

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

OFFICER-INVOLVED SHOOTING – 045-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	05/17/13		
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Officers(s) Involved in Use of Force	Length of Service
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Officer A	18 years, 9 months
Officer B	2 years, 11 months
Officer C	2 years, 11 months

Reason for Police Contact

Officers were dispatched to a “violent male with mental illness” call. Officers confronted the Subject, who attempted to attack officers while armed with two sharp weapons, resulting in an OIS.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 16 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 April 29, 2014.

Incident Summary

The Subject called 911 to report that an unknown person had battered his mother. The Subject identified himself as "Bob," and described the person as a 15 to 16-year-old male wearing a distinctive T-shirt.

Note: When asked by the 911 operator to describe the person, the Subject provided his own physical and clothing description. It was later determined that the Subject suffered from schizophrenia and that he called 911 to enact a "suicide by cop" plan, in which he was going to assault the responding officers with knives in an effort to be shot to death.

The call was dispatched via the Mobile Digital Computer (MDC) to Officers A and B.

Minutes later, the Subject's mother, Witness A, called 911 and reported that her son had taken her cell phone, beaten her, and threatened her with knives. The Subject was armed with two knives, one in each hand, and stated that things had come to an end and said goodbye. Witness A, in fear for her life, fled the apartment and sought refuge at a neighboring apartment, where she borrowed a cell phone to call 911.

While driving to the radio call, Officers A and B observed that Officer C was conducting a traffic stop in the area. Officer C was working a single officer unit, which influenced Officer A to stop and check on him. Officer C advised that he was clearing the scene from a traffic stop and would back them on the radio call. Officer C then broadcast accordingly and followed Officers A and B to the call.

Shortly thereafter, CD upgraded the call to a violent male with mental illness, suffering from schizophrenia and armed with knives. CD advised the officers to respond "Code-3."

In response to the upgraded radio call broadcast, additional uniformed officers responded.

Officers A, B and C arrived at the location. CD broadcast that Witness A was at another location, but the Subject was still in the apartment.

A group of four females, who were standing near an adjoining apartment, directed the officers across the apartment hallway, to the Subject's apartment. Officer A approached the door, followed by Officer C and Officer B, respectively.

The outer metal screen door to the apartment was slightly ajar. Officer B fully opened the screen door. Officer A knocked on the inner door, identified them as police officers and requested that the door be opened. The Subject opened the inner door approximately 5 to 6 inches, which exposed him to the view of the officers. It was observed that the Subject was wearing a shirt, which matched the person described in the initial radio call.

Officer A asked to speak to the Subject, who declared he was not coming out of the apartment and attempted to slam the inner door shut. Officer A prevented the door from being slammed shut by placing his foot in front of the door to keep it open.

Officer A believed that, based on the comments of the call, the Subject was possibly suicidal, in possession of knives and that Witness A or someone else could possibly be in the apartment and in danger; therefore, the situation necessitated that either the Subject exit the apartment or the officers enter.

The Subject ran from the front door area of the apartment toward the kitchen area, which was approximately 16 feet southwest of the front door.

Officer A entered the living room area of the apartment followed by Officer C and Officer B. Officer B unholstered his pistol just prior to entering, Officer A unholstered his pistol as he entered, and Officer C remained holstered.

After entering the apartment, the officers stood within this pathway adjacent to the front door. They stood shoulder to shoulder facing the Subject, who was standing in the kitchen/dining area. The Subject was armed with a meat cleaver in his right hand and a carving knife in his left hand. The Subject faced the officers in a fighting stance, with one leg back, knees bent, moving his body back and forth. He held the edged weapons out in front of him and pointed at the officers while making slashing and stabbing motions. Officer C, who was second to enter the apartment, unholstered his pistol at this point.

The officers held their pistols in the low-ready position with their fingers along the frame, and pointed in the Subject's direction.

Officer A gave commands to the Subject to drop his weapons; however the Subject refused to comply.

Officer A began shouting his commands in an increasingly loud and forceful manner. The Subject ignored the commands while continuing to shout and threaten the officers with the edged weapons. Meanwhile, Officer A heard Officer C simultaneously giving commands and directed him to stop because, in light of the Subject possibly suffering from schizophrenia, he was concerned the Subject may become confused by hearing multiple commands.

Although Officer A recognized the threat the Subject posed, he was aware that the Subject may be schizophrenic and wanted to exhaust all means of verbalization to resolve the incident without resorting to the use of force.

The Subject continued to yell at the officers and suddenly advanced toward them. According to Officer A, the Subject stepped toward them with the knife and meat cleaver pointed in their direction. In fear for his life, Officer A fired three rounds in a southwest direction, aiming at the Subject's center body mass from a distance of approximately nine feet. Officer A assessed and the Subject fell to the floor on his hands and knees.

According to Officer A, the Subject no longer had the weapons in his hands when he fell to the floor.

