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

OFFICER INVOLVED SHOOTING 002-05

<table>
<thead>
<tr>
<th>Division</th>
<th>Date</th>
<th>Duty-On(X) Off()</th>
<th>Uniform-Yes(X) No()</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harbor</td>
<td>1/10/2005</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Officer(s) Involved in Use of Force

<table>
<thead>
<tr>
<th>Officer</th>
<th>Length of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer A</td>
<td>11 years, 6 months</td>
</tr>
<tr>
<td>Officer B</td>
<td>4 years, 3 months</td>
</tr>
</tbody>
</table>

Reason for Police Contact

Officers observed, and followed a stolen vehicle. The stolen vehicle stopped, and the driver exited. The officers deployed on the male driver who was armed with a weapon, and an officer involved shooting incident occurred.

<table>
<thead>
<tr>
<th>Suspect</th>
<th>Deceased ()</th>
<th>Wounded ()</th>
<th>Non-Hit (X)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>Male, 21 years of age.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Board of Police Commissioner’s 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 BOPC of Police; and the report and recommendations of the Inspector General. The Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 December 22, 2009.

Incident Summary

Officer A and Officer B, were monitoring a restaurant that had been robbed on several occasions. The officers were attired in full police uniform, and were in an unmarked vehicle that was not equipped with any emergency equipment or a Mobile Data Terminal (MDT). The officers were being assisted by another unmarked unit. Sergeant A, directed the officers to conduct crime suppression activities as a functioning mobile observation post.
Sergeant A also advised the officers that any suspicious activity should be reported to an available black and white police unit for further investigation. Officer A and B reported that they were in the alley when they observed a white vehicle stopped in the roadway. The vehicle’s headlights were illuminated and the engine appeared to be running. According to Officer A, the left rear tire appeared to be flat and the driver, later identified as the Subject, was “slumped” over the steering wheel. Officer A stopped approximately 50 feet from the Subject’s vehicle because the Subject’s actions appeared to be out of the ordinary. Officer A exited to retrieve a flashlight from the trunk, and directed Officer B to conduct a license plate check to determine if the car was stolen. Officer B requested auto status over the radio, and Communications Division (“CD”) advised that the white vehicle was a reported stolen vehicle. Officer A then advised CD that they were Code-Six on the vehicle and requested an additional unit. Officer B also heard the stolen vehicle broadcast by CD and stepped out from behind the open passenger door. The Subject sat up, causing Officer A to take cover behind his vehicle and to draw his weapon. The Subject reversed his vehicle and proceeded eastbound. Officer A then broadcast a description/direction of the Subject’s vehicle, to CD.

The officers followed the stolen vehicle and then observed the vehicle stop. The Subject exited the vehicle, faced the officers, and yelled, “What’s up!” while brandishing a handgun. In response to the Subject’s actions, Officer A stopped his vehicle and moved to the north parkway while using an unattended vehicle as cover. Officer A then drew his weapon, identified himself as a police officer, and ordered the Subject to drop the weapon. Officer B also moved to a tactical position behind the trunk of their vehicle. The Subject did not comply with Officer A’s orders and instead moved the gun and then pointed it in the officer’s direction. Officer A fired two shots at the Subject from an approximate distance of 94 feet. The Subject re-entered his vehicle and drove eastbound. Officer A and B entered their vehicle and advised CD that shots had been fired and requested help. The officers followed the Subject and noted that he had collided with an unattended cargo truck that was parked on the east curb of a street. The Subject abandoned the vehicle and fled on foot. Officer B advised Officer A to stop short of the stolen vehicle so that they could exit their vehicle and wait for additional units to approach.

The officers moved behind the open doors of their vehicle and drew their pistols. Officer A advised responding units of their location and established a perimeter. Officer A also provided CD with stolen vehicle’s last direction of travel and provided a more detailed description of the Subject.

Officer C and Officer D arrived and met with Officers A and B. Officer B advised them of the location of the Subject’s vehicle. Officers C and D approached the vehicle with their weapons drawn and noted that it was unoccupied. Officer C observed a 9mm blue steel pistol and a round of ammunition on the right front floorboard of the stolen vehicle. Officer C retrieved the handgun and secured it in the trunk of his police car. Officer C or D did not notify CD that they were Code-Six with Officers A and B.

