

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

**OFFICER-INVOLVED SHOOTING – 003-12**

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

Hollywood	01/04/12		
-----------	----------	--	--

<b>Officers(s) Involved in Use of Force</b>	<b>Length of Service</b>
---	--------------------------

Officer A	13 years, 7 months
Officer B	13 years, 4 months

**Reason for Police Contact**

Officers A and B confronted the Subject regarding his involvement in a prior assault case, when he produced a knife from his waistband and threatened the officers, resulting in an officer-involved shooting (OIS).

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
-------------------	---------------------	--------------------	--------------------

Subject: Male, 47 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 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 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 December 11, 2012.

## **Incident Summary**

One day prior to this incident, Officer A became aware of an Assault with a Deadly Weapon (ADW) crime that occurred, wherein the Subject had struck his 75-year old neighbor with a metal pipe, causing numerous injuries including a fractured skull. Officer A spoke to the assigned detective, who informed Officer A that it would be appropriate to arrest the Subject if located. Since it was near his end of watch, Officer A opted to delay any further investigation until the following day when his regular partner, Officer B would be working.

On the day of this incident, Officer A briefed Officer B concerning the ADW investigation. Officers A and B again spoke to the assigned detective and verified he still wanted the Subject arrested. Officers A and B then began to conduct an investigation, which ultimately led them to an apartment complex in Hollywood, where the Subject may have been staying with a friend (Witness A). The officers knocked on the front door and Witness A (apartment lessee) opened the front door. Officer A asked if he had seen the Subject. Witness A replied that the Subject was inside the apartment and granted permission for the officers to enter. Witness A walked into the living room and told the Subject that the police were there to see him.

Officer A stepped into the living room and Officer B stopped at the foyer corner of the living room. Due to the confined quarters, the officers were nearly standing shoulder to shoulder. Witness A pointed at the Subject who was ten feet from the officers and facing a closet. The Subject's right side was toward the officers as he stood one foot away from a partly open closet door. The Subject's hands were clenched in fists that were extended in front of his body; his elbows were tucked against his body and were bent at 90 degree angles. Officer A told the Subject to turn around and to place his hands behind his head and to walk toward him. Officer B saw that the Subject reached his hands to his rear waistband and moved his clothing around, so Officer B drew his pistol and aimed at the Subject's waist. The Subject quickly removed his hands from his waistband and was holding a three-inch bladed knife in his right hand. Officer A initially did not observe the knife because the Subject's right hand was obscured by the partly open closet door.

The Subject's eyes were wide open and bulging and Officer A opined that the Subject was ready for a fight and would not comply with his commands. The Subject looked toward a baby lying on the living room floor approximately four feet to his right. The Subject was closer to the baby than the officers, and Officer A feared that the Subject intended on harming the baby or taking him hostage.

**Note:** According to Officer B, Witness A picked up the baby and began walking toward the officers to exit the room.

The Subject then took two quick steps forward to within four or five feet of Officer B with the fixed-blade knife in his right fist. The blade was off to the Subject's right side and pointed toward the officers as if to stab them. Officer B raised his pistol and aimed at the Subject's face. In immediate defense of his life and the lives of Officer A, Witness A

and the baby, Officer B fired once. The Subject's legs buckled and he went down to his knees. The Subject fell backward and his head landed on a plastic children's picnic table with his chest upright and his right arm behind his back on the picnic table. The knife fell out of the Subject's right hand and onto the floor.

**Note:** Officer B chose to aim at the Subject's head because he needed to stop the Subject immediately before he could injure him, Officer A, Witness A or the baby.

Simultaneously, according to Officer A, he feared serious bodily injury, disfigurement or a loss of consciousness, so he drew his pistol and aimed at the Subject's chest. The Subject held the knife at chest level in his clenched right fist with the blade pointed out toward the officers, with his arm bent at the elbow. Officer A ordered the Subject to drop the knife and he responded, "fuck you" and immediately took one quick, giant step forward, lunging two to three feet forward while thrusting the knife straight out toward the officers. Within a split second of Officer B having fired, Officer A also fired once at the Subject's chest in order to protect his life and that of Officer B and the infant. The Subject immediately stopped his forward movement and was pushed slightly backward. The Subject's knees buckled and he collapsed straight down to the floor.

**Note:** According to Officer B, when Officer A ordered the Subject to drop the knife, the Subject responded, "No." According to Witness A, he heard the officers tell the Subject to go outside and to put his hands up and heard the Subject say "Fuck that".

After discharging his pistol, Officer B moved closer and informed Officer A that he was going to handcuff the Subject. The knife was on the floor several feet from the Subject and Officer B holstered his pistol. Officer B grasped the Subject's left arm and pulled him off of the picnic table and onto the floor. Officer B searched the Subject's lower back and then handcuffed him behind his back. Officer B conducted a pat down search of the Subject and found nothing. The Subject was lying on his right shoulder and breathing heavily, but Officer B was unable to locate a pulse. Once the Subject was handcuffed, Officer A de-cocked and holstered his pistol.

Officer A broadcast an "officer needs help" call and requested a Rescue Ambulance to respond. Los Angeles City Fire Department arrived and provided medical assistance to the Subject, and he was subsequently transported to a local hospital. The Subject was treated by medical staff personnel, but subsequently died from his wounds.

