

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

OFFICER-INVOLVED SHOOTING – 017-14

Division **Date** **Duty-On (X) Off ()** **Uniform-Yes (X) No ()**

Hollywood 04/13/14

Officer(s) Involved in Use of Force **Length of Service**

Officer A 26 years, 4 months

Officer B 6 years, 9 months

Reason for Police Contact

Officers responded to a radio call of a subject armed with a knife. Upon encountering the Subject, he armed himself with the knife and moved toward the officers, and an officer-involved shooting occurred.

Suspect **Deceased (X)** **Wounded ()** **Non-Hit ()**

Subject: Male, 45 years old.

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 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

Witness A was working as a security guard at a store. Witness A stepped outside the store into the parking lot and saw a male, later identified as the Subject, arguing with a store employee identified as Witness B. Witness B was advising the Subject that he could not leave the store's premises with the store's shopping cart. Witness A intervened and reinforced what Witness B had already told the Subject.

Witness A was called into the store to assist with transferring a cash drawer from a register to the safe. Upon returning outside, Witness A saw that the Subject had transferred his property from his shopping cart to the store's shopping cart and was attempting to leave the store's premises. Witness A approached and turned over the shopping cart, dumping the Subject's property out of the cart and onto the ground. He again told the Subject he could not take the store-owned shopping cart and had Witness B take possession of the cart. Witness A again returned inside the store to assist with securing a cash drawer.

The Subject shortly thereafter entered the store and approached a display of kitchen knives. As Witness A was monitoring the Subject, he selected a twelve inch long knife secured in a plastic package, followed by a bag of ice. The Subject carried both items to an open cashier. Witness A stood near the cash registers and continued to monitor the Subject.

As the Subject paid for the knife and bag of ice, he began to verbally threaten Witness A. As he made his way toward the exit, he taunted Witness A and challenged him to come outside where he threatened to kill him and his family. Witness A monitored him and continually asked him to, "Please leave" and also stated, "I have already called the police."

Upon exiting the store, the Subject removed the protective packaging from the knife. With the knife in his hand, the Subject returned to the entrance where Witness A was standing and said, "Come. We are going to kill each other. Come. I am going to kill you and your family."

Witness A, concerned for his safety and for those in and around the store, called the Los Angeles Police Department (LAPD), Communications Division (CD). Witness A told the emergency board operator that a male was inside the store destroying things, taking shopping carts and also wanted to fight with him and the cashiers.

CD broadcast a vandalism subject at the store and provided the subject's description. The call was assigned to Officers A and B. Officers A and B immediately acknowledged the radio call and responded. They were backed by Officers C and D.

While en route to the store, Officers A and B discussed their approach. Being familiar with the layout of the store, and not wanting to drive into the parking lot and place themselves at the entrance to the store, the officers decided to park their vehicle on the north side of the store along the south curb of the street. Upon exiting their vehicle,

they would walk east to the parking lot and approach the entrance to the store located on the east side of the structure. They also decided Officer B would carry the TASER.

Meanwhile at the store, the Subject was still armed with the knife and acting in a manner that was scaring the customers. Several children near the entrance where the Subject was standing were crying, and numerous customers were running in various directions.

Witness A called CD a second time and reported a male wearing a green plaid shirt was at the store armed with a knife and threatening people. CD upgraded the radio call and broadcast that the Subject was armed with a knife.

As Officers A and B approached the store, Officer B advised CD the two calls were related he and Officer A were at the scene. Officer A parked along the south curb and the officers exited their vehicle. With several pedestrians present in the area, Officer B walked east on the south sidewalk, while Officer A walked east in the street adjacent to the cars parked along the south curb.

The Subject left the store carrying the bag of ice in his hand with the knife stuck inside the bag and the handle protruding out of the bag. Unbeknownst to the officers, he walked west on the south sidewalk directly toward them.

Officer B saw the Subject walking toward him with a bag of ice in his left hand and initially assumed he was a customer. After a quick assessment, he realized the Subject matched the description of the Subject as described in the broadcast. Officer B saw the black knife handle protruding out from the bag of ice and alerted Officer A to the presence of the Subject and the knife.

