

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

OFFICER-INVOLVED SHOOTING – 046-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	6/10/15		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	18 years, 1 months
Officer A	8 years, 1 month

Reason for Police Contact

Officers responded to a call of a mental male exhibiting threatening behavior with a knife. As officers made contact with him, he brandished the knife and then ran at the officers holding the knife over his head, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 33 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 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 April 26, 2015.

Incident Summary

On the date indicated, a male suspect wearing a striped shirt and blue pants, later identified as the Subject, sat on the sidewalk of the street, near the northeast corner of an intersection. The Subject had placed his blue bicycle along with an orange backpack on the parkway immediately in front of him.

Witness A parked her vehicle on the street and walked north toward her residence. Witness A observed the Subject sitting on the sidewalk with a bicycle and backpack nearby. Due to the Subject appearing distraught, Witness A asked the Subject if he required assistance. The Subject replied that he did not and Witness A asked him if he wished to talk. The Subject replied, "Well, I got some things going on in my head.... It could be bad. I don't know what could happen. It's just in my head and I just got to work it out, you know." Witness A then observed the Subject holding a folding knife, later determined to be silver and black in color, eight inches in overall length, with a three and half inch blade, in his right hand.

Due to the Subject's statements and Witness A's observation of the knife, Witness A went to her residence and alerted her friend, Witness B, who had been waiting for Witness A on the front porch.

Several minutes later, Witness A returned to the Subject, who had remained on the sidewalk. Witness A again asked the Subject if he required assistance to which he replied, "You got a gun?"

Shortly thereafter, Witness B arrived and observed the Subject holding an unidentified object in his hands. Witness B asked the Subject if he required any assistance, and the Subject replied, "Something has to happen now. You know, people are going to get hurt. I'm afraid I'm gonna hurt somebody or hurt myself. If I hurt you guys, I apologize now or if I attack you, if I do something to you, I apologize."

According to Witness A, the Subject manipulated the knife by partially opening, then closing the blade with his left hand, while holding the handle in his right hand. Witness A asked the Subject if he would place the knife down and the Subject refused. Witness A then asked the Subject if she should call the police. The Subject replied, "Make sure that they have guns."

Approximately 10 to 15 minutes after first conversing with the Subject, Witness A dialed 911. Witness A informed the 911 operators that someone was either hurting or threatening to hurt himself with a knife.

Police Officers A and B were assigned an emergency radio call (Code Three) of a "Violent Male Mental Illness."

After hearing the unit broadcast that they were responding to the incident Code Three, Patrol Division Sergeants A and B broadcast they were backing the responding unit,

also with a Code Three response.

Sergeant A drove toward the street that the Subject had been sitting on. Sergeant B broadcast they had arrived at the location (Code Six). Sergeant A observed Witnesses A and B standing on the sidewalk near the corner of the intersection. Sergeant A then looked to his left and immediately obtained a glimpse of the Subject. Sergeant A negotiated a left turn onto the street and traveled at speeds of approximately three to five miles per hour. Sergeant A immediately observed, through his peripheral vision, the Subject seated on the north sidewalk of the street, and adjacent parkway. Sergeant A continued driving as he looked over his left shoulder at the Subject and made eye contact with the Subject, who raised a knife from the area of his lap to his chest area. The Subject held the knife between his right thumb and index finger with the blade pointed upward and rocked the knife side to side. Based on his observations, Sergeant A determined that the Subject was the suspect.

Upon determining that the Subject was the suspect, Sergeant A immediately stopped the police vehicle approximately two vehicle lengths away from the Subject, facing in a northeasterly direction near the center of the street.

Sergeant A exited his police vehicle and felt exposed because his opened driver door did not provide cover. He was concerned that his driver door may close if he stood behind the exterior side of the door for cover; therefore, he moved in a northwest direction. He then positioned himself approximately 20 feet and 6 inches away from the Subject behind the driver side front quarter panel, of a black four door vehicle, parked along the street.

The Subject stood up, while firmly grasping the knife, at which time Sergeant A unholstered his service pistol and held it in a two-handed, low ready grip, due to his belief that the situation may escalate to the use of deadly force.

Sergeant B exited the police vehicle and ran to the right rear quarter panel of his vehicle for cover. As the Subject continued holding onto the knife, Sergeant B unholstered his service pistol, held it in both hands and pointed it at the Subject due to his belief that the situation may escalate to the use of deadly force. As he held his service pistol in his right hand, Sergeant B used his left hand and removed the ASTRO radio from its holster and broadcast for back-up, a TASER, and a beanbag shotgun.

Witness C had driven her green SUV on the cross street, with her boyfriend, Witness D accompanying her in the front passenger seat. They had observed the sergeants' police vehicle approaching from behind with its emergency equipment activated. Witness C stopped her SUV several vehicle lengths north of the street in question to yield for the approaching police vehicle.

