

Incident Summary

On the date of this incident, Patrol Division uniformed officers responded to a radio call for a possible Assault with a Deadly Weapon (ADW) Subject. The call had been upgraded from a previous call of a vandalism Subject. When the officers arrived, they separated the involved parties and determined that the victim's vehicle (Witness A) had been vandalized and no ADW had occurred. As the officers began to gather additional information, the individual accused of the vandalism (the Subject) entered his residence and retrieved two kitchen knives. The Subject then exited the residence with the knives and began threatening to kill the officers. After additional units arrived and the Subject failed to comply with the officers' demands to drop the knives, two beanbag rounds were fired at the Subject, resulting in a Law Enforcement Related Injury (LERI).

At the start of this incident, Communications Division (CD) received a call for service from Witness A, who reported that his vehicle tires had been slashed and believed his mother's boyfriend, (Subject) was involved. Witness A indicated that two days prior, he had an argument with the Subject and thought the vandalism was in retaliation for the argument.

Note: Witness A did not witness the vandalism and no witnesses to the vandalism were identified.

CD broadcast a call of a vandalism subject at the location. No units acknowledged the call, and it was assigned to Patrol Division uniformed Officer A and B, via their Mobile Digital Computer (MDC).

Witness A again telephoned CD and advised that the vandalism Subject was now threatening to light him on fire using gasoline. CD notified Officer A and B that their call had been upgraded to an ADW Subject "there now" call and to respond with a higher priority. Officers A and B completed their call and responded to the location.

Note: The officers had been working together as partners for approximately six months. While enroute to the call, they discussed their tactics, including separating the involved parties while maintaining visual contact with each other.

Officer B parked the police vehicle approximately two houses north of the residence along the west curb. Officer A notified CD they had arrived at the scene via the MDC, and the two officers exited their vehicle.

Standing in front of the residence were Witness A; his mother (Witness B), and the Subject. As the officers approached the three, Witness A identified himself as the caller. Officer A separated him from the other two and obtained information about the incident while Officer B remained with Witness B and the Subject.

Note: The officers maintained visual contact as they interviewed the involved parties. Witness B and the Subject have been living together for the past 18 years and have a 17-year old daughter together, (Witness D).

According to Officer A, Witness A told him that a few days prior, someone had slashed the tires to his vehicle, and he believed that it was the Subject. Although Witness A did not witness the incident, he believed it was the Subject because of an argument they had earlier in the day and wanted the Subject arrested. Officer A explained that he could not arrest the Subject for the incident and explained the investigative process for a misdemeanor crime.

When questioned about the threat, Witness A stated that the Subject was drunk and makes threats all the time. Witness A just wanted this behavior to stop. Officer A determined through his interview that no ADW or criminal threats crimes had occurred.

After Officer B spoke with Witness B, he joined Officer A so the two officers could discuss their separate interviews. The officers directed Witness B over to their location so they could advise her and Witness A of their legal recourse regarding the Subject. As that occurred, Witness C, Witness A's brother, joined the group. The Subject remained in front of the house standing on the sidewalk. According to Officer B, the Subject was very drunk and was trying to talk to them during their discussion with Witness A and B. At one point, Officer B instructed the Subject to "just stand there" and they would talk to him in a moment.

A short time later, the Subject walked to the front door to enter his house but the door was locked. The Subject's daughter, (Witness D) who was seated inside the residence, saw her father at the front door and allowed him into the home. The Subject walked into the kitchen, retrieved two butcher knives and secured them into an elastic brace he was wearing around his abdomen. The Subject then walked to the front door, exited and sat down on the front porch.

Witness B noticed the Subject on the front porch and alerted Officers A and B that he was armed with knives.

Officers A and B deployed to an area closer to the front porch. The officers positioned themselves on the sidewalk, outside of a wrought iron fence that surrounded the property. The Subject removed the knives from the brace and held one knife in each hand approximately chest high, with the blades pointed up. Officer A unholstered his pistol, held it in a two-hand grip and pointed it at the Subject. Officer B unholstered his pistol and held it in a two-hand low-ready position.

