

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

LAW ENFORCEMENT RELATED INJURY 073-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Olympic	11/19/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	15 years, 6 months
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Reason for Police Contact

Metropolitan SWAT officers assisted with a barricaded subject armed with a knife. The Subject advanced on the officers, resulting in a law enforcement related injury (LERI).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Female, 28 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 October 6, 2015.

Incident Summary

On the date of the incident, Witness A, the resident manager of a multi-unit residence, became alarmed when her tenant, the Subject, began to display bizarre behavior, asking Witness A to contact her father. When Witness A refused. The Subject obtained a knife from the kitchen and approached Witness A and her husband, Witness B. The Subject stated, "I'm going to kill you" and began waving the knife toward Witness A in a slashing motion. In fear, Witness A and Witness B fled to their bedroom and locked the door. The Subject began destroying property in the house, banging on Witness A's bedroom door and striking the door with the knife, piercing it with the blade.

Witness A, a foreign language speaker, contacted Communications Division (CD) and requested a police response. Due to the language barrier, the CD operator attempted to transfer the call to a translator at which time the call was disconnected.

CD broadcast a Code Three radio call of an "Unknown Trouble" at the residence. Comments of the radio call read, "Female requested PD at location for unknown reason, upon attempt to call connect with interpreter, PR [Person Reporting] disconnected line. Attempt to call back, line busy. No further information." Two officers requested the call be assigned to them and responded with emergency lights and sirens (Code Three).

Moments later, CD provided updated information, broadcasting, "[...], your unknown trouble [...] is now a vandalism subject there now. Additional PR called. Second-hand information from parents at the location. Subject is a roommate, female [...], no further description, breaking PR's door and damaging items."

Officers broadcast they had arrived on scene. They walked toward the location and observed Witness A standing on the sidewalk, north of the residence.

Note: Witnesses A and B had self-evacuated the house after realizing the Subject was no longer outside of their bedroom door.

Witness A directed the officers' attention to the elevated, front porch. The officers observed the Subject standing at the top of the porch steps, holding a knife in her right hand and scissors in her left. She was waving them around, and banging them against the metal frame of the security door.

The officers unholstered their pistols and maintained a position on the sidewalk behind a wrought iron fence that separated the property from the sidewalk. The officers began verbalizing with the Subject, commanding her to drop the knives. The Subject looked at the officers, but failed to comply.

The officers requested a backup unit, a foreign language speaking officer, a TASER, as well as a beanbag shotgun.

Additional units arrived and positioned themselves adjacent to the house, at the open front driveway gate. A supervisor arrived and began establishing a perimeter around the location and coordinating duties, such as designating officers to less-lethal responsibilities and contact / arrest teams.

A translating officer arrived and gave verbal commands to the Subject to drop the knife. He instructed the Subject to drop the knife approximately 10 times, from a distance of approximately 15 feet, but was met with negative results.

Ignoring repeated instructions to drop the knife and surrender to officers, the Subject entered the residence and slammed the front door shut. Responding officers established containment at the front and rear of the house and monitored the Subject's activity.

The translating officer met with Witness A and verified that she was the subject of an Assault with a Deadly Weapon (ADW). Witness A also informed the translating officer that an elderly female, later identified as the Victim, was possibly still inside of the house. Witness A, however, advised that the Victim may have left the location to attend church, which was her routine. Witness A was unable to verify if the elderly female was inside. The translating officer relayed the information to two supervisors and the primary officers.

The two supervisors began to establish a Command Post (CP) south of the location. Another supervisor arrived on scene and assumed the role of Incident Commander (IC). While continued efforts were being made to verbally order the Subject from the residence, Metropolitan Division was notified of a possible barricaded suspect.

The information was forwarded to a Special Weapons and Tactics (SWAT) Lieutenant A. Lieutenant A contacted a supervisor at the scene and confirmed the criteria for a SWAT response had been met. Lieutenant A notified the on-duty SWAT personnel of the situation.

Meanwhile, Lieutenant A arrived at the CP and was briefed.

A Crisis Negotiations Team (CNT) also arrived and remained at the CP throughout the incident.

SWAT Officer B assumed responsibility as the tactical team leader, supported by another SWAT officer as the Emergency Rescue Team (ERT) team leader. The ERT consisted of several Metropolitan Division SWAT officers, including Officer A. They positioned themselves at the front of the property, providing lethal and less-lethal cover as SWAT officers assumed containment positions around the residence, replacing all other patrol personnel.

During the nearly two-hour standoff with SWAT officers, the Subject continued to walk throughout the house, throwing water from windows at various sides of the house. She

repeatedly approached the front door where she was visible through a large, oval-shaped frosted window set into the middle of the door. As she pressed herself against the window, Officer A was able to clearly see that she was clothed in a thick, black jacket and a scarf covering her head. He was also able to see the Subject holding a large kitchen knife in her right hand as she tapped it on the frosted glass window and made aggressive slashing motions while throwing water about the interior of the house. Another SWAT officer illuminated the door and attempted to verbally communicate with the Subject. She, however, did not reply and walked away.