Officer A, upon clearing the front of a parked car and now standing in the lane adjacent to the curb, heard his partner yell something. He did not hear what was said and upon looking toward the sidewalk, he saw the Subject walking west on the sidewalk with a bag of ice in his left hand. Officer A immediately recognized the Subject as the male wearing a green plaid shirt and believed he was the subject, but did not see the knife.

Both officers immediately gave verbal commands to the Subject. Officer A ordered the Subject to get against the wall while Officer B ordered the Subject to drop the bag. The Subject ignored the commands and continued walking west several steps. Officer A paralleled the Subject to maintain the north wall of the store as a background in the event lethal force was needed. The Subject then turned around and walked east at a quick pace away from the officers.

Officer B repeated his command for the Subject to drop the bag, while both officers mirrored the Subject's movements and followed him east. Officer A unholstered his pistol, as he could no longer see the Subject's hands and believed he could be armed with a knife. He held his pistol in his right hand along his thigh with his finger on the frame and ordered the Subject to get against the wall.

The Subject took a couple of quick steps, abruptly stopped, and turned to his left toward Officer A. As he was turning, he grasped the knife handle with his right hand and removed the knife from the bag of ice. The Subject faced Officer A, raised the knife over his head in an overhand grip, and charged at him. Officer A acquired a two-hand shooting position and fired three rounds at the Subject as he (Officer A) backed up, while Officer B discharged the TASER.

The Subject collapsed to the ground in a prone position with his head to the west. He fell with his left arm and the bag of ice under his torso while his right arm was out to his side with the knife clutched in his hand.

Officers C and D arrived and parked behind Officer A's vehicle. Upon exiting the car, Officer C unholstered his pistol and heard an officer state, "Drop the knife," followed by gunfire. As Officers C and D approached the officers, Officer A immediately informed them that the Subject was holding a knife in his hand. Officer D broadcast, "We have shots fired" followed by a request for a rescue ambulance (RA).

Officer A discussed with the officers a tactical plan which involved waiting for another unit before approaching the Subject and disarming him of the knife. While Officer B maintained control of the TASER with the darts attached to the Subject, Officer A designated himself as responsible for lethal force.

Officer C holstered his pistol as Officer A maintained his position in the street and held his pistol in a right two-handed shooting position, covering the Subject. Officer C, followed by Officer D, stepped off the sidewalk and walked behind Officer A. Both officers took a position to the left of Officer A and awaited the arrival of another unit.

Officers E and F arrived on scene and approached on foot in the street. Upon their arrival, Officer A briefed them on the situation including the fact that he (Officer A) was the cover officer. Officer E offered a solution to disarming the Subject in which he would utilize his side handle baton to knock the knife out of his hand. Officer A agreed with the plan.

Officer E withdrew his baton and advised the officers he was approaching the Subject. He swung his baton at the knife and missed on the first attempt. On the second attempt Officer E successfully knocked the knife from the Subject's hand. The knife flew into the air and came to rest in the eastbound lanes of Sunset Boulevard.

Officers C and D put gloves on before approaching the Subject. Officer C approached and grabbed his right arm while Officer D approached his left side and grasped his left arm. Officer D utilized his handcuffs and secured the Subject's left wrist followed by his right wrist. While Officer C removed the bag of ice from under the Subject, Officer D searched him for additional weapons. No additional weapons were found.

Officer D broadcast the Subject was in custody (Code Four). With the Subject secured in handcuffs, Officer A holstered his pistol, while Officer B switched the TASER to safe.

Sergeant A arrived at the scene immediately following the Code Four broadcast. Upon arrival, he noted the Subject was on the ground handcuffed and, after speaking with Officer A, he determined an Officer-Involved Shooting (OIS) had occurred. Sergeant A assumed the role of Incident Commander and obtained public safety statements (PSS) from the officers. Sergeant A ordered each officer not to discuss the incident and monitored the four officers until additional resources arrived.

The Los Angeles Fire Department (LAFD) RA arrived on scene. After an examination of the Subject, paramedics found no signs of life and determined his death.

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 made the following findings.

A. Tactics

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

B. Drawing/Exhibiting

The BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer B's less-lethal force to be in policy.

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 1. Subjects Armed With Edged Weapons

Officers A and B were faced with a situation wherein a subject was armed with an edged weapon (knife) and not complying with the officers' commands.

