

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

OFFICER-INVOLVED SHOOTING – 004-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Mission	1/15/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer B	8 years, 7 months
Officer F	9 years, 11 months

Reason for Police Contact

Officers responded to a report of a subject armed with a knife threatening suicide. The subject was in a locked in a bathroom. The door was breached and officers made contact with the subject resulting in an Officer Involved Shooting (OIS).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 40 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 November 24, 2015.

Incident Summary

Los Angeles Fire Department (LAFD) Communications Division (CD) transferred a 911 call for service to the Los Angeles Police Department (LAPD) CD. The LAFD operator advised they were responding to a medical emergency of a, *“40 year-old male locked in the bathroom with a knife, threatening suicide.”*

On the line with LAFD was the Person Reporting (PR) the incident, who identified the individual threatening suicide as her brother. The LAPD operator generated an incident number for the call and PR was advised that both the LAFD and LAPD would be responding.

LAPD CD broadcast the call. Mission Patrol Division Officers A and B were assigned the call.

LAFD Fire Captain A and his crew arrived on scene. Simultaneously, Officers C and D advised CD they were close and would respond.

Fire Captain A was met by the PR, who advised him that the Subject had a history of schizophrenia, had locked himself in the bathroom and was in possession of a large kitchen knife. The PR escorted Fire Captain A, along with his crew, into the residence and directed them to the locked bathroom. The PR exited the residence and LAFD personnel knocked on the bathroom door and requested that the Subject exit. The Subject opened the bathroom door and leaned out. Fire Captain A observed the Subject was naked and had what appeared to be dried smeared blood on part of his body as the Subject inquired, “if we (LAFD) had a gun and if we could shoot him.” The Subject then closed the bathroom door.

Fire Captain A believed the Subject was possibly armed and immediately requested a police back-up, via LAFD CD, as he and his fellow LAFD personnel evacuated the remaining residents from within the location. LAPD CD broadcast that the LAFD was now requesting a back-up for a man armed with a knife.

Officers C and D arrived on scene. As Officer C retrieved his bean-bag shotgun, Officer D was briefed by Fire Captain A at the fire truck parked on the street as to the reason for the back-up request. Once briefed, Officer D met with the PR in an attempt to obtain further information about the Subject’s mental history. The PR advised Officer D that the Subject suffered from schizophrenia but she was unsure if he had recently taken his medication.

Sergeant A arrived at the scene and observed Officer C armed with a bean-bag shotgun providing cover on the open front door of the residence and Officer D speaking with the PR. As Sergeant A approached, he could hear the PR and other family members speaking with, “a sense of urgency,” and advising Officer D that, “he’s got a knife, he’s in the bathroom.”

While Officer D obtained a description of the interior of the residence from the PR, Officers E and F, along with Sergeant B, arrived at the scene.

Officer D briefed Sergeant A, advising him that the Subject had locked himself inside the bathroom and the Subject's family feared he was going to kill himself. Sergeant A formulated an entry team and assigned Officer D, who was in possession of a TASER, and Officer C, who was armed with a bean-bag shotgun, less-lethal roles. Officer D was also tasked with handling communications with the Subject. Officers E and F were assigned as the arrest team and were armed with their duty weapons. Sergeant A would trail in behind the officers and maintain supervisory control as Sergeant B remained outside and provided cover on the west side of the residence.

The entry team deployed on the open front door and, upon entry, Officer D identified himself and requested that the Subject exit with his hands up. Simultaneously, Officers A and B arrived on scene and met with Sergeant A, who was at the rear of the entry team and had yet to enter the residence. At Sergeant A's request, Officers A and B responded to Sergeant B's location to determine if the bathroom possessed a window and to ensure that the Subject did not attempt to flee through it. The officers located the bathroom window and, as Officer A provided cover on the window with Sergeant B, Officer B responded back to the front of the residence.

Meanwhile, Officer C had deployed in the living room east of the hallway entrance and, with his bean-bag shotgun, was providing cover on the closed bathroom door, which was located on the west side of the hallway and faced in an easterly direction. Officer D had deployed to the south side of the hallway entrance where he had an unobstructed view of the bathroom door. Officer F deployed along the east wall of the entryway near the living room and Officer E deployed in the entryway south of Officer D's position. Sergeant A had moved past the entry team and deployed inside the living room.

Officer D continued to identify himself and requested that the Subject to exit the bathroom with his hands up. With no response, Officer E momentarily exited the residence to confirm with the Subject's family that the door they were deployed on was the door to the bathroom.

Simultaneously, Officer D heard movement from behind the bathroom door and notified Sergeant A. As Officer E re-entered the residence, he advised the entry team they were correctly deployed. Although Sergeant A did not observe any blood present in the residence, he was unsure if the Subject's failure to respond was willful or was, "because he was down and possibly bleeding out," inside the bathroom. Sergeant A decided exigent circumstances existed and elected to breach the door.

According to Officer B, he entered the residence as the entry team was discussing how to tactically make entry into the bathroom. Officer B advised that his partner was covering the bathroom window, and Sergeant A inquired if Officer B was TASER equipped, to which he answered in the affirmative. Sergeant A then assigned him as

TASER officer and Officer B deployed south of Officer D, along the west wall of the entryway.

