

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

OFFICER-INVOLVED SHOOTING – 072-10

| <u>Division</u> | <u>Date</u> | <u>Duty-On (X) Off()</u> | <u>Uniform-Yes(X) No()</u> |
|------------------------|--------------------|---------------------------------|-----------------------------------|
| Rampart | 9/5/10 | | |

| <u>Officer(s) Involved in Use of Force</u> | <u>Length of Service</u> |
|---|---------------------------------|
| Officer A | 13 years, 4 months |

Reason for Police Contact

Officers A, B and C were flagged down by a person who alerted them to a man in the street with a knife. The officers encountered the male and, when he raised the knife and moved toward an officer, an officer-involved shooting occurred.

| <u>Subject</u> | <u>Deceased (X)</u> | <u>Wounded ()</u> | <u>Non-Hit ()</u> |
|--------------------------------|----------------------------|--------------------------|--------------------------|
| Subject 1: Male, 37 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 suspect 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 Commission and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports and for ease of reference, 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 3/15/11.

Incident Summary

Events prior to the officer-involved shooting (OIS)

Officers A, B and C left the Police Station on their bicycles to respond to a radio call of a public disturbance. Officers A and B rode their bicycles side-by-side with Officer C following behind them. As the officers were traveling west, an unidentified male with a child walked into the roadway in front of Officers A and B to flag them down. According to Officer B, he did not initially see the unidentified male and almost collided with him. Officer B observed that the unidentified male appeared to be frightened and advised him that there was a man walking down the street with a knife. According to Officer A, the unidentified male appeared scared and advised them in Spanish that a female needed their help because a man with a knife was trying to stab her, and pointed west of their location. According to Officer C, the unidentified male flagged them down from the sidewalk at the edge of the curb and was frantically yelling that there was a man with a knife just west of their location. As Officer B was still speaking with the unidentified male, Officer A proceeded to ride his bicycle west, followed by Officer C and subsequently Officer B. According to Officer B, their contact with the unidentified male lasted approximately 10 to 15 seconds.

Officer A's account of the incident

As Officer A traveled westbound, approaching the next intersection, he observed a male, Subject 1, on the sidewalk at the northwest corner of the intersection. According to Officer A, it appeared that Subject 1 was involved in a confrontation with a female and there was a second female trying to separate Subject 1 and the first female.

Officer A described that Subject 1 was facing north, which allowed Officer A to see a knife in Subject 1's right hand as Officer A approached from the east. The female was facing south and the second female was facing east, between Subject 1 and the first female. According to Officer A, Subject 1 was yelling at the first female and had a hold of the first female's right arm with his left hand. Subject 1's right arm was down to his right side and in his right hand he was holding the knife with the blade pointed toward the ground.

Note: One of the females was subsequently identified as Witness A. The other female was never identified. None of the witnesses who were interviewed, including Witness A, described Subject 1 ever having a hold of one of the females on the sidewalk. However, Witness A did confirm that Subject 1 brandished a knife and made stabbing motions with the knife at her and the unidentified female.

Officer A believed Subject 1 was going to stab the first female. Officer A dismounted his bicycle, allowing it to drop in the roadway, and drew his pistol. Officer A believed Officers B and C were somewhere to his left (south) when he dismounted his bicycle. Officer A pointed his pistol at Subject 1, believing that he may need to take a shot from

where he was positioned “because of the level of aid that the victim needed,” and yelled in English, “Drop the knife, drop the knife,” as he moved west on the roadway, toward Subject 1 and the females. According to Officer A, Subject 1 released the first female when Subject 1 saw him. Officer A observed the first female run north on the sidewalk, but did not see where the second female went.

Subject 1 remained on the sidewalk and turned to face Officer A in a southeasterly direction, but Subject 1 canted the right side of his body away from Officer A, concealing his knife by placing it parallel to his right leg. Officer A walked west on the roadway past Subject 1 to regain his view of the knife, facing Subject 1 in a northeast direction. Officer A observed that Subject 1’s “eyes were dilated” and that Subject 1 was clenching his left hand. Officer A believed Subject 1 possibly did not understand the verbal commands he had issued in English, so he yelled, “Drop the knife. Drop the knife. LAPD,” in Spanish. Subject 1 ignored his commands and leaned his back on the vertical bars of the iron fence that surrounded the parking lot of a store, located on the north side of the north sidewalk.

Officer A then observed an additional female with a child approach their location on the sidewalk, approximately 10 feet east of Subject 1. According to Officer A, Subject 1 saw the female and child, and began moving toward them. To gain Subject 1’s attention, Officer A moved onto the sidewalk, getting to within 10 feet of Subject 1, and yelled, “Drop the knife, drop the knife right now or I’m going to shoot you.” According to Officer A, Subject 1 stopped, turned toward Officer A and stated in Spanish, “Kill me, [expletive]. Kill me. I want to die, [expletive]. Kill me. Kill me.”

Note: Officers B and C did not recall observing a female and child arriving east of Subject 1’s location immediately prior to the OIS. Officer C specifically stated that he did not observe any pedestrians on the sidewalk because everyone had cleared the area knowing Subject 1 was armed with the knife. None of the eyewitnesses indicated that they observed a female with a child walking into the immediate scene of the incident while the officers had their guns drawn.

Note: Officer C stated that Subject 1 was mumbling something but he did not hear what Subject 1 said because he was putting out a broadcast to Communications Division (CD). Officer B did not recall Subject 1 making any statements during the incident. Several eyewitnesses observed Subject 1 appear to talk; however, none of the witnesses could hear what he was saying.