As the officers gave verbal commands to the Subject to drop the bag and face the wall, the Subject turned around and began to walk away from the officers, then stopped and turned toward the officers while removing the knife from the bag of ice. Once Officers A and B observed the Subject armed with a knife, they appropriately deployed less-lethal (Officer B) and lethal (Officer A) force options to address the threat.

Subjects armed with edged weapons pose unique challenges for officers. During this incident, the BOPC believed Officers A and B responded appropriately to the threat presented before them. When Officer B discharged the TASER at the Subject, he was approximately 14 feet from him. When Officer A discharged his service pistol at the Subject, he was approximately 13 feet from him. While upon initial review, this could be considered relatively close to a subject with an edged weapon, however in Officer A's case, he was not able to continue moving rearward, as he stood on the edge of a busy street, preventing him from doing so. Additionally, the officers attempted to gain the Subject's compliance by providing verbal commands to him to surrender, as well as the utilization of less-lethal force options.

After taking into consideration the totality of the circumstances, the BOPC determined that the officers' actions were appropriate and consistent with Department tactical training. Being aware of the dangers associated with subjects armed with edged weapons, the officers remained vigilant while they attempted to maintain a safe distance from the Subject and made attempts to resolve the situation without utilizing deadly force. The officers were able to initially address the Subject effectively, preventing him from leaving the area, and they demonstrated reverence for human life by utilizing verbalization techniques and less-lethal force options.

In evaluating the officers' actions, the BOPC determined that based on the totality of the circumstances, the officers' actions did not represent a substantial deviation from approved Department tactical training. Nonetheless, Officers A and B would benefit from a discussion regarding subjects armed with edged weapons.

2. Simultaneous Verbal Commands

When Officers A and B confronted the Subject, they gave him simultaneous verbal commands. Officer A ordered the Subject to get against the wall while Officer B ordered the Subject to drop the bag. Officers A and B are reminded of the importance of coordinating their roles to ensure that the integrity of the contact and cover concept is not compromised. Simultaneous commands can

also lead to confusion in the mind of the Subject and possibly result in non-compliance. These topics were to be discussed during the Tactical Debrief.

- The BOPC recognized that Officers A and B's actions were exceptional and consistent with the best practices of the Department. 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 that the tactics be evaluated based on the totality of the circumstances. After a thorough review of the incident, regarding Officers A and B, the BOPC determined the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

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

B. Drawing and Exhibiting

- Officers A and B were out of their vehicle, on foot, approaching the business when they encountered the Subject who matched the description from the radio call. The officers gave the Subject verbal commands to drop the bag and face the wall. The Subject ignored the commands and continued walking. Officer A paralleled the Subject to maintain the north wall of the store as a background. The Subject turned around and walked eastbound away from the officers. Officer B repeated his command for the Subject to drop the bag. Officer A drew his service pistol as he could no longer see the Subject's hands and believed he could be armed with a knife.

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

In conclusion, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer B – One TASER activation**

The Subject was focused on Officer A with the knife in his right hand raised in an overhand stabbing position. Officer B raised the TASER while holding it in his right hand and discharged it at the Subject's abdomen.

The officer's 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 aggressive actions was reasonable and would have acted in a similar manner.

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

D. Lethal Use of Force

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

Officer A ordered the Subject to get against the wall. The Subject took a couple of quick steps, abruptly stopped, and turned to his left toward Officer A. As he was turning, he grasped the knife handle with his right hand and removed the knife from the bag of ice. The Subject faced Officer A, raised the knife over his head in an overhand grip, and charged at him. In response, Officer A backed up, but could no longer continue rearward as he was entering lanes of traffic on the street. Officer A fired three rounds at the Subject to stop his actions, while Officer B discharged the TASER as he was unsafe to approach. The Subject collapsed to the sidewalk in a prone position with his left arm and the bag of ice under his torso while his right arm was out to his side with the knife clutched in his hand.

Based on the Subject being armed with a knife and charging toward Officer A, Officer A's decision to discharge his service pistol to protect himself was objectively reasonable.

In conclusion, an officer with similar training and experience as Officer A would reasonably believe that the Subject presented an imminent threat of death or serious bodily injury and therefore the use of lethal force in defense of his and Officer B's life was objectively reasonable and within Department Policy.

In conclusion, the BOPC found Officer B's lethal use of force to be in policy.