

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

**OFFICER-INVOLVED SHOOTING – 033-08**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No( )</b>
Harbor	04/02/2008		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer C	6 years
Officer D	5 years, 1 month
Officer E	5 years, 8 months
Officer F	5 years, 9 months
Officer I	10 years, 4 months

**Reason for Police Contact**

Officers initiated a surveillance operation to locate and arrest a known gang member, Subject 1. The subject was observed exiting his parents' residence and getting into a vehicle, after which time a pursuit occurred. Eventually, an officer's vehicle collided with the subject's vehicle, and multiple rounds were fired by both Subject 1 and officers.

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
Subject 1: Male, 26 years old.			

**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 (LAPD or 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.

The following incident was adjudicated by the BOPC on March 17, 2009.

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.

## **Incident Summary**

A specialized detail initiated a surveillance operation to locate and arrest Subject 1, a known gang member. The operation utilized two plainclothes units working as Observation Posts (OPs), four uniformed chase units, and two uniformed field supervisors.

**Note:** A Department supervisor had received information that Subject 1 was seeking revenge for a friend who was killed by LAPD officers during an officer-involved shooting (OIS) that occurred one year prior and that Subject 1 was attempting to obtain an AK-47 assault rifle to kill LAPD officers. An Officer Safety Bulletin was generated as a result of the alleged threat and photographs of Subject 1 were circulated.

Sergeants A and B conducted a briefing at the police station to discuss tactics, the officers' roles in the operation, and the locations Subject 1 was known to frequent. After the briefing, officers left the station and monitored several locations, looking for Subject 1. Sergeant A advised the specialized units to monitor Subject 1's parents' residence. Plainclothes Officers A and B, assigned as one of the two OPs in the operation, was one of the first units to arrive at the location.

Officers A and B observed Subject 1 exit the residence and enter a vehicle with two female occupants. Subject 1 drove away, and Officers A and B advised the other units of their observations.

**Note:** It was subsequently determined that Subject 1's vehicle had four passengers who were identified as Witnesses A, B, C, and an 18-month-old child.

Meanwhile, uniformed Officers C and D had just parked their police vehicle in an alley, near where Subject 1 was seen, when they heard Officers A and B's broadcast. Shortly thereafter, they observed Subject 1's vehicle driving past them. Having made contacts with Subject 1 in the past and based on the photographs of Subject 1 that were handed to the officers, Officers C and D immediately recognized the driver of the vehicle as Subject 1. Officer C drove out of the alley and advised the other units that they were following Subject 1's vehicle. Sergeant A advised Officers C and D to begin broadcasting over the Area's base frequency.

**Note:** Subject 1 drove past Officer C's police vehicle, and Subject 1 looked over his left shoulder and made eye contact with him. Officer C observed Subject 1's mouth form the words, "Oh, f\*\*k."

Officer D advised Communications Division (CD) that his unit was following a wanted felony subject. Uniformed Officers E and F caught up with Officers C and D and positioned their vehicle behind Officers C and D's police vehicle. Sergeant B also joined

the primary and secondary unit and positioned his police vehicle behind Officers E and F's vehicle.

Sergeant A was driving down the street when he observed Subject 1 driving in the opposite direction, followed by three police vehicles. Officer D broadcast that they were going to attempt to conduct a traffic stop. As soon as Officer C activated his police vehicle's forward-facing red light and siren, Subject 1 accelerated his vehicle, failing to yield for a posted stop sign.

Officer D advised CD that his unit was in pursuit of a known felony subject and also broadcast the direction of travel. Officer D requested an air unit and began broadcasting the pursuit's direction of travel. Officers E and F and Sergeant B also activated their police vehicle's forward-facing red lights and sirens. Other units, including uniformed Officers G and H and plainclothes Officers I and J, monitored the vehicle broadcast and began driving toward the general vicinity of the pursuit.

Sergeant B broadcast a request for a black-and-white police vehicle with a roof-mounted light bar to take over as the primary unit in the vehicle pursuit. Officers G and H acknowledged the request and responded; however, due to the speeds of the pursuit, the number of turns Subject 1 made and the narrowness of the streets, Officer G was unable to safely maneuver his vehicle to the primary position and instead became the third unit in the pursuit.