### **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 weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a

tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

#### **A. Tactics**

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

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

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's A's and B's lethal use of force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

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

##### 1. Requesting Additional Resources

In this instance, Officers A and B responded to Witness A's location intending to make contact with Witness A and obtain information from him regarding the Subject's possible location. At the time, both Officers A and B considered Witness A as just another lead and did not expect to find the Subject inside the apartment.

Under ideal circumstances it would be prudent for officers to request additional resources before attempting to take a wanted ADW Subject into custody; however, in this instance Officers A and B did not expect to make contact with the Subject and became involved in a rapidly-evolving tactical scenario that required them to act quickly and decisively in order to safely take the Subject into custody.

In conclusion, the BOPC determined the officers' actions did not substantially deviate from approved Department tactical training. However, the importance of having sufficient tactical resources can never be understated. Therefore, this issue will be discussed during the Tactical Debrief.

## 2. Protection of the Public

In this instance, Officers A and B followed Witness A through the apartment and into the living room. With the officers intending to affect an arrest of an individual predisposed to violence, it would have been tactically prudent to obtain the Subject's whereabouts from Witness A and remove Witness A and any other occupants from the tactical scenario. That being said, the BOPC noted the distance from the front door to the living room was covered within seconds and the officers had little time to react to or influence Witness A's actions. Furthermore, once the officers passed the threshold of the living room, they immediately observed the Subject to their right and it was reasonable for the officers to focus on the Subject.

In conclusion, the BOPC determined that based on an objective assessment of the previously mentioned circumstances, Officers A and B's actions did not substantially deviate from approved Department tactical training. Nevertheless, this issue will be discussed during the Tactical Debrief.

- 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 and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officer's A and B's tactics to warrant a tactical debrief.

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

In this instance, Officers A and B encountered the Subject in the living room. The Subject was facing toward a closet along the north wall. The right side of the Subject's body was visible to the officers, as he stood approximately one foot away from a partially open closet door. Officer A ordered the Subject to turn around and place his hands behind his head; however, the Subject ignored Officer A's commands.

According to Officer B, the Subject was not complying with Officer A's basic commands and then placed his hands into his rear waistband which Officer B considered to be consistent with a location where Subjects often conceal weapons. According to Officer B, the deliberate move to his lower back was consistent with somebody trying to arm himself.

According to Officer A, the Subject turned to his right to face him and he could see that in the Subject's right hand he was wielding a knife. Officer A drew his weapon once he saw the knife.

The BOPC determined that an officer 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 may escalate to the point where deadly force may be justified.

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

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

While talking with Witness A at the door of the apartment, Officer A asked if he had seen the Subject, and Witness A replied that he was inside. Officer A asked if they could speak to the Subject and Witness A said yes and opened the door for the officers to enter the apartment. Witness A turned his back to the officers, walked into the living room and told the Subject that the police were there to see him.

Officer A followed two feet behind Witness A and Officer B trailed behind. Officer A stepped one or two feet into the living room, and Officer B stopped at the foyer corner of the living room. Due to the confined quarters, the officers were nearly standing shoulder to shoulder. Witness A pointed at the Subject who was ten feet west of the officers and facing a closet along the north wall. The Subject's hands were clenched in fists that were extended in front of his body; his elbows were tucked against his body and were bent at 90 degree angles. Officer A told the Subject to turn around and put his hands behind his head.

At this time, Officer B observed the Subject reach his hands into his rear waistband. The Subject quickly removed his hands from his waistband and was holding a three-inch bladed knife in his right hand. Officer A initially did not observe the knife because the Subject's right hand was obscured by the partly open closet door.

The Subject took two quick steps forward to within four or five feet of Officer B with the fixed blade knife in his right fist. The blade was off to the Subject's right side and pointed toward the officers as if to stab them. Officer B raised his pistol and aimed at the Subject's face. In immediate defense of his life, Officer B fired one round from his service pistol at the Subject.

Officer B recalled that Officer A was issuing commands for the Subject to put his hands up and that his hands were behind his back. According to Officer B, both he and Officer A had their guns drawn. The Subject then pulled his hands in front of his body and in his right hand in a fist he was holding a knife which looked like a steak knife with a three-inch blade. The Subject held it in a firm fist grip angled as if he were going to punch somebody with the knife and he was looked blankly at Officers

A and B. Officer A just kept telling the Subject to drop the knife. According to Officer B, the Subject said no, and then quickly made two steps toward them. The knife was cocked like he could stab the officers. According to Officer B, the Subject was coming directly at him and Officer A, looking directly at them, and he fired one round in defense of his own life.

Officer A ordered Subject to drop the knife. The Subject responded, "fuck you" and immediately took one quick, giant step forward, lunging two to three feet while thrusting the knife straight out toward Officer B and himself. In defense of his own life and the lives of Officer B and the baby who was also in the living room, Officer A fired his service pistol once at the Subject's chest. Officer A did not want the Subject to get ahold of the baby and was thinking about a possible hostage scenario.

**Note:** Although Witness A was attempting to remove his infant son from the living room at the time of the OIS, he did not observe the OIS. Witness A did hear the verbal exchange between Officer A and the Subject. Witness A recalled that the officers told the Subject to go outside and to put his hands up. Witness A picked up his child, turned and had his back toward the Subject when he heard the Subject state, "Fuck that." At that point, Witness A heard the shots being fired.

Given the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that the Subject's actions of advancing at the officers while maintaining a knife in his right hand represented an imminent threat of serious bodily injury or death and that the use of Lethal Force would therefore be justified.

Therefore, the BOPC found Officers A and B's use of Lethal Force to be objectively reasonable and in policy.