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

OFFICER-INVOLVED SHOOTING – 071-15

Division	**Date**	**Duty-On (X) Off ( ) Uniform-Yes (X) No ( )**
Southwest	8/22/15	

Officer(s) Involved in Use of Force	**Length of Service**
Officer B	3 years
Officer C	6 years
Officer D	2 years

Reason for Police Contact

Officers C and D responded to a radio call of a suspect with mental illness. The Subject ran towards officers, armed with a large knife, resulting in an Officer-Involved Shooting (OIS).

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

Subject: Male, 20 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 August 2, 2016.

Incident Summary

On the date of this incident, Witness A received a telephone call from her adult son, (the Subject), who was a resident at a Residential Care Facility in the City of Los Angeles. According to Witness A, the Subject suffers from Asperger's' Syndrome**.**

> **Note:** The Subject was diagnosed with Asperger's' Syndrome when he was five years old, and became increasingly violent during his teenage years. It eventually became too difficult for Witness A to care for the Subject; therefore, she placed him into a facility.

During the telephone call, the Subject expressed his desire to leave the group home and move back into Witness A's residence. Witness A discussed the matter with the Subject, and explained to him that moving into her residence was not an option. A short time after their phone call ended, Witness A received a telephone call from the administrator of the adult care facility, Witness B, who informed her that the Subject left the facility and was possibly en route to her residence.

The Subject arrived at Witness A's residence and she allowed him to enter. The Subject then proceeded to lie down on the living room couch. The Subject informed Witness A that he did not want to return to the facility. Witness B called Witness A to see if she had seen or heard from the Subject. According to Witness A, when Witness B learned that the Subject was at her residence, she informed Witness A that she was going to call the police for assistance in escorting the Subject back to the facility.

Shortly thereafter, facility staff members, Witnesses C and D, arrived at Witness A's residence. Their intention was to escort the Subject back to the facility. Upon their arrival, Witness C located the Subject sleeping on the living room couch. When Witness C woke the Subject, he quickly stood up and punched Witness C's left shoulder area two to three times. Witness D grabbed the Subject from behind, gained control of his arms, and stopped the assault.

Witness E, who was in his bedroom at the time, heard Witness A call his name.[1] Witness E exited his bedroom and observed Witness D struggling with the Subject in the living room. Witness E assisted Witness D with calming the Subject down, and together they got the Subject to a seated position on the living room couch. According to Witness C, she would have easily been overtaken by the Subject if not for the assistance provided by Witness E. Once the Subject had calmed down, Witness E went back into his bedroom.

Witness C called the police on her cellular telephone to report the incident and Communications Division (CD) broadcast the information to patrol units that the Subject had assaulted Witness C and suffered from Asperger's system.

[1] Witness E is the brother of the Subject.

Southwest Patrol Division uniformed Officers A and B were assigned the radio call. After Officers A and B acknowledged the call, CD broadcast a request for any available supervisor to respond to the location with them but received no response.

Southwest Patrol Division uniformed Officers C and D, heard the radio call assigned to Officers A and B. According to Officer D, he and Officer C planned to respond to the call and offer assistance upon completion of their pedestrian stop.

Officers A and B arrived at the location and broadcast their status (Code Six) via their Mobile Digital Computer (MDC). Officers A and B were met by Witnesses A, C and D, who were standing on the sidewalk. Officers A and B interviewed Witnesses A and C about the battery and the events that led up to it.

> **Note:** Unbeknownst to the officers, the Subject was outside of the residence when Officers A and B arrived at scene. When the Subject observed the police vehicle arrive, he retreated into his residence.

Witness A advised the officers that she did not want the Subject in her residence and would like him to be removed from the premises. She requested that the officers consider placing the Subject on a 72-hour medical hold. Officer A asked Witness A if there were any weapons or firearms being stored inside her residence, and was told there were none. Officers A and B walked toward the residence, with the intention of locating and interviewing the Subject for a battery investigation, and possible 72-hour medical evaluation hold.

Officer B walked up the steps that led to the front door landing of the residence, which had a transparent metal security screen door on the outside and wood interior front door. The security screen door was closed, but the front door was open, enabling Officer B to see inside.

