

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

OFFICER-INVOLVED SHOOTING – 031-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southwest	03/15/08		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 years, 8 months
Officer B	4 years, 9 months

Reason for Police Contact

Officers were driving in their police vehicle when they observed a subject shooting at a victim who was on the sidewalk. The Subject fled the location and hid, but was subsequently located by the officers, who became involved in an officer-involved shooting with the Subject.

<u>Subject (s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Male, 21 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 (UOFRB) recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 either male or female employees.

The following incident was adjudicated by the BOPC on January 27, 2009.

Incident Summary

Officers A (driver) and B (passenger) were traveling in a hybrid police vehicle when they heard a gunshot east of their location and believed that they were possibly being ambushed. Officer A conducted a U-turn and slowly drove northbound and observed a group of three to five individuals standing on the sidewalk.

Officers A and B observed a male, subsequently identified as the Subject, point an object toward another male, subsequently identified as Witness A, who was standing in front of him. Officers A and B saw a muzzle flash coming from the object. The officers observed Witness A fall to the ground. The Subject proceeded to run northbound on the sidewalk. Officer A accelerated his vehicle northbound. As the police vehicle got closer, the officers lost sight of the Subject as he ducked between a van and a car that was parked on the street. Officer A stopped the police vehicle just a few feet away from the parked car. Officer B requested a back-up via Communications Division (CD) for a man with a gun.

Officers A and B exited their vehicle and unholstered their pistols. Officer B deployed his flashlight and the officers moved toward the parked car, which was the last location they had seen the Subject.

Officer B looked further south and observed Witness A on the ground with several people standing around him pointing toward the parked vehicles near the officers. Officer B looked underneath the parked car and saw the Subject underneath the vehicle with both feet sticking out toward the rear of the vehicle. Officer B began to move back to look for cover and advised Officer A that the Subject was underneath the car. Officer A looked underneath the parked vehicle and observed the Subject's right shoulder and arm area. The Subject was facedown with his head facing north. Officers A and B ordered the Subject to show them his hands and the Subject did so. Officer A saw a pistol in the Subject's right hand come up from off the ground. The Subject then pointed the pistol in the officers' direction. Officer A believed that he and Officer B were about to be shot and fired one round from his pistol at the Subject.

At the same time, Officer B observed the Subject's right arm and then saw a pistol in his right hand moving toward their direction. Fearing for his life, Officer B fired one round at the Subject.

The Subject screamed and dropped the pistol next to his body while still underneath the car. Officers A and B ordered the Subject to come out from underneath the vehicle and the Subject crawled out backwards and stood up with his hands up. Officer A directed the Subject to lie face-down on the sidewalk and he complied.

Officer B covered the Subject while Officer A approached and handcuffed him. Officer B advised CD that shots had been fired and all officers were accounted for. Officer B requested a back-up unit and medical treatment for Witness A.

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

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

C. Lethal Use of Force

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

Basis for Findings

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

Tactics

1. Officers A and B did not advise Communications Division (CD) of their status and location.

Prior to driving toward the origin of the threat, it would have been tactically prudent for Officers B and A to broadcast their status and location. Officers are trained to advise CD of their status when they conduct officer-initiated activities, making nearby units aware of their location and creating a circumstance wherein they can respond more rapidly, if needed.

2. Officer A drove past an armed subject.

This was a rapidly developing situation during which the officers were forced to make split-second decisions. Although driving past the Subject may have exposed the officers to greater danger, the act was unintentional.

3. Officers A and B left their positions of cover by their police vehicle, thereby exposing themselves.

Officers A and B left their position of cover behind their police vehicle as they closed the distance between themselves and the Subject's last known location. The officers' actions may have left them vulnerable to an attack as there was no cover available on the sidewalk because their close proximity to the Subject reduced the

amount of time they had to react to the threat; however, their decision to leave cover was objectively reasonable given the dynamic situation that they were confronted with.

The BOPC found that the tactics utilized by Officers A and B warranted a Tactical Debrief.

Drawing/Exhibiting

The BOPC evaluated the circumstances relevant to Officer 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.

The BOPC found that the drawing/exhibiting/holstering by Officers A and B was in policy.

Lethal Use of Force

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

The BOPC found that the use of lethal force by Officers A and B was in policy.