

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

OFFICER-INVOLVED SHOOTING 076-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	12/5/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	8 years, 9 months
Officer B	3 years, 1 month

Reason for Police Contact

Officers observed the Subject swinging a knife at several pedestrians. The Subject approached the officers, refusing their commands to drop the knife and an officer-involved shooting (OIS) occurred.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 42 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 November 3, 2015.

Incident Summary

On the indicated date and time, Police Officers A and B were partners working Patrol functions. Their primary duty was to walk a foot beat in an entertainment/tourist district. Both officers were attired in bike detail uniforms. Officers A and B were working together for the first time.

Communications Division (CD) broadcast an “ambulance cutting, [subject] there now,” and gave the location. Officers A and B, who were on foot, made their way to the corner of a nearby major intersection, but were unable to locate the subject. The airship arrived and flew from the intersection, looking for the subject and/or the cutting victim.

While Officer A and Officer B were standing on the corner, an unknown male approached the officers yelling, “Someone has to stop that guy.” The unidentified male then directed the officers’ attention to the north crosswalk of the intersection. The unidentified male did not call 911.

Officer A observed the Subject east of their position, in the crosswalk, wearing a black trench-type coat and swinging his arm in a sidearm pitching motion.

Officer A then saw another unidentified male, standing three to four feet in front of the Subject, duck and run westbound. Officer A then observed the Subject holding a knife with the blade pointed downward. Officer A opined that if the unknown male had not ducked, the Subject would have stabbed him.

Witness A was stopped in his vehicle at the intersection waiting to turn west. He stated he could not recall the Subject holding anything in his hands when he was shot by the police officers.

Witness B stated she was standing on the edge of the northwest curb approximately eight feet away from the officers. She observed the Subject holding a knife in his left hand at waist level, and walking slowly, with no one around him. Witness B’s attention was drawn to the officers when she heard someone shouting words to the effect of, “Put the knife down.” The Subject was holding the knife at an approximate 45 degree angle away from his body near his waist, and his arm appeared bent at the elbow.

Witness C was working in a kiosk near the incident when he made his observations. As described by Witness C, “I just saw these two guys, maybe two homeless guys. One of them is with a knife chasing the other guy crossing the street towards me. Once the first guy crossed the street it just happened that there's two police officers standing right here in front.” Witness C heard the officers order the Subject to drop the knife twice. According to C, “[the Subject] just stopped there with the knife and then [was] just looking at the officers.” Witness C added that after ordering the Subject to drop the knife the second time, the officers fired at him.

Officer B recalled the unidentified male say, “Hey, that guy has a knife. He’s swinging it around. He’s going to stab someone. You guys need to do something.” Officer B observed the Subject in the crosswalk, approximately 30-40 feet east of the west curb.

Note: Witness D stated her attention was drawn to the incident when she heard someone yelling, either, “Drop the knife” or “Drop the weapon.” She was approximately five feet south of the officers and observed the Subject holding a switchblade in his left hand with the blade facing upward and his arms at a 45-degree angle to his body.

Witness E was seated in his vehicle that was stopped at the intersection facing south in the middle lane, in front of a bus. He stated that the Subject removed the knife from his right rear pocket, and opened it; however, he was unsure how the Subject was holding the knife.

Witness F, who was seated in her vehicle with the windows cracked, was stopped at the intersection, facing south in the right lane. She observed the Subject yelling unknown things at an unknown man while pointing a knife at him, with an outstretched arm, and walking toward him. Witness F was unaware what happened to the unknown male.

The Subject did not say anything during the contact with the officers. It appeared that he was aware of their presence but he did not comply with any of their commands.

Both officers unholstered their pistols and assumed a two-handed low-ready stance. They both believed the situation could escalate to the point where lethal force would become necessary. Officer A continued to yell commands for the Subject to drop the knife. Officer A then broadcast, “Officer needs help,” and gave the officers’ location.

The Subject advanced to within 10–15 feet of the officers. Officer A continued to yell commands for the Subject to stop and drop the knife. As the Subject continued to approach, Officer A believed he had no other option than to use deadly force to protect himself, his partner, and the citizens in the area, from injury or death.

Officer B also gave several commands for the Subject to drop the knife. The Subject continued to walk toward the officers while swinging the knife from left to right. Officer B observed numerous pedestrians within three or four feet of the Subject who were jumping out of the way to avoid being stabbed as the Subject continued to swing the knife toward them. The Subject continued to advance toward them, never saying a word. Officer B decided he would have to shoot the Subject to protect himself and his partner, as well as the numerous citizens in the area from serious bodily injury or death.

Note: Witness F stated that the Subject was between eight and ten feet from the officers when they issued commands. Witness F reported hearing the officers tell the Subject to put the weapon down “multiple times.” Based on her observations, Witness F opined that the Subject was a danger and a threat to the public.