According to Officer A, Subject 1 “immediately raises his right hand with the knife. I mean like a baseball player throwing a pitch.” At the same time, Subject 1 took a step forward toward Officer A “like he was going to try to stab me and run towards me and stab me.” Officer A believed that Subject 1 was trying to kill him and felt his life was in danger. Officer A aimed his pistol at Subject 1’s head and, from a distance of approximately 12 feet, fired two consecutive rounds. According to Officer A, “If I

wouldn't have fired the weapon, his actions would have continued forward, and he would have been able to take more steps, but he was only able to take one step towards me.”

Subject 1 dropped the knife and fell to the ground, face-forward. Officer A observed Subject 1’s knife approximately a foot and a half northeast of Subject 1’s right side. Officer A continued to point his pistol at Subject 1 until additional units arrived.

Note: According to Officer A, “The reason why I was aiming at his head because of the – I mean, the background was all – I mean, there was tons of [pedestrians]. And obviously, it’s more likely a through and through if you hit the body. It’s going to be through and through and there are innocent people, kids, family. So I knew it’s more likely a bullet entering the brain is going to stay in the brain and hit the skull and stay.”

Note: A knife was subsequently recovered during the investigation. The knife was a seven-inch chrome metal locking blade knife with a three-inch blade. The blade and handle of the knife were swabbed for DNA. Subject 1 was determined to be the source of the DNA profile obtained from the blade. Subject 1 could not be excluded as one of two possible contributors to the DNA profile obtained from the handle.

Note: Blood analyzed from Subject 1’s femoral artery had a reading of .30 grams % of Ethanol (alcohol); blood analyzed from the heart had a reading of .37 grams % of Ethanol; and fluid recovered from Subject 1’s vitreous had a reading of .27 Grams % of Ethanol.

Officer C’s account of the incident

Meanwhile, as Officer C approached the intersection, from a distance of approximately 40 yards, he observed Subject 1 on the north sidewalk holding a knife in his right hand. Officer C heard people screaming for help and observed people “literally running into the street” trying to avoid Subject 1. According to Officer C, Subject 1 would approach people who were walking toward him and take a fighting stance by holding both hands in front of him. Furthermore, it appeared to Officer C that Subject 1 was trying to grab anyone who walked by him to stab them, which Officer C believed was the reason why people were running into the roadway to avoid him. Officer C was approximately seven feet behind Officer A when Officer A began verbalizing with Subject 1 in English. Officer C dismounted his bicycle approximately 15 feet south of Subject 1, allowing it to fall to the ground, and drew his pistol. Officer C observed Officer A to his west on the roadway.

Officer C broadcast a backup request to CD for a man with a knife. Officer C began ordering Subject 1 to “drop the knife,” in Spanish, and also heard Officer A ordering Subject 1 to “drop the knife,” in English. According to Officer C, Subject 1 did not obey their commands, but kept walking side to side.

Note: The audio-recording of Officer C's broadcast captured Officer A in the background yelling in English, "Drop the knife."

Officer C was facing north toward Subject 1 and observed people approximately 30 feet behind Subject 1 in the parking lot of the store. Officer C lowered his pistol and moved northwest, behind Officer A, to reposition himself so that his background would be free of people. As he was moving behind Officer A, Officer C stated, "Watch your background." According to Officer C, Subject 1 walked side to side for approximately three to four seconds and then raised his right hand with the knife and moved toward Officer A. Officer C further described Subject 1's actions as Subject 1 bending his right elbow in a 90 degree angle with his thumb pointed toward his back and the blade of the knife pointed toward Officer A. Officer C then observed Officer A fire two rounds at Subject 1. Subject 1 dropped the knife and fell to the ground. According to Officer C, they continued to point their pistols at Subject 1 "for a second or two" to see if he would attempt to retrieve his knife.

Officer B's account of the incident

Meanwhile, as Officer B approached the intersection, he observed Subject 1 walking west away from three females on the north sidewalk. Subject 1 was approximately one to two feet away from the females. As Officer B crossed the intersection, he observed Subject 1 holding a bloody knife in his right hand. Officer B observed Officer A dismount his bicycle and run west on the street, past Subject 1, before Officer A drew his pistol and began issuing verbal commands in English. Officer B stopped his bicycle on the street approximately 15 feet southeast of Subject 1, dismounted and drew his pistol. Officer B indicated he was approximately 10 feet east of Officer A.

According to Officer B, Subject 1 disregarded the verbal commands being issued in English by Officer A, and in Spanish by Officer C. Officer B observed that Subject 1 had a "smirk on his face like he didn't care." Furthermore, Subject 1 was pacing back and forth, "two steps forward and back," and was "kind of swinging his [right] arm." As Officer B heard Officer A continue to yell in English, "Drop the knife," Subject 1 took a "couple of steps toward Officer A with the knife over his head." Officer B observed Officer A fire two rounds at Subject 1 and Subject 1 fall to the ground.

Witness accounts

Witness A

According to Witness A, she was at the crosswalk, waiting to cross south, when she saw Subject 1 on the north sidewalk arguing with a male. Witness A then observed an unidentified female walking east on the sidewalk with a little girl, approximately four years old and another child in a stroller. As the female and children walked past Subject 1 and the other male, one of the girls began crying and appeared to be scared of Subject 1. Unaware that Subject 1 was armed with a knife, Witness A approached them and asked the girl what had happened. When the girl did not answer, Witness A

told Subject 1 in Spanish, "Look, don't make the little girl cry because she's very scared and I don't know why." Subject 1 did not say anything in response to Witness A's comment. Witness A then observed that Subject 1 was holding a bloody knife in his hand (Witness A was unable to recall which hand) with the blade facing down, and observed that Subject 1's hand was bleeding. Witness A was scared and believed Subject 1 was going to harm her. Subject 1 made two stabbing motions with the knife at Witness A and the other female. Witness A and the female moved away from Subject 1. When Subject 1 got "close with the weapon," three bicycle officers arrived at their location. Witness A ran toward the officers and warned them that Subject 1 had a knife and to be careful. Witness A then grabbed the little girl and ran south on the crosswalk toward the south sidewalk of the street, along with the other female and child in the stroller. As Witness A was crossing the street, she heard the officers ordering Subject 1 to drop the knife, in English. While Witness A was still crossing the street she heard approximately three to four gunshots. Witness A stood on sidewalk with the other female and her two children, who had also crossed the street with her. According to Witness A, the other female became very pale, and it appeared she was about to faint. The other female later left the scene.

