

Incident Summary

Witness A contacted the Los Angeles Police Department (LAPD) Communications Division (CD) via 911. Witness A informed the 911 emergency operator she needed an ambulance and police officers to respond for the Subject. Witness A stated the Subject was sticking himself with syringes and hypodermic needles and was armed with two knives. When the operator asked Witness A if the Subject was trying to commit suicide, Witness A responded, "That's what he said." Officers A and B advised CD that officers were responding.

While en route to the location, Officers A and B discussed tactics and developed a plan in which Officer B would be the contact officer and Officer A would be the covering officer. In addition, Officer B would be equipped with a TASER and Officer A would be equipped with a bean bag shotgun. Officer A parked the police vehicle one house east of the location, and the officers exited the vehicle.

Officer A walked to the trunk and obtained the bean bag shotgun, which was loaded with four rounds in the magazine, safety on, and chamber empty. Officer A then proceeded to the south sidewalk and chambered a soft sock round. Officer A then removed an additional soft sock round from the side saddle shell carrier and inserted it into the magazine.

In the interim, Officer B proceeded to the south sidewalk with the TASER in his hand and walked to the east side of the residence to monitor the location. While on the south sidewalk in front of the location, Officer B observed the Subject in the driveway. The Subject was armed with two large knives, holding one in each hand.

Officer B contacted CD via his hand held ASTRO radio, advised that he and Officer A had arrived at the location and requested a backup. Simultaneously, Officer A, who was just behind Officer B, heard Officer B request a backup for an armed subject; however, Officer A did not have a visual of the Subject, because he was having difficulty placing the sling of the bean bag shotgun over his head.

According to Officer B, the Subject was walking back and forth in the driveway, north to south, waving both knives around and striking the blades together. The Subject was in the middle of the driveway, between the garage of the residence and an unoccupied white vehicle, which was parked near the entrance of the driveway. Officer B began walking on the sidewalk toward the entrance of the driveway while giving the Subject commands. Officer B stated he repeatedly ordered the Subject, "Go ahead and drop the knives. Get down on the ground." Officer A began to follow Officer B while still fumbling and having difficulty with the bean bag shotgun sling.

The Subject looked toward the officers, turned around and began walking toward the garage of the residence while still armed with the knives. At this time, Officer B observed four to five females, including Witness A, near the front of the garage. Officer B activated his handheld radio and broadcast, "Make this a help call." Officer B stated

the Subject was walking back and forth, in the driveway, between the white vehicle and the garage, and was moving both knives in an "X" pattern. The Subject was still striking the blades together. Officer A eventually got the sling over his head and slung the bean bag shotgun in front of his chest, with the barrel pointed downward.

Officer B noticed the Subject was communicating with the females near the garage, but could not hear the conversation. Officer B broadcast, "Officer needs help. Officer needs help."

Fearing for the females' safety, Officers A and B continued walking west toward the entrance of the driveway. As they approached the driveway, Officer B repeatedly ordered the Subject, who was in the middle of the driveway, "Go ahead and drop the knives. Get down on the ground." The Subject did not comply.

Officer B entered the driveway first, and walked along the driver's side of the white vehicle. When Officer B reached the left rear quarter panel of the white vehicle, he stopped and took a standing position next to the vehicle. Officer B stated he entered the driveway out of concern for the females who were in the driveway in front of the garage and believed it would be difficult to assist the females if he remained on the public sidewalk in front of the residence. Officer A followed Officer B into the driveway. He positioned himself to the right of Officer B and slightly to his rear, in the recessed dirt area next to the concrete driveway.

Officer A noticed that the Subject, who was facing the officers, had two syringes/hypodermic needles, one behind each of his ears. Officer A indicated the plungers were pulled back and the syringes/hypodermic needles had the orange safety caps attached. According to Officer A, based on his prior assignments, he believed the syringes/hypodermic needles contained heroin. In addition, Officer A observed the Subject was armed with two large butcher knives. Officer A believed the knives appeared to be somewhere between 10 and 12 inches long. The Subject had one knife in each hand and was striking the knives together, as if he were sharpening them.