As Sergeant A directed the Subject to drop the knife, the Subject transitioned from a firm to a loose grasp of the knife, at which time Sergeant A pleaded to the Subject, "Just put the knife down. You don't want to do this." The Subject responded by holding the

knife firmly in his fist with a rigid arm. Using a calm tone, Sergeant A pleaded to the Subject to drop the knife; however, the Subject gazed at Sergeant A and was verbally unresponsive.

Due to the fact that the Subject was unresponsive to Sergeant A's directions, Sergeant B also directed the Subject to drop the knife. However, according to Sergeant B, the Subject continued to display a blank stare.

Officers A and B responded to the intersection where the incident was occurring, approaching from the south. Officer B stopped the officers' police vehicle, approximately 44 feet away from the Subject, near the southeast corner of the intersection.

Officer A observed through his police vehicle windshield that the Subject was holding a knife in his right hand and facing toward Sergeants A and B. Officer A believed the Subject was possibly under the influence of methamphetamine as the Subject displayed a blank stare and appeared agitated as he twisted his upper torso side to side.

As their police vehicle stopped, Officer A pushed the trunk release button located inside the police vehicle. Officer A exited and took cover behind the opened front passenger door of his police vehicle, and with his left hand placed a TASER into his left rear pants pocket. He then unholstered his service pistol due to his belief that the situation could escalate to the use of deadly force.

Officer B exited the police vehicle and heard Sergeant B request a Patrol Rifle. Officer B understood that Sergeant B had made a mistake and had intended on requesting a beanbag shotgun. Therefore, he went to the trunk of his police vehicle to retrieve the beanbag shotgun.

Officer B held the beanbag shotgun at a port arms position and walked toward the front passenger door of his police vehicle for cover. As he neared the door, Officer B noted that Officer A had repositioned himself several feet in front of the front passenger door, closer to the Subject. Due to his concern that Officer A would be in his line of fire if he discharged the beanbag shotgun, Officer B walked toward the sidewalk near the corner of the intersection. As he approached the sidewalk, Officer B transitioned from a port arms to a low-ready position with the beanbag shotgun, chambered a beanbag round, and pointed the beanbag shotgun at the Subject.

According to Sergeant B, he observed Officer B in possession of a beanbag shotgun and Officer A with a TASER as they were near their police vehicle. Due to his belief that the beanbag shotgun may be ineffective from the distance between Officer B and the Subject, and to avoid any potential cross-fire, Sergeant B walked approximately 15-20 feet in a southwest direction, leaving his position of cover to direct Officers A and B to reposition their police vehicle closer and position themselves closer to the Subject. As he walked toward Officer A and B, Sergeant B realized he no longer had cover from his police vehicle.

According to Sergeant A, he heard Officers A and B's police vehicle stop behind and to the left of his position. He then heard Sergeant B ask regarding possession of a TASER and heard someone reply that he possessed one. Sergeant B then requested a Police Rifle and Sergeant A heard either a door or trunk of the other police vehicle open. Sergeant A also observed through his peripheral vision that Officer A approached and positioned himself slightly behind and left of Sergeant A's position.

Sergeant A continued directing the Subject to drop the knife as the Subject loosened his grip of the knife and gazed between Sergeant B, Officer A and himself. Suddenly, the Subject firmly gripped the knife, bent forward in a sprint position, and in an explosive motion sprinted toward the sergeants.

Due to his belief that the Subject was advancing rapidly with the intent to stab them with the knife, Sergeant A fired two rounds in a northwest direction, targeting the Subject's torso from a distance of approximately 17 feet 9 inches.

After firing two rounds, Sergeant A assessed to determine if the Subject would surrender. The Subject momentarily paused as he bent forward at the waist with both of his hands near his abdomen. The Subject then stood upright and advanced toward the direction of Officer A. Sergeant A stepped to his left to have a better vantage point of the Subject as he continued his movement.

Due to the fact that the Subject had not dropped the knife and Sergeant A's inability to observe the Subject's hands, Sergeant A believed that the Subject continued to possess the knife. Therefore, he fired another round targeting the Subject's torso from an approximate distance of 16 feet 3 inches, causing the Subject to stagger. The Subject continued to advance, albeit at a slower pace, at which time Sergeant A fired a fourth round in a northwest direction targeting the Subject's torso. The Subject fell onto the street and released his grasp of the knife. During this sequence of firing, Sergeant A heard one or two gunshots coming from his left.

According to Officer A, as the Subject ran toward Sergeants A and B with a raised knife in his hand, Officer A redeployed from behind the front passenger door of his vehicle to the sidewalk near the corner of the intersection. Although there was a lack of cover/concealment at the sidewalk, Officer A stated he had redeployed due to his concern of losing sight of the Subject who had run toward the sergeants who were positioned east of the corner of the intersection.