Witness B

According to Witness B, she had seen Subject 1 earlier in the morning and indicated that he was "drunk with some other dudes" and that she had seen him walking with a six-pack of beer. In the afternoon, shortly before the OIS, from her store on the north side of the street, she observed two unidentified women and a child walking on the south sidewalk of the street by the grocery store. She then saw Subject 1 approach the women, but did not know where he had come from. Subject 1 said something to the females, brandished a knife and began chasing them. The females ran north across the street and separated. One of the females ran west on the north sidewalk toward a fire truck that was parked on north curb of the street and flagged down firefighters, subsequently identified as Witnesses G and H. Subject 1 stopped chasing the females and remained on the northwest corner of the street, standing by a public payphone. Witness B observed an unidentified male walking on the sidewalk toward Subject 1. When the male saw that Subject 1 was armed with a knife, he walked away. Witness B then observed bicycle officers arrive at the scene, draw their guns and order Subject 1 to "Put down your knife" and "Throw yourself down," in both English and in Spanish. Witness B observed the incident from the north sidewalk, looking east, from an approximate distance of 100 feet. According to Witness B, Subject 1 had a knife in his right hand that he held above his shoulder the entire time, which was the reason why the officers ordered him in English and in Spanish to, "Put your knife down." When Subject 1 did not put the knife down, one of the officers shot him two times from a distance of approximately 10 feet. Witness B stated that she did not observe Subject 1 move toward the officers.

Witness C

Witness C was shopping in the store at the north side of street with her sister, Witness D. According to Witness C, she heard an unidentified female who had entered the store state, "The man who's outside has a knife." Witness C and Witness D exited the store and walked to the adjacent parking lot, located east of the store. From the parking lot, Witness C observed Subject 1 across the street, on the south sidewalk, holding a knife in his right hand. According to Witness C, she observed Subject 1 threatening an unidentified person on the south sidewalk with his knife. Subject 1 then crossed the street to the north sidewalk and remained on the northwest corner of the street. According to Witness C, Subject 1 was approximately four to five meters south of her at this point. Witness C believed that Subject 1 was drunk because of the way he walked and because he was acting aggressively. Witness C saw blood on Subject 1's hand. Witness C observed an unidentified male who was talking on a cellular phone walking toward Subject 1. Subject 1 raised his knife at the male. The male spoke to Subject 1, but Witness C was unable to hear what he said. Subject 1 appeared to calm down, lowered his knife and the male left the area. Subject 1 then approached "some other ladies" and a child who were just east of him on the north sidewalk at the crosswalk, waiting to cross south, and raised his knife at his chest level at them. The females appeared to be scared of Subject 1 and attempted to calm him down. Witness C heard one of the females say in Spanish to Subject 1 that he was scaring her little girl. Witness C indicated that Witness D was about to call 911 when the bicycle officers arrived. Witness C further indicated that "it was only one moment -- that [Subject 1] was arguing with [the females]." Subject 1 saw the officers and walked away from the females. The officers pulled their guns out and issued verbal commands to Subject 1, in English. The officers then issued commands in Spanish, which Witness C understood, to the effect of "Drop the weapon."

Witness D

According to Witness D, she and Witness C were walking toward their car in the parking lot of the store, when Witness C told her that there was a man across the street bleeding and holding a knife. Witness D looked south and saw "two to three old ladies" walking west on the south sidewalk of the street approaching Subject 1. Witness D observed that Subject 1 was holding a knife with the blade pointed up toward the sky and that his hand was bleeding. When the females got to within 10 to 12 feet of Subject 1, he raised the knife in front of him. When the females saw the knife, they "walked fast" away from Subject 1, crossing north at the crosswalk toward the store parking lot, and then headed west on the sidewalk. Witness D believed the females were frightened because they continually looked back to see if Subject 1 was behind them. Subject 1 "walked fast" behind the females, but stopped pursuing them at the northwest corner of the intersection. According to Witness D, Subject 1 was approximately "five to eight" steps away from her (Witness D) at this time. Witness D believed Subject 1 was drunk because he swayed left to right as he walked. Witness D indicated the blade of Subject 1's knife was approximately four inches long. Witness D then observed an unidentified male, who was talking on his cellular phone, walking east toward Subject 1.

Subject 1 walked in front of the male and stared at him, but did not do anything. Subject 1 turned and threw his knife to the ground approximately “four to six steps in front him” and was “acting crazy.” Subject 1 then picked the knife up from the ground and approached a female with a stroller at the crosswalk who was waiting for the “Walk” signal to cross south. Subject 1 and the female exchanged words, but Witness D was unable to hear what they were saying. Witness D became concerned for the safety of the female and her child, and called 911. While she was being transferred to a Spanish speaker, Witness D observed an officer arriving at the scene, followed shortly thereafter by two additional officers. Witness D observed the first officer to arrive throw his bicycle to the ground, run toward Subject 1 with his gun drawn and yell in English, “Drop the knife.” Witness D ended her cellular phone call. According to Witness C and Witness D, when the officer drew his pistol, they took their eyes off the officer and Subject 1 and began moving back further north into the parking lot. As they were moving back, they both heard two gunshots.

Note: During the subsequent investigation, blood drops were discovered on the south sidewalk of the street where Witnesses B, C and D had observed Subject 1 threatening people with his knife. DNA analysis of the blood drops on the south sidewalk matched the sample to a DNA profile obtained from Subject 1.

