

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

OFFICER-INVOLVED SHOOTING – 014-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Foothill	4/14/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	7 years, 9 months
Officer B	3 years
Officer C	5 years

Reason for Police Contact

Officers attempted to contact a subject threatening with a knife in his residence. The Subject fled the residence and then resisted arrest, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 24 years of age.

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 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 Chief 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 February 24, 2015.

Incident Summary

On the date listed above, Witness A arrived at his residence to deliver food to the Subject, his 24 year-old son. Witness A had recently been concerned about the Subject's well-being since he suffered from schizophrenia, had not slept for five days and had not eaten regularly. Additionally, the day before, the Subject had intentionally stabbed the family dog. The dog was euthanized due to its multiple stab wounds. When Witness A entered his residence he found the Subject inside his bedroom awake and lying on his bed. He gave him the food he had brought and momentarily left the room. When Witness A returned to the Subject's room, he observed him holding a knife to his chest with one hand. He was simulating holding a phone with the other hand and was speaking to himself.

Witness A became alarmed and asked, "Who are you talking to? What are you doing?" The Subject responded, "Close my door! Get out, get out! Close my door!"

Witness A, in fear, exited the bedroom and phoned Witness B, a relative, for help. Witness B then called 911 and was connected to the Los Angeles Fire Department's Communications Division (LAFD CD).

Witness B proceeded to tell the emergency 911 operator that the Subject had a knife and was trying to hurt himself. Witness B requested that paramedics respond to the location. The call was also connected to the Los Angeles Police Department's Communications Division (CD), for police response.

An LAFD Rescue Ambulance, staffed by Firefighter/Paramedics was dispatched to the scene. In addition, a second LAFD Rescue Ambulance was also dispatched.

Firefighters/Paramedics responded and arrived on scene. They met with Witness A and Witness B who were standing outside in front of the residence. Firefighter A (Spanish speaker) spoke with Witness A. He informed him that his son was alone inside, armed with a knife, and threatened to stab him if he didn't leave. According to Firefighter A, LAFD policy dictates that they wait for police to respond and render the situation safe when dealing with a suicidal and armed individual. Paramedic A then contacted his dispatch center, verified that police personnel were responding, and waited outside for their arrival.

Police Officer A advised CD that he would respond to the scene with emergency lights and sirens.

Officer A (Spanish speaker) arrived on scene. Paramedic A informed him that the Subject was alone inside the residence, armed with a knife and was suicidal. Officer A then met and spoke with Witness A and learned that the Subject was schizophrenic. Witness A told the officer about the dog stabbing incident and that the police had responded numerous times to his house because of the Subject's behavior caused by his mental illness.

According to Witness A, during previous police encounters, officers were usually able to convince the Subject to exit the residence without incident. Witness A told Officer A that the Subject was last seen inside his bedroom located at the rear of the residence near the kitchen.

Based on the information received and concern for everyone's safety, Officer A directed the firefighters to move their ambulances that were parked directly in front of the residence. He then instructed Witness A and Witness B to remain on the west side of the street south of their residence. He took these precautions in the event the Subject unexpectedly exited the residence armed with a weapon. This would provide them with time to react and afford them the distance to safely deal with the Subject. Officer A then requested two additional units and a supervisor to respond. Numerous officers notified CD they were responding to the additional unit request.

Officers B and C arrived on scene. They were briefed by Officer A of the Subject's mental status and that he was armed with a knife. The officers discussed the situation and formulated a plan based on the information that the Subject usually complies with officers' commands. The plan was to have the Subject exit the residence, and once outside he would be taken into custody and provided with the mental or medical services he needed. The officers formed a three person arrest team. Officer A was the contact, Officer B provided cover, and Officer C was the designated less-than-lethal officer armed with a Thomas A. Swift Electric Rifle (TASER). The officers approached the residence and positioned themselves at the threshold of the front door which was slightly ajar. Officer A pushed the door open and loudly announced they were the police. He repeatedly referred to the Subject by name and requested that he step out. The officers waited outside for several minutes and never heard a response or noises emanating from inside the house. They concluded that either the Subject did not hear them or he was injured and could not respond. The officers decided they would enter the residence to locate him.