**Note:** Officer C said that Subject 1 drove his vehicle at speeds reaching 50 miles per hour, failing to stop at approximately six traffic lights and posted stop signs.

Sergeant B broadcast a request for another unit to take over the broadcasting responsibilities so that the primary unit could focus its attention on Subject 1. Officer H acknowledged the request.

Officer D broadcast a request to utilize the pursuit intervention technique (PIT). Within seconds, the Area Watch Commander, Sergeant C, broadcast that he was authorizing the use of the PIT; however, Sergeant A immediately broadcast, "Negative on the PIT."

**Note:** According to Sergeant A, he denied the PIT because Subject 1 was known to be possibly armed. Officers C, E, and G did not recall hearing a response to the PIT maneuver request.

Subject 1 led the officers in a vehicle pursuit that covered a distance of four and one-half miles and lasted approximately eight and one-half minutes through residential streets. Subject 1 suddenly slammed on his brakes and abruptly turned.

Officer C applied the brakes and turned his police vehicle in an attempt to avoid colliding with Subject 1's vehicle. As he did so, the front right bumper of Officer C's police vehicle struck the right rear panel of Subject 1's vehicle, causing Subject 1's

vehicle to spin 180° and face toward Officers E and F's police vehicle and Officers G and H's police vehicle, both of which had come to a stop.

Officer C drove his police vehicle forward to create distance between the two vehicles. Subject 1's vehicle stopped.

Officer C observed Subject 1 exit the driver's side door of his vehicle and remove a blue-steel handgun from his waistband. Officer C yelled, "Gun. Get out of the car." As Officer C exited the driver's side door of his vehicle, he observed Subject 1 point his handgun in Officers E and F's direction and begin shooting while running backwards. Officer C unholstered his pistol and fired three to four rounds at Subject 1, while utilizing the left front panel of his police vehicle as cover. In his peripheral vision, Officer C observed Officer F fall to the ground.

Meanwhile, Officers I and J were driving in a plain vehicle when they observed the vehicle pursuit near their location. Officer I negotiated a U-turn. Officers I and J observed the traffic collision between Subject 1's and Officers C and D's vehicles, as well as Subject 1 exiting the driver's side of his vehicle with a pistol in his right hand and beginning to shoot at the officers.

According to Officer I, at this point, his vehicle was in close proximity to Subject 1. Fearing for the lives of the officers, Officer I negotiated a turn and utilized his vehicle to strike the left side of Subject 1's torso while traveling at a high speed. The impact caused Subject 1 to fall approximately five to six feet forward, close to Officer I's vehicle.

**Note:** According to Officer I, he did not believe that there was a crossfire concern because the officers were shooting at Subject 1, and he did not drive his vehicle to the point where his vehicle would have been in the line of fire.

Officer C observed Officer I's plain vehicle hit Subject 1. The impact caused Subject 1's pistol to fly out of his hand and become embedded in Officer I's front windshield. Officer C lost sight of Subject 1. Officer C repositioned himself to the rear of Subject 1's vehicle. Officer C observed Subject 1 on his back with his right hand reaching underneath his untucked shirt, toward his waistband. Officer C believed Subject 1 was reaching for another weapon; and in response, he fired an additional two to three rounds, aiming for Subject 1's center body mass area.

Meanwhile, Officer D observed Subject 1 exit his vehicle and remove a revolver from his waistband area. Officer D exited his police vehicle, drew his pistol, and made his way toward the front of Subject 1's vehicle to utilize it as cover. As Officer D was moving, he heard gunfire coming from Subject 1 and the officers' pistols. Officer D then observed Subject 1 falling to his knees, catching himself from completely falling with his left hand. Officer D believed that the officers' gunfire had caused Subject 1 to fall to the ground. Officer D believed that Subject 1 was still armed; and in response, Officer D fired three

rounds at Subject 1, aiming for his center body mass area. After Officer D fired his third round, Subject 1 stopped moving.

Meanwhile, Officer E was driving his police vehicle behind Officer C's police vehicle when he observed the traffic collision. Officer E stopped his police vehicle behind Officer C's vehicle. Officer E observed that Subject 1's vehicle was now facing toward them, having spun 180°. Officer E then observed Subject 1 in the driver's seat begin to exit his vehicle, with a revolver in his right hand. Officer E yelled, "Partner, he's got a gun. He's got a gun," as Officer F was exiting the vehicle. Officer E was placing his police vehicle in park when he observed Subject 1 aim his pistol at Officer F and fire approximately two to three rounds. Officer E observed Officer F fall to the ground and believed that Officer F had been shot.