Witness E

Witnesses E and Witness F, observed the incident from the south sidewalk of the street, looking north directly across the street, from a distance of approximately 75 feet. According to Witness E, she observed two females with a stroller and Subject 1 standing directly behind them. The women appeared “paranoid” and ran south across the street to get away from Subject 1. Witness E heard one of the females yelling, “He wants to stab me,” in Spanish. Witness E then observed bicycle officers arrive at Subject 1’s location, dismount their bicycles and surround Subject 1 “like a triangle, making sure they were near.” Witness E stated the officers were approximately ten feet away from Subject 1. Witness E also observed one of the officers telling people who were trying to cross the street to move. Witness E observed that Subject 1 had a knife in his right hand, which he was holding down to his side, and that he had blood on his hand. Witness E heard the officers order Subject 1 to drop the knife three times in English and then three times in Spanish. Subject 1 walked backward to the fence of the store parking lot behind him. Witness E then observed Subject 1 raise the knife above his shoulder, with the blade pointed toward the officer, and came at them “kind of like walking fast,” “making sort of a rush towards them,” taking a couple of steps. Witness E heard two gunshots and saw the shooting, but she was not sure which officer had fired his pistol. Subject 1 immediately fell to the ground.

Witness F

Witness F observed a girl who appeared to be “freaking out”, running south across the street. Witness F observed Subject 1 across the street on the north sidewalk “swaying

like he was kind of like he was out of it.” Three bicycle officers arrived and ordered Subject 1 to “Put the knife down,” three times in English. When Subject 1 did not respond, the officers “told him clearly” three times in Spanish to, “Put the knife down.” Subject 1 then lifted up a knife that he had in his hand, above his shoulder, with the blade pointing toward the officer who was on the sidewalk, and “starts heading towards the cop like he's going to stab him.” Witness F further described Subject 1’s actions as “one of those quick walks like those you trying to rush up on somebody kind of thing.” She then observed Officer A fire two rounds at Subject 1 from a distance of approximately eight to ten feet, and Subject 1 fall to the ground.

Witness G

Los Angeles Fire Department (LAFD) Witness G and Witness H were talking inside their fire truck, which was parked on the north curb, approximately 100 feet west of the OIS location, when they were flagged down by two unidentified females with a female child. Witnesses G and H exited their truck to speak with the females. One of the females spoke to them in Spanish and was pointing east. According to Witness G, the female repeatedly stated, “Borracho,” which he understood was a term for a “drunk man” and “Cuchillo,” which was Spanish for knife. According to Witness G, the females pointed to the corner of the intersection, and when they saw Subject 1, the volume of their voices escalated and “they seemed like they wanted to, you know, run and hide when the guy was still, you know, I don’t know, maybe 100 or so feet away.” Witness G observed Subject 1 holding a knife in his right hand, with the blade facing down. According to Witness G, Subject 1 was “almost walking in a circle” with his arms to his sides and he appeared to be just looking around. Within five seconds of first seeing Subject 1, Witness G saw two bicycle officers arrive at Subject 1’s location, drop their bicycles and point their guns at Subject 1. The people who were nearby “just spread out.” Witness G heard the officers issue commands, but was unable to discern them, and observed Subject 1 take “a couple of steps” back. Subject 1 did not appear stable, which led Witness G to believe that Subject 1 was possibly drunk. Witness G then observed Subject 1 raise his hand, which had the knife and initially believed “he was attempting to raise it to threaten himself.” According to Witness G, “I don't know if he was going to [sic] himself, if he was making an aggressive threat towards the police officer, or what he was doing but as soon as he raised it that's when the police officer fired the two shots.” Witness G did not see Subject 1 move forward right before the OIS. Witness G believed the contact between the officers and Subject 1 lasted approximately 10 to 20 seconds.

Witness H

According to Witness H, from his limited Spanish, he understood that the female was telling him and Witness G of a man with a knife who had threatened them. Witness H described the female’s demeanor as a “mix of anger and fear.” Witness H did not observe any injuries to the females. The female pointed east to the corner of the intersection. Witness H tried to pinpoint where the man with the knife was, but was unable to see him because the intersection was crowded with people. Witness H then

observed the bicycle officers arrive at the corner, draw their guns and issue verbal commands, which he was unable to make out because they were approximately 100 feet away. Witness H grabbed the child and brought her to the front of the fire truck to keep her safe from stray bullets. Less than one minute after he heard the officers issuing verbal commands, Witness H heard two to three rapid gunshots. Witness H waited approximately 10 seconds before peeking his head around the corner of the fire truck and observed Subject 1 on the ground. Witness H advised Witness G to grab his emergency medical equipment so they could render aid to the man who was on the sidewalk. Witness H also advised, via his radio, the LAFD personnel who were inside the grocery store of what had occurred.

Witness I

Witness I observed the incident from a distance of approximately 65 feet, looking south from the parking lot of the store. According to Witness I, she heard Subject 1 yelling, but "didn't understand" what he was saying. Witness I looked south and observed Subject 1 on the sidewalk scaring people who were passing by him. Witness I heard a female in the parking lot yell, "Call the police," and then observed the bicycle officers arriving at the location. One of the officers dismounted his bicycle, pointed his pistol at Subject 1 and issued verbal commands in English, which Subject 1 did not appear to understand. A second officer issued verbal commands in Spanish along the lines of "Drop the weapon, Sir. Drop the weapon." Witness I could see the right side of Subject 1's body through the vertical iron bars of the fence and indicated that she did not see a weapon in Subject 1's hands, but saw that his right hand was closed in a fist. Witness I observed Subject 1 move back, look at Officer A and say something, but Witness I was unable to hear because Subject 1 spoke in a low voice. Witness I moved back when she saw the officer's gun. Witness I then observed Subject 1 take one step toward the officer and then heard gunshots. Witness I believed the length of the contact between the officers and Subject 1 was between 40 seconds and one minute.