Shortly after, Officers D and E joined the officers at the front of the residence. They were advised that the Subject was inside armed with a knife. Officer A directed them to remain outside and contain the south side of the house during the search. The arrest team, consisting of Officers A, B, and C, entered and systematically searched the residence.

Once Officers A, C, and B made entry into the house, they realized that they needed additional help in covering the interior doors as they searched inside. Officer A said that he called Officer D and E into the house. He stated, "We advised the other unit [...to] take a look inside and to see if they can clear the kitchen out, or anything else they can clear before we move in." Officer C indicated that they needed additional officers inside to search and that, they called in Officers D and E, who came in through the open door on the south side of the house and entered the living room.

When the officers entered the kitchen area, Officer A looked through an interior window into an adjacent room and saw the Subject. The window was above the kitchen sink

with curtains that were partially open, which provided officers a limited view into the bedroom. The Subject was holding a black handled steak knife in his right hand with the blade pressed up to his chest. Officer A immediately ordered him to drop the knife and gave him commands to step out of the room. The Subject replied that the officers would have to shoot him. Knowing that the Subject suffered from schizophrenia, Officer A attempted to build a rapport by talking with him and trying to convince the Subject to surrender. Officer A estimated that he attempted to converse with the Subject for several minutes without success.

Officer A said that that after a few seconds of speaking to the Subject, he realized that he knew him from prior contacts. Officer A also indicated that the Subject was not mentally stable, but that he usually complied with officers, and that this time he wasn't complying at all.

Furthermore, Officer A indicated that he began speaking to the Subject nicely and in a way where, "hopefully that he will -- he'll feel that I was his friend not his enemy. So I start telling him, hey, at least I'm here to help you. Drop the knife. No need for that. Come and talk to me. I'm your friend. Let's get you some help if you need so. Maybe you don't need any help, but let's come out and talk -- talk to me."

The Subject did not comply with any of Officer A's requests. With the knife still in his hand, the Subject proceeded to stab himself multiple times in the chest. The Subject moved north out of the officer's view and exited the residence through an exterior door. Believing the Subject was a threat to the public and heading toward the street, Officer A exited the house through the front door to contain the north driveway. The officers communicated with each other that the Subject had exited the residence. Officer E then requested an Air Unit to respond.

Officers B and C did not know there was an exit door on the north side of the Subject's bedroom, nor did they initially realize the suspect had exited the residence. Officers B and C remained inside the kitchen. Officer C looked out the north kitchen window which faced the driveway. The window was open and had no screen at the time of the incident. He observed the Subject standing outside with the knife to his chest.

Officer C indicated that the Subject had the knife to his chest, and it looked as though he was going to kill himself. He had an intent stare and looked agitated. Officer C believed the Subject was going to attempt to take his life.

Officer C elected to use his TASER in probe mode from inside the house to stop the Subject from stabbing himself. As the Subject stood outside on the driveway, Officer C aimed his TASER at the Subject's mid-section, and discharged it. At least one TASER probe struck the Subject's jacket. Officer C believed both probes initially struck the Subject because he fell down to his knees and was affected by the TASER's neuromuscular incapacitation function. As the Subject rolled on the ground, Officer C saw the wire leads extending and felt tugging on the TASER. Officer C observed electrical arcing and believed the TASER darts were no longer properly connected to the Subject.

At this point, the Subject quickly stood up and ran east towards the backyard, at which time the officers lost sight of him.

Officer A was standing outside in front of the residence when he heard the TASER activation. Believing the Subject was being taken into custody, Officer A re-entered the house. The officers communicated with each other that the Subject had exited the property and fled towards the rear yard. Officers A and B entered the Subject's bedroom and ensured no one else was inside. While clearing the room the officers noticed blood on the floor. It was unknown at the time the extent of the Subject's injuries. They verified no one else was in the room and exited the residence through a north doorway that led to the driveway.

Since the Subject's exact location was unknown, the officers transitioned to containment mode. Officers C, E, and D ran outside towards the front of the residence and established containment to the south by positioning themselves on the street, east of the location.

