

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

OFFICER-INVOLVED SHOOTING 062-07

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southwest	06/25/07		

Officer(s) Involved in Use of Force	Length of Service
Officer A	6 years, 10 months
Officer B	9 years, 11 months
Officer C	2 years, 6 months

Reason for Police Contact

Officers A, B, and C, along with other officers and supervisors, were dispatched to an Assault with a Deadly Weapon in progress at a residence. Upon arrival, the officers were confronted by Subject 1 who had barricaded himself inside the residence. The officers attempted to negotiate Subject 1's surrender; however, Subject 1 stepped onto the front porch and pointed his pistol at the officers. Officers A, B, and C fired their weapons, fatally wounding Subject 1.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject 1: 26 years.

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 Subject 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 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.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations while the referent could in actuality be either male or male.

The following incident was adjudicated by the BOPC on June 10, 2008.

Incident Summary

On June 25, 2007, Witness 1 called the Department's 911 Emergency telephone line. Witness 1 informed the Emergency Board Operator (EBO) that the location he was calling from was a duplex. The duplex was a residential rehabilitation facility, of which Witness 1 was the operations manager.

Witness 1 informed the EBO that there was a man, later identified as Subject 1, with a gun sitting in a vehicle directly in front of the duplex.

Communications Division (CD) assigned the radio call to Officer D and Officer E.

Air Support Division Officer F and Officer G monitored the radio call and responded to the location. They were the first unit to arrive on scene and immediately began orbiting over the location.

They illuminated a vehicle outside the call location. Officers F and G then saw a male exit the vehicle and go into the duplex.

Officer F then began to coordinate the establishment of a perimeter. Officer A and his partner, Officer H, monitored the radio transmission and responded to the location.

Officers I and J also monitored the radio transmission and had arrived at the location at approximately the same time as Officers A and H.

Additional units began to arrive and assumed various positions of containment on the perimeter. Sergeant A was the first supervisor to arrive on scene.

Shortly thereafter, Officers C and K arrived on scene. Sergeant A ordered several officers, one of whom was Officer C, to move forward and take cover behind a van that was parked just north of the location at the east curb line.

Officer C was directed by an unidentified sergeant to arm himself with a shotgun.

Once a perimeter had been established, Sergeant A ordered Officer L to use a police vehicle's public announcement (PA) system to direct the residents out of the residence. Officer L did as directed, prompting sixteen people to exit the residence.

The individuals who exited the residence were directed into the parking lot of a grocery store on the west side of the street. They were marshalled behind a block wall, searched and interviewed.

According to Officer L, "I continued to use the PA to try and calm him [Subject 1] down . . . I must have told him at least 50 times . . . just come out, drop the gun, keep your hands out, comply with the officers' commands, no one's here to hurt you, no one wants to hurt you."

Sergeant A made a request over the radio for Urban Police Rifles (UPRs) to his location because he had an armed, barricaded subject inside the residence.

In addition, Sergeant A called Sergeant C and briefed him on the unfolding events. Sergeant C left the station and drove to the command post.

Meanwhile, Sergeant B heard the radio call and responded to the scene to assist.

Sergeant A made a request over the radio for a beanbag shotgun. According to Officer I, Sergeant A designated him to be the beanbag shotgun officer.

Meanwhile, Sergeant B directed Officer B, who was UPR-equipped, to deploy and cover the west side of the incident location. Sergeant B also directed officers to evacuate a nearby grocery store; participated in a debrief of the individuals who had emerged from the duplex; ensured that arrest teams were in place; and began rotating officers assigned to the perimeter so they could retrieve their ballistic helmets.

According to Officer C, who was deployed with a shotgun at the east curb line just north of the residence, in apparent response to the requests being made by Officer L over the PA, he heard a voice reply, “F**k you. I’m not coming out.”

As the incident continued, Subject 1 started to appear in the shadows of the front door. According to Officer C, “With the amount of lighting that was out there at that time . . . our flashlights were not powerful enough to illuminate . . . the door . . . I believe I saw a gun in his waistband but I could not be sure. I needed to get more light on the front of the location that was bright and steady.”

Officer C gave an unknown officer the keys to his marked police vehicle and requested his vehicle be moved up so the spotlight could be shone on the front of the residence. Officer C’s vehicle was repositioned and the spotlight was fixed on the front door.

The extra illumination allowed Officer A to better see Subject 1 when he stepped from the interior of the duplex to the threshold of the door. When Officer A saw that Subject 1 was armed, he made the following radio broadcast: “Hey, he has a gun in his hand, he has a gun in his hand.”

Note: Sergeant C gathered information regarding the incident from Sergeants A and B, relayed this information to his superiors and spoke directly with personnel from the Metropolitan Division. After consultation between these parties, it was decided that Special Weapons and Tactics would respond and take over the situation.

As Subject 1 stood at the threshold of the front door, Officer A saw a second story window on the north side of the duplex come open. Shortly thereafter, a bed sheet was dangled from the open window and an elderly male appeared in the open window. It appeared to the officers that the individual in the window was going to climb down the bed sheet in order to make good his escape. Officer A and several other officers

shouted at this individual to not climb down the sheet. Following this admonition, Subject 1 left the threshold area of the front door. A moment or two after the officers lost sight of Subject 1, the bed sheet was pulled back into the duplex and the window was closed.

At this point in time, Officers A and C were northwest of the residence. Both officers had positioned themselves behind vehicles either parked in the street or at the east curb line. Officer B had positioned himself southwest of the residence and had taken cover behind a vehicle parked at the west curb line.