Witness J

Witness J observed the incident from the southeast of the OIS location, approximately 110 feet away. According to Witness J, she heard noises outside and walked to her store window. Witness J observed four bicycle officers with their guns pointed at Subject 1. Subject 1 appeared to be drunk and was facing the officers in a northwest direction toward the store across the street. The officers ordered Subject 1 to "Stop," in English. Subject 1 appeared to be "laughing or saying something" to the officers, but Witness J could not hear him. Witness J then observed Subject 1 move his right shoulder back, raise his right arm up in a 45 degree angle and had his right hand near his head, while his left arm remained straight down. When Subject 1 made this motion, the officer shot him two times in the head. Witness J did not see whether Subject 1 was armed with a weapon because she "wasn't that close" to the incident.

Witness K

Witness K observed the incident facing north from a distance of approximately 75 feet on the south sidewalk of the street. According to Witness K, she heard someone yelling, "Drop the weapon," in Spanish. She turned and observed Subject 1 on the north sidewalk facing west with both arms down to his sides, talking to an officer who was west of Subject 1. Witness K could not hear what Subject 1 was saying but observed his mouth moving. According to Witness K, she was able to see the front side of Subject 1's body, including both of his hands, and was adamant that there was nothing in his hands. Witness K indicated that Subject 1 was rotating both of his wrists while they were down to his sides. Witness K observed another officer standing east of Subject 1 by the crosswalk with his back toward her. Subject 1 appeared drunk because he was wobbling and swaying side to side. According to Witness K, after the officer who was west of Subject 1 said, "Drop the weapon" a second time, Subject 1 took one or two steps forward, with his hands still down to his sides, and was shot by the officer. Witness K believed that Subject 1 was approximately four to five steps away from the officer when the OIS occurred. Witness K believed that the officer's round struck Subject 1 somewhere on his left side. Subject 1 kneeled down and was shot a second time somewhere on his left side. Subject 1 then fell to the ground.

Note: During her interview, Witness K provided differing descriptions of Subject 1's movements right before the OIS. Witness K initially stated that Subject 1 took one to two steps toward the officer. Witness K then stated that Subject 1 had only taken one step. Later, Witness K stated that Subject 1 had only made a forward movement from his waist up.

Witness L

Witness L observed the incident from a distance of approximately 75 feet, from the south sidewalk looking north. According to Witness L, he observed four officers and a "drunk guy" (Subject 1) across the street and heard the officers saying, "Stop. Stop." Witness L believed the officers were going to search Subject 1, but Subject 1 walked backward, taking approximately three steps. Witness L also indicated that Subject 1 raised his hands up to show the officers that there was nothing in his hands. When Subject 1 did not comply with the officers' commands for him to stop, the officer shot him two times. Witness L believed the contact between the officers and Subject 1 lasted approximately five minutes.

Note: According to other witness statements and the time stamps of the audio-recorded broadcasts made by the officers, the contact between Subject 1 and the officers was in the range of 40 seconds to one minute.

Witness M

Witness M observed the incident looking in a northwest direction from approximately 110 feet away from the OIS location. According to Witness M, he observed three

officers across the street with one or two of the officers pointing their guns at Subject 1. Subject 1 was facing west in the officers' direction and was approximately four and a half feet away. Witness M observed what he perceived was a folded black plastic bag in Subject 1's right hand. Witness M heard the officers yelling commands and then observed Subject 1 raise his right hand above his shoulder. Witness M then heard two to three gunshots.

Witness N

Witness N was driving south toward the intersection when he observed the officers with their guns drawn and Subject 1 standing by the payphone with his back toward him (Witness N). According to Witness N, Subject 1's arms were down to his side; however, Witness N's view was partially blocked by the vertical iron bars that surround the store parking lot and he was not able to see if Subject 1 had something in his hands. Witness N heard the officers yelling in English, "Get down." Witness N believed Subject 1 was probably armed with something; otherwise, the officers would have just approached him and taken him into custody. Witness N looked to his east (his left) to check for oncoming traffic as he negotiated a westbound (right) turn. While he was looking away, he heard one of the officers yell to "get back" or "move out of the way," in English, and believed this statement was being directed toward the other officers. Witness N then heard two gunshots and when he turned he observed Subject 1 on the ground.

Events following the officer-involved shooting

Approximately 40 seconds after Officer C's initial broadcast, Officer A broadcast, "Shots fired. Let me get a [rescue ambulance] for a male down. Gunshot wound to the head." The LAFD personnel who were at the grocery store had already responded to the OIS location and were waiting for officers to secure Subject 1.

Uniformed Officers D and E were responding to Officer C's back-up request on their bicycles and arrived at the location seconds after the "Shots fired" broadcast. Officer D observed Officers A, B and C on the street and Subject 1 on the ground. Officer D observed a crowd of 30 to 40 people, yelling and approaching the officers on the northwest corner. Officer D dismounted his bicycle east of the OIS location and directed the people to move away from the location.

Officer E continued west toward Officers A, B and C's location and dismounted his bicycle. Officer B holstered his pistol when he observed Officer E arriving at their location. According to Officer E, Subject 1 was on the ground on his left side, bleeding from his head, and Officer A had his pistol pointed at Subject 1. Officers B and E approached Subject 1 to handcuff him. Officer E observed a "chrome knife" on the ground next to Subject 1. Officer E kicked the knife away from Subject 1 in a northeast direction. Officer B and E then handcuffed Subject 1. Officer E advised Officer B to keep an eye on the knife. Officer B observed the knife on the ground and monitored the knife.

Meanwhile, Sergeant A arrived at the scene. Sergeant A observed Subject 1 on the ground, "bleeding from his head or face area," and a "stainless steel knife" with blood on it approximately a foot away from Subject 1's feet. Sergeant A observed the officers handcuffing Subject 1. After Subject 1 was handcuffed, Sergeant A asked Officer A what had occurred. Officer A advised him that Subject 1 "had charged at him with a knife."