As the Subject ran two to three steps toward the sergeants, Officer A heard two to three gunshots. Officer A observed the Subject pause then continue to move toward the sergeants with the knife held forward above his shoulder, with the blade pointed upward. Officer A fired two rounds in a north to northeast direction targeting the Subject's center body mass. After firing his rounds, Officer A observed the Subject fall onto the street.

In his effort to return to a position with cover, Sergeant B ran toward his police vehicle holding his pistol in a two-handed, low-ready position, pointed at the Subject. As he was approximately two feet away from his vehicle, Sergeant B heard Officer B chambering a beanbag round and observed the Subject abruptly running toward him with the knife. As he reached the right rear quarter panel of his vehicle, Sergeant B who had holstered his ASTRO radio, pointed his service pistol at the Subject. As the Subject advanced approximately half way toward him, Sergeant B heard Sergeant A fire three to four rounds from his service pistol. Sergeant B then observed the Subject stumble and attempt to again run toward him, at which time, Sergeant B heard an additional three to four gunshots. He then observed the Subject fall onto the street in a fetal position.

Officer B, who had arrived at the sidewalk near the corner, observed the Subject bring his knife in a forward motion, step off the sidewalk and run toward the sergeants, when he heard three to four gunshots coming from his right. Officer B observed the Subject continue to hold the knife and struggle to stay upright, at which time, he heard an additional three to four gunshots.

According to Witness E, who was walking his dog, he observed the Subject lean forward and slowly and deliberately lunge in a southwest direction toward an unknown officer. The Subject advanced less than three feet when Witness E heard a single gunshot and observed the Subject slump. One to two seconds later, Witness E heard another six consecutive gunshots, at which time he observed the Subject fall onto the street.

Witness F, who was inside his apartment located northwest of the incident, stated he looked through his bedroom window, and observed the backside of the Subject. Witness F observed the Subject's arms by his side, and the Subject appeared to have the intent on grabbing or tackling Sergeant A as the Subject took two to three steps toward him. Witness F stated both Sergeants A and B then simultaneously fired their service pistols at the Subject and indicated he heard three gunshots. The Subject stumbled and hunched over while grabbing his abdomen area with his left arm. After a pause of five to seven seconds, Sergeants A and B again fired an additional unknown number of rounds at the Subject, causing him to fall onto the street. Witness F then grabbed his cellular phone and recorded images after the OIS.

Witness C observed several officers with service pistols in their hands and heard the officers screaming unintelligible words. Witness C stated as she heard the gunshots, she negotiated a right turn onto the street the officers were on. She heard an impact on her driver door and upon negotiating a right turn, stopped her vehicle along the curb. Witness C looked out through the rear window and observed the Subject lying on the street.

Witness D observed several officers pointing their service pistols at the Subject. Witness D also observed the Subject's and the officers' mouths moving as if they were shouting at each other. As Witness C negotiated a right turn, Witness D looked through the driver window of the SUV. He observed muzzle flashes from two guns and heard

five to six consecutive gunshots. Witness D then heard something impact the driver side of their vehicle at which time he directed Witness C to stop.

Witness C discovered a small indentation on a rubber strip below the window near the center of the driver door of her vehicle. Neither Witness C nor Witness D was injured from the incident, and their vehicle did not have any additional occupants.

After the Subject fell onto the street, he lay face up with his left hand near his left side and right arm partially tucked underneath his body. Officer A, and Sergeants A and B approached the Subject with their service pistols unholstered and Officer B approached with the beanbag shotgun.

As they approached, Sergeant B observed the folding knife within inches of the Subject's right hand. Sergeant B informed the others that he would kick the folding knife then proceeded to kick the knife toward a storm drain.

According to Officer B, he may have placed his beanbag shotgun down onto the street prior to handcuffing the Subject then rolling the Subject onto his left side. Sergeant A and Officer A then holstered their service pistols and Sergeant B then requested an RA for the Subject due to gunshot wounds. Officer A then searched the Subject and his backpack for any identification.

A Los Angeles Fire Department RA unit responded to the scene, treated the Subject, and transported him to a local hospital.

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 and B's tactics, along with Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeants A and B's, along with Officer A's drawing and exhibiting of a firearm to be in policy.

C. Use of Lethal Force

The BOPC found Sergeant A's and Officers A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

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

1. Utilizing Cover

Sergeant B temporarily moved away from the cover behind his police vehicle to advise the back-up unit to move closer to the suspect.

