

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

OFFICER-INVOLVED SHOOTING – 083-15

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

| | | | |
|--------|---------|--|--|
| Newton | 9/27/15 | | |
|--------|---------|--|--|

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

| | |
|-----------|---------------------|
| Officer C | 15 years, 11 months |
| Officer D | 1 year |

Reason for Police Contact

Officers responded to a call of a 415 woman armed with a knife. When the officers arrived, the Subject rapidly approached them with the knife and an officer-involved shooting (OIS) occurred.

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

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 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 20, 2016.

Incident Summary

Communications Division (CD) received a 911 call from Witness A, who stated that a female subject was holding a knife and screaming at him in front of his place of business.

After receiving the information CD broadcast, "Any [...] Unit, 415 woman with a knife, [...] Suspect, not known to PR [Person Reporting], [...], black shirt, khaki pants, with a butcher knife. PR is inside the location, [...]"

Note: The broadcast was a blanket broadcast for any available unit, and was not initially assigned. The comments of the call also included that the subject "threatened PR thru window" and that "same o'ccd last week with same susp."

Approximately five minutes later, CD assigned the radio call to Officers A and B.

Meanwhile, approximately 10 minutes after the original broadcast, Officers C and D volunteered to respond to the call. The officers were in a marked black and white police vehicle equipped with ballistic door panels and had a beanbag shotgun stored in the rear of their SUV police vehicle. In addition, both officers were assigned TASERS. Officer C's TASER was in the rear of the police vehicle while Officer D's was worn on his belt.

Note: Officers C and D had been assigned as partners for three weeks. Officer C was a Field Training Officer and Officer D was a Phase Three Probationary Officer. They had discussions including, but not limited to, rules of contact and cover, Categorical uses of force, less lethal options, foot pursuits, how to handle shooting calls, Code Three responses, and vehicle pursuits. Earlier in the day, they discussed less lethal options and the option of Officer D having his TASER on his person. Specifically, Officer C stated that, "[E]arlier in the day also we [Officers C and D] also discussed less lethal, the option of -- the option of having his Taser on his person prior -- prior to our start of watch."

While en route to the call, Officers C and D discussed the comments of the call, suspect description, and proper approach and positioning of their vehicle.

Note: During his initial interview, Officer C reported that the comments of the call also included, "There [...] was another prior incident that took place the day before with the same suspect." Officer D reported that Officer C read the comments of the call to him and indicated that, based on some of those comments, this was an "ongoing incident."

The investigation revealed that a 911 call had been received on 9/19/2015. The PR, location and circumstances were similar, including the Subject possessing a knife. The investigation did not identify any calls at the location the day before the OIS.

Note: During the investigation, both officers were asked if they had any “discussions” about the call or if they spoke about a “plan” while en route. As described by Officer C, “Yeah. I advised him when -- when we are -- when we are pulling up I advised him where to park. I -- I repeated numerous times to him what the -- what the suspect description was before we -- before we actually arrived at the call.” Officer C could not recall discussing anything else and did not recall if he had ever discussed tactics regarding persons armed with knives with Officer D.

According to Officer D, “We talked about who we were looking for. We talked about he read me the comments. We talked about approach.”

Officer D approached north and stopped the police vehicle in the street, south of the radio call location in the northbound number two lane, adjacent to the parking lane. Officers C and D observed a person, later identified as the Subject, sitting in front of the business. Officer C observed that the Subject’s clothes matched the description supplied by the PR.

Note: Audio captured by Officer C’s Body-Worn Video (BWV) revealed that upon arrival at the call, Officer C stated, “She’s right there, she’s all [expletive] crazy.”

According to Officer C, the Subject stood up as the officers arrived and walked aggressively toward them.

Note: According to Officer C’s BWV, the Subject walked with a quick pace, directly toward the officers.

Officer C observed a knife in the Subject’s clenched right fist, held at waist level. As Officer C exited his vehicle, he warned Officer D by stating, “She’s got a knife!” Officer C immediately unholstered his pistol and held it in a one-hand, low-ready position. Officer C stated, “I drew my pistol because I was -- because there was a female with a knife coming at me and I was afraid for my -- I was afraid for my life.” He used his left hand to obtain his radio from his equipment belt and requested a back-up, while taking a position of cover behind an unoccupied parked red vehicle that was between the Subject and himself. Officer C described the Subject’s knife as “...[...] long -- it was an eight or nine-inch knife, like a kitchen -- kitchen type of knife.”