According to Officer A, "The suspect comes back towards the . . . doorway and starts yelling, 'Come get me motherf**ker. Come get me.'"

Officer A heard Subject 1 continue to taunt the officers: "At that time the suspect comes back out to the door frame. 'Come on. Come on. I dare you. Come and get me mother**kers. Come and get me. I'm . . . gonna take one of you with me.'"

Subject 1 then opened the screen door and raised a handgun towards the officers, prompting Officer A to fire four rounds from his pistol, Officer C to fire one round from his shotgun and Officer B to fire two rounds from his UPR.

Note: According to Officer A, "At that time, he [Subject 1] comes up to the door. And then as he . . . comes up, he weaves . . . And then, all of a sudden, steps out . . . with the gun up towards my direction. . . . And as he was coming out, raising the pistol in my direction . . . I raised . . . my handgun and I fired off four shots in his direction."

Note: According to Officer B, "[Subject 1] reappeared a couple of times with the gun in his hand. And then, finally I seen (*sic*) him come, reappear with the gun in his hand. And he began to . . . raise the gun where the barrel was coming off of the floor in the direction of the officers who were covering . . . the front of the house. I was scared that he was gonna shoot and kill them. At which point, I had a clear target on him and I fired."

Note: According to Officer C, "[Subject 1] approached the door in a rapid manner. And as he came out of the front door, he raised up his right hand. As he raised up his right hand, I could see a shiny . . . black metal object that I . . . recognized as a revolver. And I shot one shot with the shotgun. And I heard other shots. And the subject went down."

Sergeant C broadcast to all units to, "Hold position, shots fired, officers accounted for, suspect down, hold positions."

Following the shooting, Sergeant B assembled an arrest team. The team then approached Subject 1, secured his weapon and handcuffed him.

Subject 1 was armed with a six-shot blue steel Smith & Wesson .357 revolver. The revolver, lying next to Subject 1, was recovered by Officer M from the front porch. Subject 1 was carried off of the porch by several officers to the southeast corner while other officers cleared the residence.

A Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) was requested. Subject 1 was transported to the hospital and was pronounced brain dead on June 27, 2007.

Note: A subsequent autopsy examination revealed that Subject 1 sustained two fatal gunshot wounds to the head and one nonfatal gunshot wound to the left hand.

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 adopted the following findings.

A. Tactics

The BOPC found Officers A, B, and C and Sergeants A, B, and C's tactics to be appropriate.

B. Drawing and Exhibiting

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

C. Use of Force

The BOPC found Officer A, B, and C's use of force to be in policy.

Basis for Findings

Tactics

The BOPC noted that a review of this incident revealed several positive tactical aspects. The Air Unit was the first unit to arrive on scene and appropriately broadcast their observations and requested additional units for a perimeter. This prompted responding units to contain the area and gather information rather than blindly rush into the

situation. Sergeants A and B arrived on scene and collectively took effective command and control of the incident. Inner and outer perimeters were established including a traffic evaluation component. The PA was successfully used to order occupants out of the facility. The occupants were then debriefed and information regarding the subject was obtained. The PA system was also used in an attempt to have the subject surrender. Officer L commendably broadcast approximately 50 announcements in a 30-minute period. A nearby shopping center was evacuated and the citizens were escorted to a safe location. Arrest teams and immediate action rapid deployment teams were on stand by. The police vehicle's side mounted spotlights were used to illuminate the front of the residence as well as block the subject's vision. As this incident unfolded, officers were directed to deploy the UPR and don their ballistic helmets. Metropolitan Division was notified and kept abreast of the incident. After the officer-involved shooting (OIS), Sergeant C broadcast the subject was down and informed officers to hold their positions until all of the officers were accounted for. Lastly, officers carried the injured subject away from the residence and transported him to a safer location where he received medical treatment.

The BOPC was satisfied with the involved sergeants and officers' tactics. The BOPC determined Sergeants A, B and C along with Officers A, B and C's tactics were appropriate and require no further action.

Drawing and Exhibiting

The BOPC noted that officers responded to an Assault with a Deadly Weapon in progress radio call. As the incident unfolded, it was confirmed that the subject was armed with a handgun. Believing that deadly force may become necessary, Officer A drew his service pistol, Officer B exhibited the UPR and Officer C exhibited the Department shotgun.

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

The BOPC found Officer A's drawing, in policy, requiring no action. The BOPC also found Officer B exhibiting a UPR and Officer C's exhibiting a Department shotgun, in policy, requiring no action.

Lethal Use of Force

The BOPC noted that Officers A, B and C were tactically deployed in front of the residence. Subject 1 opened the security screen door and stood in the threshold of the front door, while holding the handgun in his right hand. While facing toward the officers, Subject 1 raised his right hand and pointed the barrel of his handgun in the direction of several officers. In response to the deadly threat, Officer A fired four rounds from his service pistol in a southeasterly direction at Subject 1 from a distance of approximately 71 feet. Officer B fired two rounds from a Department UPR in a northeasterly direction at Subject 1 from a distance of approximately 91 feet. Officer C fired one round from

the Department shotgun in a southeasterly direction at Subject 1 from a distance of approximately 60 feet.

The BOPC determined that Officers A, B and C believed that Subject 1 presented an immediate threat of serious bodily injury or death. The BOPC found Officers A, B and C's use of lethal force in policy, requiring no action.