

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

OFFICER-INVOLVED SHOOTING – 083-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Van Nuys	12/01/12		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	1 year, 2 months
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Reason for Police Contact

As officers responded to an “Assault with a Deadly Weapon-Suspect There Now” radio call, they observed the Subject armed with a knife standing behind Witness A, who was bleeding, resulting in an officer-involved shooting.

Subject(s)	Deceased (X) Wounded () Non-Hit ()
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Subject: Male, 18 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 24, 2013.

Incident Summary

On the date of the incident, Witness A noticed the Subject become increasingly paranoid throughout the day and into the evening hours and she believed he was under the influence of drugs. The Subject walked from the kitchen of the residence to the front door. The Subject did not tell Witness A where he was going and told her to stay in the apartment. Before the Subject left, Witness A observed an object in his pocket, which she believed to be a large knife.

A short time later, Witness A left the residence in search of the Subject. She noticed the Subject standing across the street. Witness A crossed the street and approached the Subject. The Subject grabbed Witness A's right arm, spun her around, placed a large knife to her neck area and told her not to move or he would stab her. The Subject forced her to walk down the street. The Subject was acting delusional. As Witness A and the Subject walked down the street, an unidentified witness observed the Subject with the knife to Witness A's neck and called 9-1-1. Communications Division (CD) assigned the call to Officers A and B, who responded to the location.

Witnesses B, C, and D were driving southbound in a vehicle. Witness C noticed the Subject and Witness A walking together southbound on the street as they passed them in their vehicle. She did not notice anything unusual at that time. Witness B drove into the alley. He parked the vehicle and they met with Witness E.

After walking down the street for several minutes, the Subject maintained his hold of Witness A and forced her to walk with him into the same alley as the witnesses were in.

At one point, the Subject placed the knife near Witness A's right eye and Witness A feared the Subject was going to stab her in the eye. She grabbed the blade of the knife with her left hand and attempted to push the knife away. The Subject maintained a grip of the handle and forcefully pulled the knife away from her hand, causing a large laceration on the inside of Witness A's left hand, which began to bleed. Witness C and Witness D exited their vehicle with the intention of walking to a nearby apartment. As they exited the vehicle, the Subject approached the driver's side from the east.

They noticed the Subject had a hold of Witness A, with his left arm wrapped around her neck and the knife placed near her neck. The Subject demanded that Witness B, who was in the driver's seat, give him the car and threatened to kill Witness A if he did not do so. Witness B remained in the vehicle. Witness C believed the Subject would drive Witness A somewhere and kill her if they allowed him to take the vehicle. She pleaded with the Subject to calm down and not hurt Witness A. Simultaneously, she called 9-1-1.

The Subject moved to the rear of the vehicle, closer to Witness C, and pointed the knife in Witness C's direction. Witness B exited through the passenger side of the vehicle and stood between the Subject and Witness C. The witnesses observed blood on both

the Subject and Witness A and believed the Subject was going to kill Witness A. The officers arrived a short time later.

Officers A and B drove into the alley. The officers observed the Subject standing approximately 20 feet in front of them. They observed the Subject holding Witness A with his left arm wrapped around Witness A's neck/chest area and he had a knife placed against her neck.

Officer A positioned the vehicle's spotlight in the direction of the Subject and exited the passenger door. He then unholstered his pistol. Officer B exited the driver side of the police vehicle and did the same. Both officers remained behind the cover of the vehicle's doors as the Subject and Witness A slowly advanced toward them.

Officer A immediately ordered the Subject to put his hands up and drop the knife. The Subject did not comply and threatened to kill Witness A. The Subject maintained his hold of Witness A with the knife to her neck and walked toward the officers, closing the distance from the officers to approximately 16 feet. The Subject placed Witness A between him and the officers and positioned his head behind Witness A's head. Witness A was crying and asking the officers to help her while the Subject maintained his hold of her.

Officer A feared for the life of Witness A. He noticed blood on her hands, neck, and chest area and believed the Subject had already stabbed her.

Officer A raised his service pistol in the direction of the Subject with the pistol's light attachment activated. The Subject shifted his head around Witness A to Officer A's right, which provided the only target for Officer A. From a distance of approximately 16 feet, Officer A fired one shot from his service pistol in the direction of the Subject's head. The round struck the Subject and he immediately released Witness A from his grasp before falling to the ground.

The officers broadcast a shots fired radio call and requested an ambulance for the Subject and Witness A. Los Angeles Fire Department personnel arrived at the location. The Subject did not respond to medical treatment and was determined to be dead at 8:26 p.m.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident

as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC made the following findings.

A. Tactics

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

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC considered the following:
 - Communications/Broadcast

As the incident unfolded, Officer B indicated he broadcast on the area frequency to CD. Following the OIS, Officer B again utilized his handheld radio to broadcast a help shots fired radio call. After handcuffing the Subject, Officer B indicated he broadcast a third time requesting a supervisor and an ambulance for the Subject.

The investigation revealed none of Officer B's broadcasts were received by CD. Yet, video evidence clearly demonstrates Officer B placing his handheld radio to his mouth along with his voice heard on the video recording.

The issue of Officer B's radio transmissions was thoroughly evaluated and deliberated by the BOPC. The BOPC determined that although they were concerned that CD did not receive the broadcast, it could not be determined definitively whether it was a frequency problem in the area, equipment or operator error that caused Officer B's radio transmissions to not be transmitted properly or recorded. Despite the communication issue, several units were en route to the scene, including the primary unit.

In conclusion, although the communications were not captured by CD, it was evident on the video recording that Officer B attempted to broadcast. Therefore, in evaluating the totality of the circumstances, the BOPC determined that Officer B's actions did not represent a substantial deviation from approved Department tactical training.

- 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 was an identified area where improvement could be made (see Additional Tactical Debrief Topic) and a Tactical debrief is the appropriate forum for the involved personnel to review and discuss the incident and the individual actions that took place during this incident.

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

B. Drawing/Exhibition

- As Officers A and B entered the alley they observed the Subject armed with a knife standing behind Witness A, who was bleeding. Believing the situation could escalate to a lethal force incident, both Officers A and B drew their respective service pistols and issued verbal commands.

The BOPC determined that officers with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation might escalate to the point where deadly force might be justified.

In conclusion, the BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- **Officer A** (pistol, 1 round)

Despite numerous verbal commands, the Subject refused to comply with the officers' commands and continued to hold the knife to Witness A's neck, while advancing on the officers. Fearing for Witness A's safety and believing she could be killed, Officer A moved to his right to obtain a clear line of sight and fired one round at the Subject to stop his actions.

An officer with similar training and experience as Officer A would reasonably believe that the Subject posed an immediate threat of serious bodily injury or death and that the use of lethal force would be justified

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