

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

OFFICER-INVOLVED SHOOTING – 026-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Harbor	3/26/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	11 years
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Reason for Police Contact

Officers responded to a call of a subject committing suicide. The subject attacked one of the officers with two knives and an officer-involved shooting (OIS) occurred.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 35 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 February 9, 2016.

Incident Summary

Witness A contacted Communications Division (CD) and stated that her son, later identified as the Subject, was cutting his throat with a knife and simultaneously strangling himself with a belt at their residence. As a result, CD generated an emergency "Attempt Suicide in Progress" radio call and broadcast it on the Area radio frequency.

Note: CD simultaneously notified the Los Angeles Fire Department (LAFD) of the radio call which caused their response to the location as well.

Officers A and B heard the broadcast and responded to the location, contacted CD and placed themselves at the location (Code Six) via the radio.

Note: Officer A had worked with Officer B for approximately three months and had discussed tactics and responded to other radio calls involving persons with mental illness on numerous occasions.

Sergeant A contacted CD and informed them he was en route to the scene as well.

Upon their arrival, the officers met Witness A at the front door, who directed them to the kitchen, where the officers observed the Subject lying face down in a large pool of blood on the floor between a counter and the kitchen island. The officers observed a deep cut to the Subject's throat and a belt wrapped around his neck. Additionally, the officers observed two bloody steak knives with approximately 6-inch blades on the counter near the sink.

Note: The two knives had been placed on the counter by Witness A after she had taken them away from her son as he lay on the floor.

Officer B contacted CD via the radio, described the injuries, and requested a LAFD Rescue Ambulance (RA) to respond to their location.

As Officer A approached, he did not observe any weapons on the floor around the Subject. Due to the large cut on the Subject's neck, the copious amount of blood on the floor, and the Subject's shallow breathing, Officer A believed that the Subject was not going to survive his wounds.

Observing that there were no knives or any other weapons by the Subject, Officer A knelt down and attempted to comfort the Subject by patting him on the shoulder and talking to him. Approximately two minutes later, Officer A heard the siren of the approaching RA and directed Officer B to meet the arriving LAFD personnel outside and guide them into the residence.

Officer B met with LAFD personnel in the driveway and gave them information regarding the Subject's condition. Officer B then escorted Firefighter/Paramedic (FF/PM) A to the front door of the residence as two other fire fighters retrieved additional equipment from the RA unit.

As Officer B exited the residence, Officer A repositioned himself behind the kitchen island in order to make room for the paramedics to treat the Subject in the confined space between the counter and the island, upon their arrival. As Officer A stood behind the island waiting, he observed the Subject suddenly jump to his feet, grab the two steak knives from the kitchen counter and charge at him.

Surprised by the speed of the Subject's actions and due to the confined space, Officer A attempted to create distance between himself and the Subject, by turning and running toward the front door of the residence. (Officer A did not feel he had time to unholster and shoot before the Subject would have closed the distance between them.)

As he exited the residence, Officer A observed FF/PM A and Officer B at the front door. Officer A yelled at them to clear out. As FF/PM A and Officer B backed southbound toward the garage door, the Subject ran out of the residence with a knife in each hand, and charged toward Officer A, who was yelling at the Subject to stop.

Officer A continued to run, on the driveway, followed by the Subject. Officer A veered slightly to his right and moved toward the south side of the driveway, and the Subject ran past. The Subject turned slightly north and charged at LAFD personnel, who were standing in the street. Officer A unholstered his pistol and continued to yell at the Subject to stop. As Officer A unholstered, the Subject suddenly stopped charging toward the LAFD personnel, turned in Officer A's direction and began to charge at him with the knives still in his hands and the blades pointed upward at shoulder level. Officer A yelled at Officer B to tase the Subject.

Officer B, who was positioned on the north side of the driveway, heard Officer A's command, and unholstered his TASER. As the Subject moved toward Officer A, Officer B attempted to disengage the safety and deploy the TASER, but was unable to manipulate the safety lever in time.

As the Subject continued to charge, Officer A pointed his pistol at the Subject's midsection and fired approximately four rounds from a distance of approximately 12 feet.

After firing the fourth round, Officer A quickly assessed. The Subject continued to charge at Officer A. In a final effort to stop the Subject from causing serious bodily injury, Officer A took one step in the Subject's direction, pointed his pistol

at the Subject's head and fired one additional round. The Subject fell to the ground, coming to rest face down in the area where the driveway met the sidewalk.

Note: A portion of the incident was captured on a security surveillance video camera attached to a residence across the street. A review of the audio portion of the camera indicated that approximately three seconds elapsed from the time the Subject first appeared exiting the front door to Officer A's first gunshot.

Officer B approached the Subject, who was barely moving. He placed the TASER on top of a trash can in the street approximately six feet away from the Subject, and removed the knives from the Subject's hands. Officer B began to handcuff the Subject, but was advised by LAFD personnel to remove the handcuffs so they could provide medical treatment. Los Angeles Fire Department personnel removed the belt that was still around the Subject's neck and rendered medical treatment in an attempt to stabilize his condition, but were unsuccessful. FF/PM A pronounced the Subject's death.