Note: Scientific Investigation Division (SID) determined that the dark liquid in the syringes/hypodermic needles was blood.

Officer A indicated that upon seeing the knives, he unholstered his gun because the Subject was armed with knives and he knew the situation may escalate to the point where he would need to use deadly force.

Officer A stated the Subject walked approximately three to four feet toward the garage where the females were located. Suddenly, the Subject turned to his left and faced the officers. Officer A noticed the Subject was looking at them with a "blank stare."

The Subject began advancing toward the officers in a swift and deliberate manner, a knife in each hand, with the tips pointed up and the blades facing toward Officers A and B. Officer B ordered the Subject to get down on the ground and to drop the knives. The

Subject did not comply and continued walking toward the officers with the knives in his hands.

Officer A, believing he and Officer B were about to be stabbed and to prevent injury or death, assumed a shooting stance and pointed his service pistol at the Subject. As the Subject advanced toward Officers A and B, Officer A fired one round at the Subject from a distance of approximately nine feet. Almost simultaneously, Officer A heard the sound of the TASER being discharged.

Officer B indicated as the Subject walked toward him with the knives, that he was in fear for his life, both my life and my partner's life." Officer B, fearing a confrontation with a knife wielding subject, raised the TASER and discharged the TASER darts at the Subject's mid-torso area from a distance of approximately eight feet. Officer B observed one TASER dart strike the Subject directly in the chest area. Officer B observed the Subject fall to the concrete onto his stomach, with his head pointed towards the garage. Officer B indicated that the Subject immediately fell to the ground and he simultaneously heard a gunshot go off.

Additional units responded and the Subject was handcuffed. A Rescue Ambulance (RA) was requested. LAFD personnel arrived on scene and provided emergency medical treatment to the Subject for a single gunshot wound and two TASER dart injuries to his front torso. The Subject was transported to the hospital where he was pronounced dead by medical personnel.

Investigators obtained the following witness accounts of the incident:

Witness A stated she was outside in the driveway of location when the Subject exited the residence with a syringe/hypodermic needle in his hand. The Subject inserted the syringe/hypodermic needle into his arms and began drawing blood. Witness A stated she called a Psychiatric Ward in an attempt to have them send a Psychiatric Evaluation Team and was advised by an employee of the hospital they no longer send teams out to private homes. Witness A was advised to call 911.

Witness A called 911 and advised CD that the Subject was sticking himself with needles and was armed with two knives. Witness A told CD that the Subject was striking the knives together as if he were sharpening the knives. The Subject began walking around the driveway and started striking the poles that were used to hold a canopy in the driveway. Once police officers arrived, the Subject began to walk toward the officers when one of the officers told the Subject, "Drop the weapon."

According to Witness A, the Subject told the officers, "I'm not going to hurt nobody," as he continued striking the knives together. An officer told the Subject, "Drop the weapon and get on the ground." When the Subject continued advancing toward the officers with the knives in front of him, the Subject was tased and shot.

Witness B stated the Subject exited the residence and noticed he was inserting needles into each arm and drawing blood. The Subject had one knife in his hand, re-entered the residence, and then exited the residence armed with two knives. The Subject began walking around the driveway, striking the knives together and stated, "I'm not going to hurt nobody. I'm just going to hurt myself." As the Subject walked around the driveway, the Subject was striking the knives against the poles holding a canopy.

According to Witness B, the Subject began walking south in the driveway when an officer approached and told him, "Come here. Stop and come here." As the Subject was walking toward the garage, he turned around, and started walking toward the officer. An officer told the Subject, "Drop the knives." As the Subject advanced toward the officers, still armed with the knives, the Subject stated, "I'm not going to hurt nobody," when suddenly Witness B heard a bang, followed by a second bang.

