

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

OFFICER-INVOLVED SHOOTING – 089-13

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

Central 10/11/13

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

Officer A 5 years, 2 months

Reason for Police Contact

Officers responded to a radio call of a woman causing a disturbance. During their investigation, the Subject approached the officers while armed with a knife and an officer-involved shooting occurred.

Suspect **Deceased ()** **Wounded (X)** **Non-Hit ()**

Subject: Female, 55 years old.

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 9, 2014.

Incident Summary

Officers A and B received a radio call of a woman causing a disturbance. Communications Division (CD) further advised the Subject was a female who had verbally threatened and harassed Witness A.

The officers arrived and advised CD of their status and location. They proceeded to the fifth floor where they made contact with Witness A. Witness A advised that earlier in the day she walked past the Subject's room, and the Subject threatened to cut her up. Witness A further advised she did not see a weapon, nor did she fear for her safety. Witness A expressed concern for the Subject and mentioned medication, which led the officers to believe there was a possible mental health issue. The officers advised Witness A to stay in her room and went to check on the Subject. According to Officer A, "Our intention was to assess to see if-- you know, she mentioned medication, to see if there was a mental illness involved and to see what, you know, what the situation was, why she threatened her, see if we needed to contact Mental Evaluation Unit, and see what -- we wanted to make contact first to see what we had."

Officers A and B arrived at the Subject's room. Officer A observed that the door was ajar, crossed in front of the door and advised Officer B that the door was open. Officer A was on the north, hinge side, of the door while Officer B was on the south side of the door. Officer A pushed the door open with his left foot and looked in the room. According to Officer A, "I wanted to see what she was doing, to see if she was hurting herself, if she was injured [...] I just wanted to see what the situation was inside, what we were going to get into, see where her stance was like see, you know, if she was going to be aggressive towards us, you know, and not really do the surprise element. I really didn't want to hit the door and--you know, we didn't want to give that overwhelming impression. I just kind of wanted to casually, you know, engage in conversation with her. So I just slightly opened the door when she just-- as soon as she saw me she went off." "I wanted--again, I wanted to make it as casual as possible. I didn't want to, you know, door knock and LAPD, you know, because, again, we're considering possible mental illness. So people, you know, they can misconstrue a banging of the door as, you know, violent -- as me being violent. So, you know, I just casually tried to, you know, engage. And, again, I wanted in a sense the surprise element to see what's going on. You know, I don't know. It's quiet inside. I can't hear anything and apparently she was yelling prior, so I don't know if she's laying dead. I don't know if she's holding a knife. She's waiting for me on the other side. I mean I don't know if somebody told her that the police are on their way. So I want to find out what's going on before announcing myself."

As Officer A opened the door, both officers observed the Subject lying on a bed located in the southeast corner of the room. The Subject immediately began yelling profanities at the officers. Officer A attempted to verbalize with the Subject and explain the reason why they were at her residence. Within seconds, the Subject threw a handheld mirror at the officers. It narrowly missed the officers and shattered against the wall behind them.

Officer A stepped into the doorway of the room and held the door open with his left shoulder to get a better view of the room. The Subject stood up from the bed and was now holding a knife. Officer A did not recall where or how the Subject obtained the knife, or which hand she held it in. According to Officer A, "The knife was a black handle, silver knife, maybe approximately six inches. Looked like a-- kind of a butcher knife, kind of like a cooking knife." Officer A unholstered his pistol and pointed the pistol at the Subject's center of mass with his index finger along the frame. Officer A released his left hand from the firearm, retrieved his radio and requested a back-up unit. Officer A returned to a two-handed stance and ordered the Subject to drop the knife. Officer B also observed the Subject with a knife, unholstered his pistol, and took a two handed stance with his firearm pointed at the Subject.

Note: As Officer A keyed his microphone on his radio and requested a back-up unit, the Subject is heard in the background yelling, "do it," "do it," "shoot me."

Officer B broadcast an updated location, the fifth floor, and he also requested a unit equipped with a Thomas A. Swift Electronic Rifle (TASER).

Note: Officers A and B did not check out a TASER or a beanbag shotgun at the beginning of their watch.

