

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

LAW ENFORCEMENT-RELATED INJURY – 068-16

Division	Date	Duty-On (X) Off () Uniform-Yes (X) No ()
-----------------	-------------	---

Van Nuys	10/31/16	
----------	----------	--

Officer(s) Involved in Use of Force	Length of Service
--	--------------------------

Officer D	8 years, 2 months
-----------	-------------------

Reason for Police Contact

Officers were involved in a vehicle pursuit. When the pursuit terminated, the Subject refused to come out of the vehicle, and began to cut himself with a knife. A window was smashed out and a beanbag shotgun was deployed, causing a law enforcement related injury (LERI).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
-------------------	---------------------	--------------------	--------------------

Male, 25 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 September 26, 2017.

Incident Summary

Multiple officers on the ground and in the air were involved in the pursuit of a stolen vehicle. During the pursuit, a passenger in the stolen vehicle ran from the vehicle and was taken into custody without incident, leaving only the driver, later identified as the Subject.

As the pursuit neared its termination, the Subject drove to the end of the cul-de-sac pursued by Officers A and B as the primary vehicle, and Officers C and D as the secondary vehicle. The stolen vehicle drove into a business parking lot.

Officers A and B stopped their police vehicle at the entrance to the driveway, while Officers C and D stopped directly behind them. Officer B opened his passenger door, exited to a position of cover behind the door, and unholstered his weapon. The stolen vehicle circled around the parking lot and proceeded back toward the entrance. The Subject continued driving toward the passenger side of the police vehicle. As soon as Officer B realized the Subject was not going to stop, he holstered his weapon, reentered his vehicle, and closed his passenger door in an effort to avoid a collision.

The Subject continued driving, narrowly squeezing between Officers A and B's vehicle and a chain link fence. Officer D had also opened his passenger door and begun exiting the police vehicle. Officer D realized the Subject was not going to stop, entered his vehicle, and began closing the door as the Subject's vehicle struck Officer D's door, slamming it closed.

Lieutenant A arrived at what he believed was the termination of the pursuit, with the intention of parking to the rear of Officers C and D's vehicle. As he approached, he suddenly observed the stolen vehicle emerge from between the fence and the stopped police vehicles and drive straight toward him. Lieutenant A rapidly stopped his vehicle, but the stolen vehicle continued forward and collided head on with Lieutenant A's black and white police vehicle.

Immediately after the Subject struck Lieutenant A's police vehicle, Officer C backed his vehicle to the left until the nose of his vehicle was facing the passenger side of the Subject's vehicle in order to afford better cover and the ability to observe the Subject. Officers A, B, C, and D exited their vehicles. Officers A, C, and D unholstered their service pistols while Officer B unholstered his TASER. They took positions of cover to the side of Officers C and D's vehicle. Officer D yelled to the Subject, "Show me your hands. Show me your hands." Officer D also issued commands to turn off the vehicle and exit.

According to Lieutenant A, he was initially disoriented due to the collision, but as he regained his orientation, he observed officers gesturing to him to exit the vehicle. He exited his vehicle and responded to a position of cover to the rear of Officers C and D's vehicle. Lieutenant A then broadcast that he was the Incident Commander (IC) at the termination of the pursuit and that he had sufficient units at the scene. Lieutenant A then directed Sergeant A to form an arrest team and another sergeant to form the inner

perimeter, which was to include less than lethal options and prevent the Subject's escape if he fled on foot. He asked if any officers possessed spike strips so they could be laid behind the Subject's vehicle, but no one responded to his request. As a result, he directed Officer A to move his police vehicle to a position to the rear of the Subject's vehicle to prevent his escape rearward. He and Sergeant A then directed Officer E to use the Public Address (PA) system in Officers C and D's police vehicle to begin communicating with the Subject. The Subject's vehicle windows were all in the closed position.

