

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

**OFFICER-INVOLVED SHOOTING – 059-09**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No( )</u></b>
Northeast	09/03/2009		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	14 years, 2 months
Officer C	13 years, 1 month
Officer E	10 years, 5 months
Officer B	1 year, 5 months
Officer I	8 months

**Reason for Police Contact**

A citizen notified uniform officers that he observed a naked lady running down the street. The officers located the female subject, who assaulted one of the officers with a wooden stake, resulting in an officer involved shooting.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ( )</u></b>
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Subject: Female, 37 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, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on August 17, 2010.

## **Incident Summary**

The Subject, who was only wearing a long T-shirt, asked a man walking his dog for a light and then started running down the street with her hands up in the air. The man found uniformed Officers A (driver) and B (passenger) in a police vehicle and informed them that a naked lady ran down the street.

The officers found the Subject walking on the sidewalk. The officers parked the car ahead of where the Subject was walking and Officer B began getting out of the vehicle. The Subject ran up to the car and Officer B closed the door. The Subject reached the passenger side window and pounded on the closed window three to four times. Officer B ordered the Subject to "get back," but she did not comply. Officer A proceeded to drive further ahead and Officer B advised Communications Division of the officers' status, requested an additional unit, and provided their location.

The Subject then began running away and the officers pursued. The Subject stopped near a residence and screamed at the officers. The officers directed the Subject to get down on the ground but she turned around and climbed over an iron gate into the backyard of the residence. The gate had points at the end of the iron bars and the Subject quickly climbed over the fence without apparently feeling any pain, which led Officer A to believe that the Subject was under the influence of drugs.

Officer A asked the Subject to calm down, but the Subject continued screaming from the backyard, picked up a garden hose, turned on the water, and sprayed it toward Officer A. Officer B went to the front of the residence and asked a resident if he could go through the house to the backyard. The resident gave Officer B permission to enter his home and when Officer B proceeded to the backyard, the Subject jumped back over the gate, away from Officer A. Officers A and B found the Subject walking at an intersection and asked her to stop.

The Subject eventually stopped running and turned to face the officers. According to Officer A, he told Officer B to take his TASER out, but Officer B did not do so. Officer A advised the Subject they just wanted to talk to her, but that she needed to get on the ground. Officer B began to approach the Subject with his hands raised to his chin level and his palms facing each other. The officers then observed that the Subject had a stick. The wooden stick was tapered to a sharp point on one end and was blunt at the other end. The Subject held the stick in a baseball grip and began hitting Officer B. Officer B lost his balance and fall on his back.

Officer A drew his pistol, stepped forward between the Subject and Officer B to protect him and fired three consecutive rounds at the Subject. The Subject then took a few steps backward, dropped the stick, fell to the ground and continued yelling. Officer B then called for help and an ambulance. Officer C and D were the first to arrive followed by Officers E, F, G, H and I and Officers C, E, and I upholstered their guns. Officers B and I tried to arrest the Subject but she began flailing her arms and kicking her legs. Officer C then told the women that she was going to be tased and directed the TASER at the Subject's stomach area for five seconds. The Subject's body became rigid and

she lay on her back. Officers B, A, and E handcuffed the Subject and the Subject taken away by the Los Angeles Fire Department.

The Subject was subsequently interviewed by the Force Investigation Division when she told detectives that on the evening of the shooting, she had decided to drive somewhere and take a walk when she saw a police officer run after her. She ran away because she was scared and the officers kept pursuing her like a bad horror movie. The Subject admitted to picking up a stick, and declined to provide any further statements.

### **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/Holstering 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, I, C and E's tactics to warrant a tactical debrief.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found officers A, I, C and E's drawing and exhibition of a firearm to be in policy.

#### **C. Non-Lethal Use of Force**

The BOPC found officers A, B, I and E's non-lethal use of force to be in policy.

#### **D. Less Lethal Use of Force**

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

#### **E. Use of Force**

The BOPC found Officer A's 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:

Briefing Point No. 1 – Location and Status. There was sufficient time for the officers to advise Communications Division (CD) of their status and location prior to initiating the search, rather than waiting until contact was made. This practice facilitates that maximum use of personnel resources and serves to enhance officer safety in the event the response of additional units becomes necessary. In conclusion, the officers are reminded of the importance of providing timely status notification to CD.

Debriefing Point No. 2 - Tactical Planning. Officers A and B initiated a search before additional pertinent information was obtained. It would have been prudent to have posed specific questions in order to obtain more detailed information to assist in the investigation. The lack of information created a circumstance wherein Officer A believed the woman would be completely naked, subsequently easy to identify. In conclusion, Officers A and B are reminded that thorough and accurate information provides for an appropriate tactical plan and enhances officer safety.

Debriefing Point No. 3 - Deployment of the police vehicle. Officer A stopped the police vehicle approximately eight car lengths in front of the Subject. The position of the vehicle placed the officers at a tactical disadvantage, as evident by the fact that the Subject was able to approach and strike the passenger window before the officers were able to redeploy. It would have been prudent to position the vehicle to face the suspect, thus providing sufficient time and distance to respond to any eventuality. In conclusion, Officer A, as the driver officer, is reminded that he is responsible for the tactical deployment of the police vehicle and should position the vehicle in a manner that ensures a desired level of officer safety and provides the greatest tactical advantage.