Witness C observed the Subject inside the residence, sticking needles in his arms. She exited the residence and sat near the garage. The Subject exited the residence and noticed the Subject was armed with a knife. The Subject re-entered the residence, exited the residence, and was now armed with two knives. The Subject began striking the knives together and told the group he was going to kill himself.

Witness C observed two officers near a white vehicle in the driveway and noticed the Subject was still armed with the two knives. Witness C heard an officer say to put the weapon down, and right before Witness C was about to enter the front door of the residence, she heard a shot. Witness C indicated she was between the canopy and the front door of the residence when the shooting occurred, and said the Subject was still striking the knives together. Witness C did not witness the shooting. She then observed the police officers handcuff the Subject.

Witness D said the Subject became upset, obtained a syringe/hypodermic needle, and started drawing blood from his arm. After drawing blood from his arm, the Subject placed the syringe/hypodermic needle behind his ear and walked outside. Witness D noticed the Subject was armed with two knives and was sharpening the knives. The Subject then began striking the poles to the canopy with the knives.

Witness D heard the Subject say, "They're here." Witness D observed two police officers walking up the driveway and heard one of the officers say, "Get out. Get out." Witness D stated she did not see the Subject approach the officers. She said the Subject was three feet away from the officers when he dropped the knives and the officer fired his service pistol. Witness D stated the Subject was not advancing toward the officers when he was shot. Witness D indicated she was in the driveway under the canopy, by the second pole used to hold the canopy, when the OIS occurred.

Note: During the interview with Force Investigation Division (FID) investigators, Witness D stated the Subject had dropped the knives before Officer A fired his weapon. She also stated she filmed the incident with an

unidentified friend's camera. Witness D declined to provide FID investigators with a copy of the reported video footage.

Witness E stated he heard the Subject cursing and talking about sticking needles in himself. He observed the Subject, armed with a knife, walking around the driveway and striking the canopy posts with the knife. Witness E noticed the Subject was holding the knife out in front of his body, and was making slashing motions to his body. Witness E was in the kitchen when he heard a noise to indicate that something had popped. Witness E went to the doorway that led to the driveway and observed the police. Witness E did not observe the shooting.

Witness F observed the Subject with a needle, drawing his own blood. Witness F had fallen asleep when he heard someone say, "They're here." Witness F heard a popping sound and heard a voice say, "Get down. Don't move." Witness F walked to the door and observed the Subject on the ground, handcuffed. Witness F did not observe the shooting.

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 unanimously made the following findings.

A. Tactics

The BOPC found the tactics of Officers A and B to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A's drawing and exhibition 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 A'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. Tactical Communications

The BOPC acknowledged the time and effort the officers spent communicating with each other, discussing their tactical approach and Less-Lethal options.

The BOPC understands the actions and unresponsiveness of the Subject led to the utilization of lethal and less-lethal force in this incident. The fact that the officers discussed tactics prior to their arrival allowed them to quickly remedy the situation and ensure the officers or the females in the driveway adjacent to the garage were not injured by the Subject. These actions were within Department guidelines and the BOPC's expectations. Although the philosophy behind a tactical debrief is to enhance future performance by discussing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents. Therefore, the BOPC directed that the topic of Tactical Communications be discussed during the Tactical Debrief.

2. Edged Weapons

The officers arrived at the location and observed the Subject armed with two large knives which appeared to be approximately 10 to 12 inches long. The Subject began to walk in the direction of the group of women while striking the knives together when he suddenly turned and faced Officer A and B with a blank stare on his face. The Subject then deliberately advanced on Officers A and B with the blades of the knives pointed up and in their direction.

Officers A and B approached the Subject's location in order to intervene and prevent the Subject from injuring himself or the group of women that were nearby. Officer B discharged the TASER (see Less-Lethal Use of Force) simultaneous to Officer A discharging his service pistol (see Lethal Use of Force).

