

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

OFFICER-INVOLVED SHOOTING – 085-12

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

Hollywood	12/06/12		
-----------	----------	--	--

Officers(s) Involved in Use of Force	Length of Service
---	--------------------------

Officer A	7 years, 9 months
-----------	-------------------

Reason for Police Contact

Officers responded to an in-progress burglary, with an armed Subject, involving Domestic Violence.

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

Subject: Male, 26 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 Los Angeles Police Department Command Staff presented the matter to the Chief 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 November 5, 2013.

Incident Summary

The Victim called 911 to report the Subject had threatened her and cut her with a knife. This prompted a broadcast by Communications Division (CD). CD provided the location and a description of the Subject. Officers A and B acknowledged the call for service over the police radio and requested an air unit. Officers C and D heard the broadcast and advised CD they would back-up the primary officers who acknowledged the call.

CD further advised the units responding that the Subject was the Victim's ex-boyfriend, had entered through a window and attempted to stab the Victim with a knife. CD continued, advising that the Subject was still in the apartment, and the Victim would be waiting outside, to the front of the complex for contact with the officers.

Officers E and F also responded to assist as did Sergeant A.

Officers C and D arrived at scene and parked adjacent to the apartment complex. As they approached the location, Officer D confirmed that Officer C was equipped with a TASER and discussed the use of less-lethal and lethal force options, as well as contact and cover techniques.

Officers C and D observed the Victim standing inside the lobby. The Victim informed the officers that the Subject was her ex-boyfriend, had broken into her apartment and had cut her with a knife. Officers A and B observed blood on the Victim's hands.

Note: The Victim sustained a 3/8 inch superficial laceration to her right hand.

The Victim further informed the officers that the Subject was the only person inside her apartment and was under the influence of heroin. She also told them that she left the door of her apartment open.

Due to the nature of the call and the additional information provided by the Victim, Officers A and B waited for additional units to arrive.

While en route to the location, Officers E and F discussed various scenarios and tactics regarding contact and cover. Officer E made sure Officer F was equipped with a TASER and directed him to take his Department-authorized shotgun. He informed Officer F he was arming himself with the beanbag shotgun.

Upon their arrival, Officers E and F parked and deployed their weapons as they had discussed. Officer F chambered a round and held his shotgun in a low-ready position. Officer E held the beanbag shotgun in a position, with the barrel pointed up, and they walked toward the apartment complex.

Officer E observed Officers C and D on the top steps of the lobby with the Victim. Officers C and D informed the other officers that the Victim had cuts on her hands, which were caused by the Subject, and he had been last seen in the Victim's apartment.

While Officer E began formulating a tactical plan with the officers at the location to arrest the Subject, Sergeant A and Officers A and B arrived at the scene. Sergeant A directed Officer B to stay with the Victim. Sergeant A and the officers were updated with the crime information and possible location of the Subject. According to Sergeant A, he ensured the officers reviewed a tactical plan.

Officer D believed the incident could escalate to the use of deadly force and unholstered his pistol as he walked down the hallway toward the apartment. As the officers approached the front door of the apartment, Officer C also unholstered his pistol, believing the situation could escalate to the use of deadly force. Officer A unholstered his pistol as well, also believing that the situation could escalate to the use of deadly force.

Upon reaching the apartment, Officer C observed the front door to be slightly ajar and pushed the door open while utilizing the door frame as cover.

Officer C stepped into the doorway and observed the Subject seated in the living room area, leaning against the west wall of the apartment. The Subject appeared to be sitting on the floor between the kitchen island and a mattress or possibly on the mattress itself.

The kitchen, bathroom and hallway lights were on, but the light in the room where the Subject sat was off. There was enough illumination for Officer C to observe the Subject and for the Subject to observe Officer C's uniform and badge.

Officer C stated he communicated his observation of the Subject to the other officers. He then walked two to three steps south inside the apartment. As he walked inside, he utilized the small kitchen wall as cover and simultaneously announced, "Los Angeles Police Department. Let me see your hands."

Officer F observed the Subject holding a knife in his right hand with the blade facing outward in the direction of the officers.

Officer E followed behind Officer D as he cleared the front door threshold and took a position near the closet area, to the right of Officer C. He observed the Subject standing at the edge of the mattress and holding a knife in his right hand.

When the officers entered the apartment, the Subject quickly jumped to his feet, took two to three steps east toward the center of the living room and stood approximately 12 feet from Officer C, facing the officers. Officer C observed the Subject holding a knife in his right hand. The Subject had the knife raised between his head and ear area, moving it in a circular motion. Officer C was in fear of his life and feared that the Subject was going to try to kill him.

Upon observing the threat, Officer C ordered the Subject to drop the knife approximately three to four times, but the Subject was unresponsive to Officer C's commands. According to Officer C, the Subject was sweaty and blankly stared at him with blood

shot eyes. Officer A followed Officer E and took a position at the doorway of the apartment while Sergeant A took a position near the front door.

Officer D pointed his pistol at the Subject's chest. He held his pistol in a two-hand grip with his finger on the trigger and simultaneously ordered the Subject to drop the knife one or two times.

The Subject began rocking his body in a forward motion while still holding the knife up, pointed in Officer C's direction. Officer C believed the Subject was approximately six to eight feet away from him when the Subject started to lunge at him with his knife in hand. In fear for his life and the lives of his fellow officers, Officer C assumed a Weaver stance, aimed his pistol at the Subject's center body mass and fired. The Subject was struck multiple times, fell forward onto his face with the knife still clenched in his hand, and expired at the scene.