Note: Lieutenant A gave the above directions while he was dizzy, light headed, and slightly disoriented from the traffic collision. He was unsure if he lost consciousness as a result of the traffic collision. Upon noticing Lieutenant A was, "a little bit out of it," Sergeant A ensured that an arrest team was ready and also ensured that officers were armed with lethal and less-lethal options, including a TASER and beanbag shotgun.

At the direction of Sergeant A, Officer E responded to Officers C and D's trunk and obtained their beanbag shotgun. Officer E loaded the beanbag shotgun by placing one round in the chamber and advised the officers at the scene that he had taken possession of the beanbag shotgun. Officer E then gave the loaded beanbag shotgun to Officer D so that he could use the Public Address (PA) system. Officer D verified the condition of the beanbag shotgun by conducting a chamber check and then began covering the Subject with the beanbag shotgun held on target with his finger on the safety.

Sergeant A then advised Officer D that if the Subject attempted to harm himself or others, Officer D would be in a position to utilize the beanbag. Officer D then enlisted Officers A and B to respond with him to the passenger side of their police vehicle to be in a better position to cover the Subject. Officer D opened the passenger door of the police vehicle to use as cover as they continued to cover down on the Subject. Officer A continued to hold his pistol at the low-ready position with his finger alongside the frame and Officer B continued to deploy his TASER as a less than lethal option.

Officer E began to communicate with the Subject using the PA, directing him to exit the vehicle and issuing warnings about the possibility of force being used. Officer E gave numerous commands and warnings such as, "If you don't come out we are going to use beanbags which hurt a lot," and, "Open the door, exit the vehicle with your hands up. There is nowhere to run. No one is going to hurt you."

Lieutenant A then requested that a Rescue Ambulance (RA) respond and stand by in case the incident resulted in injury to the Subject or the officers.

The Subject remained in the driver's seat of his vehicle for approximately seven minutes. At the time, the Subject was sweating profusely, turned his head back and forth to look at his surroundings and banged his hands on the steering wheel repeatedly, but did not comply with Officer E's demands to exit the vehicle.

The Subject eventually reached down and retrieved an unknown object with his right hand from an unknown location in the vehicle. The Subject held the object up in his right hand as if to show it to the officers. Lieutenant A believed the object was a pair of pliers. Lieutenant A did not want any officers to believe the Subject had armed himself with a handgun, so he yelled out, "No. It's pliers, Don't fire." According to Lieutenant A, the Subject then began stabbing himself with the pliers in the neck, chest, and abdomen. Lieutenant A believed the Subject "wanted suicide by cop but that didn't happen. Nobody shot when he pointed the pliers, so now he's going to stab himself in the neck and try to kill himself or hurt himself. So that's when I ordered [Sergeant A]. I said, 'Hey let's take him out,' meaning take him out of the car because he's trying to kill himself."

Note: The investigation determined the pliers referred to by Lieutenant A were actually a utility-tool which contained numerous folding knives, screwdrivers, pliers, and other tools.

Officer E observed the Subject press the utility tool against his left wrist in a motion like he was going to cut himself. He advised Sergeant A that the Subject was attempting to hurt himself and feared he would use the knife tool portion to hurt himself further. Officer E advised Sergeant A, "This guy's going to start cutting himself. I'm going to bust out the back window and we're going to beanbag him so he stops because we don't want this guy to cut himself up." Sergeant A advised Officer E to stand by because the Subject was not cutting himself yet. As the discussion occurred, Officer E observed the Subject begin to deploy the knife portion of the multi-tool. Officer E advised Sergeant A the same.

Sergeant A then advised Officer D to move forward from his position of cover and Officer E to break open the Subject's vehicle window. According to Lieutenant A, an unknown officer advised to shoot out the window with the beanbag shotgun. Lieutenant A ordered that the beanbag shotgun not be used to shoot out the window because he wanted to avoid the possibility of a contagious fire scenario. Lieutenant A then advised Officer E to break the window with his baton. He considered the use of a TASER to stop the Subject from stabbing himself but determined it would be ineffective due to the seat backing between the officers and the Subject.