Officer C then broadcast, “[...], let me get a back-up to my location.” Officer C returned his radio to his Sam Browne and took a two-hand, low-ready position with his pistol. According to Officer C, the Subject “...was yelling loudly something incoherent that [he]

couldn't understand and she seemed very upset or very -- very irate about something." The Subject continued her approach in an aggressive manner. Officer C further described the Subject as "...clenching it (the knife) tightly in her right fist and she was waving it around at a -- at a low-ready type of position (waist level)." Officer C repeatedly yelled "Drop the knife" at the Subject as she advanced toward him, yelling incoherently. The Subject failed to comply and continued to approach in an aggressive manner while holding the knife.

Note: According to Officer C's BWV, the Subject held the knife in her right hand as she quickly advanced toward the officers. The Subject's arms were down at her side, with the knife's blade protruding from the top, or thumb side, of her clenched fist. The blade was pointed in the direction of the officers. As she quickly walked toward the officers, her knife moved side to side, at her waist level, partly due to her walking motion. The knife remained at waist level throughout her approach.

A review of his BWV determined that Officer C yelled, "Drop the knife," six times prior to the OIS and that Officer D ordered her to drop the knife at least once. The BWV footage also revealed that as the Subject got within four to five feet of Officer C, she continued yelling; however, most of what she yelled was unintelligible. Moments before the OIS, part of what she yelled included "shoot me."

Officer C stated that, as the Subject came within a distance of approximately five to six feet of him, and out of fear for his safety and his life, he utilized a standing modified Weaver shooting stance and fired one round at the Subject's torso area. Officer C stated he fired "because she wasn't obeying my commands and I was afraid that she was going to stab me or cut me with the knife or my partner."

The Subject stopped advancing and fell to the ground. Officer C made an assessment and believed the Subject was no longer a threat, at which time he de-cocked his firearm and held it in a low ready position.

Meanwhile, Officer D also observed the Subject sitting in front of the business and saw her stand up as they arrived and began to walk south toward them. He observed a knife in her right hand. Officer D exited the police vehicle and walked from the driver side door, around the back of the vehicle, to the right rear quarter panel area of the police vehicle. Officer D lost sight of the Subject for a short moment while he maneuvered around to the passenger side of the police vehicle. When he reached the rear quarter panel area, he observed the Subject still holding the knife in her right hand and quickly closing the distance on Officer C. Officer D stated he unholstered his pistol and assumed a "ready" position, which he described as being up on target. As he unholstered, Officer D stated he gave one command, telling the Subject to get back. Officer D stated that Officer C and the Subject were saying things to each other, but he was unable to determine what they said.

Officer D utilized a standing modified Weaver shooting stance behind an unoccupied gray vehicle, parked along the curb between himself and the Subject and south of Officer C's position. Officer D recalled Officer C was just east of the passenger side door of the police vehicle, allowing them to be in a "triangulated" position, in reference to the fast approaching Subject. Officer D estimated that the Subject was approximately five to six feet away from Officer C and approximately ten to twelve feet from his own position. Officer D believed the Subject was going to stab Officer C. Fearing for Officer C's safety and life, as well as his own, Officer D fired two rounds from his pistol at the Subject's torso area, from an approximate distance of 10 to 12 feet. The Subject stopped advancing and fell to the ground on her back. Officer D heard Officer C fire his pistol simultaneously to when he fired his own pistol.

Note: The distance from where the Subject was sitting to her location at the time of the OIS was approximately 70 feet. A review of Officer C's BWV determined it took approximately 10 to 12 seconds for the Subject to walk that distance.

Officer C's BWV depicted Officer C firing one time, while simultaneously capturing the sound of three consecutive gunshots. Although it appeared that Officer C's gun recoil matched the sound of the first gunshot, it is difficult to determine the order of shots fired by the officers due to how close together, in time, the shots were fired.

The investigation determined Officer C was approximately four to five feet from the Subject at the time he fired his pistol and Officer D was approximately 10 feet from the Subject at the time he fired pistol.