Due to Officer F's physical stature, Sergeant A tasked him with breaching the door. Because the Subject's bedroom door was closed and locked, Officer F was limited to either backing into the entryway after breaching the door or deploying northbound in the hallway. Not wanting Officer F to be in crossfire if deadly force became necessary, Sergeant A instructed him to deploy north of the bathroom, in the hallway, once he breached the door. In this position, the east wall of the hallway prevented Officer F from being able to view the other officers, and they were unable to view him.

With the entry team in place, Officer F holstered his weapon and entered the hallway. Officer F kicked the bathroom door near the doorknob with his right foot, with negative results. Officer F kicked the door a second time and successfully breached the door. As the door swung open, Officer F observed the Subject standing inside the bathroom, screaming, and it, "appeared that he was naked from the top up, all covered in blood."

Officer F quickly deployed northbound in the hallway and, believing that the Subject was still possibly armed, immediately unholstered his weapon to a low ready position. Unable to see into the bathroom from his position, Officer F provided cover on the open bathroom door. Officer F stated that he did not see the Subject's hands before he deployed northbound, but believed the Subject was possibly armed due to the comments of the radio call and the information Officer D received from the Subject's family.

Simultaneously, Officer D observed the Subject naked, covered in blood holding a knife in front of him and, "he was staring directly at me at that time." Officer D, in fear for his safety, backed up toward the east wall of the entryway. As he was preparing to deploy his TASER, Officer D ordered the Subject to, "Drop the knife." Officer C, who also observed the Subject naked and covered in blood, while holding a knife in his right hand, also notified the entry team that the Subject was armed.

As Officer D continued with his commands for the Subject to drop the knife, Officer F heard the Subject state, "You're going to have to shoot me. You're going to have to kill me." Sergeant A, having observed the Subject naked and bloody recalled, "There's blood in the bathroom and he's holding a butcher knife." Sergeant A yelled, "TASER."

In the interim, with the Subject screaming and several officers commanding him to drop the knife and to get on the ground, Officer C observed the knife fall onto the bathroom floor. Officer C verbalized, "The knife is down, the knife is down," and then as the Subject began to exit the bathroom, Officer C announced, "he's coming, he's coming out."

As the Subject began to advance in the direction of the officers, Sergeant A yelled, "TASER him." Officer B, who was not present during the original briefing but was in possession of a TASER, heard Sergeant A's request and deployed to the hallway

entrance where he observed the Subject, “naked, with blood spurting out of his neck and walking towards us.” Officer B aimed his TASER at the Subject’s midsection as the Subject reached the bathroom threshold activated it from a distance of approximately 6 feet.

Simultaneously, Officer F observed the Subject cross the threshold of the bathroom into the hallway, in the direction of the other officers. He did not recall seeing anything in the Subject’s hands, because, “it happened so fast,” but heard other officers yelling for him to, “Drop the knife.” Believing the Subject had a knife and was going to harm his fellow officers, Officer F fired one round from his pistol from a distance of approximately five feet while aiming at the Subject’s left upper torso area, striking him on the left rear shoulder. Because the east wall of the hallway blocked the other officers’ view of Officer F, they did not observe him fire his pistol.

The Subject went down onto the floor in the hallway with his knees and hands under his body. Sergeant A advised officers to, “Cease fire,” and inquired, “Who fired?” At the conclusion of the five second burst from Officer B’s TASER, the Subject began to stand up. Sergeant A instructed Officer B to administer another five second burst and Officer B activated the TASER again, with negative results.

The Subject stood up and continued to advance toward the officers who were deployed in the entryway and living room. Sergeant A, not knowing if the Subject was still armed, deployed further east in the living room as Officer B removed the spent cartridge from his TASER and reloaded it with a new cartridge from his TASER holster. Officer B redeployed further east into the living room, and while aiming at the Subject’s stomach, fired the TASER a second time from a distance of approximately 7 feet, as the Subject crossed the threshold into the living room. The Subject went down onto the floor in the living room and, upon the completion of the five second burst, attempted to stand up again. Officer B deployed an additional five second burst while instructing the Subject to remain on the ground.

The Subject went back down to the floor, thereby complying with Officer B’s order. Officer E, after donning protective gloves, approached the Subject and handcuffed him without further incident. Once the Subject was in custody, LAFD personnel responded into the residence without delay, and treated him for a single gunshot wound to the left shoulder and multiple self-inflicted stab wounds. The Subject was then transported to the hospital for treatment.

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 Sergeant A's tactics to warrant Administrative Disapproval. The BOPC found Officers B, C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officer B's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officer F's lethal use of force to be out of policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical consideration:

1. Tactical Communication

Sergeant A did not effectively communicate with the officers assigned to the team and, as a result, the officers did not have a clear understanding of their roles and responsibilities.

