, struck him head on with the front of his motorcycle and dragged him several feet forward. Officer B believed that this was his only option since he did not have enough time to unholster his pistol, given that Subject A had already closed the distance between them.

Meanwhile, Officer A observed the left rear passenger door open abruptly and Subject A exit the vehicle with what Officer A believed to be an assault rifle in his hands. Officer A believed that Subject A was going to kill Officer B and in response, Officer A dismounted his motorcycle, dropping it to the ground, and unholstered his pistol. At the same time, Officer A observed Officer B pushing Subject A with his motorcycle.

Officer A fired four consecutive rounds at Subject A. The rounds struck Subject A and Officer A observed Subject A fall to the ground on his back. Officer A then saw the vehicle that Subject A had just exited negotiating a right turn onto a nearby street. Believing the occupants in the vehicle still posed a threat, Officer A pointed his pistol at the vehicle and moved up toward the intersection to maintain visual contact with the vehicle as it drove away.

The black object held by Subject A was subsequently identified as a black microphone stand with a collapsed tripod base.

Immediately after the officer-involved shooting, Officer A broadcast that he needed help, that shots had been fired, that the vehicle was fleeing the location, and that they needed a Rescue Ambulance. In addition, Officer A requested two units to his location and two additional units to pursue the vehicle that had fled the scene. Shortly thereafter, Officer A realized that he had broadcast an incorrect direction of travel and then broadcast the correct direction.

The Air Unit advised that they were en route to the location.

Meanwhile, Officer B dismounted his motorcycle, approached Subject A and observed that the black object was near Subject A, making contact with his body. Officer B picked up the object and moved it away from Subject A.

Shortly thereafter, responding units and the Air Unit arrived at the scene and established a perimeter. Officer C, who had responded to the scene, handcuffed

Subject A's hands in front of his torso to avoid moving Subject A. The Los Angeles Fire Department (LAFD) received the alarm and responded to the scene. LAFD personnel subsequently determined Subject A to be 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 while 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 Officer A and B's tactics to warrant a Tactical Debrief.

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

The BOPC found Officer A's drawing and exhibiting to be in policy.

#### **C. Lethal Use of Force**

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

### **Board of Police Commissioners Analysis**

#### **Tactics**

In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Subject A was handcuffed with his hands in front of his torso. Although the training guidelines related to handcuffing suggest that an arrestee should be handcuffed with their hands behind their back, Officer C saw that Subject A was incapacitated and bleeding from the face and he did not want to move Subject A in order to prevent further injury. Officer C's decision to handcuff Subject A's hands in front of his body was reasonable under these circumstances.

## **Drawing/Exhibition/Holstering**

The BOPC evaluated the circumstances relevant to Officer A drawing and exhibiting and determined that he had sufficient information to reasonably believe that the situation had escalated to the point where deadly force may become necessary.

## **Lethal Use of Force**

Officer B observed the subject exit the vehicle with what Officer B perceived to be a black metal pipe. Officer B issued verbal commands in an attempt to gain the compliance of the subject; however, the subject looked at Officer B and began to approach him. Officer B believed that the subject would “bludgeon” him with the pipe. Given that the subject had already closed the distance between them, Officer B believed he did not have enough time to unholster his pistol and instead drove his motorcycle into the subject to prevent him from causing serious bodily injury by assaulting him with the object. As such, the BOPC found Officer B’s use of force to be in policy.

Officer A observed the subject exit the vehicle with what he perceived to be an assault rifle. Officer A believed that the subject was about to use the rifle to kill Officer B. In response, Officer A dropped his motorcycle, unholstered his pistol and fired four consecutive rounds at the subject to protect Officer B from an immediate threat of death or serious bodily injury.

The BOPC noted that, although the black object in the subject’s possession was later determined to be a microphone stand, given its length, diameter and overall appearance, in concert with the way it was held by the subject, it was reasonable for Officer A to perceive the object to be a firearm in the moments when the OIS occurred. As such, the BOPC found Officer A’s use of force to be in policy.