Officer C requested a Rescue Ambulance and Officer D handcuffed the Subject. The Subject was subsequently transported to a hospital, where she was pronounced dead.

Report of the Chief of Police

In reviewing this case, the BOPC considered the report of the Chief of Police. That report included the following analysis:

Communications Division (CD) broadcast the following radio call: *[Unit No.], 415 woman with a knife [Address], in front of the [business identification.] Suspect, not known to the PR, female [Race], black shirt, khaki pants, with a butcher knife. PR is inside the location. Code-Two, [Incident No.]*

Officers C and D, in full uniform, driving a marked black and white police vehicle, were in the vicinity of the radio call location and advised CD to *send* them the information on the incident and *show us Code-Six* at the location.

According to the officers, while en route to the location, Officer C read the comments of the call to Officer D which included a description of the subject and that she was *armed with a knife*.

Officer D slowed the vehicle down as they drove north on the indicated street looking for the subject. As they continued northbound, they observed a female (the Subject) in front of the business. Upon observing the Subject, Officer D parked their police vehicle in the roadway adjacent to two unoccupied vehicles parked along the east curb, approximately 70 feet from the Subject's location.

As Officer C exited the vehicle, he observed the Subject walking in their direction with a knife in her right hand and immediately advised his partner that *she's got a knife* as he simultaneously assumed a position of cover behind one of the vehicles that was parked along the east curb adjacent to the sidewalk (Debriefing Point No. 1).

Note: A review of Officer C's body-worn video (BWV) revealed that prior to exiting the vehicle, Officer C made a statement something to the effect of, "*She's...crazy.*" According to Officer C, he did not recall why he made the comment *but could have been referring to either something from the comments of the call or her actions at the time when they first rolled up.*

Officer C then drew his service pistol with his right hand as he removed his handheld radio with his left hand and broadcast a request for *back-up* (Drawing/Exhibiting).

Officer D observed the Subject *get up* from a seated position *and start* walking in their direction, while armed with a knife. Officer D exited the vehicle and assumed a position of cover behind a vehicle located approximately five feet south of his partner, and then drew his service pistol (Drawing/Exhibiting).

After completing his broadcast, Officer C simultaneously proceeded to secure his handheld radio and repeatedly ordered the Subject to, "*Drop the knife!*"

According to Officer C, the Subject continued to advance while *clenching* the knife *tightly in her right hand* and *waving it around at waist level*. She ignored his commands and continued to quickly advance in his direction while holding the *eight or nine inch kitchen type of knife* in her right hand. Fearing that the Subject was going to *stab* him or his partner, he fired one round from his service pistol at the Subject to stop the deadly threat (Lethal Use of Force).

Note: A review of Officer C's BWV revealed that he yelled, "*Drop the knife*" six times and that the Subject came within approximately four feet of Officer C and yelled, "*Shoot me*" just prior to the OIS.

According to Officer D, he observed the Subject *closing the distance* as she continued to advance toward his *partner* while *armed with a knife*. Fearing for the safety of his

partner, he fired two rounds from his service pistol at the Subject to stop the deadly threat (Lethal Use of Force).

Note: The Subject *closed the distance* from 70 feet to 4 feet in approximately 11 seconds.

The Subject fell to the sidewalk with the knife still near her right hand. Officer C initiated a *help call* and requested a Rescue Ambulance for the Subject. Officer C also made a request for a supervisor to respond to the scene.

According to Officer D, as he approached the Subject he *slid* the knife *away from* her body and then proceeded to handcuff her without further incident while Officer C provided cover (Chief's Direction – Preservation of Evidence).

Sergeant A responded and assumed the role of Incident Commander. Sergeant A ensured that the involved officers were separated and that a Public Safety Statement was obtained from both officers.

Los Angeles Fire Department emergency medical personnel responded to the scene and then transported the Subject to the hospital for further treatment. The Subject failed to respond to treatment and was pronounced dead at 1005 hours.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Equipment (TASER) – (Substantial Deviation)

All on-duty uniformed officers, who are deployed to the field and trained to operate an ECD, shall CARRY a TASER X26P on their person, UTILIZING a Department-approved holster, unless either is unavailable (Office of Operations, Operations Order No. 4, September 2015).

