

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

**OFFICER-INVOLVED SHOOTING – 065-08**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off()</b>	<b>Uniform-Yes(X) No()</b>
Central	07/31/08		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Officer A	3 years, 10 months
Officer B	2 years, 3 months

**Reason for Police Contact**

Two officers were conducting an investigation of possible narcotics activity when a subject lunged toward one of them with a knife. Both officers fired their pistols at the subject.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject 1: Male, 56 years.

**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 BOPC of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on 06/09/09.

**Incident Summary**

Police Officers A (driver) and B were patrolling in a marked police vehicle when they observed a pop-up tent on the sidewalk.

As recalled by Officer B, "I saw a flickering light come from inside the tent [. . .] Narcotics users, especially transients, they protect themselves, especially from getting caught by police, so they use narcotics inside the tent. Cocaine base is a pretty often used narcotic in the area, which is, obviously, lit and smoked out of a glass pipe. I advised my partner. He saw the same thing, the light flickering. He verbalized it with me."

The officers decided to stop to conduct a narcotics investigation. Officer A stopped the police vehicle 15 to 20 feet from the tent and positioned the vehicle so the vehicle's headlights illuminated the tent.

Officer A recalled that there was minimal lighting in the area. According to Officer A, "At that point, we made our approach [. . .] And as we came to the front [. . .] I observed the tent flaps open [. . .] [Subject 1] emerged slightly at this point."

Both officers positioned themselves at the side of the tent, which afforded them a view of the tent's opening.

As recalled by Officer B, "I was able to see there was a flap on that side of the tent and there was an opening on the tent. My partner began verbalizing, 'Los Angeles Police Department. Please step out of the tent. We want to talk to you.'" Officer B continued, "[T]he flaps opened. The individual [Subject 1] stuck his head out again and said, 'What? What do you want?'"

Officer A could not see 1's hands, so he ordered Subject 1, "Hey, let me see your hands." In response to this order, Subject 1 responded with profanity.

**Note:** As these events were unfolding, Witness A was on the sidewalk, approximately sixty feet from where Subject 1's tent was located. Witness A was squatting behind a dumpster. Witness A saw Officers A and B drive eastbound slowly past her location. At this point, Witness A could not see Subject 1's tent because her view was obstructed by the dumpster. Shortly after the officers passed by, Witness A believed the officers pulled up to Subject 1's tent and she heard one of the officers ask, "What are you doing? What are you doing? What are you doing?" By her estimate, this questioning was immediately followed by six gunshots. Witness A stated that she did not hear Subject 1 (whom she knew) say anything prior to or after the officer-involved shooting (OIS).

As recounted by Officer B, "I couldn't see his [Subject 1's] hands. My partner couldn't see his hands. I unholstered my weapon due to the tactical situation we were involved in could lead to the use of deadly force. I couldn't see his hands. I didn't know if it (*sic*) had any objects. Most transients do carry an array of either pipes, sticks, knives. I've seen them have just shaved-down pieces of metal that they use [. . .] I've debriefed numerous transients, and they all say that they keep some sort of protection, usually in a knife or makeshift dirk or dagger form for protection."

According to Officer A, "I don't exactly recall if I said it more than twice, but I do believe I said it at least twice [ . . . ] [S]imultaneously, I observed the subject kind of lunge towards me [ . . . ] [A]lmost immediately [ . . . ] I observed like a steel in his right hand [ . . . ] I kind of identified it to be a knife blade [ . . . ] I grabbed my pistol [ . . . ] drew it and fired that one round [ . . . ] [J]ust prior to that [ . . . ] I did yell, 'knife,' and then proceeded to fire one round."

According to Officer A, "I couldn't observe his knees due to the fact that the tent, the bottom of the zipper was up, and there was some blankets in the bed [ . . . ] But it appeared that he might have been kneeling or [ . . . ] crouched."