Officer C heard the Subject taunt the officers to kill him and heard the Subject say he was going to throw the knives at the officers. The Subject lunged forward and simultaneously lifted the meat cleaver higher over his head, as if he was going to throw it "like a baseball." Officer C feared they were going to be stabbed by the meat cleaver and fired two rounds in a southwest direction, aiming at the Subject's center body mass from a distance of approximately 10 feet.

Officer C assessed and observed that the Subject was still armed and lunging toward the officers. Officer C fired three more rounds in a southwest direction, aiming at the Subject's center body mass from a distance of approximately nine feet. As he assessed a second time, he observed the Subject lower his arms and heard a knife fall to the floor. The Subject then fell down to his hands and knees.

Officer B heard the Subject taunting the officers to kill him and heard him say he was going to throw the knives at the officers. The Subject then stepped toward the officers. In fear that he was going to be stabbed with the Subject's knife or meat cleaver, Officer B fired two rounds in a southwest direction, aiming at the Subject's center body mass from a distance of approximately 10 feet.

Officer B assessed and observed that his rounds had no effect, and the Subject was still standing and in possession of the edged weapons. In continued fear that he was going to be stabbed, Officer B fired three additional rounds in a southwest direction, aiming at the Subject's center body mass from a distance of approximately nine feet. Officer B assessed again and observed the Subject fall down to his knees.

The wounded Subject was then taken into custody and transported to a local hospital. He later admitted to investigators that he was attempting to commit suicide by forcing officers to shoot him ("Suicide-by-cop").

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, B and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found the use of lethal force by Officers A, B, and C to be in policy.

Basis for Findings

A. Tactics

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

1. Tactical Planning/Force Options

Officers A, B and C did not discuss additional tactical options at a radio call involving a mentally ill subject that was possibly armed with edged weapons.

The UOFRB determined that it would have been tactically prudent for Officers A, B and C to develop a more detailed plan and prepare for an evolving tactical situation by deploying less-lethal force options/equipment, prior to making their approach on foot.

The BOPC determined that Officers A, B and C's decision to not deploy less-lethal force options was reasonable in this instance, as they were faced with a situation wherein less-lethal force options were not immediately apparent and once underway, time did not afford the retrieval of less-lethal munitions. Officers A, B and C's actions did not substantially deviate from approved Department tactical training.

2. Tactical Communication

The investigation revealed that during the time period of the officers exiting their vehicles and approaching the location on foot, Officer B heard the updated broadcast from CD regarding the current location of the victim [Witness A], but did not inform Officers A and C about this updated information.

Officers must continuously communicate with one another and CD thus enhancing their tactical awareness and effectiveness. The success of any

tactical operation is greatly increased when officers communicate their observations and additional information obtained while working together.

Officer B was aware of the broadcast indicating that Witness A's location had changed, however, this information was not provided to Officers A and C, thus not affording them with critical information. Although Officer B knew this additional information and did not communicate it to Officers A and C, the information according to Officer B did not clarify if the Subject and Witness A were still in close physical proximity to one another. Consequently, the officers were unable to determine the exact whereabouts of the Subject, as Officers A, B and C approached the residence. Additionally, it was also unknown if there were any additional persons inside the apartment with the Subject.

The tactics utilized by Officers A and C while approaching the Subject's location may have differed based on the information that Officer B possessed. The constant exchange of information plays a critical role in the development and execution of any tactical plan, and yet it is often not afforded during tactical incidents. It is the expectation of the BOPC that all pertinent information obtained by officers involved in a critical incident, when feasible, be shared with other officers to ensure they are aware of this information in order to make timely and informed decisions.

3. Subjects Armed With Edged Weapons

Officers A, B and C, respectively, followed the Subject into the apartment and were in close proximity to him after he armed himself with two edged weapons.

Officers must continuously assess their tactical situation while engaged with subjects armed with edged weapons. If possible, the officer should maintain a tactical advantage by utilizing objects or obstacles between themselves and the subject.

Officers A, B and C responded immediately to stop potential deadly actions presented by the Subject. As such, distance and cover were considerations that were secondary. The investigation revealed that the Subject resided in a small cluttered apartment. The living room was filled with furniture, including a mattress that was positioned between the officers and the Subject. The clutter substantially reduced the amount of space the officers could use to tactically deploy upon the Subject. As a result, Officers A, B, and C had no available cover, concealment or barriers that could be utilized within the living room area. Moreover, any delay could further increase the potential for harm to the victim.

Based on the totality of the circumstances, the BOPC determined that Officers A, B and C's actions did not substantially deviate from approved Department tactical training.

4. Help Versus Back-up Request

Officer A continued to communicate with the Subject and ordered him to drop the knife. During this verbal interaction, the Subject periodically positioned the meat cleaver over his head, as if he was going to throw it at the officers. Officer B elected to broadcast a back-up request instead of a help request, which conveys a higher level of urgency.

While en route, the call was upgraded to an emergency response call. The involved officers acknowledged the upgrade, and additional patrol units broadcast their intention to back the primary units.