> **Note:** According to Officer A, he believed both doors were closed.

Officer B positioned himself on the landing, north of the front door, while Officer A was positioned south of the front door. Officer B knocked on the security screen door. Through the security screen door, Officer B was able to see the Subject walking toward the front door. The Subject's left hand was visible and appeared to be empty, but his right hand was concealed behind his body. The Subject used his left hand to open the security door. Without warning and before any dialogue could be established, the Subject used his right hand to throw an object, later determined to be a large kitchen knife, in an overhand motion directly at Officer A. Officer A ducked to avoid being struck by the knife. The knife missed Officer A and landed in the dirt next to the walkway.[2]

[2] Initially, Officers A and B did not know what type of object was thrown by the Subject. It was later determined to be a large kitchen knife that measured approximately 12 ½ inches long with a seven-inch blade. It was recovered from the ground just west of the walkway in front of the residence. During a subsequent interview with the Subject, he admitted to throwing the knife at Officer A.

Officer A broadcast a request for a backup due to the Subject's actions and manually activated his Digital In-Car Video-System (DICVS).

Officers C and D heard the backup request and responded Code Three, with emergency lights and sirens. Officer D read the comments of the radio call and noted the Subject description and that he was described as heavy set. Uniformed Officers E and F also heard the back-up request. Officer E activated the vehicle's lights and siren and drove Code Three toward the location.

The Subject was inside the residence and immediately closed the security screen door and backed further inside. Officer B looked through the security screen door and observed a rock in one of the Subject's hands. The Subject threw the rock in Officer B's direction, which struck the closed security screen door. Officer B unholstered his pistol, as Officer A unholstered his TASER and held it in his left hand.

> **Note:** According to Officer A, Officer B kicked the metal security door shut after the knife was thrown by the Subject.

Officer B then observed the Subject holding a knife, and advised Officer A that the Subject had armed himself with a knife.[3] Officers A and B redeployed for cover by backing up toward the street, while continually watching the front door of the residence. Officer B found cover behind a tree west of the walkway, while Officer A sought cover behind a concrete post on the north sidewalk. Officer B estimated that his position of cover was approximately 20 feet of the front door.

The Subject exited the residence and began walking toward Officers A and B with both arms down by his side. The Subject was holding a knife in his right hand, with the blade of the knife facing up. Officer B ordered the Subject to stop and drop the knife. The Subject ignored Officer B's command and continued walking toward the officers. According to Officer B, he ordered the Subject to drop the knife or he would be shot, and the Subject told the officer, "Shoot me then." The Subject closed the distance to approximately 15 feet, then stopped, turned away from the officers, and walked toward an alley north of his residence. Officer A broadcast that the Subject was armed with a knife.

Officer B repositioned himself and sought cover behind vehicles parked along the north curb, while maintaining observation of the walkway. Officer B directed Officer A to retrieve a beanbag shotgun. Officer A holstered his TASER and retrieved the beanbag shotgun from the trunk of the officers' police vehicle. Officer B advised Officer A that the Subject was coming back out, and told the Subject, "Don't throw it," referring to the knife, as captured on DICVS. Officer A chambered a round and held the beanbag shotgun in a high-ready position, with the safety off, his finger along the frame, and the muzzle pointed toward the Subject.

[3] Witness E observed the Subject throw a rock at the front door. Witness E also watched as the Subject went into the kitchen and removed an unknown object from the kitchen drawer.

Officer B continued giving commands to the Subject, but he did not comply and again walked to within approximately 15 feet of the officers. Officer B directed Officer A to deploy the beanbag shotgun, at which time the Subject turned around and ran toward the alley and then out of the officers' sight.

> **Note:** Witness F was outside recording the incident with his cellular telephone.

Officers C and D arrived at the scene, and Officer D broadcast that they were Code Six on the backup. Officers C and D observed Officers A and B standing in front of the residence. Upon approaching the officers, Officers A and B advised them that the Subject ran to the rear alley, and provided a description. The Subject also stated that he was armed with a knife.