According to Officer B, he heard an unknown officer state, "We need the beanbag. He's stabbing himself. Get the beanbag." Officer E advised Officer D he was going to break out the window to the Subject's vehicle. In accordance with Sergeant A's earlier direction to use the beanbag if the Subject attempted to hurt himself or others, Officer D moved along the passenger side of Officers A and B's police vehicle and then moved between the rear ends of the Subject's vehicle and the police vehicle. Officer E used his baton to break the rear passenger side door window. He then moved back to allow Officer D to move into position just outside of the broken open window. Once the window was broken, Sergeant A gave additional commands for the Subject to drop the knife and exit the vehicle. According to another officer, Officer D "continued to give

commands (to the Subject) saying that if he refused to come out, that [a] beanbag was going to be used." According to Sergeant A, the Subject paused between two and three seconds and looked toward the officers. He then began stabbing himself with the multi-tool. Officer D then yelled out, "Beanbag. Beanbag."

Officer D stated, "As soon as (Officer) E smashed out the rear passenger window, I came up because I believed that the [Subject] was going to get out. And I didn't want to give him any opportunity to get out with that knife and approach officers because it was going to be a hail of bullets at that point and I didn't want to give him that opportunity, so I fired one shot to his right side under his arms towards his ribs."

Officer D fired one round from the beanbag shotgun from a distance of approximately six to seven feet toward the right rear lower ribcage of the Subject.

The Subject dropped the multi-tool immediately and placed his hands in the air. Sergeant A then directed the arrest team to take the Subject into custody. Officer E twice ordered the Subject to open the door but the Subject shook his head no. Officer E then struck the window with his baton one time to break it.

Officer E opened the driver's side door with his left hand. Officer A, with his service pistol at the close contact position, then used his left hand to grasp the Subject's left arm and began to guide him out of the vehicle. Officer E then guided the Subject face first onto the ground. The Subject did not resist. Officer A took a one-handed low-ready position to cover Officer E as he guided the Subject to the ground. Officer E then handcuffed the Subject's hands behind his back without further incident. Officer A holstered his pistol after the Subject was handcuffed.

The Subject was transported to the hospital and treated by the Emergency Room physician for a possible laceration and contusion to the liver, caused by the beanbag round's impact.

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 Officers D and E's tactics to warrant a Tactical

Debrief.

B. Drawing/Exhibiting

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

C. Less-Lethal Use of Force

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

Basis for Findings

Detention

- In this case, the Subject was driving a reported stolen vehicle, and the pursuit terminated when the Subject collided into a police vehicle while attempting to escape. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

- **Tactical De-Escalation**

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

In this case, the vehicle pursuit abruptly terminated when the Subject collided with a police vehicle. The officers attempted to de-escalate the situation by utilizing the PA system in an attempt to gain compliance from the Subject.

However, the Subject ignored the officer's commands, produced a tool with an extended knife blade, and appeared to be stabbing himself. To prevent the situation from escalating further, an officer utilized a less-lethal munition to stop the Subject's actions and take him into custody.

- 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.

In conclusion, the BOPC found Sergeant A and Officers D and E's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer D, after exiting his police vehicle, he redeployed on the driver's side to obtain a better position of advantage and drew his service pistol.

According to Officer E, he exited his police vehicle and redeployed to the rear of Officer D's police vehicle. As he exited his police vehicle, he drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers D and E, while faced with similar 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 D and E's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer A – (Beanbag shotgun, one sock round)**

According to Officer D, he heard Sergeant A or someone to his right say, "He's got a Leatherman, he's got a Leatherman," referring to the Subject. Officer D was cognizant that a Leatherman tool was equipped with a knife. Shortly thereafter, Officer D heard, "He's stabbing himself, he's stabbing himself." After Officer E smashed in the rear passenger window, he fired one beanbag round at the Subject to disarm him and stop his actions from causing injury.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D, while faced with similar circumstances, would believe the application of a less-lethal force option to stop the Subject's actions was objectively reasonable.

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