LAFD personnel approached Subject 1 after he was handcuffed and requested Officer E to remove the handcuffs. Paramedics assessed Subject 1's injuries, which consisted of two gunshot wounds to the head, and determined death.

Sergeant B arrived at the location approximately 15 seconds after Sergeant A and advised Sergeant A that he would obtain a Public Safety Statement (PSS) from Officers A, B and C. Sergeant B separated the three officers and obtained a PSS from Officer A. Meanwhile, Officer B remained on the sidewalk, where he monitored Subject 1's knife. Officer C walked northeast, in the direction where Officer A had fired his pistol, to ensure no citizens were injured and when he returned he was monitored by Sergeant A.

Sergeant B obtained a PSS from Officer A and was advised that he became involved in an OIS when Subject 1 approached him with a knife over his head; that he had fired two rounds in a northeast direction; that Subject 1 had a knife; that the only person injured was Subject 1; that he (Officer A) was initially stopped by a citizen who he considered was a witness; that there were no outstanding suspects; and that Subject 1's knife was evidence that needed to be secured. After obtaining a PSS from Officer A, Sergeant B directed Detective A to monitor Officer A.

Sergeant B obtained a PSS from Officers B and C, separately. Officer C advised him that he was a witness officer and did not shoot; that Officer A had fired rounds; that Subject 1 had a knife; that the only person injured was Subject 1, a primary witness was the male who had flagged them down; that there were no outstanding suspects; and that the knife was evidence. According to Sergeant B, when he obtained a PSS from Officer B, he received "basically the same answers" that Officer C had provided.

Large crowds of people formed at the intersection and also west of the OIS location by the grocery store. The people began yelling at the officers at the scene. According to Officer C, "They were very hostile. Yelling at us in Spanish and English. That we're killers, you know. And that we were basically that we were the bad guys." According to Officer E, "There were a few people kind of inciting the crowd and just kind of yelling and screaming and moving towards us a little bit. And we only had a few of us officers when we first got there. So we were doing what we could keep the crowd back and kind of try to maintain a little bit of order."

Meanwhile, additional personnel, including uniformed Officers F and G, arrived at the location and began setting up a perimeter for the crime scene. Officer F observed officers handcuffing Subject 1 and a hostile crowd approximately 15 feet east of the officers at the scene. As Officers F and G went to assist three officers with crowd

control, Officer F was directed by Sergeant C, who had also arrived at the scene, to relieve Officer B from his duty of monitoring the knife. Officer F observed a “stainless steel” knife with a four to five inch blade. Officer F also observed the knife “had blood all over it.” According to Officer F, he “feared that a member or a citizen of one -- of the 415 groups would come over and either take the evidence or use the evidence as another weapon on one of the officers.” Officer F made a mental note of how the knife was positioned on the ground and then picked the knife up. Officer F walked the knife over to his police vehicle, placed it inside the trunk and stood by it. The knife was subsequently recovered during the investigation.

The Los Angeles County Coroner Investigator arrived at the scene and assumed responsibility for removing Subject 1’s body.

Note: Several days after the incident, Witness O (a Spanish speaker) went to the police station to report that he had been a victim of a crime involving Subject 1. Detectives interviewed Witness O. According to Witness O, he was buying food at the grocery store when he saw a group of people holding a photograph of Subject 1. Witness O recognized Subject 1 from a prior incident that occurred approximately one month ago. Witness O had driven his car into the parking lot adjacent to the a store near the OIS location, when Subject 1 walked up to his opened driver’s side window holding a knife of the type used to cut drywall in his right hand. Subject 1 held the knife approximately one foot away from Witness O’s face and stated in Spanish, “Why? Why?” Witness O believed Subject 1 was drunk and was upset that he (Witness O) had possibly driven his vehicle too close to Subject 1. Witness O stated in Spanish, “I’m sorry. Whatever I did,” and drove out of the parking lot. Witness O initially stated that he was 99 percent sure that the picture of Subject 1 matched the man who had threatened him with a knife. Witness O then stated, “That’s the guy. I don’t have no question about it.”

Also several days after the incident, Witness P (a Spanish speaker) went to the police station to report an incident involving Subject 1. Witness P advised that she had seen Subject 1’s picture on her television and the police advising anyone who had information to come forward. According to Witness P, approximately two month previously, she had exited a bus and was walking on the sidewalk when Subject 1 approached her and grabbed her at knifepoint. Subject 1 attempted to drag her to an empty parking lot. Witness P believed that Subject 1 was going to rape her because she had dropped her purse on the ground, but Subject 1 did not take it and run. Witness P stated that an unidentified male saw Subject 1 and yelled something to the effect of, “Don’t you see she could be your mother?” and told Subject 1 to let her go. Subject 1 fled the scene. Witness P stated that she did not report the incident at that time because “a person told me not to come to the police so I didn’t come to the police before.”

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, B and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. Although their response to the initial radio call was interrupted and their activities were redirected to address the reported life threatening situation, the officers did not notify CD of their updated status and location until after they initiated contact with Subject 1. Officers A, B and C are reminded that the purpose of a Code Six broadcast and/or supplemental or update broadcast is to inform officers in the area of the police activity and facilitate the response of additional units and resources to best manage an incident.
2. Officer A immediately proceeded west toward the intersection without obtaining further information or communicating with his partners. Consideration was given to the fact that all the officers perceived the exigency and necessity to immediately intervene to safeguard human life. Officer C recalled, "...it was an immediate action type of thing before someone gets hurt." The inherent exigency of the situation did

not provide the officers with the opportunity to develop an on-scene tactical plan but rather dictated that the officers respond based on their training and experience.