Officers A and B conducted a cursory search of the rear yard looking for indicators leading them to the Subject's whereabouts. Officer B climbed onto a large storage box and looked south over the wall into the rear yard of an adjacent home. He observed Witness C in an adjacent yard to the east. Witness C was looking over his fence and motioned with his hands to the officers directing them to the Subject's location.

According to Officer B, Witness C said, "He's in the house. He's in the house.' And he's pointing to the blue house. And I said, 'He's in this house right here?' He says, 'Yes.' So at that point what's going through my mind is that he's entered this house and he may be hurting or possibly killing people in this house."

Officers A and B could not see the Subject from their point of view. Believing the Subject was a danger to the public and because they wanted to prevent harm to innocent bystanders, Officers A and B holstered their weapons and climbed over the wall one at a time, with Officer B jumping over first. Once they were on the other side they began to walk one in front of the other in a southeasterly direction when they observed the Subject standing in the doorway of a shed. He was approximately 25 feet away, facing east, and holding the knife in his right hand.

Officer B unholstered his pistol and provided cover. Officer A unholstered his TASER and began to verbalize with the Subject, trying to convince him to drop the knife and surrender. The Subject repeatedly responded, "I'm not going down. I'm going to kill you guys. I'm going to come run and kill you guys."

Due to the Subject's threats, Officer A holstered his TASER and unholstered his firearm. With the Subject refusing to comply, the situation remained at a standstill for several seconds. Officer B communicated with the other officers at the scene on the police radio. He directed them to their location and requested a beanbag shotgun.

As this was occurring, Witness D, who resided at the home the officers were now at, was inside his living room when he observed two officers (C and D) on the street in front of his house. Witness D noticed that the officers' attention was directed towards the area between his residence and that of his neighbor's to the west. Witness D walked to the front door to see what was occurring, when he heard broadcasts from the officers' radios stating, "The man may jump the wall." Believing the officers were searching for someone near his home, he went to his back door and locked it. After hearing noises coming from his backyard, he walked into his bedroom located on the north side of the house. From there Witness D looked out the window into his yard.

Witness D saw the Subject standing at the doorway of his shed holding a knife with a six inch blade in his right hand. He also observed two uniformed officers standing in his yard near the north block wall approximately 30 to 35 feet away from the male. Witness D observed both officers with their guns drawn and heard them telling the Subject, "We're just here to help you."

Witness D stated that he watched for what he believed were mere seconds, decided to step away from the window, and walked back to the living room.

The officers were now standing side by side a few feet apart. Officer A continued verbalizing with the Subject, trying to convince him to comply, without success.

Suddenly and without warning, the Subject sprinted directly toward the officers with the knife. He held the knife with his right hand, arm fully extended forward, with the blade pointed toward the officers. Officer A described the Subject's facial expressions as angry and wide eyed. As the Subject charged, his body posture was similar to that of a football player preparing to tackle someone.

Officer A believed that the Subject intended to stab him. Fearing for his life, Officer A raised his pistol, aimed it at the Subject, and fired two rounds in a southerly direction, using a two-hand shooting stance, from a distance of approximately 18 feet. The Subject continued to rapidly advance toward the officers. Officer A side stepped to his right (west) in an attempt to get out of the Subject's path. Simultaneously Officer A fired an additional three rounds at the Subject in a southerly direction, using a two-hand shooting stance, from an approximate distance of 12 feet.

Similarly, Officer B observed the Subject charging toward him with the knife in his hand, and he too believed the Subject intended to stab and kill him. Officer B, fearing for his life, reacted by raising his pistol, aimed it at the Subject and fired his weapon in a southerly direction, using a two-hand shooting stance, from a distance of approximately 10 feet. As the Subject continued to advance toward him, with his partner to his left, Officer B quickly stepped backwards to create distance and continued to fire from an approximate distance of 14 feet. Officer B fired a total of four rounds. The Subject was struck by gunfire and fell face down on the ground.

Witness D said that within moments after stepping away from the window, he heard approximately four gunshots in quick succession. After hearing the shots, Witness D walked back to his bedroom and looked out the window. He observed the Subject lying face down on the ground with his hands underneath his body. The Subject was now near the middle of the yard next to a bird bath. He was approximately five to six feet from where the officers had been standing when he first looked out of his bedroom window.