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

Sergeant A designated Officer D as a less-lethal officer and also designated him as the contact officer to handle communications with the Subject. Sergeant A also designated Officer F as a lethal force and arrest team officer, and then later assigned him to kick the bathroom door open.

Sergeant A decided to assign multiple conflicting responsibilities to the same officers. As a result, Officer D never drew his TASER during the incident and Officer F was left without a cover officer and had to tactically redeploy to a position down the hallway that separated him from the rest of the team. According to the investigation, Sergeant A was also unaware he had Officer B as a less-lethal officer and believed he was still outside the residence with his partner.

Although the BOPC understood that roles will often change during a tactical incident, in this case, Sergeant A had sufficient personnel and created unnecessary confusion amongst the officers by assigning dual roles.

2. Barricaded Suspects

Sergeant A knew that the Subject was armed with a knife, barricaded inside the bathroom and refusing to comply with the officer's orders to come out.

The Use of Force Review Board (UOFRB) majority expressed deep concern and was critical of Sergeant A's decision to force entry into a bathroom that contained an armed suspect who had already expressed a desire to end his life. Sergeant A did not recognize the incident as a barricaded suspect. He did not conduct a thorough assessment of the situation, nor did he seek the advice and guidance of Department resources that were available to him.

A review of the evidence revealed the bathroom window was open and would have afforded the officers the ability to look inside with a mirror or mobile device to assess the suspect's condition without compromising the safety of the officers. Contacting the Mental Evaluation Unit to determine if the suspect had any prior history relevant to their situation and making a notification to SWAT would have also been prudent to ensure they had the information that is necessary to make a sound tactical decision.

The BOPC considered the UOFRB minority's opinion and concurred that the Sergeant was faced with a rapidly unfolding situation and decided to breach the door out of concern for the safety of the Subject. However, the majority determined, and the BOPC concurred, that Sergeant A's decision to have the officers breach the bathroom door without conducting a reasonable assessment or seeking the advice of available resources unnecessarily compromised the safety of the officers and unnecessarily pressed the incident that resulted in the use of deadly force, was a substantial deviation, without justification 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. Therefore, the BOPC found that Sergeant A's tactics warranted Administrative Disapproval. The BOPC found Officers F, B, C, D and E's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer D advised Sergeant A that the Subject was locked in the bathroom armed with a knife, and his family feared that he was going to kill himself. Sergeant A established a team to enter the house and make contact with the Subject. As the team entered the house, Officer D drew his service pistol.

Officer D recalled that he drew his service pistol because the situation was unpredictable given the Subject's unknown location, and Officer D was worried for his safety, as well as the safety of the other officers.

After receiving no response from the Subject, Sergeant A assigned Officer F to kick the bathroom door open. Officer F moved up and kicked the door. As the door swung open, Officer F observed the Subject standing inside the bathroom *screaming*, naked and covered in blood. Officer F redeployed and drew his service pistol.

Officer F recalled that based on the situation, he held his gun out at a low ready position, believing that it would lead to a use of deadly force.

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

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

C. Less-Lethal Use of Force

- **Officer B** – (TASER, four activations, two in probe mode)

Sergeant A observed the Subject advancing toward the officers in an aggressive manner and requested a TASER. Officer B heard the request, moved forward and observed the Subject naked with blood spurting out of his neck walking toward the officers, refusing to comply with the officers' orders to get down. Officer B deployed the TASER at the Subject to stop his actions.

Officer B recalled, "Sergeant A yells TASER up... I come around the guys... I see a male naked with blood squirting out of his neck walking towards us... I fire the TASER at his stomach area for the full five seconds...nothings seems to happen assuming one of the darts didn't connect... I pulled the trigger again, it's not working correctly, I turned it off.... reposition myself and put in a second dart and fired a third time in the stomach area... both darts connected to his body.. he fell down...after the five seconds he got up...kept coming towards us.... he fell...he's still trying to get up... so I TASER him one more time...tell him to stop trying to get up, lay on the ground... After the fourth one he seemed to lay down... he was taken into custody."

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer with similar training and experience in a similar circumstance. The UOFRB determined, and the BOPC concurred, that an officer with similar training and experience as Officer B would reasonably believe that the application of less-lethal force to stop the Subject's actions was reasonable and would have acted in a similar manner.

In conclusion, the BOPC found Officer B's less-lethal use of force objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer F** – (pistol, one round)

Officer F observed the Subject exit the bathroom hunched over with his hands up, clenched in an aggressive manner, moving towards the area where he last observed the officers deployed. Believing that the Subject was still armed with the knife and was going to harm the officers, Officer F fired one round from his service pistol towards the Subject to stop his actions.

Officer F recalled, "He came out in an aggressive manner towards my partner officers, hunched over with his hands up... believing he had a knife and he was going to harm my partner officers, I fired one shot..."

The BOPC determined that an officer with similar training and experience as Officer F would not reasonably believe the Subject's actions while exiting the bathroom with his hands up without seeing a knife in the Subject's hands presented an imminent threat of death or serious bodily injury to Officer F or any of the other officers at the time he fired his service weapon.

Therefore, the BOPC found Officer F's use of lethal force to be out of policy.