Officer C was not carrying his assigned X26P TASER on his person when he deployed in the field as required.

In this case, Officer C was aware that his partner was carrying a TASER and as result intentionally left his TASER in the trunk of their police vehicle. Although Officer C indicated that he believed the deployment of one TASER met the Department's requirement for field deployment, the Use of Force Review Board (UOFRB) believed that Officer C should have been aware of the newly enacted policy requiring all uniformed officers who are deployed in the field to carry a TASER on their person.

Note: The policy was established on September 21, 2015, six days before this incident occurred. According to the Area Patrol Captain, Officer C received roll call training and was issued the X26P TASER on September 24, 2015.

In conclusion, the UOFRB determined, and the Chief concurred, that Officer C's failure to carry his TASER on his person as required, violated the Department's Policy and was a substantial deviation without justification from approved Department tactical training, thus warranting a Tactics finding of Administrative Disapproval. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Equipment Required – The investigation revealed that Officer C was also not equipped with a Hobble Restraint Device or carrying his side handle baton at the time of the incident. Officer C is reminded to have all required equipment on his person while in the performance of his job. The Chief will direct that this topic be discussed during the Tactical Debrief.

Findings

Tactics – Administrative Disapproval, Officer C. Tactical Debrief, Officer D.

Positive Aspects:

- The officers discussed the positioning of the police vehicle prior to parking.
- Officer C advised his partner when he observed the Subject armed with a knife.
- Officer C repeatedly ordered the Subject to *drop the knife*.
- Officer C requested an RA for the Subject immediately after the OIS.
- Officer C directed Officer D to don protective gloves prior to making an approach to handcuff the Subject.
- Officer C requested a supervisor and as responding units arrived, he directed them to block traffic, locate witnesses and begin to set up the crime scene.

Drawing/Exhibiting – In Policy, No Further Action, Officers C and D.

Lethal Use of Force – In Policy, No Further Action, Officers C and D.

Tactics

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident

unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).

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 that the tactics be evaluated based on the totality of the circumstances.

In this case, the UOFRB concluded, and the Chief concurred, that Officer C’s decision to leave his TASER in the trunk may have limited his options under different circumstances and violated Operations Order No. 4, dated September 21, 2015, thus requiring a finding of Administrative Disapproval.

It should be noted that the UOFRB concluded, and the Chief concurred, that in this circumstance, Officer C was faced with an immediate threat of serious bodily injury or death, and as result the use of the TASER would not have been an option.

Additionally, the UOFRB determined, and the Chief concurred, that Officer D’s tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made individually and collectively, and a Tactical Debrief is the appropriate forum for the involved personnel to discuss the incident and individual actions that took place.

Therefore, the Chief will direct that Officers C and D attend a Tactical Debrief and that the specific identified topics are covered.

Note: The Tactical Debrief shall include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code-6);
- Tactical Planning;
- Command and Control; and,
- Lethal Force.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: “An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as

practicable, secure or holster the firearm” (Los Angeles Police Department Manual, Volume 1, Section 556.80).

Officers C and D responded to a radio call of a *415 female with a knife*. Upon their arrival to scene, they observed the Subject armed with a knife. The officers exited their police vehicle and drew their service pistols.

Officer C recalled,

“As we pulled up to the location...I could see...the [Subject] who matched the [subject’s] description...As I was getting out of the car I advised my partner that she had a knife. And then as soon as I got out of the car I drew my pistol.”

Officer D recalled,

“...when we arrived to the -- went to the call I seen her. When I saw her stand up, I seen her with a knife.”

“...she was armed with a knife...she closed the distance...she was an immediate threat to my partner...And she was advancing. She was closing the distance too fast and I drew my weapon.”

Based on the totality of the circumstances, the Chief determined that an officer with similar training and experience as Officers C and D, while faced with a similar circumstance 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 Chief found Officers C and D’s Drawing/Exhibiting to be In Policy, No Further Action.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer C – [Department-issued pistol], one round in a northeasterly direction from an approximate distance of four to five feet.