The officers began ordering the Subject to drop the knives. The Subject refused to drop the knives and told the officers to shoot him, while shouting expletives.

Note: Officer A gave commands in English and Officer B issued commands in both English and Spanish.

The Subject removed his shirt, pants and brace, until he was wearing only underwear and socks. Officer B requested a backup for a 415 man with a knife. One minute later, Officer B requested a unit with a beanbag shotgun.

While Officers A and B were giving verbal commands to the Subject, Witness C advised the officers that his sister (Witness D) was in the residence. Officer A communicated to Officer B that they could not allow the Subject to enter the house for fear of an escalation to a hostage situation. Officer A advised Witness C to call his sister and have her leave the house. Witness C yelled into the house for his sister to leave the house through the rear door. Witness D was able to safely exit the residence through the rear door and met with Witness C. Officer B observed this and told Officer A that the girl was safe.

Officers C and D were one of the first units to arrive as back up. As the officers deployed, the Subject was still on the front porch holding a knife in each hand. Officer D retrieved his Department-issued Remington shotgun from the vehicle. Officer D chambered a round and held the shotgun in a low-ready position as he advanced and stood next to Officer A. Officer C unholstered his pistol, held it in a two-hand low-ready position and deployed near Officer A.

Sergeant A and Officer E arrived at the scene in separate vehicles. Sergeant A asked Officer E if he had a beanbag shotgun, and Officer E informed him that he was equipped with a Thomas A. Swift Electronic Rifle (TASER). Officer E deployed to the left of Officer A, unholstered his TASER and held it in a two-hand low-ready position. Sergeant A positioned himself to the rear of the officers and assumed command and control of the incident. As additional units arrived, Sergeant A requested a beanbag to be deployed.

Officers F and G next arrived at the scene. Officer G went to the trunk of their vehicle and retrieved a Department-issued beanbag shotgun. He chambered a round and deployed inside the yard to a position that gave him a view of the Subject. Officer F unholstered his pistol, and pointed it at the Subject. Officer F remained on the sidewalk in front of the residence.

Officers H and I subsequently arrived. Officer H exited his vehicle and observed the Subject armed with two knives. Officer H unholstered his pistol, held it in a two-hand low-ready position. Officer H deployed at the north end of the property outside of the fence.

Officer I exited his vehicle, went to the trunk, retrieved his Department issued beanbag shotgun and chambered a round. Officer I approached the location and observed another officer was at scene with a beanbag shotgun. He then secured the beanbag shotgun to his body with the attached sling. Officer I observed the Subject still armed with two knives, unholstered his pistol, and held it in a two-hand low-ready position.

Officers J and K arrived, and both officers exited their vehicle and unholstered their weapons upon seeing the Subject armed with knives. However, the officers holstered their weapons when they heard Sergeant A state that there was a lethal team assigned and for the other officers to holster their weapons.

Officers L and M arrived and when Officer M exited his vehicle, he observed the Subject on the porch holding two knives. Officer M unholstered his pistol, held it in a two-hand low-ready position and deployed to the right of Officer A. Sergeant A assigned Officer M to be part of the arrest team. Officer M holstered his pistol and put on latex gloves. Officer L exited the vehicle, unholstered his pistol and held it in a two-hand low-ready position. Officer L deployed to an area north of the porch, outside of the fence line in case the Subject attempted to flee north. Sergeant A designated Officers C and K to join Officer M as the arrest team. Officer C holstered his pistol. Officer F observed the arrest team assembling in front of him and holstered his pistol.

Sergeant A called for Officer G armed with a beanbag shotgun to deploy next to Officer A. The Subject picked up the top section of a plastic dog kennel, while still holding the knives in his hands and covered himself for protection. The knives were visible over the top of the kennel. Sergeant A told the Subject that if he did not comply with officers' commands, he was going to get bean bagged and it was going to hurt. The Subject continued to conceal himself behind the top of the dog kennel and did not comply with the commands.