Witness E stated he observed the Subject remove a knife from his back pants pocket and lift it over his head in a stabbing motion. He then heard the officers give commands, three times, for the Subject to drop the knife. The Subject did not acknowledge the commands and continued to walk toward the officers. Witness E had an unobstructed view from approximately 5-10' away, as he sat in his car which was stopped for a red light. He saw the Subject arguing with someone in the crosswalk before the Subject brandished the knife. Witness E described the knife possessed by the Subject as a "Swiss Army Knife" with a black handle. Witness E opined that the Subject was "definitely a threat" to the officers.

Witness G stated she was four to five feet behind the officers and heard them tell the Subject twice to drop the knife. The Subject continued to walk briskly toward the officers while holding an unknown object in his right hand and lifting it upward from the area of his right hip.

Witness H stated he was four to five feet behind the officers and observed the Subject walking toward the officers while holding a knife in his right hand, in front of his chest, with the blade pointing up. Witness H stated several times during his statement that he heard the officers ordering the Subject to drop the knife, multiple times.

Officer A fired three rounds at the center body mass of the Subject. Officer A stated that after each of the first two shots, he evaluated the Subject's actions and observed him to be standing and still holding the knife. After firing the third round, the Subject took a step forward and fell to the ground with his hands underneath his torso. Officer A believed the Subject was still holding the knife.

Officer B fired his first round but the Subject continued to advance toward him. Officer B fired a second round, assessed, and noted that the Subject was still closing the distance between them. He fired a third round and observed the Subject begin to fall to the ground. Officer B took a couple steps back and watched the Subject fall to the street with his hands under him. Officer B gave him commands to remove his hands from underneath him. The Subject did not respond. Upon the arrival of additional officers, the Subject was taken into custody and transported to the hospital, where he subsequently died.

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 Officer A and B's actions warranted a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Use of Force

The BOPC found Officer A and B's 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. Weapons Other Than Firearms

Officers A and B were confronted with an advancing subject armed with a knife, swinging it from left to right, with several pedestrians near him.

With the rapidly unfolding situation and the Subject's advancement toward Officers A and B while armed with a knife, the officers needed to react quickly to stop the Subject's actions. Given their limited time to respond and immediate danger to the public, the officers were not able to seek cover as the Subject advanced toward them. In this circumstance, it was evident that Officers A and B had very little time to react in order to protect themselves and others in the immediate area; therefore, the officer's actions were consistent with approved Department tactical training under these specific conditions.

- The BOPC additionally considered the following:

1. Required Equipment

Officers A and B did not have a Hobble Restraint Device on their person during the incident. Officers A and B were reminded to have all required equipment on their person while performing field patrol duties.

2. Availability of Less-Lethal Force Options/Equipment

Officers A and B had an assigned beanbag shotgun and TASER inside their police vehicle at the time of the OIS. Their police vehicle was parked approximately 200 feet west of the OIS location. Considering the limited time the officers had to respond to the Subject's actions, it was not feasible for Officers A and B to return back to their vehicle to retrieve less-lethal force equipment. It would have been tactically prudent to have less-lethal force equipment, such as a Taser, readily available should the need arise to utilize other force options.

3. Requesting Help

During his interview with FID detectives, Officer A indicated that he broadcast a "help" call prior to the OIS; however, the broadcast was not captured or recorded by CD. There was no definitive determination able to be made as to whether or not Officer A attempted to broadcast a help call prior to the OIS due to other radio broadcasts being made by CD and others on the base frequency.

4. Effective Encounters with Mentally Ill Persons

The FID investigation revealed the Subject had one prior Mental Evaluation Unit (MEU). Prior to the OIS, the Subject's behavior was consistent with a person suffering from a mental illness, and/or being under the influence of drugs or alcohol. However, Officers A and B had no knowledge of the Subject's medical history at the time of their encounter with him and subsequent OIS.

- 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, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and the individual actions that took place.

In conclusion, the BOPC determined that Officer A and B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B drew their service pistols upon observing the Subject armed with a knife and advancing in their direction.

Officers A and B reacted quickly on the information provided by the unidentified male who directed the officers' attention toward the Subject, who was in the crosswalk

swinging a knife back and forth with other persons nearby. Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, 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.

In conclusion, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Use of Force

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

Officer A observed the Subject advancing toward him and his partner armed with knife and ordered the Subject to “drop the knife” several times. The Subject ignored the commands and continued to advance toward the officers while still holding the knife and swinging it back and forth in front of him. Fearing for his safety, as well as the safety of his partner and citizens in the immediate area, Officer A fired three rounds at the Subject to stop his actions.

- **Officer B** – (pistol, three rounds)

Officer B observed the Subject walking in the crosswalk while holding a knife. Realizing that there were other pedestrians near the Subject, Officer B ordered the Subject to stop and drop the knife several times. The Subject ignored the commands and continued to advance toward the officers while still holding the knife and swinging it back and forth in front of him. Fearing for his safety, as well as the safety of Officer A and the pedestrians in the immediate area, Officer B fired three rounds at the Subject to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that the Subject's actions of advancing toward Officers A and B with a knife in his right hand with pedestrians nearby, presented an imminent threat of death or serious bodily injury and the lethal use of force would be objectively reasonable to address this threat.

In conclusion, the BOPC found Officer A and B's lethal use of force to be in policy.