According to Officer C, the Subject ignored his commands and continued to quickly advance in his direction while holding the *eight or nine inch knife* in her right hand. Fearing that the Subject was going to *stab* him or his partner, he fired one round from his service pistol at the Subject to stop the deadly threat.

Officer C recalled,

“As I exited the car she started...advancing towards us with the knife in her hand yelling something that I didn’t understand. I told her numerous times to drop the knife. She didn’t drop the knife. And I shot her one time.”

“...when I fired I came up on target...she wasn’t obeying my commands and I was afraid that she was going to stab me or cut me with the knife or my partner...it would have been a split second more before she could have advanced close enough to where she could have cut me or my partner...I had no choice...if I had another option, you know, to where I didn’t have to use lethal force I would have done it but there was no option at that point.”

“From the time we actually got out of the car, to the time when we actually made contact with the [Subject], was such a short time that we wouldn’t of had the time to deploy it [bean bag shotgun]. We didn’t have time.”

Officer D – [Department-issued pistol], two rounds in a northeasterly direction from an approximate distance of 10-12 feet.

According to Officer D, he observed the Subject continuing to advance toward his *partner* while *armed with a knife*. Fearing for the safety of his partner, he fired two rounds from his service pistol at the Subject to stop the deadly threat.

Officer D recalled,

“...me and my partner...triangulated her...she was closing the distance with my partner. She was armed with a knife...to stop her I fired my weapon.” “...I was in fear of my partner’s safety, sir...she was going to stab him with a knife, sir.”

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers C and D would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury, and the Use of Lethal Force would be objectively reasonable to address this threat.

Therefore, the Chief found Officers C and D’s Use of Lethal Force to be objectively reasonable and In Policy, No Further Action.

Chief's Direction

Preservation of Evidence – The investigation revealed that Officer B moved the knife further away from the Subject after she had already been handcuffed. Officer B shall be reminded of the importance of maintaining the integrity of the crime scene and leaving the evidence undisturbed whenever tactically feasible until FID investigators can properly process the scene. The Chief will direct the Commanding Officer, Operations Central Bureau, ensure that the topic of Preservation of Evidence be discussed with Officer B.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Officer C and D's vehicle was equipped with a DICVS but was not activated during this incident.

Officers A and B's DICVS captured Officers C and D approaching the Subject on the sidewalk after the OIS. The video also captured Officer D handcuffing the Subject.

Area officers are equipped with BWV. Officers C and D's videos captured the OIS and were consistent with their statements. Officers A and B's videos captured the Subject being handcuffed.

Command and Control

Sergeant A responded and assumed the role of Incident Commander. Sergeant A ensured that the involved officers were separated and that the Public Safety Statements were obtained from both officers.

Sergeant A's actions were consistent with Department supervisory training and met the Chief's expectations of a supervisor at a critical incident.

Report of the Inspector General

In reviewing this case, the BOPC considered the report of the Inspector General. That report included the following analysis:

Inspector General Analysis

Training Issues

- **First Aid:** Following the OIS, over six minutes passed until the arrival on scene of paramedics. During this time, no first aid was provided to the Subject. While the OIG has seen instances of officers providing first aid to individuals shot in OISs in some prior cases, such action is not standard practice and is not required by current Department policy or training. The OIG recommends that, consistent with the

Department's commitment to the preservation of life, consideration be given to training officers to provide first aid to injured subjects when it is safe to do so.

- **Effective Encounters with Suspects Armed with Edged Weapons:** The standard model of response to calls for service involves the dispatch of a unit which may, upon its response to the call and assessment of the situation, request additional resources as it deems necessary. While this model is appropriate for most situations, it can prove limiting when officers find themselves faced with a rapidly unfolding situation. This is particularly true for situations involving suspects armed with weapons other than firearms, where enhanced situational awareness, additional personnel, and the deployment of less-lethal weapons can promote the likelihood of safely resolving an incident.

In its regular discussions with the OIG regarding potential improvements to the Department's response to incidents involving persons armed with weapons other than firearms, Use of Force Review Division (UOFRD) has indicated that the Department is currently working to develop an enhanced response model for such incidents. Specifically, UOFRD has indicated that the Department is exploring the development of a model whereby two units, a supervisor, and air support would be dispatched to all calls involving a person armed with a weapon other than a firearm, absent an exigency requiring immediate intervention that would preclude assembling such a response. The teams of officers responding to such incidents would be equipped with a 40mm less-lethal projectile launcher or less-lethal beanbag shotgun.