Sergeant A gave the order for the beanbag to be fired. Officer G attempted to fire the beanbag and experienced a malfunction. He verbally identified the fact he was having a malfunction and attempted to clear it. He made another attempt to fire and continued to experience a malfunction. He then stepped back from his position and continued to try to identify the malfunction.

Sergeant A told Officer E that if he had a shot with the TASER, he should take it. Officer A continued to give commands to the Subject to drop the knives. Sergeant A admonished the Subject that if the knives were not dropped, he would get tased. Officer E did not have a clear shot with the TASER and announced that information.

Note: Witnesses A and C both believed the TASER was used during the incident. The investigation determined that a TASER was deployed at the scene but never activated.

Sergeant A called for Officer I to deploy his beanbag shotgun. Officer I holstered his pistol, deployed the beanbag shotgun and took over the position that had been vacated by Officer G. Sergeant A again told the Subject that if he did not come out he would be shot with the beanbag. The Subject continued his non-compliance. Sergeant A told Officer I to take a shot when he was able. The Subject was still using the kennel as a shield. When the Subject's stomach was slightly exposed, Officer I fired one beanbag round from a distance of approximately eight feet six inches, striking the Subject in the abdomen.

The Subject screamed in pain but did not comply with the officers' orders to drop the knives. Approximately seven seconds later, the Subject, who was still shielding himself with the dog kennel, exposed his right arm. Officer I fired a second beanbag round, from a distance of approximately eight feet, striking the Subject in the right arm. The Subject again screamed in pain, fell to the ground and dropped the knives.

Note: Officer I stated the beanbag rounds were fired approximately one minute apart. The investigation determined the time between shots was seven seconds.

Witnesses A, C and D believed they heard three beanbag rounds fired. The investigation determined two beanbag rounds were fired.

The Subject was ordered to come down from the porch but he did not comply. The Subject was still on the porch in close proximity to the knives and partially covered by the dog kennel. Officer C told the officers that he was going to approach and move the kennel. Officer C approached the porch, while Officer D acted as his cover officer. Officer C pulled the kennel from the top of the Subject. This exposed the Subject, who was lying on his back, empty handed. The Subject was ordered to come down from the porch but he did not comply.

Officer C told the covering officers that he was going to pull the Subject off the porch. Officer C grabbed the Subject's ankles, pulled him away from the knives, and off of the porch onto the walkway. The Subject was face up as he was pulled from the porch. Officer C turned the Subject over so he was face down, took hold of his arms and placed them in the small of his back. Officer M took control of the Subject's legs and Officer K approached and placed the handcuffs on the Subject. The officers rolled the Subject to a seated position, assisted him to his feet, and walked him to the curb where they sat him down.

After the Subject was handcuffed, Officer D downloaded his shotgun and secured it in his police vehicle. Officer E holstered his TASER. Officers observed a beanbag sock embedded in the Subject's abdomen, in the area of a previous surgical opening. Officer N requested a Rescue Ambulance (RA) for the Subject.

Sergeant A began a tactical debrief of the incident with the officers at scene. Sergeant B, who arrived after the use of force, identified the possibility that the incident may involve a response from Force Investigation Division (FID), discussed it with the other sergeants at scene, and had the officers separated and monitored.

Sergeant C responded to the scene and began making notifications. Sergeant C was advised by FID Lieutenant A that FID investigators were responding to the hospital to determine investigative responsibility for the incident.

FID Detectives responded to the hospital and were told that the Subject would be admitted for treatment. FID contacted Sergeant C and advised him that FID would assume investigative responsibility for the case.

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 Sergeant A, along with Officers A, B, I's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officer I's use of less-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 With Edged Weapons

Officers A and B encountered the Subject who was armed with two knives. Officers A and B's decision to enter the front yard was based on their belief a hostage situation could develop had the Subject entered the residence with his daughter still inside. Officers A and B utilized the front wall of the residence as available cover in an effort to maintain a tactical position of advantage. A tactical plan was formulated, and less-lethal and lethal force options were deployed.

