

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

**OFFICER-INVOLVED SHOOTING – 057-07**

<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>
Pacific	06/15/2007		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	13 years, 9 months

**Reason for Police Contact**

Lieutenant A and Officer A heard a radio call of a possible man with a gun, wearing a helmet, on a motorcycle. Lieutenant A and Officer A responded to the call, observed what appeared to be a man with a gun and an officer-involved shooting occurred.

<b><u>Subjects</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit (X)</u></b>
Subject 1: Male, 14 years.			
Subject 2: Male, 12 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 04/15/08.

**Incident Summary**

Lieutenant A and Officer A heard a radio call reporting a man with a gun, wearing a helmet, on a motorcycle. Lieutenant A and Officer A realized that they were near the location of the call and decided to respond. Lieutenant A communicated his intention to head toward the area of the call and to watch for a motorcycle leaving that area. If he observed a motorcycle leaving, he would broadcast his observation to other units who could then stop the driver of the motorcycle.

**Note:** The radio call that Lieutenant A and Officer A responded to was generated as a result of a telephone call to 9-1-1 by an unknown person. It was later determined that the caller did not indicate that the subject was on a motorcycle, but rather that he was wearing a motorcycle helmet.

**Note:** Since the Area was busy with calls for service that evening, Lieutenant A had decided to work with Officer A so that they could pick up some of the low-grade calls that were being directed outside the division or that were getting timed out. Lieutenant A had two civilians riding along with him that evening, both of whom accompanied the lieutenant and Officer A to this incident.

Lieutenant A and Officer A stopped their vehicle when they were two to three blocks away from the subject's possible location. Not observing any activity, Lieutenant A and Officer A continued driving. Just prior to reaching the subject's anticipated location, Lieutenant A and Officer A observed Subject 1 running across the street.

Subject 1 ran behind a vehicle parked along side of the street, and Lieutenant A stopped his police vehicle behind the parked vehicle. Lieutenant A and Officer A exited the police vehicle and drew their service pistols, and Officer A aimed his pistol in the direction where he had seen Subject 1 running. From the door well of the police vehicle, Lieutenant A commanded Subject 1 to show his hands and to come out from behind the parked vehicle.

Subject 1 then moved along the front of the parked vehicle, toward the middle of the street. Officer A observed that Subject 1 was holding what appeared to be a handgun approximately ten inches in front of him, toward Lieutenant A. From behind the front passenger door of the police vehicle, Officer A yelled, "Drop the weapon," but Subject 1 did not comply. Officer A loudly told Subject 1 to drop the weapon again, and then fired one round at Subject 1, missing him. Lieutenant A observed that Subject 1 "was turning to point the gun at" him and Officer A when Officer A fired a round.

Subject 1 dropped his weapon, and Lieutenant A ordered him down into a prone position. Officer A then broadcast a help call. Lieutenant A decided to reposition himself to better determine whether there were any additional subjects in the area. He moved toward some parked vehicles. As he did so, he observed movement near a vehicle that was parked in a driveway near Subject 1's location.

Believing the movement might have been from a second subject, Lieutenant A ordered the second subject to come out from behind the parked vehicle. Subject 2 emerged carrying what appeared to be a gun. As Subject 2 came out from behind the vehicle parked in the driveway, he tossed the gun in front of him and raised his hands. Lieutenant A then ordered Subject 2 down into the prone position.

Lieutenant A then asked Subject 1 whether there was anybody else with him, and Subject 1 said no, saying that only he and his friend were there.

**Note:** Officer A indicated that he broadcast a help call at this point during the incident, once Subject 2 had been ordered into the prone position by Lieutenant A.

Lieutenant A and Officer A maintained cover over Subjects 1 and 2 until additional units arrived. Responding units formed a four-person arrest team, and Subject 1 was taken into custody followed by Subject 2. Officer A then holstered his service pistol.

It was subsequently determined that Subjects 1 and 2 had been in possession of plastic BB guns that superficially resembled real firearms.

### **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 Lieutenant A's and Officer A's tactics to be appropriate.

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

The BOPC found Lieutenant A's and Officer A'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 Lieutenant A demonstrated a proactive work ethic when, due to the volume of calls for service, he temporarily partnered with Officer A to handle non-emergency radio calls. Having never worked together, Lieutenant A and Officer A appropriately discussed tactics. Lieutenant A also ensured that both civilian ride-alongs completed the required waivers and were advised to remain inside of the police vehicle in the event of an emergency.

Once at the location, Officer A appropriately advised Communications Division of their status. When Lieutenant A and Officer A encountered the subjects, they communicated well with each other and worked as a team. In addition, after Officer A broadcast the help call, Lieutenant A instructed responding units on how to safely approach the incident to avoid a crossfire situation. Lastly, Lieutenant A and Officer A maintained their covering positions on the two prone subjects until the arrival of additional units. Once additional units were at scene, an arrest team was quickly formulated to safely take the subjects into custody without further incident.

The BOPC found Lieutenant A's and Officer A's tactics to be appropriate.

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

The BOPC noted that Lieutenant A ordered Subject 1 to come out from behind the parked vehicle and show his hands as Officer A deployed behind the police vehicle door. Subject 1 came out from in front of the unattended parked vehicle and held what was perceived to be a handgun. Believing that deadly force may become necessary, Lieutenant A and Officer A drew their service pistols.

The BOPC determined that Lieutenant A and Officer A had sufficient information to believe the situation had escalated to the point where deadly force may become necessary.

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

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

The BOPC noted that Officer A exited the police vehicle, assumed a position of cover behind the passenger door and drew his service pistol. Officer A observed Subject 1 holding what he perceived to be a handgun based on the design and the manner in which he carried it. Once Subject 1 turned toward him and his partner, Officer A, in immediate defense of his own life and his partner's life, fired one round at Subject 1 to stop the perceived deadly assault.

The BOPC determined that Officer A reasonably believed 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.