In conclusion, both officers were responding to the imminent threat of death or serious bodily injury posed by the Subject and acted to defend themselves and the group of women. Therefore, the officers' actions did not substantially deviate from approved Department tactical training. However, to reiterate the importance of maintaining a tactical advantage while dealing with a subject armed with an

edged weapon, the BOPC directed that the topic of Edged Weapons be addressed during the Tactical Debrief.

3. TASER Use of Force Warning

Officers A and B were responding to a radio call regarding a suicidal man stabbing himself with syringes and knives. Upon arrival, the officers observed a male matching the description of the subject standing in the driveway of residence. Subsequently, Officer B observed the Subject waving two knives in the air and striking the blades together. Officer B repeatedly gave commands to the Subject to drop the knives and get down on the ground. The Subject ignored Officer B's commands and walked in the direction of the group of women that were in the area adjacent to the garage. The Subject suddenly turned, faced the officers and advanced in their direction. Officer B feared the Subject was going to attack him with the knives and discharged the TASER (see Less-Lethal Use of Force).

As in this case, officers are often confronted with circumstances that require that a balance be maintained between officer safety and the ability to resolve a situation. The involved personnel appropriately assessed the situation and determined it would be unsafe to approach the Subject and employed a tactical plan that incorporated use of force options to best manage the incident. Although officers must always be cognizant of their distance from a subject who is armed with an edged weapon, there are a number of variables that must be considered. Most importantly, the initial distance of 19 feet from the Subject after they entered the driveway was in part influenced by his decision to first walk in the direction of the females located at the end of the driveway and then turning and suddenly closed the distance between him and the officers. The situation was continuous and evolved in a manner that required the involved personnel to continually assess and maintain an appropriate tactical position.

The specific decision not to use a TASER warning to resolve the incident did not substantially deviate from approved Department tactical training or the general guidelines for TASER use. However, each incident has tactical considerations that can enhance future performance in the event the involved personnel become involved in a similar incident. Accordingly, the BOPC directed that this topic be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Equipment

Officer A was not equipped with either a side handle or asp baton, Oleoresin Capsicum (OC) or a hobble restraint device. Officer B was also not equipped with his side handle or asp baton. In an effort to enhance tactical performance

and remind officers of the importance of having all required equipment, the BOPC directed that this topic be discussed during the Tactical Debrief.

2. Equipment

Officer A did not utilize the Primary Side Muzzle Up Slinging technique taught by the Department when deploying the beanbag shotgun. In an effort to enhance tactical performance and to remind officers of the importance of proper shotgun sling techniques, the BOPC directed that this topic 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.

After a thorough review of the incident, it was determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

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

B. Drawing/Exhibiting

Officer A and B responded to a radio call of a man with knives and syringes stabbing himself. The officers located and observed the Subject waving the knives in the air and striking the blades together as if he were attempting to sharpen them. Believing the situation could escalate to the point where lethal force may become necessary, Officer A drew his service pistol.

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

C. Less-Lethal Use of Force

Officers A and B responded to a radio call of a man stabbing himself with syringes and knives. Upon their arrival, Officers A and B observed the Subject in the driveway striking two knives together and a syringe behind each ear. Officer B ordered the Subject to drop the knives and get down on the ground. The Subject failed to comply and walked towards the officers, ignoring Officer B's commands. Believing it was unsafe to approach the Subject, Officer B discharged the TASER at the Subject to gain his compliance.

The BOPC determined that an officer with similar training and experience would reasonably believe that the application of less-lethal force to stop the Subject's actions were reasonable and would have acted in a similar manner.

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

D. Lethal Use of Force

- Officer A – (pistol, one round)

Officer A responded to the imminent threat of death or serious bodily injury posed by the Subject and acted to defend himself, his partner and the group of women.

The BOPC determined that it was objectively reasonable for Officer A to believe that the Subject who was armed with knives and syringes which contained an unknown substance at the time posed an imminent threat of death or serious bodily injury. Accordingly, an officer with similar training and experience under like circumstances would reasonably perceive the threatening manner in which the Subject held the knives at his partner and himself was consistent with a subject preparing to engage an officer.

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