Officer B broadcast on the radio, "Help call, Shots fired." Officers A and B kept their pistols aimed at the Subject and waited for additional officers before approaching. Officers D and E located them, climbed over the north wall, and joined them. They were informed that the Subject possibly had the knife underneath his body. Officers A and B provided cover while Officers D and E approached the Subject and rolled him onto his side. The knife was located underneath his torso near his rib cage. Officer E grabbed the knife and tossed it to the east a few feet away. Officers D and E then handcuffed the Subject with his hands behind his back. Officer E conducted a pat-down search for additional weapons and found none. Once the Subject was in custody, Officers A and B holstered their weapons.

Once the incident was rendered safe, the paramedics on scene were directed to the yard where the Subject was located. Firefighter/Paramedics provided emergency medical treatment to the Subject. However, he did not respond to the treatment and was pronounced dead.

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 of a firearm 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, made the following findings:

A. Tactics

The BOPC found Officers A, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, B, and C's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer C's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers A and B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Encounters with the Mentally Ill

Communications Division broadcast information that the Subject suffered from a mental illness and threatened to harm himself while holding a knife. The officers were aware of this while responding to the call.

In fear for his safety, Witness A notified Witness B to call the police. With the information from Witnesses A and B regarding a long history of mental illness, the officers approached the residence with a tactical plan to see if the Subject would come out on his own. Officers A, B, and C approached the incident with the intent of a peaceful outcome, as the Subject had complied with officers' requests to peacefully surrender in the past. Officers facing similar circumstances should continuously assess the tactical situation when persons with mental illness are involved, in particular one in possession of a knife. Training and experience are also crucial when handling incidents involving potentially armed mentally ill persons.

During this incident, the involved officers gathered pertinent information regarding the incident and the Subject's mental illness history. The officers deployed appropriately and communicated well throughout the incident. In conclusion, the officers' actions did not substantially deviate from approved Department tactical training. However, in an effort to improve future tactical performance, the BOPC directed that this topic be discussed during the Tactical Debrief.

2. Tactical Communication

Officers A, B, and C entered the kitchen and observed the Subject in a rear bedroom through a window. The officers did not broadcast the Subject's location at this time.

Although their view of the Subject was limited, broadcasting his location would have been advantageous and assisted with securing a perimeter should the need arise, as it eventually did in this incident.

Officers should balance officer safety considerations versus broadcasting information while at the scene of incidents such as this. Officers D and E were positioned on the south side of the residence and could hear verbal commands from Officers A and B. Officers must continuously evaluate their tactics while engaged with a subject armed with a knife. That being said, after a review of communications involved throughout this incident, the BOPC determined the officers' actions did not substantially deviate from approved Department tactical training. However, in an effort to enhance future tactical performance, the BOPC directed that this topic be discussed during the Tactical Debrief.

3. Subjects Armed with Edged Weapons

Officers A, B and C observed the Subject armed with a knife and observed him stab himself multiple times and then flee on foot.

While searching for the Subject, the officers were advised he was hiding in a shed in a neighboring yard. Officers A and B believed the Subject would harm someone and entered the yard. Here, the officers observed the Subject, still armed with a knife, and they were confronted with a rapidly unfolding tactical situation, when according to Officer A, the Subject was "holding the knife on his right -- on his right hand and just kind of has his upper body outside the threshold of that shed." Officers A and B then observed the Subject, still armed with a knife.

The process of communicating with a subject armed with an edged weapon involves a variety of concerns while determining the most effective method to safely diffuse the situation. The officers remained a distance away from the Subject wherein they could effectively verbalize with him, while affording themselves enough distance to address any further threat that the Subject should pose. The BOPC acknowledged the multitude of efforts made by Officers A and B in ordering the Subject to drop the knife. When the officers' verbalization appeared ineffective, Officers A and B transitioned roles of contact and cover officer. Officer A became contact officer and ordered the Subject to drop the knife. The BOPC also assessed the distance of the officers at the time they made contact with the Subject, due to their knowledge of and concern for the fact that he was armed with an edged weapon. The distance the officers made contact with him was adequate and afforded them the tactical advantage.

Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional

considerations that would be beneficial in future incidents. Therefore, the BOPC directed that this topic be discussed during the Tactical Debrief.

4. Verbal Commands

Throughout the incident, the officers gave clear verbal commands for the Subject to drop the knife and surrender peacefully.

At the beginning of the incident, Officer A was advised by Witnesses A and B that the Subject cooperated with law enforcement in the past. On this particular day, the Subject refused to comply with any orders and kept yelling at the officers, to “shoot him,” while many attempts were made to convince the Subject to drop the knife. Officers A and B told the Subject that they were there to help him or get him help if needed. Officer A attempted to build a rapport with the Subject and asked him repeatedly to drop the knife and surrender. These commands were clear and heard by neighboring witnesses as well as officers positioned on the perimeter.

The process of communicating with an armed subject involves a variety of concerns while determining the most effective method to safely diffuse the situation. The BOPC appreciated and acknowledged the various and multiple efforts made by Officers A and B while verbalizing with the Subject to drop the knife. Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents. Therefore, the BOPC directed that this topic be discussed during the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances. Each tactical incident merits a comprehensive debriefing.

In conclusion, the BOPC found Officers A, B, and C’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A spoke to Witness A and received information that the Subject was armed with a knife and inside the residence. Officer A waited for additional resources, and as Officers B and C arrived, he advised them that the Subject was armed with a knife. The officers formulated a tactical plan and approached the residence, at which time they drew their respective service pistols.

At first, Officer C deployed his TASER and as he entered the residence the officers encountered closed doors, Officer C then holstered his TASER and drew his service pistol.

Officers A and B were advised that the Subject was possibly in the neighbor's rear yard, and the officers last observed the Subject armed with a knife. Officers A and B climbed over the wall. Officer A holstered his service pistol and climbed over the wall. Officer A then drew his TASER, but when Officer B broadcast their location, Officer A holstered his TASER and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience while faced with similar circumstances would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A, B, and C's drawing and exhibiting or a firearm to be in policy.

C. Less-Lethal Use of Force

- Officer C recalled looking out the window and seeing the subject facing the window and holding a knife to his chest. Officer C indicated, "It looked like he was going to kill himself. He -- he had an intent stare, a thousand-yard stare. He looked agitated. And then with the knife at his chest I thought he was going to attempt to take his life."

Officer C then discharged his TASER to prevent the Subject from killing himself and recalled discharging his TASER at him. The two prongs hit the Subject, and he went down on one knee.

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer with similar training and experience and in a similar circumstance. The BOPC determined that an officer with similar training and experience would reasonably believe that the application of less-lethal force to stop the Subject's actions of hurting himself was reasonable and would have acted in a similar manner.

In conclusion, the BOPC found Officer C's less-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer A** – (pistol, five rounds)

Officer A recalled being about 25 feet away from the door where the Subject was located. The Subject came towards Officer A with an angry face and wild look. His

eyes were big, like a football player who was going to tackle someone. He was holding the knife on the right hand with the blade up and appeared to be ready to stab Officer A. Officer A was in fear of his life, so he fired what he believed to be two rounds. And then as the Subject continued to approach, he moved to the right, to avoid him launching and stabbing Officer A, while Officer A continued to shoot while the threat was still there.

- **Officer B** – (pistol, four rounds.)

Officer B recalled that Officer A was still pleading with the Subject, saying, “Just drop the knife.” And the Subject immediately charged toward them at full speed. He got approximately seven to ten feet away from the officers. Officer B thought the Subject was going to kill him. His life flashed before his eyes, and in the back of his mind he already knew the Subject had already killed one living thing, and Officer B believed he was going to be the next. Officer B fired approximately three rounds as he was retreating to gain a little distance and to stop the threat from the Subject. The Subject then went down.

In conclusion, the BOPC found that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that the Subject’s actions presented an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject’s actions would be reasonable.

Therefore, the BOPC found Officers A and B’s lethal use of force to be objectively reasonable and in policy.