

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

**Officer-Involved Shooting – 088-10**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off()</b>	<b>Uniform-Yes()</b>	<b>No(X)</b>
77th Street	12/29/10			

<b>Officers(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	2 years, 11 months

**Reason for Police Contact**  
Officers were conducting an investigation when they were confronted by a potentially armed suspect, resulting in an officer-involved shooting.

<b>Subject(s)</b>	<b>Deceased ()</b>	<b>Wounded ()</b>	<b>Non-Hit (X)</b>
Subject: Male, 50 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 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 November 8, 2011.

## **Incident Summary**

Officer A developed information that cocaine was being sold at a location. Officer A, who was in plainclothes, met with Officer B and Sergeant A who were also in plainclothes and discussed a plan to conduct a surveillance. All of the officers were in the same vehicle.

Once at the location, the officers saw a male knock on the door and then be allowed in. The male exited shortly thereafter and left. The officers believed that a narcotics transaction had possibly occurred. The officers then saw the Subject exit the location and drive away in a vehicle. The Subject drove several blocks before pulling into the driveway of another location. Officer B stopped their vehicle west of the Subject's vehicle on the street. The officers believed the Subject possessed narcotics.

The Subject exited his vehicle. Officer A exited their vehicle and identified himself as a police officer to the Subject. The Subject immediately ran while reaching for his waistband. Officer A believed that the Subject was reaching for a handgun. Officer A lost sight of the Subject as he went around the corner of a residence. Officer A slowed down and drew his pistol. Officer A looked around the corner and observed the Subject straddling a cinder block wall on the side of a driveway. The Subject then turned toward Officer A with an outstretched right arm, holding what Officer A believed was a handgun. Officer A fired once at the Subject and the Subject fell over the wall. Officer B and Sergeant A heard the shot and unholstered their weapons.

Officer A observed the Subject get up and run through the backyard. Officer A then observed a large dog attack the Subject. As Officer A moved closer to the Subject, the dog turned and charged Officer A. Officer A then fired three rounds at the dog. The dog yelped and ran away.

Meanwhile, the Subject climbed over a fence, into another backyard and continued running. Officer A saw him, pointed his pistol at the Subject and ordered him to get on the ground. The Subject complied and was then arrested. No weapon was ever located.

## **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 Sergeant A and Officer A's actions to warrant administrative disapproval and Officer B's actions to warrant a tactical debrief.

## **B. Drawing/Exhibiting**

The BOPC found Sergeant A and Officers A and B's drawing and exhibition of a firearm to be in policy.

## **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

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

#### 1. Deployment of the Police Vehicle

In this instance, the officers' intention was to have uniformed officers conduct the traffic stop. However, as the Subject pulled into the driveway, the officers were forced to make a split second decision and elected to contain the Subject and prevent him from entering a residence or fleeing in his vehicle.

The BOPC determined that Officer B's actions of positioning their vehicle directly behind the Subject's vehicle and taking enforcement action did not substantially deviate from approved Department tactical training.

#### 2. Equipment - Mandatory Equipment

In this instance, Officers A and B, along with Sergeant A, were conducting investigating a suspected narcotics location and at the time were not utilizing their mandatory equipment. However, this equipment was available inside their vehicle, had it been needed.

The BOPC found that Sergeant A and Officer A's decision not to utilize their mandatory equipment did not substantially deviate from approved Department tactical training.

#### 3. Required Equipment

In this instance, Officer A exited their vehicle through the vehicle's right door, with

the intention of making contact with the Subject. At the time, Officer A was only equipped with his service pistol and Department-issued badge, which was attached to the front right side of his belt. Officer A is expected to have the basic equipment on his person. By exiting his vehicle and eventually engaging in a foot pursuit of a suspected felony narcotics dealer without his basic equipment Officer A placed himself at a significant tactical disadvantage.

In conclusion, the BOPC found Officer A's lack of required equipment substantially and unjustifiably deviated from approved Department tactical training.

#### 4. Foot Pursuit Broadcast

In this instance, Officer A chased the Subject with Sergeant A following behind. Officer A did not have his basic equipment with him during the foot pursuit. Sergeant A, however, was the pre-designated communications officer.

