

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

**OFFICER-INVOLVED SHOOTING - 044-10**

<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>
Rampart	05/27/2010		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer E	12 years, 2 months
Officer F	12 years, 1 month

**Reason for Police Contact**

Officers conducted a pedestrian stop involving a possible narcotics transaction, which resulted in an officer-involved shooting.

<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, 19 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 Department 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 male or female employees.

The following incident was adjudicated by the BOPC on April 26, 2011.

**Incident Summary**

Officers A and B were on patrol in a marked police vehicle when they observed the Subject along with three other individuals standing on the sidewalk. The officers recognized the Subject as a gang member and were also aware that that the Subject was on parole, with a parole search condition. Officer A believed that the individuals were involved in a possible drug transaction. As the officers drove past the individuals,

they decided to stop the Subject and investigate further, but the individuals immediately began to disperse in different directions. Officer B observed the Subject reach for his waistband as he ran and could see him grasping a bulge on his right hip.

Officer B exited the vehicle to pursue the Subject on foot, while Officer A remained in the vehicle and utilized it to pursue the Subject for a short distance, after which he parked the vehicle and joined Officer B. Officer B informed Officer A that the Subject had a gun.

Officer A pursued the Subject and observed the Subject produce a gun. Officer A immediately yelled at Officer B that the Subject had a gun, and also heard Officer B yell back that the Subject had a gun. Officer A observed the gun to be a revolver. Officer B broadcast to Communications Division (CD) via his hand held radio that he and Officer A were in pursuit of a man with a gun.

The officers continued to pursue the Subject, who ran on the sidewalk. Officer A drew his weapon because he was concerned that the Subject could be waiting around the corner. Officer A then reholstered his weapon as he continued to pursue the Subject.

Officers C and D, who were on patrol in the area, heard Officer B's broadcast and proceeded in the direction of the foot pursuit. The officers were driving an unmarked police vehicle and were both wearing their Department-issued raid jackets, along with body armor. Officers C and D observed Officer B following the Subject.

Officers C and D drove past Officer B, parked and exited their vehicle. Officer D noticed that the Subject had a revolver-type gun in his right hand and was holding the gun along the right side of his body, with the muzzle pointed toward the ground. Officer D yelled to Officer C that the Subject had a gun and to take cover. Officers C and D unholstered their weapons and took cover. Officer D repeatedly told the Subject to drop the gun. Officer C also told the Subject to drop the gun several times, but the Subject continued walking and looked over his shoulder at Officer C.

Officer B entered the police vehicle that was parked by Officers C and D and drove it further down the street in an attempt to contain the Subject. As Officer B approached the other officers, he heard one of them say, "Gun." Officer B then joined Officers C and D and assumed cover behind a vehicle that was parked several cars behind the other officers.

Officers E and F also responded to the area of the pursuit and observed Officer B standing in the middle of the street with his weapon drawn, pointing his finger as if to indicate where the Subject was located.

Officer E drove down hill and saw the Subject with a gun in his hand. Officer E stopped the car and exited. Officer E was still behind the door and told Officer F, "Gun, gun, gun, gun." The Subject continued to walk on the sidewalk towards Officer E. As the Subject got closer to Officer E, the Subject lifted up his arm, with his elbow bent as if the

Subject was lifting up his gun, pointing the gun toward his direction. Officer E fired two rounds from his weapon at the Subject.

Upon arrival at the location, Officer F observed an officer standing in the street with his gun pointed in the direction of the sidewalk. Officer F looked at where the officer was pointing his weapon and observed the Subject walking briskly on the sidewalk. Officer F heard the officers the Subject to drop the gun. Officer F then observed that the Subject had a gun in his right hand, which was pointed toward the ground. Officer F exited the police vehicle and drew his weapon, as the Subject continued to approach Officers E and F's position. Officer F instructed the Subject several times in English to drop the gun, but the Subject ignored his instructions and continued to approach Officers E and F. Officer F then observed the Subject begin to raise his weapon and Officer F fired two rounds from his weapon at the Subject.

Officer B broadcast to CD that there had been an officer-involved shooting, requested paramedics and a supervisor.

Meanwhile, Witness A heard someone yelling, looked out his window, and observed the Subject walking up the street. Seconds later Witness A saw somebody in the middle of the street with blue jeans and a windbreaker. At that point, Witness A realized that they were the police because he saw the back of the jacket which said, 'police.' Witness A further stated that he observed that the male had a gun in his right hand and that the gun was a black revolver. Witness A did not observe the arrival of Officers A and E, Witness A lost sight of the Subject, but did hear three to four gun shots.

Witness B heard yelling and screaming coming from down the street. Witness B saw a male on the street with some type of object in his hand. Witness B saw the officers pointing their guns in the direction of where the male Subject was walking. Witness B heard the officers tell the Subject to drop the gun 10- 20 times, before she heard two shots.

Witness C heard yelling coming from the street and observed the officers following the Subject consistently telling him to get on the ground, but the Subject was ignoring them. According to Witness C, the Subject did not have anything in his hand. Witness C further stated that he did not see the officers fire their weapons at the Subject, but did hear three gunshots.

Sergeant A arrived on scene pursuant to Officer B's request for a supervisor. Sergeant A immediately separated Officers E and F, obtained Public Safety Statements and monitored them pending the arrival of additional supervisors.

A revolver was recovered from the sidewalk, adjacent to where the Subject had fallen after he had been shot.

## **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, C, D, E and F's tactics to warrant a tactical debrief.

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

The BOPC found Officers A, B, C, D, E and F's drawing and exhibition of a firearm to be in policy.