After taking into consideration the totality of the circumstances, the BOPC determined that the officers' actions were appropriate. Although they were aware of the dangers associated with Subjects armed with knives, the officers remained vigilant while they attempted to maintain a safe distance from the Subject and prevent him from re-entering the residence. Consequently, the officers were able address the Subject from a safe distance and with a plan that minimized unnecessary exposure. The officers demonstrated a reverence for human life by utilizing extensive verbalization and less-lethal use of force options.

In evaluating the officers' actions, the BOPC determined that based on the totality of the circumstances, although improvement could be made, the decision to enter the front yard did not represent a substantial deviation from approved Department tactical training. However, Officers A and B are reminded of the importance of maintaining distance or ensuring that a barrier exists when dealing with Subjects armed with edged weapons. Therefore, this topic was discussed during the Tactical Debrief.

2. Tactical Communication

Officer A communicated with Officer B and Witness C in order to safely prevent a possible hostage situation. Officer A used a voice Witness D was familiar, so she would not be confused.

Officer B observed that Witness D had safely exited the residence and was with Witness C and communicated to Officer A that Witness D was safe. The process of communicating to safely evacuate the residence, while dealing with an armed Subject involves a variety of concerns while determining the most effective method to safely diffuse the situation. The BOPC acknowledged the effort made by Officer A ordering Witness C, a voice familiar to Witness D, to exit the rear residence while dealing with the Subject.

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. This topic was discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Monitoring Radio Frequency

Officers A and B were investigating a traffic collision at the time CD broadcast the vandalism radio call, which was non-coded. While at the traffic collision call, the vandalism radio call was upgraded to a Code-2 ADW Subject incident; however, the officers were not aware of the call being upgraded until they re-entered their police vehicle. The officers responded to the ADW call approximately twenty five

minutes after CD broadcast the upgrade. Officers A and B are reminded of the importance of continuously monitoring the radio while conducting field duties, in the event that additional information is broadcast. This topic was discussed during the Tactical Debrief.

2. Contact and Cover

Officers A and B arrived at the location and separated the parties who were standing in front of the residence. As Officers A and B maintained sight of each other, they both assumed the role of contact officer as they interviewed the parties involved and conducted their investigation. It would be advantageous while the contact officer conducts one interview, the second officer serves as cover officer and provides protection from a position of surveillance and control. This officer must continue to monitor a Subject's actions as well as any potential threats in the area. The BOPC was pleased that the officers remained within sight of each other while conducting the interviews. This topic was discussed during the Tactical Debrief.

3. Simultaneous Non-Conflicting Commands

When Officers A and B observed the Subject, who was armed with two knives, both officers provided simultaneous commands to drop the knives in English and Spanish. Although the commands were non-conflicting, the officers are reminded they should not have more than one officer giving commands at the same time, and the commands should be clear and concise. Officers are to be reminded that simultaneous commands can sometimes lead to confusion and non-compliance. This topic was discussed at the Tactical Debrief.

4. Preservation of Evidence

Believing the incident was a non-categorical use of force (NCUOF), Sergeant A directed Officer B to recover the two knives on the porch after the Subject was taken into custody. Additionally, Sergeant A manipulated Officer G's beanbag shotgun to verify its condition and what may have caused the malfunction after the incident. The BOPC evaluated the circumstances surrounding the recovery of the knives and the manipulation of the beanbag shotgun, and based on the fact Sergeant A believed it to be a NCUOF, the BOPC found that his actions were reasonable at that time. Although there were no evidence preservation concerns during this specific incident, in an effort to enhance future tactical performance, this topic was discussed during the Tactical Debrief.