Officers C and D unholstered their pistols upon learning the Subject was armed with a knife. Both officers held their pistols in a two-handed, low-ready position, as they moved to the intersection. Officer C was slightly ahead of Officer D. Officers A and B maintained their position in front of the residence with the intention of containing the Subject.

At this time, Officers E and F arrived at the location. As Officers E and F were exiting their vehicle, Officer D advised them the Subject was in the alley north of their location. Officer F exited the passenger door with the TASER in his hand and advised his partner accordingly.

> **Note:** Officer D believed he told Officers E and F that the Subject was armed with a knife; however, neither officer heard this, and it was not captured on the DICVS or the cellular telephone video taken by Witness F.

Officer D was in the street near the corner of the intersection, while Officers C and F were in the street near the east/west crosswalk on the north side of the intersection. Officer C was toward the middle of the intersection while Officer F was adjacent to his police vehicle. Both officers were south and west of Officer D. Officer E was further south and west, near his police vehicle. At this time, the Subject ran out of the alley with a large kitchen knife in his right hand.

The Subject stopped briefly in the middle of the street, before running directly at Officers C and F. Officer E observed the knife in the Subject's right hand and deployed to the rear of his police vehicle for cover, unholstering his pistol in the process.

> **Note:** Officer F believed the Subject was armed with a long, sharp, metal stick.

Officer C's pistol was pointed in the Subject's direction, in a low-ready position, as he ordered the Subject to drop the knife. The Subject ignored the commands and

continued running directly at Officer C with the blade of the knife pointed at Officer C. Officer C began backing up while continuing to verbalize with the Subject, ordering him to drop the knife.

> **Note:** Officer C believed the blade of the knife was approximately 10 inches long.
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> Officer D believed the blade of the knife was 12 inches long with a serrated edge, and was held in the Subject's right hand, raised up, over his right ear.

Officer F, believing the Subject was going to strike him with the object he believed to be a large stick, took a right two-hand shooting position, aimed the TASER at the Subject's navel area, and fired the TASER in a northerly direction from an estimated distance of 20 feet.

> **Note:** The investigation determined the actual distance to be approximately 24.5 feet. The investigation further determined the TASER darts did not make contact with the Subject, as the TASER wires were fully extended and both probes were still attached.

Officer D, believing the Subject was going straight for Officer C and was intent on stabbing and killing him, fired one round, striking the Subject in the right leg. According to Officer D, he believed the Subject was within five feet of Officer C at the time he fired. Investigators reviewed available video and determined that the time between the TASER activation and OIS was approximately one second.

> **Note:** According to Witness F, the Subject was running with his arms extended out toward the officers just prior to his hearing the gunshot.

Upon being struck in the leg by the bullet fired by Officer D, the Subject immediately fell to the ground, dropping the knife in the process. The Subject was lying in the street, on his left side, with his head to the south. According to Officer C, the Subject's left hand was tucked underneath his body, and he was waving his right hand around. In the audio captured by Officers C and D's DICVS, just after the OIS, Officer C can be heard ordering the Subject to keep his hands up, and to keep his hands where he could see them.

> **Note:** After the Subject had fallen to the ground, Officer D believed his partner, Officer C, ordered the Subject to drop the knife. Based on that information, Officer D believed the Subject was still holding the knife.
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> According to Officer B, he believed the Subject was still holding the knife in his hand following the OIS.

Officer C broadcast that shots had been fired and provided the location.

Witness G lived in a residence nearby and from her bedroom window, she observed officers arrive at the scene, heard them discussing that the Subject was in the alley, and heard them say, "Drop your knife, drop your knife, drop your weapon." According to Witness G, the Subject ignored the officers' commands and ran toward them with a knife in his hand. Witness G estimated that the Subject was within five to six feet of the officers when the OIS occurred.

Officer F, after discharging the TASER and seeing the Subject on the ground, removed the cartridge from the TASER and tossed it to the ground. He planned to use the drive stun feature of the TASER to help in controlling the Subject, if needed. Officer F could then see the Subject's weapon, which he originally believed to be a long sharp metal stick, was actually a knife. Officer F placed the TASER in his right rear pants pocket and unholstered his pistol.