As recalled by Officer B, "[A]s I drew my weapon, my partner yelled, 'knife,' and almost at the same time I saw [ . . . ] a shiny metal object, and I couldn't tell you how long or shape it was the first time I saw it because he moved it rather quickly. And [ . . . ] he was kind of like a crouched position. I couldn't tell because of the way the tent was if he was kneeling [ . . . ] standing in like a catcher's position [ . . . ] lurched at my partner as if to stab him or attempt to kill him. At that point, I feared for my partner's life [ . . . ] I fired two shots at the individual, at which point he continued [ . . . ] with his forward movement. And I fired a third shot, and the individual brought the knife down."

Officer A fired his first round at Subject 1, while holding his pistol in a one-handed grip, from a distance of approximately three feet. After firing his first round, he believed he felt pressure on either his uniform shirt or belt, stepped back, and fired a second round at Subject 1, with a two-handed grip, from a distance of approximately six feet.

Officer B fired his first two rounds from a distance of approximately six feet and his third round from a distance of approximately nine feet. Officer B used a two-handed grip for all three rounds fired.

Officer A believed Subject 1 was in a kneeling position when he lunged at him. Officer A estimated he was approximately three feet from Subject 1 at the time Subject 1 lunged forward.

Officer B recounted, "I didn't see at that point where the knife had went. And he [Subject 1] kind of slumped to his left side, and he was holding the knife, when I had observed it, in his right hand [ . . . ] At this point I yelled, 'Cover, cover,' letting him [Officer A] know to broadcast; that he could use one of his hands to broadcast and I would keep cover on the individual [ . . . ] I advised him as he was putting out the broadcast, 'I still can't see the knife.'"

Officer A broadcast a "help" call.

Officer A approached Subject 1 and saw that Subject 1 was bleeding. Officer A requested a rescue ambulance (RA).

Police Officers C (driver) and D arrived at the scene in response to Officer A's "help" call.

According to Officer C, "I saw Officer A and Officer B standing on the sidewalk on the side of the tent with their weapons [ . . . ] pointed at the tent [ . . . ] As soon as I got out of the car, Officer A stated, 'He has a knife.'" Officer C recalled that Subject 1 was seated entirely inside the tent, slumped over to his left.

Meanwhile, Police Officers E, F and G arrived at the scene.

Shortly thereafter, uniformed Sergeant A arrived at the scene. Sergeant A saw that Subject 1 had not yet been taken into custody and that a knife was lying close to Subject 1. Sergeant A directed Officer E to recover the knife.

Using a glove, Officer E picked up the knife and secured it in his vehicle.

**Note:** Officer E stated the knife was inside the tent, in front of Subject 1's right knee. The knife was resting on some type of fabric, approximately three to five inches from Subject 1's right hand.

Police Officers H and I arrived at the scene. Officer H used his knife to cut an opening in the tent so the officers could safely approach Subject 1 and take him into custody.

After the tent was cut, officers approached Subject 1 and handcuffed him.

The Los Angeles Fire Department (LAFD) arrived at the scene.

Subject 1 was transported to the hospital and was subsequently 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/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

## **A. Tactics**

The BOPC found Officers A and B's tactics to warrant a tactical debrief.

## **B. Drawing/Exhibiting/Holstering**

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

## **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

In adjudicating this incident, the BOPC considered:

#### 1. Officers' approach to the subject

The officers' decision to approach so near to the tent limited the amount of time available to them to respond to any threat posed by the subject and put them at a tactical disadvantage.

Therefore, Officers A and B are reminded to utilize available cover or concealment and maintain a safe distance when initiating contact with a subject.

The BOPC found Officers A and B's tactics to warrant a tactical debrief.

### **B. Drawing/Exhibiting/Holstering**

The BOPC evaluated the circumstances relevant to Officer A and B's drawing and exhibiting and determined that they had sufficient information to reasonably believe that the situation may escalate to the point where deadly force may become necessary.

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

### **C. Use of Force**

The BOPC evaluated the circumstances relevant to Officer A and B's lethal use of force. The BOPC determined that Officer A and B's use of lethal force reasonably appeared necessary to protect themselves from the immediate threat of serious bodily injury or death.

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