Although their actions were appropriate, the officers are reminded of the role effective tactical communication plays in ensuring that decisions and actions are consistent with fundamental tactical concepts and reflective of tactical best practices.

3. Officer A observed Subject 1 confronting a female, who appeared to need help. Officer A stated, “...*the suspect who had the knife was actually had hands on the female. She appeared to be in distress, needed help. I believe he was going to stab her.*” Officer A dismounted his bicycle and yelled, “*Drop the knife, drop the knife!*” which, according to Officer A, did draw Subject 1’s attention, allowing the female to flee from the scene.

According to Officer A, “*I moved closer towards him [Subject 1] coming within ten feet.*” It was at that point that Officer A recalled, “*I’d say about ten feet east of his [Subject 1’s] location on the same side of the sidewalk. I observe a female little girl...five to six years of age with her mother...He moves towards them...to gain his attention away from them so he couldn’t take them hostage or cause serious bodily injury to them, I move onto the sidewalk....*”

According to Officer C, as he rode his bicycle toward Subject 1’s location, he observed Subject 1 holding a knife and it appeared that, “[h]e was *approaching people that were walking up to him like in a fighting stance, like he wanted to cause harm to them. And people were literally running into the street trying to avoid him; people with kids, families.*” “*He was trying to grab anyone that walked by him and stab them.*”

Officer C dismounted his bicycle and raised his pistol at Subject 1, but observed pedestrians in his background. Officer C recalled, “*There were a lot of family and kids out there.*” Officer C was cognizant of pedestrians in his background, and as a result, repositioned himself.

According to Officer B, when they deployed on Subject 1, “*The pedestrian traffic’s heavy. It was heavy on [the street]. I remember there was more [pedestrian] traffic on the east side of [the street].*”

Although officers are trained to generally deploy on suspects armed with a knife or similar weapon in such a way as to give themselves distance and time to respond to a subject’s actions, there are circumstances where the need to protect nearby members of the public may require officers to place themselves in relative proximity to such an individual. In this case, the BOPC considered that the involved officers responded to a location with substantial pedestrian traffic where Subject 1 was reportedly threatening people with a knife. Officers A and C observed Subject 1 apparently threatening individuals with a knife, and all three officers on the scene observed that Subject 1 was so armed.

Based on the report they received that a male on the sidewalk was armed a knife, the significant access Subject 1 had to potential victims due to the substantial pedestrian traffic, and the observations of the first two officers who approached of Subject 1 appearing to threaten people on the sidewalk with a knife, the officers were faced with a situation wherein Subject 1's actions created an exigency with respect to the safety of those around him. Given this exigent circumstance, the BOPC determined it was appropriate for the officers to position themselves in relative proximity to Subject 1 to contain him and thereby limit his access to potential victims. Although the manner in which the officers deployed increased their own exposure to the risk of assault by Subject 1, this exposure was warranted in order to protect nearby members of the public from the danger Subject 1 appeared to pose.

4. In this instance, Officer A fired two rounds at Subject 1's head. The following is the rationale for aiming at Subject 1's head:

Officer A stated, "The reason why I was aiming at his head because of the – I mean, the background was all – I mean, there was tons of [pedestrians]. And obviously, it's more likely a through and through if you hit the body. It's going to be through and through and there [an] innocent people, kids, family. So I knew it's more likely a bullet entering the brain is going to stay in the brain and hit the skull and stay. So I aimed for the head and I fired two rounds and it struck him in the head and he went down."

In analyzing this issue, consideration was given to the fact that Department firearms (tactical) training does not prohibit targeting a subject's head in a lethal force situation and officers are required to attempt to shoot at the head area of a target during the firearms qualification course. Officer A's decision to target Subject 1's head was based on his judgment and consideration of the shooting background. Officer A is reminded that approved Department tactical training and that *"Officers are instructed to aim for the largest target."*

5. An *"accelerated pair"* is an approved close-range shooting technique that allows an officer to quickly and accurately place a second round on target. Here, Officer A's decision to fire an *"accelerated pair"* was reasonable in that Subject 1 was close (approximately 12 feet) to Officer A and presented an imminent threat likely to cause serious injury or death when Officer A fired his weapon.

The BOPC found that the tactics utilized by Officers A, B, and C did not unjustifiably or substantially deviate from approved Department tactical training. As such, the BOPC found Officers A, B and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

In this instance, Officer A was contacted by an unidentified male, who *“...appeared to be scared and stated that a female needed our attention. That there was a man with a knife trying to stab her.”* Officer A immediately rode in the direction of the confrontation and observed Subject 1 holding a knife in his right hand while grabbing a woman, who *“...appeared to be in distress, needed help. I believed he was going to stab her.”* Officer A dismounted his bicycle and immediately drew his service pistol.

Subject 1 posed an immediate threat to the woman, which created a situation wherein Officer A reasonably believed that there was a substantial risk that the tactical situation may escalate to the point where Lethal Force may be justified.

The BOPC found Officer A’s Drawing/Exhibiting to be in policy.

In this instance, Officer B was contacted by an unidentified male who stated, *“...that there was a man with a knife,”* and the unidentified male pointed in a westerly direction. As Officer B proceeded westbound, he observed Officer A drop his bicycle, draw his service pistol and run to confront Subject 1. Officer B recalls, *“...probably in the middle of the intersection... is when I observe the suspect with a silver knife in his right hand...”* After getting within approximately 15 feet of Subject 1, Officer B dismounted his bicycle and drew his service pistol.

Officer B observed Officer A draw his service pistol and Subject 1 in possession of a *“silver knife.”* The BOPC determined that Officer B reasonably believed that there was a substantial risk that the tactical situation may escalate to the point where Lethal Force may be justified.

The BOPC found Officer B’s Drawing/Exhibiting to be in policy.

