

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

OFFICER-INVOLVED SHOOTING – 072-07

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	07/06/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	7 years, 11 months

Reason for Police Contact

Officers A and B observed Subject 1 swerving back and forth on the street as he rode his bike, thereby impeding traffic. Officers conducted a stop on Subject 1. Officer A formed the belief that Subject 1 was about to assault him with a gun and fired at Subject 1.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Subject 1: Male, 18 years.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 06/17/08.

Incident Summary

Officers A and B were patrolling in a black unmarked vehicle, which was equipped with forward-facing red lights. Officers A and B observed Subject 1 riding a bicycle. Subject 1 was continuously swerving back and forth on the street.

Subject 1's swerving course of travel impeded the officers as they drove behind him. Officer B pulled closer to Subject 1 and yelled out of his window, directing Subject 1 to pull over.

Officer A observed Subject 1 reach toward his pocket and waistband. At the same time, Officer B saw Subject 1 put his left hand into his left pocket while continuing to look over his shoulder. He then saw Subject 1 place his left hand back on his bicycle and his right hand in his right pocket. Officer B noted that Subject 1's right pocket appeared to be "very bulky," and he again ordered Subject 1 to pull over.

Officers A and B continued to follow Subject 1. Subject 1 started pedaling faster and continued to swerve. Officer A indicated that Subject 1 repeatedly reached toward his pocket with his right hand as he continued riding, and that Subject 1's right pants pocket contained a large bulge. Officer B also noticed that Subject 1 was "playing" with something in his pocket.

Subject 1 then rode onto the sidewalk, behind the trailer of a truck that was parked along a curb. Officers A and B drove along the side of the trailer, and saw Subject 1 dismount his bicycle. Officer B stopped his vehicle to maintain sight of Subject 1. Officer B saw Subject 1 beginning to crouch down with his right hand in his pocket. It appeared to Officer B that Subject 1 "had a gun in his hand." Officer B began to exit the police vehicle and said he saw a silver object clutched in Subject 1's hand.

At the same time, Officer A had exited the police vehicle, and saw Subject 1 from the waist down by looking underneath the parked trailer. He observed Subject 1 put his left hand on his right thigh and his right hand inside of his right pants pocket. Officer A observed Subject 1 make a tugging motion. Officer A drew his service pistol, believing that Subject 1 was going to fire a round at him.

Officer A then observed Subject 1 remove his hand from his pocket. A piece of metal was protruding from Subject 1's hand, and it looked like a gun to Officer A. Subject 1 then rocked his wrist back and, in response, Officer A fired three rounds at him.

Officer B heard the three rounds fired by Officer A, and he moved toward another parked truck for cover. As soon as Officer B regained sight of Subject 1, he saw Subject 1's hand drop to his side. Then, Officers A and B both heard the sound of metal striking another object.

Officer B ordered Subject 1 to get down, and Subject 1 complied by lying on his stomach. Officer B drew his service pistol and covered Subject 1 while Officer A holstered his service pistol, approached Subject 1, and handcuffed him. Officer A searched Subject 1 and the area for a gun. Subject 1 indicated that he had not been shot. Officer B holstered his service pistol.

Officer A then searched Subject 1 again for weapons. Officer A recovered a number of watches as well as a knife from Subject 1's pants pocket. Officer B broadcast his location and requested an additional unit and a supervisor.

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 divisional training.

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that when Officers A and B observed Subject 1 riding in the roadway impeding traffic, they determined they would conduct an investigative stop. Based on Subject 1's failure to stop coupled with the officers' determination that Subject 1 was possibly armed with a weapon, the officers should have requested a back-up unit. It also would have been safer for the officers to update their status with Communications Division, thereby alerting the surrounding units of their status and location.

Officer B closed the distance between Subject 1 and the officers to facilitate Officer B's attempts to verbalize with Subject 1. The officers placed themselves at a disadvantage by limiting their reaction time due to the distance between themselves and Subject 1. The officers should be reminded of the equipment available to them inside the police vehicle, such as the public address system, the forward facing red light and the siren.

The investigation revealed that when Subject 1 stopped behind the truck, this caused the officers to pass him and placed Officer A at a tactical disadvantage with no available cover when he exited the police vehicle and into Subject 1's line of sight.

The BOPC noted that following the officer-involved shooting (OIS), Officer B requested a supervisor and an additional unit. Although a "help" call was not warranted, a request for a "backup" or "assistance" that included the information that an OIS had occurred, the subject was in custody and that no officers were injured would have been more appropriate.

The BOPC found Officers A and B's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A exited the police vehicle through the front passenger door and observed Subject 1 manipulating an item inside his shorts pocket. Fearing Subject 1 was about to retrieve a handgun from the pocket where he had observed a large bulge, Officer A drew his service pistol.

As Officer B exited the police vehicle he heard three gunshots. Believing the incident had escalated to a deadly force situation, Officer B drew his service pistol.

The BOPC determined that Officers A and B had sufficient information to believe the incident might escalate to the point where lethal force may be justified.

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

C. Lethal Use of Force

The BOPC noted that as Officer A crouched behind the passenger door, he observed Subject 1 manipulating an item inside his front right shorts pocket with both hands.

Based on Subject 1's failure to comply with the officer's verbal commands, the size of the bulge in his pocket, Subject 1's attempts to conceal himself behind the truck, and his manipulation of an item inside his shorts pocket, Officer A believed Subject 1 was armed with a handgun. Additionally, when Subject 1 tilted his wrist and began to pull a chrome object out of his pocket Officer A believed it to be a handgun. Fearing Subject 1 was going to shoot at him, Officer A fired three rounds in rapid succession from his service pistol.

Although the investigation revealed Subject 1 was not armed with a handgun, based on the totality of the circumstances and Subject 1's actions, the BOPC determined that Officer A had sufficient information to reasonably believe the subject presented an immediate threat of serious bodily injury or death.

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