

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

**OFFICER-INVOLVED SHOOTING – 027-08**

<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>
Hollenbeck	03/12/08		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	12 years, 10 months
Officer I	4 years, 8 months

**Reason for Police Contact**

Uniformed Officers were at a housing development to enforce a gang injunction against members of a street gang. During the operation, a male armed with gun appeared, which resulted in an officer involved shooting incident.

<b><u>Subject(s)</u></b>	<b><u>Deceased (x)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Subject: Male, 21 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 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.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on February 24, 2009.

**Incident Summary**

Uniformed Officers A, B, C, D, E, F, G, H, and I were at a housing development to enforce a gang injunction against members of a street gang.

The officers met at a location and Officer B briefed them about their assignments, which consisted of having officers deployed on foot and in police vehicles at various locations around the development. Each unit was to have one radio set to the base frequency and one radio set to the simplex frequency. The officers drove to their designated locations and advised each other when they were in position. Officer C advised Communication Division (CD) via his police vehicle's Mobile Digital Computer that he was conducting an investigation at the housing development.

Officers B and F entered the housing development, and Officer B observed a male, youthful in appearance not wearing a helmet and riding his bicycle on the wrong side of the street. When the male saw the officers, he dropped his bicycle to the ground and ran eastbound. Officers B and F chased the male and caught up with him. Officer B advised the other units that a male had attempted to run from them, but he was now in custody. Officer F handcuffed the male and proceeded to complete a citation. As this was occurring, Officer B observed another male, subsequently identified as the Subject, approximately 200 feet away, riding his bicycle eastbound. Based on the Subject's appearance, Officer B believed the Subject was a gang member. Officer B was aware that there were officers positioned east of the housing development, so Officer B broadcast on the simplex frequency that a gang member on a bicycle was going eastbound toward the bungalows.

Officers A, C and I heard Officer B's broadcast and realized that the Subject was approaching their direction. Officer A advised Officers C and I and told them to hug a wall so that the Subject would not be able to see them. Officer A positioned himself on the southeast corner of a two-story multi-unit apartment building, located just north of the bungalows. Officers A and I occasionally peeked from their respective positions to determine the Subject's location without giving away their own locations. Officer A used hand signals to inform Officers C and I that the Subject was getting closer. The Subject saw Officer A as he stepped away from the apartment building into the Subject's view. The Subject attempted to jump off his bicycle and run, but fell forward in the process. Officer I immediately left his position and moved toward the Subject to detain him. As Officer I approached the Subject, Officer I slipped on the ground next to the Subject. As the Subject struggled to get up, he held onto his waistband area. Officer I then observed the Subject remove a pistol from his waistband with his right hand as he ran southbound between bungalows, toward a ramp that led to the door of a specific bungalow. Officer I yelled that the Subject had a gun, and as he got up, unholstered his pistol. Officer I ran after the Subject and as he reached the northwest end of bungalows, he observed the Subject turning his body to the right as he continued running and extended his right arm, raising his pistol toward Officer I's direction. Believing the Subject was about to shoot him, Officer I raised his pistol, aimed for the Subject's back, and fired four rounds from a distance of approximately 11 feet, striking the Subject. As Officer I fired his weapon, he observed the Subject throw his pistol over one of the bungalows. The Subject then fell forward on the ramp and placed his arms out to his sides.

According to Witness 1, one officer tackled the Subject, but the officer fell to the ground, and the Subject managed to slip away and run.

The officer then pushed the Subject between the bungalows where Witness 1 lost sight of the Subject and the officers. Approximately 10 to 20 seconds later, Witness 1 heard three gunshots. According to Witness 2 (who was with Witness 1), one or two officers pushed the Subject off his bicycle towards bungalows and it appeared that the Subject was about to fall, but he managed to hold himself up with his hands and run. The officers ran after the Subject, stopped and shot him. The Subject was no longer in Witness 2's view when he was shot.

Meanwhile, when Officer A conducted a final peek from the side of the apartment building, he observed the Subject and Officer I falling to the ground. Officer A could not determine what caused them to fall. Officer A observed the Subject tumble on the ground and immediately get up. The Subject then ran southbound toward the bungalows. Officer A left his position at the southeast corner of the apartment building and moved toward the bungalows. Officer A then observed the Subject turn to his left and point a chrome pistol at Officer I. From his peripheral vision, Officer A believed that Officer I was still on the floor. Officer A saw that the Subject's arm was straight and he observed the Subject's pistol make a movement, but he did not see a flash or hear anything. Officer A believed that the Subject had fired his gun at Officer I. Officer A drew his pistol and fired seven rounds, aiming for the Subject's right torso from a distance of approximately 12 feet. Officer A observed the Subject turn away in a counterclockwise direction facing south and throw the pistol over the roof of one of the bungalows. Officer A then took a position of cover on the northwest corner of the bungalow. The Subject took a few steps forward and then went into a prone position on his own. No physical evidence was recovered to indicate that the Subject actually fired any rounds at the officers. Officer A broadcast that shots had been fired and a help call. Officer A asked the Subject if he was hurt and if he needed help, but the Subject did not respond.

