

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

LAW ENFORCEMENT RELATED INJURY 026-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	05/13/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	12 years, 10 months
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Reason for Police Contact

Officers on patrol observed the Subject brandishing two edged weapons at passers-by. Additional resources were requested, and a Law Enforcement Related (LERI) Injury occurred.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Female, 51 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 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 April 7, 2015.

Incident Summary

Two officers were driving a marked black and white police vehicle, travelling down a major street in the number two lane. As they approached a major cross street, Officer A heard a horn honking from a nearby vehicle and observed the Subject walking west in the south crosswalk against a red phase tri-light. The Subject proceeded to walk through the crosswalk and onto the south sidewalk toward the officers. Officer A observed the Subject walk past the police vehicle, and as the Subject neared the rear of their vehicle, Officer B advised Officer A that the Subject had a knife.

Officer B made eye contact with the Subject and heard her yell a profane statement, followed by, "may God take me."

The officers decided to make contact with the Subject. Officer A parked the officers' vehicle at the south curb. The officers observed the Subject seated on a bench in a bus stop shelter located on the south sidewalk, just east of their location.

The officers believed the situation could escalate to deadly force due to the Subject having the knife; therefore, once the officers exited their police vehicle, they unholstered their semiautomatic service pistols, and took cover behind the doors. They looked toward the Subject, but due to the bus stop shelter being covered with billboards, were unable to see her hands. The Subject stood up and began walking backward, away from the officers, and they realized she was armed with a knife in each hand. The officers made eye contact with the Subject and ordered her to drop the knives. She did not comply.

Note: The investigation determined that the Subject had a knife in one hand and a pair of scissors in the other.

The officers requested a back-up unit with a bean bag shotgun, an airship and a supervisor. Officers A and B responded to assist and advised they had a bean bag shotgun.

The Subject continued to walk backward away from Officers A and B. The officers left their cover positions and walked in the street east of the bus stop shelter. Officer B unholstered his TASER. The Subject was approximately 25 feet east of the officers, on the sidewalk, and west of a palm tree.

Officer A ordered the Subject to drop the knives, but she did not comply. Officer B realized he was too far from the Subject to deploy his TASER, so he holstered it and unholstered his pistol.

The Subject was standing on the sidewalk facing the officers, with her arms out to her sides at shoulder height, holding the knife and scissors in either hand. The Subject then yelled, "Shoot me! I want to go see Jesus!"

Officers C and D arrived at the scene and parked their police vehicle in a southeast direction to stop eastbound traffic. Officer D, who was passenger, removed a TASER from the glove box of their police vehicle and exited. Officer C exited as well and heard Officer B yell for a beanbag shotgun. Officer C went to the trunk of the police vehicle and retrieved the beanbag shotgun. Officer D positioned himself to the left of the first two officers, who were standing in the curb lane of the street, and Officer C deployed to the left of Officer D.

The officers continued to order the Subject to drop the knives. Officer C observed that the Subject had a blank stare on her face, and she was not complying with orders to drop the knives. He also observed a large number of pedestrians in the area. Officer C initially held the beanbag shotgun in a low-ready position, then raised the beanbag shotgun, aimed it at the Subject's torso and ordered her to drop the knives or the bean bag shotgun would be deployed, which would be painful.

Officers C and D observed an unidentified male pedestrian walking up behind the Subject. Officer D lost sight of the unidentified male pedestrian and moved to the left of Officer C. Locating the pedestrian again, Officer D ordered him twice to back up, but he continued toward the Subject. Officer C, believing the unidentified male pedestrian did not understand the gravity of the situation and was potentially in a life-threatening position, pressed the trigger on the beanbag shotgun; however, it did not fire. Officer C realized he had not chambered a round. He did so and fired one beanbag shotgun round at the Subject, from a distance of approximately 28 feet, striking her in the right upper chest area.