Additional

- **Mental Health Service Provision:** Prior to this incident, the Subject had been the subject of seven Mental Evaluation Unit (MEU) contacts. On September 19, 2015, (8 days prior to this incident) [the Subject] had been taken into custody and placed on a 72-hour mental evaluation hold by officers who responded to a call from the same location regarding a female with mental illness (the Subject) who was armed with a knife, fighting demons.

The effective provision of mental health services is the responsibility of other agencies and beyond the Commission's purview. It is nevertheless noteworthy and concerning that an apparently chronically ill individual such as the Subject would be repeatedly returned to the community without sufficient support to control behavior that clearly presented a threat to herself and others, leading to encounters such as occurred in this case.

- **Multiple Calls for Service to [the location of this incident]:** Five of six MEU contacts with the Subject that occurred during 2015 took place at [...] the location of the instant case. Despite this, the address was not identified as a special or problem location. Identification of a location as "special" can benefit officers responding to calls at that location by, for instance, alerting them to known officer-safety issues.

Special Order No. 7, 2015, defines the process for the designation of a location as “special.” That Order states the following, in relevant part:

The Special Locations/Premise Hazard File is [...] designed to allow for input of pertinent information regarding a particular location. Such information provides critical assistance when dispatching calls for service to a location and also provides additional insight to the responding units. The importance of maintaining the Special Locations/Premise Hazard File includes, but is not limited to, the identification of the following:

- *High-risk locations, such a prior uses of force or officer-involved shootings; [...]*
- *Locations housing high-risk mentally ill persons;*

[...]

Employee’s Responsibilities. *Department employees having information which would assist in the dispatch of calls for service or provide further insight to units responding to a particular location must complete the Special Locations/Premise Hazard Request [...] and provide this information to the watch commander of the concerned Area prior to the employee’s end of watch.*

Given the repeated calls to [the location of this incident] concerning the Subject, and the associated MEU contacts, this location should have been identified as a “special,” in accordance with the above-cited Order.

Inspector General Recommendations

Tactics

- Officers C and D arrived at the location approximately ten minutes after the initial “blanket” CD broadcast and approximately four minutes after it was broadcast a second time assigning it to another unit. Both officers acknowledged being aware of the comments of the call, which included that the Subject was armed with a “butcher knife,” had “threatened the PR” with it, and that this was the second call in a week involving the same armed subject, PR and circumstances.

Both officers reported that their tactical planning and communication, while en route to the call, was limited to their approach, the Subject’s description and/or where to park the police vehicle. In addition, Officer C could not recall if he had ever discussed with Officer D potential tactics to be used for a person armed with a knife.

Department training regarding tactical communications and planning states, *“In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or*

safety issues” (California Commission on Peace Officer Standards and Training, Learning Domain 22).

“Officers must approach every contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack” (California Commission on Peace Officer Standards and Training, Learning Domain 21).

In this case, approximately ten minutes transpired between the original broadcast of the call reporting a 415 woman armed with a knife and the arrival of Officers C and D at the scene. The officers had less-lethal options available to them, including a beanbag shotgun and two TASERs. Other than to agree upon an appropriate location at which to park the police vehicle, the officers did not formulate a plan during their response to the incident, and there is no indication that they considered how or whether to incorporate less-lethal tools into their response. According to Officer C, he could not recall whether he had ever previously discussed tactics for responding to suspects armed with knives with his probationer, Officer D.

Department training establishes an expectation that officers will plan their responses to incidents, when time is available for them to do so. In this case, there was ample time for the officers to discuss and plan the tactics they could use in their response to what would, based on the call information, predictably be a high-risk incident. Given that Officer C was working with Officer D in a training officer capacity, he had a particular responsibility to discuss tactics with him, and to ensure the formulation of a plan. The OIG believes that the lack of tactical planning evident in this case represents an unjustified and substantial deviation from approved Department tactical training on the part of Officer C. The OIG believes that Officer D’s culpability in this matter is mitigated by his status as a probationary employee who was following the lead of his training officer.

