

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

OFFICER-INVOLVED SHOOTING – 068-14

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

West Valley 11/09/14

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

Officer A 1 year, 1 month

Reason for Police Contact

Officer A jumped into a flood control channel, intending to use less-lethal force (TASER) on the Subject, who was stabbing himself. The Subject advanced toward the officer before he could use the TASER, resulting in an officer-involved shooting (OIS).

Subject(s) **Deceased (X)** **Wounded ()** **Non-Hit ()**

Subject: Male, 22 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 September 15, 2015.

Incident Summary

Two security officers were providing security services to a local bus line. The officers were traveling in the transit busway when they observed the Subject walking in the bus lanes. According to one officer, there were signs posted prohibiting pedestrians on the busway. The officers pulled up alongside the Subject, and were told by him that he was afraid for his life. The officers saw blood on the back of the Subject's left hand. In the same hand, the Subject was holding a knife. The Subject walked away from the officers and entered a nearby ditch. As they watched, the Subject brought the knife up to his throat and made cutting motions back and forth at least four or five times. The officers advised their dispatch of their observations and continued to watch as the Subject jumped over a gate, crossed the street and began walking away. The officers lost sight of the Subject and were unable to follow him because the transit way was separated from the street by a fence line and closed gate.

LAPD Communications Division (CD) was given the information and broadcast it.

CD received seven additional calls regarding the Subject.

LAPD Police Officers A and B advised CD that they would handle the radio call. Officer B was driving.

Witness A was at a gas station when he observed the Subject in the middle of the street. The Subject was covered in blood and holding a sharp object in his right hand. Witness A attempted to help the Subject, whom he stated had a vacant look on his face. The Subject did not respond to Witness A, walked away and climbed the fence on the east side of the street and jumped down into the wash. Witness A then observed the officers arrive and directed them to the Subject, who was down in the wash.

Officer A broadcast that he and Officer B had arrived at the location. When they arrived in the area, they could not see the Subject. A male witness flagged them down and directed them to where the Subject was in the wash, bleeding and armed with a knife.

Officer B looked down into the wash and saw the Subject walking north, wearing a white T-shirt and bleeding.

An Air Unit arrived in the area, crewed by Officers C (the Pilot) and D (the Tactical Fight Officer (TFO)).

Officer A could not initially see the Subject and got out of the car and started walking toward the fence line, where he was able to see the Subject walking north down in the wash. Officer A ran toward the Subject. Officer B, who had had got out of the police car, got back in the vehicle and followed closely maintaining the ability to render aid to his partner until he reached Officer A's position. Officer B immediately exited the vehicle, and both officers walked north on the east side of the street paralleling the Subject, who remained in the wash. Officer A observed blood coming from the Subject's neck, and his shirt appeared saturated with blood. Officer A asked the

Subject if he was okay and also asked why he was trying to hurt himself. The Subject told Officer A he did not need any help.

Officer A broadcast a request for a Rescue Ambulance (RA).

According to Officer A, as the Subject continued to walk north in the wash, he removed his shirt and threw it over the fence, where it landed on the street. As the Subject neared the north end of the wash, he stopped, placed the knife against his neck and began to cut his neck. Officer A turned to his partner and told him that they needed to do something to stop the Subject from hurting himself. Officer A thought the TASER would cause the Subject to drop the knife.

Officer B broadcast a request for a back-up unit. Officer B stated that the officers decided to use the TASER and not wait because the Subject was killing himself and, "Because of the -- it seemed like exigent circumstances, him stabbing himself, and we're seeing the blood coming out of his throat."

Officer A was standing on in the street behind a chain link fence approximately six to eight feet above the Subject. As he continued to watch the Subject, Officer A quickly weighed his options. He believed that deploying the TASER from the height of the street at a downward angle and then firing the darts through the chain link fence, would not be an accurate enough shot. Additionally, he thought it would not be any better to climb over the fence, hang onto the fence with one hand for balance, and fire the TASER at the Subject. Officer A believed his best option was to enter the wash. Officer A told his partner that they needed to jump over the fence to deploy the TASER and subdue the Subject. Officer A climbed over the fence approximately 10 to 15 feet south of the Subject, jumped down into the wash, and unholstered the TASER. The Subject immediately turned toward Officer A and charged toward him, holding the knife in his right hand, raised above his shoulder.

Officer A believed that the Subject was going to stab him with the knife and began to back away from the Subject. As he redeployed, Officer A transitioned from his TASER to his duty pistol, and dropped the TASER. The Subject continued to charge Officer A, closing the distance between them. Officer A fired several rounds from his pistol. The rounds struck the Subject, who fell to the ground.

Los Angeles Board of Police Commissioner's 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 and B's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A'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. Weapons Other Than Firearms (Officer A)

Officer A observed the Subject walking in the flood channel, armed with a knife. As the Subject began to stab himself on the neck, Officer A went into the channel and ran towards the Subject to utilize the TASER.