As the pre-designated communications officer and secondary officer in the foot pursuit, Sergeant A was primarily responsible for broadcasting pertinent information regarding the foot pursuit. His failure to do so placed himself and his partners at a significant tactical disadvantage.

In conclusion, the BOPC found that Sergeant A's failure to broadcast pertinent information during the foot pursuit substantially and unjustifiably deviated from approved Department tactical training.

#### 5. Foot Pursuit of Armed Suspect

Though chasing an armed suspect is inherently dangerous, in this instance, Officer A recognized that the Subject was potentially arming himself and adjusted his foot pursuit tactics accordingly.

In conclusion, the BOPC found that Sergeant A and Officer A's decision to pursue the Subject, prior to the officer-involved shooting, did not substantially deviate from approved Department tactical training.

#### 6. Containment vs. Apprehension

In this instance, not only did Officer A elect to continue in apprehension mode, but he did so with the knowledge that his partner, Sergeant A, had not followed him over the wall. Furthermore, Officer A elected to continue in apprehension mode without his basic equipment, placing Officer A at a severe tactical disadvantage.

In conclusion, the BOPC found that by continuing in apprehension mode, Officer A's actions substantially and unjustifiably deviated from approved department tactical training.

## 7. Separation

In this instance, when Officer A looked over the wall, he observed the Subject running eastbound. Officer A opted to jump over the wall into the rear yard, thereby increasing the distance between Sergeant A and himself. Sergeant A approached the wall, but decided not to follow.

Sergeant A lost sight of Officer A after he went over the wall and did not witness the second officer-involved shooting involving the dog. Furthermore, Sergeant A eventually returned to the front of the residence and was unaware that Officer A continued the foot pursuit and had located the Subject in the rear yard of the residence. This separation increased the tactical disadvantage facing Officer A as Sergeant A was not in a position to render immediate aid.

In conclusion, the BOPC found that Sergeant A and Officer A's actions of intentionally and knowingly separating from each other during a foot pursuit of an armed suspect substantially and unjustifiably deviated from approved Department tactical training.

## 8. Tactics/Supervisory Oversight

In this instance, the BOPC was critical of the lack of supervisory oversight performed by Sergeant A.

In conclusion, the BOPC found Sergeant A's actions substantially and unjustifiably deviated from approved Department tactical training.

## **B. Drawing/Exhibiting**

While in foot pursuit of the Subject, Officer A observed him manipulating his waistband and Officer A believed the Subject was attempting to arm himself.

Meanwhile, Sergeant A was in foot pursuit of the Subject who was believed to be on parole and have prior firearm charges.

The BOPC found that an officer/sergeant with similar training and experience would reasonably believe that the Subject was armed and the situation had escalated to the point where deadly force may be justified.

Meanwhile, upon hearing a gunshot, Officer B went to the aid of his partner and drew his service pistol. The BOPC found that an officer with similar training and experience would reasonably believe that the Subject was armed and still presented a threat to the point that the situation could escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Sergeant A and Officers A and B's drawing and exhibition of a firearm to be in policy.

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

During the foot pursuit, Officer A observed the Subject manipulating his waistband in a manner which Officer A described as being consistent with someone who was trying to arm himself. As the Subject climbed over a wall, he turned and looked in Officer A's direction and moved his right arm rearward, toward Officer A. At that time, Officer A observed that the Subject was holding a dark object in his right hand.

The BOPC found that an officer with similar knowledge, training and experience would reasonably believe the Subject was armed and posed an imminent threat of death or serious bodily injury. Therefore, the BOPC found that Officer A's decision to use lethal force was objectively reasonable.

Officer A then observed the Subject attempting to climb the rear wall of the property with a large dog chasing him. As Officer A moved closer, the dog turned its attention toward him and charged.

The BOPC found that an officer with similar training and experience would reasonably believe the charging dog posed an imminent threat of serious bodily injury. Therefore, the BOPC found that Officer A's decision to use lethal force was objectively reasonable.

In conclusion, the BOPC found both of Officer A's uses of lethal force to be in policy.