Sergeant A requested additional units and a Rescue Ambulance (RA) for the Subject.

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, C, D, E and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers C, D and F's drawing and exhibition of a firearm to be in policy.

C. Use of Lethal Force

The BOPC found the use of lethal force by Officer C to be in policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Tactical Communications

In evaluating the overall plan and subsequent action, the BOPC believed that it would have been advantageous for Officer C to verify that the rear containment was established prior to initiating entry into the location. The utilization of effective communication ensures that the entire operation is working in a coordinated fashion to ensure operational success and to contain subjects should they attempt to escape. Officers are given discretion regarding their tactical options while dealing with deployment concerns specific to containment.

Accordingly, the BOPC took into consideration Officer C's decision to enter the location prior to verifying that the rear containment was established. The BOPC determined that Officer C's tactical communication would have been beneficial for the entire operation but that it did not substantially deviate from approved Department tactical training. Nonetheless, all personnel at scene could benefit from a review of various tactical communication methods when handling a similar situation in the future.

2. Command and Control

In this instance, Sergeant A ensured there was a tactical plan and each officer was assigned a specific duty. Sergeant A assisted Officer A to the rear of the apartment and attempted to establish containment. As Officer A was clearing a laundry room, Sergeant A and Officer A heard officers giving commands to the Subject to "drop the knife." Sergeant A and Officer C ran back to the front of the apartment and positioned themselves at the front door.

It is the BOPC's expectation that a line supervisor provide oversight and guidance during tactical operations. The BOPC considered the dynamics involved in the planned entry to the apartment and appreciate that Sergeant A was involved in that plan. However the fact that he made the decision not to remain with the entry team, and oversee the actual entry into a residence where an armed subject was located, is problematic and contrary to the BOPC's expectations of a supervisor. Also, it is unclear whether Sergeant A advised the team to wait for his return.

However, the BOPC also considered that Sergeant A initially remained with the entry team and assisted in formulating an effective operational plan. That plan included designating less-lethal and lethal roles, as well as an arrest team. Additionally, the rationale for leaving the location where the entry was made was

that Sergeant A was responding to cover a rear window with the intent of returning to the residence. Additionally, the distance was not significant and Sergeant A was in reasonable proximity to the door of the apartment and was present at the time of the actual OIS.

In evaluating Sergeant A's actions, the BOPC determined that based on the totality of the circumstances, although improvement could have been made, Sergeant A's actions did not substantially deviate from approved Department tactical training.

- The BOPC also considered the following:

1. Bullet Path Trajectories

The Subject sustained a multiple gunshot wounds during the OIS. The investigation determined that one of the gunshot rounds entered the Subject's neck and had a trajectory from back to front, right to left, and downward.

Officer C recalled that after he fired his first two rounds, the Subject bent forward at the waist, still armed with the knife, while moving forward toward him. Officer C fired one additional round at this point, aimed at the Subject's right shoulder, as this was his only available target area.

Shooting events such as this are typically dynamic and it is not uncommon for rounds to strike from a variety of trajectories/angles due to the movement of the subject during the incident. Additionally, the reaction time between cessation of a threat and the reaction of the officer by ceasing fire (perceiving and responding to that cessation), can lead to additional rounds being discharged as a subject turns and/or falls. Accordingly, all of the Subject's gunshot wounds are consistent with the officers' account of the incident as well as the investigation. The location of the entrance and trajectory of one of the gunshot wounds is consistent with the Subject's forward motion and bending forward at the waist when the round was fired, entering his neck.

2. Warrantless Entry

The officers entered the Victim's apartment with the intent to locate and arrest the Subject for the felony crime he committed. They did so with the Victim's consent, who was the sole resident of the apartment, and with the reasonable belief that the Subject was inside and armed with a weapon. Coupled with the fact that the Victim appeared fearful of the Subject, had visible injuries, left the door ajar and provided the officers with a key to make entry, the BOPC determined that the officers' entry into the Victim's apartment was legal and within Department policy.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic

circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and the individual actions that took place during this incident.

The BOPC directed that Sergeant A along with Officers A, C, D, E and F attend a Tactical Debrief and that the specific identified topics are covered.

B. Drawing/Exhibiting

- Officer D believed the situation could escalate to the use of deadly force based upon the blood on the Victim's hands, her statements at the time, and his knowledge that burglars and domestic violence subjects are often armed. The Victim said the Subject had a knife, so Officer D drew his weapon and held it with both hands at the low ready position.

Officer F exhibited his Department shotgun, having received a call that the subject had a knife. Officer F knew his partner had a less-lethal option, so he exhibited his shotgun so they would have both lethal and less-lethal options.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, D and F, 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.

In conclusion, the BOPC found Officers C, D and F's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- Officer C observed the Subject holding a knife in his hand. Officer C issued numerous verbal commands to drop the knife with negative results. The Subject began to rock his body forward while he raised the knife near his head with the blade pointed toward Officer C. It appeared to Officer C that the Subject was going to lunge forward and strike or kill him. The Subject then walked towards Officer C. Fearing for his life, Officer C fired two rounds at the Subject to stop his actions and advance.

The Subject bent forward at the waist while still holding the knife continuing to advance toward Officer C. Consequently, Officer C fired one additional round at the Subject to stop his actions.

Based on the totality of the circumstances, an officer with similar training and

experience as Officer A would reasonably believe that the Subject's actions of advancing toward him while armed with a knife presented an imminent threat of death or serious bodily injury and that the use of lethal force would be reasonable.

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