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 initial distance that the officers made contact with the Subject was adequate and afforded them with the best tactical advantage. However, when Officer A entered into the channel and closed the distance between himself and the Subject, he jeopardized his own safety. In addition, the construction of the channel limited the officer's movement and afforded no cover.

The BOPC determined that Officer A's decision to enter the channel was a substantial deviation, without justification, from approved Department tactical training.

2. Tactical Communication (Officer B)

Officer B did not communicate with his partner, Officer A, and allowed him to enter a flood channel that afforded no cover, with a subject armed with a knife.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officer B, the senior officer, acquiesced and allowed Officer A to enter the flood channel alone to confront an armed subject. As the senior officer, Officer B had a responsibility to stop Officer A from entering the channel. Officer B's failure to intervene allowed Officer A, who was a Police Officer I, with limited field experience, to place himself in an unnecessary tactical disadvantage.

The BOPC determined that Officer A's failure to communicate with Officer B placed both officers at a tactical disadvantage and was a substantial deviation from approved Department tactical training without justification.

3. Separation / Pursuing Possible Armed Subjects (Officers A and B)

Officers A and B separated from each other. Officer A climbed over a chain link fence and went into a concrete flood channel to confront an armed subject, while Officer B moved to the end of the channel, approximately 61 feet away from Officer A and remained at street level.

Containment of an armed subject demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and a successful resolution.

Officers A and B's decision to separate placed both officers at a tactical disadvantage while confronting an armed subject. The separation occurred without sufficient articulable facts to support that the separation was reasonable under the circumstances. The officers were also unable to render immediate aid as a result of the separation.

The BOPC determined that Officers A and B's separation was a substantial deviation, without justification, from approved Department tactical training.

4. Utilization of Cover (Officers A and B)

Officer A entered the flood channel with a preset notion to only utilize the TASER to stop the Subject's actions and effect an arrest without the benefit of a lethal force option.

Note: The flood control channel was littered with trash and debris. There was no available cover or barrier of any kind to separate Officer A from the Subject.

In the BOPC's analysis of these events, it took into consideration the officers' statements, and the circumstances surrounding the self-mutilation by the Subject. The BOPC also took into account the officer's need to intervene. The use of cover would have allowed Officer A the ability to create distance between him and the Subject, thus giving Officer A the opportunity to have more time to react, formulate a second plan, and wait for additional resources.

The BOPC found that Officer A's decision to forgo cover and enter into a confined channel to engage a person armed with a knife, limited Officer A's tactical options and unnecessarily endangered his safety.

The BOPC determined that Officers A's actions of entering into a confined space with an armed person without the benefit of cover, in conjunction with Officer B not providing his partner with a lethal force option, substantially and unjustifiably deviated from approved Department tactical training.

5. Crossfire (Officers A and B)

Officers A and B allowed themselves to get in a potential crossfire situation.

In this circumstance, the officers failed to adequately communicate with one another and ultimately ended up deployed with Officer A standing in front of the subject and Officer B standing behind the subject.

Although Officer B was at an elevated position, he was still in the direct line of fire when Officer A fired his service weapon. The lack of communication and separation contributed to their crossfire situation. Background and surrounding area should always be a factor when firing a weapon. Even though imminent defense of life was a factor in this situation, initial communication and proper planning could have avoided the crossfire issue.

Officers A and B should have known that confronting a person armed with a knife is a tactical situation that could potentially lead to a lethal use of force. A sound tactical plan would have helped the officers to realize the possibility of a crossfire situation within the confined space.

The BOPC determined that Officers A and B substantially deviated from approved Department tactical training without justification by placing themselves in potential crossfire situation.

- The BOPC additionally considered the following:
 1. **Effective Encounters with Mentally Ill Persons** – Based on the comments broadcast by CD, Officers A and B should have recognized the Subject was possibly suffering from a mental illness and/or was suicidal based on the Subject's behavior. Officers A and B are reminded of the proper tactics and protocol for encountering persons suffering from mental illness and/or suicidal behavior.
 2. **Waiting for Back Up** – Officers A and B engaged the Subject prior to the arrival of responding units. Officers A and B are reminded of the importance of waiting for responding units of any ongoing tactical incident thereby ensuring operational success.
- 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.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officers A and B substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- Officer A intended to utilize the TASER to subdue the Subject and effect an arrest; however, when the Subject turned toward Officer A and advanced on him wielding a knife in his right hand, Officer A dropped the TASER and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances 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 Officer A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

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

Officer A observed the Subject charging towards him while holding a knife in his right hand above his right shoulder with the blade pointing downward. Officer A re-deployed to his rear to avoid being stabbed and fired four rounds from his service pistol at the Subject, successfully stopping his advancement.

In this case, Officer A made a split-second decision when he entered the channel with the sole purpose of stopping the Subject from further injuring himself.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions of charging at Officer A with a knife in his right hand, raised above his right shoulder and the blade pointing downwards, presented an imminent threat of death or serious bodily injury and the use of lethal force would be objectively reasonable.

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