In conclusion, the importance of the appropriate emergency radio broadcast can never be overstated. Nonetheless, the BOPC determined that Officer B did not substantially deviate from approved Department tactical training.

5. Effective Encounters With Mentally Ill Persons

Officer A made several attempts to establish a rapport with the Subject in an effort to avoid utilizing lethal force.

These verbal techniques by Officer A were in an attempt to disarm an armed subject that was possibly suffering from mental illness. However, while Officer A was giving the Subject these commands, Officer C also began giving the Subject commands.

Officer A utilized his training and expertise relative to dealing with mentally ill persons, realizing that persons with mental illnesses have the potential to become violent if confronted with multiple officers giving simultaneous commands in a loud voice. In an effort to defuse a volatile situation, Officer A ordered Officer C, to stop talking, in an effort to increase the potential for a peaceful resolution.

In any tactical situation, it is generally best for only one officer to issue commands to a subject. This is especially true when communicating with persons with mental illness. Officer A attempted to negotiate a difficult situation utilizing his experience and training regarding persons with mental illness.

In conclusion, Officer C's simultaneous verbal commands did not appear to change the Subject's violent behavior or actions.

Officer A continued to give verbal commands while the Subject continued to demand that officers kill him. Subsequently, the Subject began weaving back and forth with the knives held in front of him. Additionally, the Subject threatened to throw the knives at all three officers.

Finally, the Subject raised one of the edged weapons above his head as though he was throwing a baseball, and lunged forward toward the officers' location. Consequently, Officers A, C and B were involved in an OIS.

6. Command and Control

Officer A utilized Command and Control of the incident at the culmination of the OIS.

Immediately following the OIS, Officer A broadcast a "shots fired, officer needs help" call. Responding units already at scene were inside the location seconds after the OIS. Officer A assumed control of the incident and coordinated an arrest team with the responding units. Officer A directed the request of a Rescue Ambulance (RA), along with clearing the furniture and other items occupying the majority of the space in the living room in order to provide Los Angeles Fire Department (LAFD) personnel with a clear pathway to the Subject.

As the senior officer on scene, Officer A understood that it was his mandate to transfer from team leader and involved officer to functional supervisor until he could be properly relieved by someone of supervisory rank. As a result, Officer A appropriately recognized his responsibility to assume command and did so with integrity and in a methodical fashion. Officer A assured the medical treatment of the Subject and managed an active crime scene to the best of his ability. Lastly, Officer A maintained the integrity of the OIS investigation by ordering Officers B and C not to discuss the incident. The BOPC commended Officer A for his initiative, leadership skills and his dedication to the Department's core values under a pressure-filled incident.

7. Officer Safety/Incidents Involving Mental Illness

Officer Safety must be a priority in every situation, especially when dealing with an armed subject who is suicidal.

8. Contact and Cover

The cover officer's primary role is to protect the contact officer. This officer provides protection from a position of surveillance and control. This officer must continue to monitor the subject's actions as well as any potential threats in the area.

- 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, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training.

In conclusion, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during the incident and assess the identified tactical considerations to better handle a similar incident in the future. The BOPC found Officers A, B and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officers A, B and C entered the Subject's apartment and observed he was in possession of two knives. The officers were faced with a situation where they anticipated a confrontation with a subject reportedly armed with knives. Moreover, the involved officers were further entering an apartment where they were not sure whether there were other persons still inside the apartment, or simply the Subject. Fearing the incident could raise to a deadly force situation, the officers drew their service pistols in defense of their lives and the lives of others.

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

C. Lethal Use of Force

- **Officer A** – pistol, three rounds

Officer A observed the Subject lunge forward toward him while armed with a knife in each hand, held in front of him. In defense of his life, as well as that of his fellow officers, Officer A fired three rounds at the Subject's upper torso (center body mass) to stop his deadly actions.

- **Officer B** – pistol, five rounds

Officer B observed the Subject holding a knife in each hand. Subsequently, the Subject moved his arms toward the officers while stepping forward. Officer B fired two rounds from his service pistol to stop the Subject's actions.

Immediately after his sequence of fire, Officer B made a split second assessment and observed no change in the Subject's behavior. Consequently Officer B fired three additional rounds from his service pistol at the Subject to again stop his actions.

- **Officer C** – pistol, five rounds

Officer C was standing between Officers A and B, and approximately 10 feet to the northeast of the Subject. The Subject raised one of the knives over his head and

lunged toward the officers as if he were about to throw the knife at them. Believing that the Subject was about to throw the knife, Officer C fired two rounds at the Subject's upper torso to stop his deadly actions.

Officer C said that following his first two rounds he believed the first firing sequence did not have an effect on the Subject, as he continued to advance on his position. In continued defense of life, Officer C fired three times in a southwesterly direction.

Based on the totality of the circumstances, an officer with similar training and experience as Officers A, B and C would reasonably believe that the Subject's threat to throw a meat cleaver or lunge toward the officers from a distance of approximately 10 feet presented an imminent threat of death or serious bodily injury and therefore the use of lethal force would be reasonable.

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