Officers D and F verbalized with the Subject ordering him not to touch the knife. Officer F was aware that other officers at the scene had their pistols drawn; therefore, he holstered his pistol and removed the TASER from his pant pocket. Officer C holstered his pistol, approached the Subject, and kicked the knife out of his reach. Officer F had his TASER ready and was prepared to deliver a drive stun to the Subject if he resisted officers. Officer A brought the beanbag shotgun down to the low-ready position, and was prepared to deploy it, if necessary.

> **Note:** According to Officer B, an unknown officer removed the knife from the Subject's hand. The investigation determined that the Subject dropped the knife and Officer C kicked it out of his reach, which was captured on DICVS.

Officer C grabbed the Subject's right hand and attempted to place it behind his back. The Subject was still lying on his left side and resisted Officer C's efforts. Officer C ordered the Subject to go onto his stomach, and place his hands behind his back. The Subject did not comply. Officer D holstered his pistol and placed his knee on the back of the Subject's thigh and utilized bodyweight to prevent him from moving his legs. Officer D, believing the Subject was having difficulty understanding commands, tapped the Subject's left shoulder and told him to roll onto his stomach. The Subject rolled onto his stomach exposing his left arm/hand.

Officer B holstered his pistol and grabbed both of the Subject's ankles, utilizing body weight to control the Subject's leg movements.

Officer C maintained control of the Subject's right hand, and placed it behind the Subject's back. Officer E holstered his pistol, grabbed the Subject's left arm, and placed it behind his back. Officer C advised the Subject that he would be tased if he did not comply. Due to the Subject's size, officers were unable to bring both of the Subject's wrists close enough together to handcuff him. Officer D requested a second set of handcuffs which were provided by Officer E. Officer D used his handcuffs to cuff

the Subject's right wrist. Together, Officers D and E handcuffed the Subject's left wrist. The two sets of handcuffs were then linked together.

According to Officer D, the Subject had large bulges in the pockets of his shorts. As the officers were taking the Subject into custody, he asked the officers to remove the rocks from his pockets. Officer D removed the rocks from the Subject's pockets and placed them in the street. Additional officers arrived and broadcast that the incident had been resolved (Code Four). They further advised that the Subject was in custody and requested a Rescue Ambulance (RA) to respond due to the Subject's injuries.

Other officers arrived at scene and helped Officers B and E assist the Subject to a seated position. Officers B and E allowed the Subject to rest his back on their legs/knees so he could maintain his upright position. Officers visually examined the Subject for any injuries, and noted that both of the Subject's knees were bleeding.

With the Subject secured, Officer A returned to his police vehicle. He downloaded the beanbag shotgun and secured it in the trunk of his police vehicle. Officer A went back to the residence to locate and identify the object(s) thrown by the Subject. Officer A located two knives, one of which was on the ground directly behind where he was standing at the time the Subject had thrown it at him. Officer A asked Officers E and F to guard the knives.

Southwest Patrol Division uniformed Sergeant A arrived at scene. He identified and separated the involved officers and requested additional supervisors to assist with the monitoring responsibilities. Sergeant A ultimately obtained Public Safety Statements (PSS) individually from Officers A, B, C, D, E and F, and admonished them not to discuss the incident. Sergeant A monitored all six officers until additional supervisors arrived at the scene.

The Los Angeles Fire Department (LAFD) personnel arrived at the scene and rendered aid to the Subject, who was transported to a local hospital. The Subject did not make any statements during the ambulance ride, other than informing the paramedics that he had been shot. The Subject did not provide any details of 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, made the following findings:

A. Tactics

The BOPC found Officers A, B, C, D, E and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officers B, C, and D's non-lethal use of force to be in policy.

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Back-Up versus Help Call

   Officer A did not upgrade his request for a Back-Up to a Help Call after being advised by his partner that the Subject was armed with a knife.

   In this case, Officer A had already requested Back-Up before learning the Subject had armed himself with a knife. He also had advised CD when he became aware that the Subject was armed with knife, but did not upgrade his request to a Help Call.

