

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

**OFFICER INVOLVED SHOOTING – 001-07**

<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	01/02/2007		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	9 years, 2 months

**Reason for Police Contact**

Officers A and B were patrolling a local park in search of illegal activity. They observed Subject 1, who fled when the officers instructed him to stop. Officer A pursued Subject 1 on foot and observed Subject 1 point what he believed to be a handgun in his direction. Officer A fired one shot in response.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit (X)</u></b>
Subject 1: Male, age unknown.			

**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 and addenda items); the 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 11/06/07.

**Incident Summary**

Officers A and B responded to assist officers assigned to a radio call involving an Assault with a Deadly Weapon (ADW) suspect armed with an assault rifle in a local park. The suspect was not located, but the officers made contact with several juveniles, conducted want and warrant checks on them, and cited one for littering. After leaving the area of the park, Officers A and B discussed the possibility of returning later to check for illegal activity.

Later, Officers A and B returned to the area of the park and decided to check for illegal activity in the area on foot. The officers saw that a driveway located between two residential properties might lead them into the park, and decided to use the driveway as a shortcut.

Officers A and B informed Communications Division (CD) of their status and location, parked the police vehicle, and entered the driveway on foot walking in a staggered formation. Officer A walked in front and Officer B followed behind.

While walking down the driveway, Officers A and B could see that the driveway led to a large vacant parking lot. As they neared the end of the driveway, Officers A and B entered the vacant lot and observed Subject 1 walking through the lot, away from the officers.

While walking, Subject 1 turned, looked in the direction of Officers A and B, and appeared startled at their presence. Officer A identified himself as an officer and instructed him to stop. Subject 1 then grabbed his waistband and ran away. Officer B then yelled, "Police, stop." However, Subject 1 refused to comply and continued running through the lot and toward a nearby fence.

**Note:** A witness believed Subject 1 was holding a spray can as he ran from the officers.

Based on his observations of Subject 1, Officer A formed the opinion that Subject 1 was armed and began pursuing him. Officer A also broadcast that the officers were in foot pursuit of a man with a gun. Officer B unholstered his weapon.

Subject 1 continued running toward a fence and through an opening that led into the side yard of a residence. While continuing to hold his waistband, Subject 1 turned and ran into an adjacent carport area. Officer A realized Subject 1 was now in the adjacent carport area, but was unable to determine how he entered the location. Officer A unholstered his weapon, tracked Subject 1 and observed Subject 1 holding a handgun. Officer A alerted Officer B of his observation and continued to focus on Subject 1.

Officer B also saw the gun and alerted Officer A. Immediately after he alerted Officer A of the gun, Officer B turned his attention to a couple seated in a vehicle parked nearby. Officer B believed the couple might be connected to Subject 1 and possibly armed.

Meanwhile, Officer A saw Subject 1 turn sideways and point the pistol in his direction. Officer A feared he was going to be shot and fired one round at Subject 1.

Subject 1 briefly disappeared behind a parked car. Officer A retrieved his flashlight and illuminated the location where he last saw Subject 1. Subject 1 then continued running away from the officers and out of sight.

Officer A attempted to locate an opening in the fence to see if Subject 1 had dropped the weapon or was possibly injured nearby. Unable to find an opening, Officer A attempted to climb over the fence but was unable to. Officer A then directed his attention to Officer B and two witnesses.

To prevent a crossfire situation, Officer B directed the witnesses to leave the location.

Officer A then broadcast a “shots fired” call, his location, a description of Subject 1, and Subject 1’s direction of travel. Officer A attempted to establish a perimeter, but was unaware of the address. Officer A observed two unidentified persons looking out of a window of an apartment and asked them for their address.

Sergeant A heard the initial “man with a gun” foot pursuit broadcast and responded to the area to assist. Department personnel responded to the scene and conducted a canine search of the area in an attempt to locate Subject 1; however, Subject 1 was not located or identified.

### **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 Officer A and B’s tactics to warrant formal training.

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

The BOPC found Officers A and B’s drawing 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**

The BOPC noted that the officers parked their police vehicle away from the park and elected to walk into the area in an attempt to avoid being seen by possible suspects. While walking down the driveway that they believed would lead to the park, Officers A and B appropriately staggered themselves for tactical reasons. Officers A and B also discussed different tactical situations that they might have encountered prior to responding to the park and while working together on prior occasions.

Although the officers stated that they had discussed tactics prior to entering the park, a more precise tactical plan would have been appropriate. Both Officers A and B yelled for Subject 1 to stop running, which signifies that the officers did not designate contact and cover responsibilities.

Additionally, Officer A initiated a foot pursuit of a Subject 1 who he believed to be armed, while Officer B did not engage in the foot pursuit and effectively tracked Subject 1 while keeping Officer A in sight. It would have been tactically safer for both officers to safely monitor Subject 1's progress while utilizing available cover and direct additional resources to establish containment.

Lastly, the BOPC noted that Officer A separated from Officer B when Officer A ran to the fence line of the lot. Although both officers maintained line of sight with each other and the distance was not substantial, Officer B was effectively distracted as he addressed the occupants of a vehicle that was parked nearby as the incident unfolded.

The BOPC found Officer A and B's tactics to warrant formal training.

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

The BOPC noted that Officers A and B walked down the driveway between two buildings that exited to a parking lot. Upon entering the parking lot, both officers observed Subject 1, who looked in their direction, grabbed his front waistband and ran from them. Both Officers A and B stated that Subject 1's actions were consistent with a person who was armed with a handgun.

Fearing an armed confrontation with Subject 1, Officers A and B drew their service pistols.

The BOPC determined that Officers A and B had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

The BOPC found Officers A and B's drawing to be in policy.

## **C. Use of Force**

The BOPC noted that Subject 1 ran from Officers A and B through a fence and into a nearby carport. As Subject 1 was running, he removed what Officers A and B believed

to be a handgun from his front waistband area. Subject 1 raised his right hand and pointed the pistol at Officer A. Officer A, fearing that Subject 1 was going to shoot him, fired one round at Subject 1 through the fence.

**Note:** Two witnesses indicated that Officer A fired at Subject 1 after Subject 1 stopped and put his hands up. The BOPC considered several factors with respect to the witnesses' perception of the events. The area in which the incident took place was extremely dark. Also, the witnesses' view was at an angle, through a fence, of a suspect who was moving between several vehicles. Additionally, both witnesses left the area together and were interviewed later at the same residence, circumstances that could have provided an opportunity for the witnesses to discuss their opinions of the incident with each other. Lastly, the possibility that Subject 1 was known to one or both of the witnesses cannot be excluded, as the witnesses resided at the apartment building where the incident took place, and Subject 1's path of flight suggested that he was very familiar with the area.

The BOPC determined that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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