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 finding of a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Separation

Officers A instructed Officer B to meet with LAFD personnel outside to guide them into the residence.

In this case, the officers were directed to the Subject, who was lying face down in the kitchen of the residence, and bleeding profusely from a large cut to his neck. Based on their observations, the officers formed the opinion that the Subject was not a threat and needed emergency medical treatment as a result of his obvious life threatening injuries. In an effort to expedite the response of medical personnel, Officer A directed Officer B to go outside to meet with LAFD and guide them into the residence.

The BOPC determined that the officers' actions were reasonable and appeared to be driven by the Subject's obvious need for medical attention. The BOPC concluded that the officers were also acting out of empathy and reverence for human life.

2. Deployment of the TASER

Officer B was unable to disengage the safety switch during his attempt to deploy the TASER on the subject.

The BOPC discussed the fact that Officer B was unable to activate the TASER during the incident and took into consideration the stress of a rapidly unfolding situation coupled with the officer's need for continuous movement in order to avoid being attacked by the Subject, who was armed with a knife in each hand.

Based on the totality of the circumstances, the BOPC determined Officer B's actions were not a substantial deviation from approved Department tactical training.

3. Crossfire

Officer A aimed and fired his service pistol while the Subject was moving between the officers, creating a possible crossfire situation.

In this case, Officers A and B, while engaged in a critical incident, identified a possible crossfire situation, adjusted their positioning, and continued to work as a team throughout the incident given the dynamics of the situation.

The BOPC determined that in this circumstance, the officers' actions were not a substantial deviation from approved Department tactical training.

4. Approaching Armed Subject/Weapons Other than Firearms

Following the OIS, Officer B approached and disarmed the Subject without a designated cover officer.

Officer B knew that the Subject had sustained a gunshot wound to the head and formed the opinion that he was incapacitated by his injuries. Officer B approached and removed the knives from the Subject's grasp and began handcuffing him, as Officer A contacted CD to request additional resources.

Based on the totality of the circumstances, the BOPC determined in this circumstance that Officer B's decision to approach the armed subject without the benefit of a cover officer was a deviation with justification from approved Department tactical training.

- The BOPC additionally considered the following:

1. Code Six

The FID investigation revealed that Officers A and B did not initially update the police radio as to their status and location (Code Six) upon arrival to the location.

2. Effective Encounters with Mentally Ill Persons

The FID investigation revealed that Officers A and B believed that the Subject was critically wounded, suffering from a life threatening injury and as a result did not initially handcuff him. In this case, the officers reasonably believed that the suspect was gravely wounded and likely to succumb to his injuries.

The BOPC also had a discussion about the officers' decision to leave the two knives on the kitchen counter and concluded that it was reasonable based on the suspect's life threatening injuries and apparent incapacitation.

3. Securing Witnesses

After the OIS, Witness A was asked to stay inside the residence without supervision while waiting for FID personnel to arrive.

4. Required Equipment

The investigation revealed that Officer A was not in possession of his Hobble Restraint Device (HRD) or Oleoresin Capsicum Spray and both officers deployed from their vehicle without their batons.

5. Maintaining Control of Equipment

The investigation revealed that Officer B placed his TASER on top of a nearby trashcan just before he was about handcuff the Subject.

- 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 that the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officers A and B did not substantially deviate from approved Department tactical training and therefore warranted a Tactical Debrief.

B. Drawing/Exhibiting

- While awaiting the response of LAFD personnel, the Subject stood up, armed himself with a knife in each hand and advanced toward Officer A. Officer A redeployed outside the house and drew his service pistol.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with a similar set of 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 Officer A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer A** – (pistol, five rounds)

Rounds No. 1 – 4

Officer A observed the Subject, armed with a knife in each hand charging at LAFD personnel, Officer B, and himself. Officer A fired four rounds from his service pistol at the Subject to stop his actions.

Round No. 5

Officer A assessed after firing his first rounds and recognized the rounds appeared to have no effect on stopping the Subject's actions. Officer A stepped forward and fired one additional round at the suspect to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable to address this threat.

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

D. Audio/Video Recordings

- Officers A and B's vehicle was equipped with the Digital In-Car Video System (DICVS). The system was activated at the time of the incident, but due to the direction the vehicle was parked, the camera did not capture the OIS. It did capture audio from the officers' microphones, consistent with the officers' statements of what occurred. Harbor Area officers were not equipped with Body Worn Video cameras at the time of this incident.
- A security video camera mounted on the roof of a nearby residence captured a portion of the OIS, along with audio of the incident. The video showed the Subject pursuing Officer A out the front door of the residence, Officers A and B along with LAFD personnel moving around the yard, and the Subject falling to the ground in front of the RA.