The Subject immediately fell to the ground and dropped the knife and scissors and was taken into custody without further incident. She was later admitted to the hospital for a variety of unrelated health issues that included minor injuries from the bean bag shotgun.

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 unanimously made the following findings.

A. Tactics

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

B. Drawing/Exhibiting

The BOPC found Officers A and B's drawing and exhibiting to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officers C's less-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

Based on his observations, training and experience, Officer B believed the Subject appeared to have a mental illness. Officer B described the Subject as rambling profanities, looking disoriented, and believed she was a danger to herself and a danger to others as well as the officers.

Officers should continuously assess the situation when persons believed to have mental illness are involved, in particular one in possession of edged weapons. Training and experience are also crucial when handling incidents involving potentially armed mentally ill persons.

2. Suspects Armed with Edged Weapons

Officers A and B observed the Subject armed with two separate edged weapons and believed the situation had escalated to a potential suicide by cop scenario as the Subject continued to tell the officers to shoot her.

The process of communicating with a subject armed with edged weapons involves a variety of concerns while determining the most effective method to safely diffuse the situation. The officers deployed appropriately and verbalized repeatedly with the Subject, although she was not responding positively to the officers' commands.

3. Situational Awareness

As Officers A and B dealt with the situation of the Subject on the sidewalk holding two separate edged weapons, there was vehicular/bicycle traffic nearby.

Officers must always strive to maintain the tactical advantage and remain aware of their surroundings during confrontations with armed subjects, in an effort to ensure public safety.

4. Verbal Commands

From the initial contact, the officers continued to give verbal commands for the Subject to drop the knife and scissors. The Subject told the officers, "shoot me, I want to meet Jesus," and refused to drop the weapons. As Officers C and D arrived, they also ordered the Subject to drop the weapons. Although some commands were simultaneous, the commands were non-conflicting. The officers offered numerous opportunities for the Subject to drop the weapons and surrender.

5. Beanbag Shotgun Manipulations

Officer C attempted to fire the beanbag shotgun and realized he did not chamber a sock round. He then immediately did so and discharged a sock round.

Officer C realized he did not initially chamber a sock round into the beanbag shotgun, and did so quickly, avoiding further delay in discharging a sock round when he intended to do so.

- The BOPC additionally considered the following:

1. Force Options/Weapons Systems

The FID investigation revealed Officer B deployed his TASER when he exited his vehicle, as his partner drew their service pistol to ensure they had a lethal force option. Officer B transitioned to his service pistol when he recognized that the Subject was not complying with their orders and believed the distance to the Subject was greater than the effective range of the TASER. Officer B's decision to initially deploy the TASER as an additional force option was appropriate under the circumstances.

2. Tactical Vehicle Deployment

Officer A stopped the police vehicle facing eastbound and alongside the south curb. Although the officers formulated a tactical plan and utilized the vehicle doors as cover when they started to give the Subject orders, both officers are reminded that positioning the vehicle away from the curb and facing an armed subject would be tactically advantageous to both officers.

- 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 Officers A, B, C and D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B observed the Subject holding what they believed to be a knife in each hand. Based on the Subject being armed with two edged weapons and acting erratically, Officers A and B drew their service pistols.

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.

C. Less-Lethal Use of Force

- **Officer C** - Beanbag Shotgun, one sock round in a westerly direction from approximately 28 feet.

Officers A and B observed the Subject armed with two separate edged weapons. After numerous commands to drop the weapons and the Subject's refusal to comply, Officer A requested a beanbag shotgun. Officer C arrived, deployed the beanbag shotgun, and took a position to the left of Officers A and B.

The Subject was holding a knife in one hand and a pair of full-sized scissors in the other. Officer C observed an unidentified male walking toward the Subject and believed the Subject might stab the unidentified male. As the unidentified male walked toward the Subject, Officer C aimed at the Subject and fired one round which struck the Subject on the upper right chest area.

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 potentially stabbing an approaching unsuspecting person was objectively 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.