Sergeant B, arrived at scene, obtained a Public Safety Statement from Officer A, and
separated the officers. Sergeant B then advised responding units to establish a crime scene at the location of the OIS. When Sergeant A arrived, Sergeant B left the scene and transported Officer A to the police station. Sergeant C arrived at scene and assumed the role of Incident Commander. Officers E and F were traveling westbound in the area of the incident, observed the Subject standing on the east side of a residence. The officers exited their vehicle and detained the Subject without further incident.

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 Officers A and B’s tactics to warrant Administrative Disapproval.

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 lethal use of force to be in policy.

Basis for Findings

A. Tactics

• In adjudicating this incident, the BOPC considered the following:

• In the area of Tactics, the BOPC noted that Officer A and Officer B did not discuss tactics prior to going into the field or during their tour of duty. The BOPC also noted that the officers did not advise CD of their location when they observed the vehicle in the alley and that Officer A did not correctly broadcast his location. In addition, once the officers became aware that the vehicle was a reported stolen, the BOPC would have preferred that the officers requested a back up, an air ship, and advised responding units that they were in an unmarked car.
The BOPC would have also preferred that Officer A had relinquished broadcasting duties to Officer B when the officers began to follow the Subject in their unmarked car.

- The BOPC also noted that Officers A and B did not request officers assigned with a black and white patrol vehicle to investigate the suspicious vehicle in the alley, as advised by Sergeant A. Moreover, Officer B did not familiarize herself with the locking mechanism of the unmarked vehicle prior to start of watch which. This resulted in a delay in Officer B exiting the vehicle when the Subject was observed to be armed with a gun. The BOPC also noted that when Officer B exited the unmarked vehicle, she did not deploy to proper cover and that Officer A’s flashlight was not readily available. Officer A had to retrieve his flashlight from the rear of the vehicle and was unaware of Officer B’s location at the time. After the officer-involved shooting occurred, Officer B’s broadcast should have included that no officers were injured, that the subject was armed with a handgun, the Subject’s description, the stolen vehicle’s description and the suspect’s direction of travel. The BOPC also noted that Officers D and C did not advise CD of their status upon arriving to Officers A and B’s location.

- The BOPC determined that Officers A and B’s tactics require administrative disapproval and will direct their Commanding Officer to schedule the officers for training at Training Division.

B. Drawing/Exhibiting

- In the area of Drawing, Exhibiting, and Holstering a service weapon, the BOPC noted when CD advised the officers that the vehicle was a reported stolen vehicle and when The Subject sat up in an apparent surprise at the presence of the officers, Officer A moved back to a position of cover at the trunk of the unmarked police vehicle and drew his service pistol. When the officers reached the mouth of the alley, they observed the stolen vehicle come to an abrupt stop. The Subject quickly exited the vehicle and brandished a handgun. Officer A stopped his unmarked vehicle, angled into the roadway from the mouth of the alley, deployed to the north parkway using a parked vehicle at the curb for cover and drew his service pistol. The Subject re-entered the stolen vehicle and accelerated away.

- Aware that the Subject had stopped the stolen vehicle ahead of them and concerned that he may have exited the vehicle and was preparing to confront them, Officer A stopped the unmarked vehicle, and he and Officer B deployed behind their open vehicle doors and drew their service pistols. Officers C and D arrived at the location and observed that the stolen vehicle had collided into the side of a parked truck.

- Officers C and D drove forward and stopped behind the idling stolen vehicle. Intending to clear the vehicle of any Subjects, Officers C and D exited their vehicle and drew their service pistols.

- In light of the above facts, the BOPC determined that the officers had sufficient information to believe the situation might escalate to the point where deadly force
may become necessary and found the actions of the officers in policy.

C. Use of Force

- In the area of Use of Force, the BOPC noted that The Subject abruptly stopped the stolen vehicle, exited, and pointed a handgun toward the officers. Officer A stopped his unmarked vehicle, exited, and used an unattended parked vehicle at the north curb for cover. Drawing his service pistol, Officer A identified himself as a police officer and ordered the armed suspect to stop and drop his weapon. The Subject failed to comply with Officer A’ commands and eventually walked westbound in the street toward the officers. As he did so, The Subject extended his arm parallel to the ground, and pointed the pistol in the direction of the officers. In immediate defense of his life, Officer A fired two rounds at the Subject.

- In light of the above facts, the BOPC determined that Officer A reasonably believed that the Subject presented an immediate threat of serious bodily injury or death and found his use of force to be in policy.