   Although officers are given discretion regarding the appropriate time to broadcast a request for resources based on the ongoing tactical circumstances, it would have been more tactically advantageous for Officer A to broadcast a Help Call after being advised by his partner that the Subject was armed with a knife in order to ensure appropriate resources were responding in the event they were needed.

2. Tactical Communications

   Officer E did not communicate his observations to the other officers when he observed the Subject running towards his partner with a knife in his hand. Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical

incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the investigation reflects that it was only the first day that Officers E and F had worked together as partners and that only 11 seconds had elapsed from the time the officers arrived on scene until Officer F activated his TASER and subsequently the OIS occurred.

The BOPC considered that this was a rapidly unfolding situation and determined that based on the totality of the circumstances, the shortcomings in the communication between the officers was not a substantial deviation from approved Department tactical training.

- The BOPC additionally considered the following:

1. Bean Bag Shotgun Manipulation

   The investigation revealed that Officer A did not load a fifth round into the magazine tube of his shotgun after he chambered a round into his Bean Bag shotgun. Officer A is reminded that it is advantageous for the Bean Bag shotgun to be loaded to full capacity when approaching a tactical situation where the Bean Bag shotgun may be used.

2. Utilization of Cover

   The investigation revealed that Officers C, D, and F were not utilizing cover at the time of the OIS. The officers are reminded of the importance of utilizing cover when involved in a tactical situation involving a potentially armed subject.

3. Required Equipment

   The investigation revealed that Officers D and E did not have their baton at the time of the OIS. The officers are reminded to have all required equipment on their person while performing field patrol duties.

4. Simultaneous Commands (Non-Conflicting)

   The investigation revealed that several officers were simultaneously giving commands to the Subject during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

5. Preservation of Evidence

   The investigation revealed that Officer C kicked the knife farther away from the Subject during his approach to take him into custody. Officer C is reminded of

the importance of trying to preserve the integrity of the evidence during a tactical situation when feasible. In addition, the officers are also reminded that it is preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene.

- 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 this case, the BOPC determined that Officers A, B, C, D, E and F's tactics warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer B, he observed the Subject open the screen door and throw an unknown object at his partner, then close the screen door. While standing inside the residence, the Subject threw a rock in Officer B's direction that struck the metal screen door and fell to the floor within the residence, at which time he drew his service pistol.

  Officers C and D responded and were told by Officers A and B that the Subject was armed with a knife. Upon receiving the information that the Subject was armed with a knife, the officers drew their service pistols.

  According to Officer E, he observed the Subject running toward the officers with a knife in his hand and immediately drew his service pistol.

  Following the OIS, Officer F observed the Subject fall to the ground with the knife close to his body and drew his service weapon.

  Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers B, C, D, E, and F, while faced with similar circumstances, would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified.

  Therefore, the BOPC found that Officers B, C, D, E, and F's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- **Officer B**: Body Weight
- **Officer C**: Firm Grip
- **Officer D**: Body Weight

According to Officer B, he approached and grabbed the Subject's ankles, and utilized his body weight to prevent the Subject from kicking his legs. According to Officer C, as he grabbed the Subject's right hand and attempted to place it behind his back, the Subject resisted his efforts and would not comply. Officer D holstered his service pistol, placed his knee on the back of the Subject's thigh and utilized body weight in an attempt to control his movement and prevent him from kicking the officers.

After a review of the incident and the non-lethal force used by these officers, the BOPC determined that an officer with similar training and experience as Officers B, C, and D, would believe that this same application of force would be reasonable to overcome the Subject's resistance and effect an arrest.

Therefore, the BOPC found Officers B, C, and D's non-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer D** – (pistol, one round)

  According to Officer D, he observed the Subject running in a full sprint directly toward his partner, armed with a knife in his right hand and heard his partner giving several verbal commands to drop the knife. Fearing for the safety of his partner, Officer D fired one round from his service pistol at the Subject to stop the threat.

  Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D would reasonably believe that the Subject's actions of running at Officer C 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 Officer D's use of lethal force to be objectively reasonable and in policy.