Officer E exited his police vehicle, drew his pistol, and used the front of Subject 1's vehicle as cover. Officer E observed Subject 1 coming down to the ground and believed he was taking a kneeling position to avoid being hit by the officers' gunfire. Officer E fired one round at Subject 1, aiming for his center body mass.

Meanwhile, after Officer E stopped their police vehicle, Officer F heard Officer E yell, "Watch out. He has a gun." As Officer F exited his vehicle, he observed Subject 1 exiting his vehicle holding a stainless steel revolver in his right hand. Officer F drew his pistol and raised it toward Subject 1's torso. As Officer F fired two rounds from his pistol, he observed Subject 1 fire two rounds in his direction. Officer F felt a pinch in his left arm and fell to the ground.

Officer F temporarily lost sight of Subject 1 while he was on the ground. As Officer F was getting up, he observed Subject 1 leaning forward, running toward him. Officer F believed that Subject 1 was still armed; and in response, he fired approximately six rounds. Officer F believed that his rounds struck Subject 1's head, and he observed Subject 1 collapse on the ground.

Meanwhile, Officer G observed the traffic collision between the primary unit and Subject 1's vehicle. Officer G then observed Subject 1 exit his vehicle with a blue-steel revolver in his right hand. Subject 1 pointed his pistol at Officers C and D's vehicle and began shooting at them as they were exiting their vehicle. Subject 1 then turned his attention toward Officer E and F's police vehicle and began shooting at them. Officer G believed that Subject 1 fired approximately four to five rounds before Officers C, D, E, and F were able to shoot back. As Officer G came up on target, he observed Subject 1 begin to turn and run. Officer G observed Officer I's vehicle collide with Subject 1, causing Subject 1 to bounce off the vehicle and land on his feet. Officer G then heard additional rounds being fired and observed Subject 1 falling to the ground in a prone position.

Meanwhile, Officer H observed the traffic collision and then observed Subject 1 exit his vehicle. Subject 1 pointed a pistol toward Officers C and D's vehicle and fired two rounds. Subject 1 then pointed his pistol toward Officers E and F and began shooting at them. Officer H exited his police vehicle, drew his pistol, and moved to a position of

cover; however, he did not fire his pistol when he observed two officers on Subject 1's other side.

**Note:** The investigation determined that Subject 1 was armed with a .22 caliber blue-steel revolver with a nine round capacity. Two of the nine rounds had been fired.

Meanwhile, as Sergeant B negotiated a turn, he observed that the vehicles had already come to a stop. Sergeant B observed Subject 1 outside his vehicle holding a pistol and then heard gunshots. Sergeant B exited his police vehicle and drew his pistol while utilizing his engine block for cover. Sergeant B remained in that position until the shooting subsided.

By the time Sergeant A arrived at the termination of the pursuit, the officers were already engaged in the gun battle with Subject 1. Sergeant A exited his police vehicle and, as he moved up to the next police vehicle, the shooting ceased. Sergeant A observed that Subject 1's vehicle still had occupants inside. Sergeant A directed two officers to cover Subject 1 and the remainder of the officers to focus on the occupants of Subject 1's vehicle.

Officer E designated himself as the contact officer and extracted Witnesses A, B, and C from Subject 1's vehicle. Witnesses A, B, and C were handcuffed and moved away from the location.

**Note:** During their interviews, all the officers involved in the incident indicated that Subject 1's vehicle contained two female passengers and the child. None of them recalled a third adult female.

As Subject 1's vehicle was being cleared, additional units arrived at the scene and began securing the area. Sergeant A directed Officer K to assist Officer E in handcuffing Subject 1. Officers E and K grabbed Subject 1's arms, turned him onto his stomach, and handcuffed his hands behind his back.

Sergeant A advised CD that an OIS had occurred and requested a rescue ambulance (RA) for Subject 1. Los Angeles Fire Department (LAFD) personnel arrived at the scene. LAFD personnel assessed Subject 1 and determined that he had no pulse. They also observed multiple gunshot wounds to his head with portions of brain matter that were exposed. LAFD Captain A determined Subject 1's death.