In this instance, Officer C was confronted by a *“frantically yelling”* unidentified male, who while pointing in a westbound direction stated, *“...there’s a man with a knife...”* As Officer C rode his bicycle westbound he recalls, *“I could see people just running out of his way and screaming for help as we get closer. And obviously, the knife in his right hand.”* Officer C then dismounted his bicycle and drew his service pistol and held it at the low-ready position.

Officer C saw numerous people *“running”* from Subject 1 and the knife in Subject 1’s right hand. The BOPC determined that Officer C reasonably believed that there was a substantial risk that the tactical situation may escalate to the point where Lethal Force may be justified.

The BOPC found Officers C’s Drawing/Exhibiting to be in policy.

C. Lethal Use of Force

The BOPC noted that, according to Officer A, he was informed by a male who flagged-down the officers that a man with a knife was threatening a female. As Officer A rode his bicycle toward the intersection, he observed a confrontation between two females and Subject 1, whom he observed to be armed with a knife. Officer A believed that Subject 1 was about to stab one of the females and, as a result, he allowed his bicycle to fall to the ground and immediately drew his pistol. Officer A, along with Officers C and B, approached and contained Subject 1. Officers A and C ordered Subject 1 in English and Spanish to drop the knife. Subject 1 did not comply with the officers' commands. As described by Officer A, Subject 1, from a distance of approximately 12 feet, then raised the knife "like a baseball player throwing a pitch" and moved toward Officer A. Believing that Subject 1 was going to try to stab him, Officer A fired two rounds at Subject 1.

The events surrounding Officer A's use of force were witnessed by the two officers accompanying him, an LAFD Firefighter and numerous civilian witnesses. Both witnessing officers indicated that the unidentified male who initially flagged down the officers had stated that there was a man with a knife on the sidewalk. Both witnessing officers, the Firefighter and six civilian witnesses observed Subject 1 holding a knife during this incident. The six civilian witnesses all also indicated that they observed Subject 1 make threatening motions with his knife toward people on the sidewalk. Meanwhile, six witnesses indicated that they did not see Subject 1 with a knife. Two of those witnesses, Witness K and Witness L, indicated that they saw both of Subject 1's hands, and that he was not holding a knife. The testimony of the remaining four witnesses, although they did not actually observe a knife, did not preclude the possibility that Subject 1 could have been holding one, as they either observed the incident from a distance (Witness J), had a partially obstructed view of the event (Witness N), observed a black object in Subject 1's right hand (Witness M), or observed Subject 1's right hand closed in a fist (Witness I). A knife was recovered at the scene, and DNA evidence recovered from that knife matched Subject 1's DNA profile.

Both witnessing officers' statements corroborate Officer A's statement that Subject 1 raised his knife and stepped toward Officer A. Four civilian witnesses stated that they observed Subject 1 move toward Officer A at the time of the OIS. The LAFD Firefighter witness indicated that he saw Subject 1 raise his knife, but did not see him move toward the officer. A further four witnesses who reported having observed the OIS indicated that Subject 1 did not move toward the officer.

All witnesses indicated that officers issued commands to Subject 1 prior to the OIS occurring.

The BOPC carefully considered the above-described testimonies and physical evidence. In particular, the BOPC considered the evidence of non-police officer witnesses to establish whether the involved officers' accounts could be independently corroborated. The BOPC determined that the preponderance of the evidence

establishes that Subject 1 was armed with a knife, that he was given commands in English and Spanish to drop the knife, and that he raised his knife and, at the same time, made a movement toward Officer A at the time of the OIS.

In considering whether Officer A's use of lethal force was consistent with Department policy, the BOPC noted that that policy authorizes the use of such force to protect against the imminent threat of death or serious bodily injury. The definition of "serious bodily injury" includes protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. The BOPC considered that an assault with a knife could readily produce serious bodily injury as defined by Department policy. Given Subject 1's proximity to Officer A, his movement toward the officer, his possession of a knife, and Subject 1's prior assaultive behavior involving his brandishing a knife toward other people observed by Officer A (and corroborated by non-police witness accounts), the BOPC determined that it was objectively reasonable for Officer A to believe that an assault with the knife was imminent.

The preponderance of the available evidence in this case establishes that Officer A was confronted by a suspect, armed with a knife, who displayed assaultive behavior in the officer's presence, did not respond to verbal commands given in both English and Spanish, and who then raised the knife and moved toward Officer A from a distance of approximately 12 feet away. The BOPC believes that it was objectively reasonable for Officer A to believe that Subject 1's actions presented an imminent threat of death or serious bodily injury, as defined by Department policy, and, as such, that the officer's use of lethal force was within Department policy.

The BOPC found Officer A's use of Lethal Force to be in policy.

Additional

The BOPC considered that, although the officers involved in this incident were in possession of all required equipment, none of them possessed a less-lethal force option, such as a TASER.¹ Deployment of TASERs is currently limited by the number of devices in service. Moreover, the capacity for an officer in a bicycle unit to carry a TASER is somewhat limited by the practicalities of the type of TASER holster currently available to Department employees. It cannot be known whether the availability of a TASER would have made a difference to the outcome of this particular case.

The BOPC noted that the Department does not currently require as a matter of policy that officers carry a TASER, and that the number of TASERs currently owned by the

¹ Current Department training encourages that whenever a backup request for a subject armed with a knife is broadcast, units should respond with additional force options, to include less-lethal weapons. However, in this case, the subject moved toward Officer A with a knife, resulting in the OIS, prior to the arrival of the responding units.

Department is insufficient for all officers to be equipped with such a device. Accordingly, the officers involved in this incident did not violate any Department policy by not possessing a TASER.

The Chief of Police has informed the BOPC that Training Division is currently reviewing current TASER deployment practices and associated equipment issues to establish whether any modifications to current standards are warranted. Additionally, the Chief has directed Training Division to ensure that the topic of deploying less-lethal options is discussed during bicycle officer training.