According to Officer C, he peeked from his position on the northeast corner of one of the bungalows and observed the Subject coming toward the officers on his bicycle. When Officer I came into the Subject's view, the Subject dumped the bicycle and ran southbound toward two of the bungalows. Officer I ran after the Subject but tripped as he was doing so. Officer C repositioned himself on the northwest corner of one of the bungalows and looked south, in case the Subject would run east after reaching the end of the bungalows. Officer C heard Officers A and I yelling and then heard approximately six gunshots in rapid succession. Officer C unholstered his pistol, moved toward Officers A and I's location and observed the Subject lying on the ramp, face down.

Officers G and H reported that they observed the Subject riding his bike eastbound toward the bungalow area. Officer H drove into a parking lot located north of the bungalows. As Officers G and H were getting out of their vehicle, they heard five to ten gunshots. Then they heard an officer needs help broadcast and proceeded on foot to the bungalow area to investigate.

Officers E and D were on the north side of the housing development when they heard Officer B's broadcast. Shortly thereafter, Officers D and E heard five to six gunshots, followed by an officer needs help broadcast.

Officers D and E ran to the location where they heard the gunshots and observed Officer A motioning for them to come over to his location. Officers D and E responded and observed the Subject lying face down. Officers A, D, E and I discussed forming an arrest team. It was decided that Officers A and I would act as the cover officers and train their pistols at the Subject while Officers Officer D and E would handcuffed the Subject. Officers A, D, E and I approached the Subject and handcuffed him without incident. Officer E conducted a pat down for weapons with negative results. After the Subject was handcuffed, Officers A, C and I holstered their pistols.

Officer A requested a rescue ambulance (RA) for the Subject, not conscious, not breathing, suffering from a gunshot wound and for 10 additional units to secure the area because of the large crowd forming. Officer I began to search for the Subject's pistol, and Officer I had Officer E step on his shoulders so that he could check if the gun was on the roof of a bungalow, but the gun was not there. Officer I then walked further south and observed the Subject's pistol lying on the grass southeast of the bungalow. Officer I left the handgun in its place.

Sergeant A was monitoring the radio and heard Officer A's broadcast for help. Upon his arrival at the scene, Sergeant A spoke with the officers to determine what occurred and ensured that a rescue ambulance (RA) had been requested. Shortly thereafter, additional officers and supervisors began to arrive at the scene. Sergeant B arrived, followed shortly thereafter by Sergeant C. Sergeant B obtained a public safety statement from Officer A. Sergeant C walked southeast behind the bungalows where Officer I was positioned guarding the Subject's pistol, along with Officer G. Sergeant C separated Officer I and obtained a public safety statement from him.

LAFD personnel arrived and requested that the Subject's handcuffs be removed so they could conduct a medical assessment. Police Officer J complied with their request and removed the handcuffs. LAFD personnel observed that the Subject was unconscious, did not have a pulse, and was not breathing so they initiated CPR. LAFD transported the Subject to the 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 that Officers A, B, C, D, E, and I's tactics warranted a Tactical Debrief.

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

The BOPC found that Officers A, C and I's Drawing/ Exhibiting to be in policy.

During the Use of Force Review Board (UOFRB), an additional officer was identified as drawing his service pistol, subsequent to the OIS, however, he was not significantly involved and therefore does not require a finding.

## **C. Use of Force**

The BOPC found that Officers A and I's use of force was in policy.

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that the tactical debriefing shall include the following topics:

- Tactical Communication
- Tactical Planning –Using Cover
- Pedestrian stops
- Use of Deadly Force
- Radio Communication

The investigation also revealed Officer I's handheld radio was not working properly and he had switched it with Officer A prior to conducting the search. This left Officer A with a radio that was not working properly. The officers should be reminded of the importance of having equipment that functions properly.

### **B. Drawing/Exhibition/Holstering**

The BOPC evaluated the circumstances relevant to Officers C and I'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. Use of Force**

The BOPC evaluated the circumstances relevant to Officers A and I's use of force. The BOPC determined that Officers A and I's use of force was objectively reasonable to protect themselves from the immediate threat of serious bodily injury or death.