Officers utilized a mirror to look into a bedroom window at the rear of the residence, to locate the unaccounted for the Victim, who was unaccounted for. She was not observed in the bedroom.

Once containment of the residence was established by SWAT officers, CNT officers attempted to make telephonic contact with the Subject. They made multiple calls to telephone numbers inside of the residence and to the Subject's cellular telephone with phone numbers provided by Witness A. The calls went unanswered. SWAT Sergeant A attempted to communicate with the Subject by utilizing a bullhorn, and convince her to answer the telephone or surrender, but was unsuccessful.

ERT members repositioned themselves away from the house and onto the sidewalk to provide adequate distance in the event the Subject exited the location while CNT officers continued to gather information from the CP. During this time, the Subject continued to throw water inside the residence and out from various windows. She was also observed swinging the knife, and vandalizing the interior of the house.

The pastor of the church attended by the Victim arrived and made contact with officers posted on the outer perimeter. He advised them he had been in contact with the Victim on the telephone, who reported that she was still inside of the residence. The pastor was escorted to the CP by an officer. Once at the CP, the translating officer provided assistance and obtained information from the pastor. The translating officer contacted the Victim by telephone and verified that she was inside of the house, hiding in her locked bedroom. The translating officer continued to relay information to Lieutenant A and provide the Victim with instruction. The specific location of the bedroom was determined to be at a portion of the house near the front door, accessible by the Subject from the main hallway of the house.

Sergeant A and Officer B devised a tactical plan to extract the Victim from the house.

The plan was initiated when the Subject was observed on one side of the residence, away from the Victim's bedroom. The ERT moved to the front door of the house, at the top step of the front porch.

The Subject entered the hallway and stood approximately 15 feet from the front door. She was waving a knife in her right hand and a pan in her left, repeatedly placing the knife firmly to her throat. The Victim's bedroom door was situated to the left of the

officers, between the Subject and the front door. Officers instructed the Subject several times to drop the knife, but these instructions were met with a blank stare.

Simultaneously, SWAT officers rescued the Victim through her bedroom window.

As a SWAT officer continued to talk to the Subject, encouraging her to drop the knife, the Subject walked away from the front door and out of the officers' view toward the rear of the house. She returned a moment later, advanced approximately half way down the hallway and threw water toward the front door, still holding the knife in her right hand. During earlier discussions, Officer A was designated as the officer primarily responsible for less-lethal force, utilizing a Department authorized 37mm multi-projectile launcher.

The Subject momentarily walked to the rear of the house a second time and, again, returned to the hallway. She repeatedly pressed the knife to her neck and waved it at the officers. The Subject aggressively advanced the length of the hallway, rapidly closing the distance to the officers, with the knife in an overhead grip, to a distance of approximately 10 to 12 feet from them. Considering the speed of the Subject's advance, and ease of access to the front porch through the large oval window, Officer A fired two 37 mm projectiles, aimed at the Subject's lower abdomen, striking her both times. The Subject was knocked down and she dropped the knife. She was then taken into custody without further incident and transported to the hospital for minor injuries received from the projectiles.

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 unanimously made the following findings.

A. Tactics

The BOPC found that Sergeant A and Officer A and B's actions warranted a finding of Tactical Debrief.

B. Less-Lethal Use of Force

The BOPC found Officers A's less-lethal 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:

1. Effective Encounters with Mentally Ill Persons

The officers recognized that the Subject had a possible mental illness and utilized various resources in an attempt take the Subject into custody with minimal force.

2. Use of Force Warning

Officer A did not issue a verbal warning to the Subject prior to his use of the 37mm less-lethal launcher.

In this case, Officer A indicated that he did not have the opportunity to give a warning before utilizing the less-lethal launcher due to the immediate threat to himself and his cover officer; however, numerous verbal commands were given to the Subject to drop the knife and surrender were ignored.

In this instance, Officer A was ordered by Sergeant A to fire the projectiles at the Subject after the Subject quickly advanced towards the officers with a knife in her hand. Officer A also indicated that he did not have the opportunity to give a warning before utilizing the less-lethal launcher due to the immediate threat to himself and his cover officer.

The BOPC determined that Sergeant A's and Officer A and B's actions were reasonable and consistent with Department tactical training.

- The evaluation of tactics requires 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 each case there are always improvements that could be made individually and collectively, and that a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and the individual actions that took place during the incident.

The BOPC found that Sergeant A's and Officers A and B's tactics warranted a Tactical Debrief.

B. Less-Lethal Use of Force

- **Officer A-** (37mm Less-Lethal Multi-Round Launcher (two rounds))

The Subject quickly advanced toward Officer A with a 13-inch kitchen knife held in a right hand overhead grip. Fearing for his safety and the safety of other officers, Officer A fired two rounds at the Subject to stop her actions.

The BOPC determined that an officer with similar training and experience as Officer A would reasonably believe the application of less-lethal force to stop the Subject's actions was reasonable and would have acted in a similar manner.

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