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

The BOPC found Officer's E and F's use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

In this instance, although Officers A and B did not immediately notify CD of their location, it was understandable due to the Subject's actions and the dynamic nature of the unfolding events. However, when Officer B initiated his foot pursuit broadcast, the broadcast included his location, direction of travel, nature of the crime and a description of the Subject.

Upon Officer B exiting the police vehicle and initiating the foot pursuit, Officer A made the conscious decision to remain in the vehicle. Officer A drove past his partner, before exiting the vehicle and joining his partner as the primary officer in the foot pursuit. In this instance, Officer A drove a distance of approximately the length of one property, which allowed him to assist his partner in the foot pursuit. Officer A did not attempt to parallel, cut off, or engage the suspect, nor did he continue to the next block to set up containment. Here, the officers were confronted with a dynamic and quickly unfolding tactical scenario. They appropriately transitioned from "apprehension" mode to "containment" mode. They remained within 10-15 yards of each other and Officer A could hear Officer B broadcasting. Officers A and B remained cognizant of the fact that

the Subject was armed with a handgun. They utilized sound tactics and at no point did they attempt to physically engage the Subject. They used vehicles for cover and continued the foot pursuit in “containment” mode.

The BOPC determined that Officers A and B’s actions in this regard did not substantially or unjustifiably deviate from approved Department tactical training.

In this instance, Officer D advised Officer C that the Subject had a gun. Officers D and C took over as the primary in *containment* mode and continued to track the suspect. As Officer B turned the corner, he observed Officers C and D’s parked vehicle, entered it and drove in the Subject’s direction. Officer B did not attempt to engage the Subject to cut off his route of travel or pass him to set up containment on the next block. Officer B only drove the distance that was required to remain in close proximity to his fellow officers.

During this time, Officer E and F, attired in full uniform and driving a police vehicle, responded to the foot pursuit broadcast with the intent of setting up perimeter containment. However, due to the fact that the intersection is at the crest of a hill, Officers E and F could not see the Subject until they reached the top of that hill. Although it would have been tactically advantageous for Officers E and F to coordinate their response with the units involved in the foot pursuit, the dynamic nature of the unfolding events and the constant radio updates broadcast by the pursuing units made coordination by the responding units impractical.

The BOPC determined that Officers E and F’s actions did not substantially or unjustifiably deviate from approved Department tactical training.

The BOPC found Officers A, B, C, D, E and F’s tactics to warrant a tactical debrief.

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

The BOPC noted that Officers A, B, C, D, E and F were attempting to apprehend the Subject, who was armed and who was fleeing on foot.

Officer A took over as primary officer in the foot and did not draw his weapon while in foot pursuit. He did however draw his pistol once he reached the corner. During the foot pursuit, Officers C and D drove their vehicle ahead of Officer A, exited and became the primary unit in the following. Officer A moved up to a position of cover and when the Subject stopped moving he re-drew his service pistol.

Officer B initiated a foot pursuit of the Subject who was reaching into his front waistband area. Officer B trailed the Subject for approximately two blocks and acted as the communications officer. To this point, Officer B had not drawn his service pistol. Officer B entered Officers C and D’s police vehicle and drove to a position where he could see the Subject. Believing that this situation could escalate to deadly force, Officer B stopped the police vehicle, exited and drew his pistol.

Officer C observed the Subject walking, exited his police vehicle and tracked the Subject from the rear. Officer C advised his partner that the Subject was armed with a handgun, drew his service pistol and gave commands to the Subject to drop the gun.

Officer E, the driver officer, observed Officer B with his gun out. Officer B pointed in the direction of where the Subject was. Officer E observed the Subject with a gun in his hand. Once the vehicle stopped, Officer E advised his partner that the Subject had a gun. Officer E exited the vehicle and unholstered his service pistol.

Officer F was the passenger officer in the vehicle driven by Officer E. As soon as they crested the hill, Officer F observed the Subject with a gun in his hand. Once the vehicle stopped, Officer F exited and unholstered his service pistol.

The BOPC determined that it was reasonable for Officers A, B, C, D, E and F to believe that the situation had escalated to the level where the use of lethal force may be justified.

The BOPC found the Drawing/Exhibiting of Officers A, B, C, D, E and F to be in policy.

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

In this instance, Officer E observed the Subject with a gun in his hand. Despite being told numerous times to drop the gun, the Subject continued to approach Officer E while looking in his direction. As the Subject approached Officer E's police vehicle, Officer E observed the Subject begin to raise his gun. Officer E fired two rounds from his pistol.

An officer with similar training and experience would reasonably believe that the Subject presented a threat of serious bodily injury or death and that lethal force would be justified in order to stop that deadly threat. As such, it was objectively reasonable that Officer E perceived the imminent deadly threat and utilized lethal force in defense of his own life and that of his partner.

Meanwhile, Officer F observed the Subject with a gun in his hand. Despite being told numerous times to drop the gun, the Subject continued to approach Officer F while looking in his direction. As the Subject approached to within 15 feet of Officer F's police vehicle, Officer F observed the Subject begin to raise his gun. Officer F fired two rounds from his pistol.

An officer with similar training and experience would reasonably believe that the Subject presented a threat of serious bodily injury or death and that lethal force would be justified in order to stop that deadly threat. As such, it was objectively reasonable that Officer F perceived the imminent deadly threat and utilized Lethal Force in defense of his own life and that of his partner.

The BOPC found Officers E and F's application of lethal force to be in policy.