- Upon arrival at the call location, Officer D confirmed with Officer C that he should stop the police vehicle, and parked approximately 70 feet from the Subject. This original position provided the officers a good deal of distance from the potential threat the Subject presented, and nearby parked cars provided cover which Officer C took advantage of after he exited from the passenger side of the police vehicle.

As the officers began to exit their vehicle, the Subject immediately began to walk at a brisk pace in their direction. Officer C, observing that the Subject was holding a knife, verbally informed Officer D of his observation and broadcast a request for back-up. As Officer D exited the driver’s side of the police vehicle and walked around to a position of cover at the rear passenger side of the vehicle, Officer C began to give multiple verbal commands to the Subject to “drop the knife.” Having reached his position of cover, Officer D also gave at least one command to the Subject to “drop the knife.” BWV footage indicates that, as the Subject advanced, she stated, “shoot me,” along with other statements that cannot be discerned from the BWV’s audio recording.

Throughout the time Officer C gave verbal commands to the Subject, she continued her brisk walk toward his (Officer C's) position, showing no signs that she would comply with the instruction to drop the knife, or that she would stop or change course. It took approximately 11 seconds for the Subject to cover the distance from her original position to the location where the OIS occurred.

During the Subject's advance, Officer C remained in the same location. Although this position initially provided Officer C with a position of tactical advantage, this advantage rapidly diminished as the Subject continued her advance, leaving him with neither distance nor effective cover as the Subject approached the space between two parked vehicles by which Officer C was located.

The Department's Law Enforcement Tactical Applications Course training, which Officer C attended in 2003, includes instruction in the concept of redeployment, when feasible, to maintain a tactical advantage during dynamic incidents. There is no indication in this case that Officer C considered redeploying as the Subject continued her advance toward him.

Based on BWV footage, approximately three seconds transpired between Officer D reaching his position at the rear corner of the police vehicle and the OIS occurring. By the time Officer D reached that position and could observe the Subject's actions, the Subject had covered most of the 70-foot distance over which she advanced.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings regarding Officer D. In evaluating Officer D's use of force, the OIG considered that he shot in response to seeing the Subject come within a close distance of his partner while holding a knife and failing to respond to verbal commands. Officer D responded to a reasonably perceived threat of death or serious bodily injury to his partner. By virtue of his status as a probationary officer, Officer D had limited responsibility for the lack of planning that occurred during the officers' response to the incident. Having exited the police vehicle and moved to a position of cover at the rear corner of the vehicle, Officer D observed the Subject's actions for approximately three seconds prior to the OIS occurring. Having considered the totality of the circumstances regarding Officer D's use of lethal force, the OIG recommends that the Commission adopt the Chief's recommended in policy finding.

- *Out of policy, Officer C.*

Department policy regarding the use of deadly force states that the “*reasonableness of an officer’s use of deadly force includes consideration of the officer’s tactical conduct and decisions leading up to the use of deadly force.*” In this case, Officer C used deadly force when the Subject, who was holding a knife, advanced to a distance of approximately four feet from him. It was reasonable for Officer C to believe, in the moment when the use of force occurred, that the Subject would imminently assault him with the knife. However, the vulnerable position in which Officer C found himself, and the lack of alternative options available to him in that moment, were influenced by the noted lack of planning prior to the officers’ arrival at the call, in concert with Officer C maintaining his position as the Subject advanced. Given the nature of the Subject’s advance, it should have been apparent to Officer C that his positioning was quickly becoming disadvantageous and that redeployment was warranted. However, there is no indication that any such redeployment was contemplated by Officer C. Further, the failure of Officer C to plan his response to the incident with Officer D, to include consideration of the deployment of a less-lethal option such as the beanbag shotgun, precluded the use of such an option once the situation began to rapidly unfold upon the officers’ arrival.

Given the totality of the above-described circumstances, the OIG recommends that Officer C’s use of deadly force be found out of policy.

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, by a 4 – 1 vote, the BOPC adopted the analysis recommended by the OIG and made the following findings:

A. Tactics

The BOPC found Officer C’s tactics to warrant a finding of Administrative Disapproval.

The BOPC found Officer D’s tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

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