

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

OFFICER INVOLVED SHOOTING – 022-08

Division	Date	Duty-On (X) Off ()	Uniform- Yes (X) No ()
Northeast	02/29/2008		

Officer(s) Involved in Use of Force	Length of Service
Officer A	9 years, 6 months

Reason for Police Contact

Officers went in foot pursuit of Subject 1. When Officer A chased Subject 1 into the backyard of a residence, Subject 1 turned and pointed a handgun at Officer A. Officer A fired rounds at Subject 1, striking him.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Male, 22 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 02/17/09.

Incident Summary

Officers A, B and C were assigned to monitor an area due to on-going gang conflicts. Officer C drove a police vehicle equipped with a forward facing red light and a siren. Officer A was seated in the front passenger seat and Officer B was seated in the rear seat behind Officer A.

While driving, the officers observed Subjects 1 and 2 standing to the rear of a truck parked on the street. Officer B observed tattoos on Subject 1's arms which resembled gang tattoos.

The officers decided to initiate a consensual encounter with Subjects 1 and 2 in an attempt to ascertain if they were gang members and to learn of any recent gang activity in the neighborhood.

As Officer C stopped the vehicle, Officer A attempted to speak to Subjects 1 and 2. As the officers exited the police vehicle, Subject 1 began to run down the sidewalk. When Subject 1 started to run, Officer A observed Subject 1 move his hand to the waistband of his pants and believed Subject 1 might have contraband or a weapon concealed in his waistband.

Officer A then pursued Subject 1 on foot. Officer B exited the vehicle to assist Officer A; however, Subject 2 stepped in front of Officer B, blocking his path. Officer B conducted a quick search of Subject 2's waistband area for weapons, then pushed him aside in order to assist Officer A.

Officer A yelled at Subject 1 to stop; however, Subject 1 did not comply and continued to run.

As Officer A pursued Subject 1, he observed Subject 1 repeatedly partially remove an object from his waistband, then return it as he ran. As Subject 1 approached the driveway of a residence, he turned and ran down the driveway. As Officer A chased Subject 1 down the driveway toward the backyard of the residence, Officer A observed a handgun in Subject 1's hand. Officer A then drew his pistol.

As Officer A followed Subject 1 into the backyard area of the residence, Subject 1 looked back over his shoulder, brought the handgun up, and pointed it at Officer A. Officer A then fired two rounds at Subject 1 and Subject 1 then fell to the ground. Officer A observed that Subject 1 still had the gun in his hand. Subject 1 looked up at Officer A. Because it appeared that Subject 1 was going to try to shoot at Officer A, Officer A then fired one more round at Subject 1. Subject 1 then threw the handgun over the backyard wall and laid face-down on the ground.

Meanwhile, Officer B attempted to catch up to Officer A as Officer C drove the vehicle and paralleled the foot pursuit. Officer C stopped the vehicle in front of the driveway of the residence in order to observe where Subject 1 might run.

As Officer B approached the driveway, he heard two to three gunshots; however, he did not know if Officer A or Subject 1 fired the shots. Officer B drew his pistol as he entered the backyard. Officer B observed Officer A with his pistol pointed at Subject 1, who was lying on the ground. Officer B alerted Officer A that he (Officer B) was

on his left side. Officer B then proceeded to handcuff Subject 1 while Officer A covered him.

Personnel from the Los Angeles Fire Department responded and administered emergency medical treatment to Subject 1 for two gunshot wounds. Subject 1 was transported by Rescue Ambulance to a hospital, where he was subsequently 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, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Non-Lethal Use of Force

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

D. Lethal use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. Officers A, B, and C did not advise Communications Division (CD) of their status and location. The officers should have advised CD of their status and location as soon as the decision was made to initiate contact with Subjects 1 and 2.
2. Officer A ran past an unsearched suspect (Subject 2) when he went in foot pursuit of Subject 1. It would have been prudent for Officer A to broadcast Subject 1's description and direction of travel and attempt to set up a perimeter. This would have allowed Officer A to remain with Officer B and conduct a pat down search of Subject 2, who he believed was a gang member and likely to be armed.
3. Officer A chased a suspect on foot that he believed to be armed. The BOPC evaluated the foot pursuit and determined that the officers were forced to make a "split-second decision" as to whether or not to pursue Subject 1. The officers utilized their training and experience as gang officers to anticipate the suspect's actions and the BOPC was comfortable with their decision to give chase under these circumstances.
4. Officers A and B temporarily separated during the foot pursuit of Subject 1. Prior to going out in the field that day, Officers A, B, and C discussed foot pursuit tactics and areas of responsibility during a foot pursuit. Officer B showed good judgment and flexibility when he was confronted with the split-second decision to stop and conduct a pat down search of Subject 2 for weapons, prior to joining the foot pursuit. The search of Subject 2 helped to ensure that they were not exposed to potential dangers from behind as the foot pursuit progressed. This decision is what precipitated the unintentional separation between Officers A and B. Under these circumstances, the officers' actions were appropriate.
5. Officers A, B and C did not broadcast that they were in foot pursuit or request additional resources until after the OIS. It would have been tactically prudent for the officers to broadcast that they were involved in a foot pursuit, Subject 1's description and his direction of travel. Additionally, the officers should have requested back-up or assistance, which would have alerted nearby units of the unfolding tactical situation.
6. Officer A drew his weapon while running after the subject. Although officers are discouraged from running with their service pistols drawn, the BOPC determined that under these circumstances, it was reasonable for Officer A to have done so. This decision was based on the suspect being armed with a handgun and Officer A's reasonable belief that the situation may escalate to the use of deadly force.

B. Drawing/Exhibiting

The BOPC evaluated the circumstances relevant to Officers A and B's drawing and exhibiting and determined that they had sufficient information to reasonably believe that the situation may escalate to the point where deadly force may become necessary.

C. Non-Lethal Use of Force

The BOPC evaluated the circumstances relevant to Officer B's non-lethal use of force and has determined that the force used by Officer B to move Subject 2 out of his way was reasonable based on the circumstances.

D. Lethal Use of Force

As Officer A pursued Subject 1, he observed Subject 1 draw a handgun from his waistband. As Subject 1 continued to run, he pointed the handgun back toward Officer A. Officer A, believing he was about to be shot and in fear for the safety of himself and his partners, fired two rounds from his pistol at Subject 1. After Subject 1 fell to the ground, Subject 1 still held the handgun in his hand. As Subject 1 turned to look at Officer A, he looked like he was moving the handgun toward Officer A. Officer A feared that Subject 1 was going to shoot him, so he fired a third round at Subject 1.

The use of force reasonably appeared necessary to protect Officer A and his partners from the immediate threat of death or serious bodily injury presented by Subject 1's actions.