Debriefing Point No. 4 – Broadcast. Officers A and B encountered a naked woman who was animated, boisterous and demonstrated a clear intent to flee, behavioral cues indicative of the potential for the incident to escalate, and warranted that consideration be given for a backup rather than an additional unit request. In conclusion, Officer B is reminded of the importance of a thorough and accurate situation assessment and the recognition of circumstances that warrant a request for a backup unit. When circumstances warrant an emergency response of additional personnel, it is imperative that CD has the pertinent and accurate information readily available to provide to the responding units, maximizing their ability to properly respond and make the most appropriate tactical decision.

Debriefing Point No. 5 - Less-Lethal Option (TASER). Officers A and B were involved in a tactical scenario wherein the Subject engaged in continual acts of aggression, was incoherent and displayed behavior consistent with an individual under the influence of PCP or who suffered from mental illness, behavioral cues that made it reasonable to

believe that it would be unsafe to approach. In conclusion, the TASER deployment criteria will be discussed further during the Tactical Debrief.

Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this case, although there were identified areas where improvement could be made, the tactics utilized did not *“unjustifiably and substantially deviate from approved Department tactical training.”*

In conclusion, a Tactical Debrief is the appropriate mechanism for Officers A, B, I, C and E to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

## **B. Drawing/Exhibiting**

During the struggle with the Subject, she raised the wooden stake again to strike Officer B for a third time prompting Officer A to unholster his service pistol.

Officer A stated, *“As she approached on him it was a one hit. It looked like a - - it wasn’t like she went down and then back up and then down, it was more like a - - like a quick hit for the first two and then the third one she was going back up for a good hit and I thought she was, you know, trying to give him a good one to the head. So at that point - - somewhere in the middle of all that I - - unholster.”*

Officers C, E and I separately responded to the help call. Upon arrival Officer C exited his police vehicle and observed that the Subject was not handcuffed and was seated in the walkway between a house and retaining wall speaking incoherently and covered in blood.

Officer C stated, *“I - - I drew my weapon because I didn’t know if she was still armed or what the circumstances were. And I was covering down on her.”*

Officer E stated, *“As we approached the front yard, we can hear a female screaming. I unholstered my weapon because I believed that the situation could escalate to the use of deadly force because there was a help call with - - with shots fired.”*

Officer I stated, *“Upon getting to the location, I observed two parked cars parked two houses from where the incident occurred. We stopped. We got out. And being that was an officer-involved shooting, I unholstered.”*

In conclusion, due to Officers A, C, E and I’s belief that the situation had escalated to a level where deadly force may become necessary, the BOPC found their Drawing/Exhibiting to be in policy.

According to Officer A and other officers at scene, Officer B drew his service pistol during this incident; however, Officer B stated that he did not. Based on Officer B’s statement that he did not draw his service pistol, questions were not asked pertaining to

his justification for drawing. As a result, it would be inappropriate to render findings for Drawing/Exhibiting for Officer B.

In addition to the above listed employees, there were additional persons that drew or exhibited firearms during this incident. This drawing/exhibiting was appropriate and requires no specific findings or action in regard to these officers.

### **C. Non-Lethal Use of Force**

Officer A assembled an arrest team, approached the Subject who was still seated on the ground. Officer B attempted to take hold of the Subject's right shoulder, but was unable to because the Subject flailed her arms at chest level. Officer I was also unable to take hold of the Subject's left arm because of the retaining wall, but took hold of the Subject's legs because she was kicking his hands and arms. Due to the officers' difficulties in taking control of the Subject, Officer C deployed the TASER. The TASER caused the Subject's body to become rigid and she laid on her back allowing Officer B to take hold of her right shoulder and roll her onto her stomach. The Subject's right hand was behind her head and her left arm was underneath her body. Officer B handcuffed the Subject's right wrist as he was kneeling on the Subject's back. As Officer B was placing the Subject's right arm behind her back, Officer A holstered his service pistol, jumped down from the porch and assisted in placing the Subject's right arm behind her back. Officer E utilized bodyweight to the middle of the Subject's back and also assisted in bringing the Subject's right arm behind her back. Officer B struggled to remove the Subject's left arm from under her body. As a result, Officer B released his hold of the Subject's right arm and with the assistance of Officers A, I and E placed the Subject's left arm behind her back and completed the handcuffing.

In conclusion, the non-lethal force used by Officers A, B, I, and E to overcome the actions of the Subject were objectively reasonable and within Department guidelines. The BOPC found the Non-Lethal applications of force utilized by Officers A, B, I and E to be in policy.

### **D. Less-Lethal Use of Force**

Due to the officers' difficulties in taking control of the Subject, Officer C gave the verbal warning to the Subject, who did not comply and deployed the TASER. The TASER caused the Subject's body to become rigid and she laid on her back allowing the arrest team to move in and take her into custody.

In conclusion, the Less-Lethal force used by Officer C to overcome the actions of the Subject was objectively reasonable and within Department guidelines. The BOPC found that the Less-Lethal application of force utilized by Officer C to be in policy.

## **E. Use of Force**

During the struggle with the Subject, she raised the wooden stake again to strike Officer B for a third time, prompting Officer A to unholster his service pistol. Fearing for the safety of his partner, Officer A fired three rounds at the Subject.

Officer A stated, *“Protection of my - - my partner. I was in fear of her striking to the head causing great bodily injury or death. So that’s why I stepped forward and fired at her.”*

When asked regarding any other force? Officer A stated, *“At that point with him striking my partner with the stick, no. At that point I was more concerned of him becoming either incapacitated or, you know, possibly killing him with that stick. So at that point, no. To me, the only option was the deadly force at that point.”*

In conclusion, an officer with similar training and experience would reasonably believe that the Subject’s actions posed a danger of serious bodily injury or death to Officer B. The BOPC found Officer A’s application of Lethal Force to be objectively reasonable and in policy.