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

When Sergeant A parked the police vehicle and exited, he immediately recognized the driver's side door did not afford him cover and moved to the front driver's side quarter panel of a vehicle parked along the north curb. Although the parked vehicle placed him closer to the suspect, the BOPC noted it was a barrier which allowed Sergeant A to initiate verbal contact with the suspect.

When the officers arrived at the scene, Sergeant B moved into the street away from the cover of his police vehicle to advise Officers A and B to move their vehicle closer to the suspect because he did not believe the bean bag shotgun would be effective from the position where the officers parked their police vehicle. When Sergeant B realized he was void of cover, he ran back to his vehicle.

The BOPC noted that Sergeant B's decision to leave a position of cover was motivated by his desire to ensure the beanbag shotgun, a less-lethal force tool, would be a viable force option.

The BOPC considered that this was a rapidly unfolding situation and determined that based on the totality of the circumstances the actions of the sergeants did not represent a substantial deviation from approved Department tactical training.

However, in an effort to enhance future tactical performance this topic 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 conclusion, the BOPC found Sergeant's A and B's, as well as Officers A and B's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- Sergeants A and B responded to a radio call of a violent male mental armed with a knife. As they deployed on the Subject, they drew their respective service pistols.

Sergeant A recalled, "...the suspect kind of went, like I said, back and forth from displaying the knife to grasping the knife in a more firm fashion that's when I unholstered and believed that it might escalate...To deadly force that the suspect might either advance on myself or my partner."

Sergeant B recalled, "...I drew my weapon 'cause I believed...this could lead to a deadly force situation since this guy was not dropping the knife, and he had the knife..."

Officer A responded and observed the Subject armed with a knife. Officer A drew his service pistol.

Officer A recalled, "I unholstered my pistol when observed the suspect with the knife upon exiting the vehicle...I know that suspects with a knife can cause great bodily injury or death."

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeants A and B, along with Officer A, while faced with similar circumstances, would reasonably believe that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found that Sergeants A and B's as well as Officer A's drawing and exhibiting of a firearm to be in policy.

C. Use of Lethal Force

- **Sergeant A** – (pistol, four rounds)

First Sequence of Fire: Rounds No. 1 and 2

According to Sergeant A, he gave the Subject repeated orders to, “drop the knife.” The Subject ignored his commands and then out of nowhere, just on a split second on a dime he turned and he took a firm grip on the knife and took off in a full sprint toward him and Sergeant B. In fear for his life and the life of Sergeant B, Sergeant A fired two rounds at the Subject to stop the deadly threat.

Sergeant A recalled, “I believed by the way he was holding the knife that he was holding it...in a fashion that was meant to stab and that he was advancing on us...in a rapid fashion to assault us, to attempt to stab us with that knife. Believing this I fired two shots at the suspect.”

Second Sequence of Fire: Round No. 3

According to Sergeant A, the Subject paused and bent over slightly as if he had been struck by the gunfire. The Subject then refocused his attention and advanced in the direction of Officer A with the knife still in his hand. Fearing for the life of Officer A, Sergeant A fired an additional round at the Subject to stop the deadly threat.

Sergeant A recalled, “I paused because...I saw him kind of double over. So I believed that I struck him with at least one of the rounds. So I wanted to assess whether or not he was going to drop the knife at that point and surrender to us. And as I paused and evaluated, he began to again stand up and continue to move forward...I did not see a knife fall to the ground at that point. And I wasn’t able to see where his hand was. So my belief was that he was still holding the knife in the hand that I saw it in.”

“...I believed that he was still armed with the knife. And as he continued to advance this time it appeared to me that he was going a little bit more in the direction of the officer from the backup unit. So I fired another shot.”

Third Sequence of Fire: Round No. 4

The Subject remained standing and continued to stagger toward Officer A while still holding the knife. Sergeant A fired one additional round at the Subject to stop the threat.

Sergeant A recalled, the Subject “continued to advance. I could see movement on my left so I didn’t know if the officer had moved forward. But I knew he was off to my left...like I said, he began moving more in the direction of the backup officer.” In response, Sergeant A fired his fourth and final round.

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

Officer A observed the Subject advancing toward the sergeants, while armed with a knife. “To protect Sergeants B and A from the threat of the suspect harming them with the knife,” Officer A fired two rounds at the Subject.

Officer A recalled, “...he looked back towards Sergeant B and Sergeant A’s position. And with the knife raised he began running towards the direction...And then I hear approximately two or three gunshots...the fire from the sergeant’s direction. I had my eyes on the suspect. He stopped and then he again moved forward...with the knife raised and that’s when I shot twice.”

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A or Officer A would reasonably believe that the Subject’s actions while armed with a knife presented an imminent threat of death or serious bodily injury, and therefore, the Use of Lethal Force would be objectively reasonable.

Therefore, the BOPC found Sergeant A’s and Officer A’s use of lethal force to be in policy.