Meanwhile, Sergeant D monitored Officer F and obtained a public safety statement. Officer F advised Sergeant D that he was feeling some pain in his chest area. Sergeant D observed a small laceration, which was later determined to be a non-penetrating gunshot wound, to the left side of his chest. LAFD personnel treated Officer F at the scene and subsequently transported him to a nearby hospital for further examination.

## **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 Sergeants A and B's and Officers C, D, E, F, I, and J's tactics to warrant a Tactical Debrief.

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

- The BOPC found Officers C, D, E, F, and J's drawing to be in policy.

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

- The BOPC found Officers C, D, E, F, and I's lethal use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

In adjudicating this incident, the BOPC considered that:

1. At the termination of the vehicle pursuit, the officers did not have a clear view of Subject 1 due to the resting position of Subject 1's vehicle. Officers E and D sought the available cover of the front end of Subject 1's vehicle. Although the female passengers were still inside Subject 1's vehicle, the officers did not have another location that would afford them cover and an unobstructed view of Subject 1.

Although the officers' decision to utilize the front of Subject 1's vehicle was reasonable under these circumstances, the topic of contact and concealment will be reviewed at the Tactical Debrief.

2. Officer I observed Subject 1 exit his vehicle, point a handgun in the direction of officers, and began shooting at them. In fear for the lives of his fellow officers and believing that his best option was to utilize his vehicle as a weapon, Officer I

intentionally ran into Subject 1 with his vehicle. By using his vehicle in this manner, Officer I exposed himself and his partner to a potential crossfire situation. In addition, both Officers I and J were attired in plainclothes, which increased the risk of a potential friendly-fire incident. However, Officer I had a limited amount of time available to devise other options and made a decision to act in order to stop the immediate deadly threat posed by Subject 1.

Officer I's decision to drive into the gun battle was objectively reasonable under these circumstances. The risks associated with his decision, while significant, were outweighed by the potential consequences of him not taking immediate action.

The BOPC found Sergeants A and B's and Officers C, D, E, F, I and J's tactics to warrant a Tactical Debrief.

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

At the termination of the vehicle pursuit, Subject 1 exited his vehicle and immediately began to shoot at Officers C, D, E, and F. It was reasonable for the officers to determine that they needed to defend themselves against Subject 1's actions and draw their weapons. Although Officer J was not involved in the vehicle pursuit, Officer I's decision to intentionally hit Subject 1 with their vehicle placed Officer J in the midst of a gunfight. It was reasonable for Officer J to believe that he may have to utilize his pistol in order to defend himself against an armed assailant.

The BOPC evaluated the circumstances relevant to Officers C, D, E, F, and J's drawing and determined that they had sufficient information to reasonably believe that the situation had escalated to the point where deadly force had become necessary and that the officers appropriately drew their service weapons.

The BOPC found Officers C, D, E, F, and J's drawing to be in policy.

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

Officers C, D, E, and F were confronted by an armed subject who was actively shooting at them. Officers C, D, E, and F were forced to immediately respond to Subject 1's gunfire by utilizing their service weapons in defense of their lives. After Officer I's vehicle collided with Subject 1, Officer C observed Subject 1 reaching underneath his shirt near his waistband area. Based on his training and experience, Officer C believed that someone carrying a weapon may possess another weapon as well. As such, Officer C believed that Subject 1 was attempting to arm himself with another weapon and fired an additional two to three rounds at Subject 1.

The BOPC evaluated the circumstances relevant to Officers C, D, E, and F's lethal use of force. The BOPC determined that their use of lethal force was objectively reasonable to protect themselves and others from the immediate threat of serious bodily injury or death.

Officer I observed Subject 1 exit his vehicle, point a handgun in the direction of officers, and begin shooting at them. In fear for the lives of his fellow officers and believing that his best option was to utilize his vehicle as a weapon, Officer I intentionally ran into Subject 1 with his vehicle.

Officer I's actions and his decision to place himself and his partner in the line of fire, although unorthodox, was commendable under these circumstances. The BOPC found that Officer I's decision to use his vehicle as a weapon was objectively reasonable in order to protect the lives of Officers C, D, F, and E who were being fired on by Subject 1.

The BOPC found Officers C, D, E, F, and I's lethal use of force to be in policy.