5. Command and Control

Overall, the BOPC was pleased with Sergeant A's Command and Control throughout the incident. Sergeant A was proactive in gathering pertinent information regarding the Subject and coordinated resources at scene in a

tactically effective manner. Sergeant A also performed well in designating tactical roles and directing officers throughout the duration of the incident, meeting the BOPC's expectation of a field supervisor at a critical incident.

- 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 this case, there were identified areas where improvement could be made and 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.

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

B. Drawing/Exhibiting

- Officers A and B were speaking with Witness A in front of the residence when Witness B exited the residence. Witness A recalled hearing his mother (Witness B) crying and stating that the Subject had a knife. Once Officers A and B observed the Subject on the porch holding the knives, they drew their respective service pistols.

Officer A recalled that as soon as he saw knives, he drew his gun and ordered the Subject to drop the knife.

Officer B recalled that he and Officer A immediately unholstered and gave the Subject multiple commands to put the knives down. Officer B also provided commands in Spanish.

Officer I responded to the back-up request when he heard a request for a beanbag shotgun. When Officer I arrived, he retrieved the beanbag shotgun from his police vehicle and chambered a sock round and positioned himself on the north end of the property outside the fence. Officer I observed an officer already deployed with a beanbag shotgun, so he slung his beanbag shotgun and drew his service pistol.

Officer I observed that the Subject did have a knife, and he was barricaded with a position of advantage. Officer I was approximately 10 to 15 feet away, so he drew his weapon because the Subject could throw the knife.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B and I, 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.

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

C. Less-Lethal Use of Force

- Officer I heard a request for a beanbag shotgun while enroute to the location. Officer I arrived, retrieved the beanbag shotgun from his police vehicle, chambered a round and positioned himself on the north end of the property outside the fence. Officer I heard an officer state he had a malfunction with his beanbag shotgun. Sergeant A directed Officer I to replace Officer G. Officer I took a position to the right of Officer A, who was designated as the lethal force (cover officer).

As the Subject faced the officers, Sergeant A warned the Subject that the beanbag shotgun would be utilized if he did not comply with his commands and that it would hurt upon being fired. Officer I heard Sergeant A call out to the Subject multiple times and to submit to arrest, however he refused. Sergeant A gave the standard "beanbag ready, beanbag standby" command.

Officer I observed the Subject still hiding behind the dog kennel, holding the knife. According to Officer I, the Subject held one knife with his left hand pointing up. Officer I fired one sock round from the beanbag shotgun at the Subject's lower abdomen.

Officer I recalled observing the Subject holding a kitchen knife about 8 to 10 inches with his left hand, and he had a position of advantage behind a plastic bin, barricading himself behind it. Officer I recalled that officers tried to persuade the Subject to come out multiple times, and Sergeant A ordered him to stop resisting and submit to arrest but he refused. At that time, Sergeant A gave the admonishment that officers would beanbag him if he didn't come out, but he still refused.

Officer I also indicated that the Subject was still hiding behind the bin, and still holding a knife. At that point, Officer I noticed that he could see the right side of his torso and fired one shot because he still was not willing to give up.

Officer I observed the Subject fall to the porch and hide behind the porch wall, still holding the knife. Again, Sergeant A warned the Subject that the beanbag shotgun would be utilized if he did not comply with his commands and that it would hurt. Still refusing to comply with the commands, Officer I fired a second sock round from the beanbag shotgun at the Subject's right arm in an attempt to get him to drop the knives. Upon being struck in the arm with the second sock round, the Subject dropped both knives.

Note: Officer C grabbed the Subject by the ankles and pulled him off the porch in order to move him away from the knives. The Subject did

not resist and placed his arms to his side as he was repositioned. The BOPC discussed Officer C's actions and determined that this was not a reportable use of force.

In conclusion, the BOPC determined that an officer with similar training and experience as Officer I, when faced with similar circumstances, would believe that attempts to subdue the Subject with other tactics have been, or would likely be, ineffective; and the Subject's actions created a situation wherein it was unsafe for officers to approach.

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