The Subject directed her attention to Officer A and walked slowly toward him. According to Officer A, he ordered her to, "Drop the knife. Drop the knife. I'm going to shoot." He continued, "I'm going to shoot you. I'm going to shoot you. Drop the knife." The Subject told Officer A that she would do what he did. Officer A believed that if he lowered his gun, the Subject would either lower or drop her knife. Officer A lowered his gun and told the Subject he was bringing his gun down. Officer A then stated to the Subject, who was approximately six feet away, "You take a step forward, I'm going to shoot you." The Subject did not drop the knife; she held the knife down to her side with the blade pointed toward Officer A at a forty-five degree angle.

Note: According to Officer A, at this point he was considering all factors and he wanted to assess what was going on. Officer A was aware of the possibility of mental illness, and his intention was not to shoot the Subject. He wanted to leave deadly force as a last resort.

The Subject, with the knife in her hand, took a step toward Officer A as she continued to yell profanities. Officer A, fearing the Subject would stab him with the knife, raised his pistol and discharged a round at the Subject's upper body from a distance of approximately five feet. Officer B broadcast, "Officer needs help, shots fired, officer needs help."

The Subject fell to her left, and landed on the floor on her back. Officer A stepped further into the room and pointed his handgun at the Subject as she lay on the floor with the knife in her left hand. Officer A ordered the Subject to drop the knife, at which time the Subject extended her left arm and laid the knife down beside her.

Officers C and D had arrived at the location and were in the stairwell between the 3rd and 4th floors, when Officer D advised Officer C of the “help call.” Within moments, Officers C and D arrived on the 5th floor and saw Officer B in the hallway. Officer C entered the room and saw Officer A, who advised him that the subject was down and that a knife was right next to her. Officer A also advised Officer C to handcuff the subject.

Note: According to Officer C, he heard the request for a TASER while they were inside of the hotel. Officers C and D were momentarily delayed entry into the hotel due to the electronic security doors and were subsequently allowed entry by an unknown person.

Officer C observed the Subject laying on the floor with a large kitchen knife lying approximately six inches from her left elbow. Officer C kicked the knife away from the Subject into an open closet door. Officer D entered the room and he and Officer C handcuffed the Subject while Officer A provided cover. Due to her size they used two pair of handcuffs. Officer A holstered his firearm as soon as the Subject was handcuffed. Officer B also holstered when he assisted in handcuffing the Subject. A rescue ambulance (RA) was requested for the Subject.

Sergeant A arrived on scene and assumed the role of Incident Commander. Sergeant A ascertained who were the involved officers, separated them and secured the scene.

An RA arrived at the scene and treated the Subject. The Subject was then transported to a hospital.

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 weapon 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 and B’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Effective Encounters with Mentally Ill Persons

Officers A and B were not in possession of additional less-lethal force options when they made contact with a reported aggressive and potentially combative person likely suffering from a mental illness. Officers A and B responded to the Subject's residence to further investigate and assess her mental state. However, following the officers' conversation with Witness A, the interview revealed the Subject was likely suffering from a mental illness and reportedly not taking her prescribed medication, as she verbally threatened to cut Witness A's head off. Although, Witness A advised the officers that no weapons were seen at the time of the Subject's threats, the officers did not request a Thomas A. Swift Electronic Rifle (TASER) or Bean Bag Shotgun to their location before initiating contact with the Subject.

Officers should continuously assess the tactical situation before and during their encounter with a subject, in particular one believed to be suffering from a mental illness, and possibly in possession of a weapon. Moreover, an officer's effectiveness increases when multiple force options are readily available in order to maintain a tactical advantage.

During the BOPC's evaluation of this incident, the BOPC took into consideration that Officers A and B did not have a TASER or a beanbag shotgun in their possession prior to their contact with the Subject. The BOPC also took into consideration that the officers did not have all the available information CD obtained from Witness A. With that said, Officers A and B did not maximize their tactical options and somewhat hindered their ability to react to the Subject's actions.

The BOPC appreciated Officer A's efforts to utilize various verbal options in an attempt to deescalate the situation, however, once verbalization proved unsuccessful, the officers' force options were limited to non-lethal and lethal force. Accordingly, the availability of various force options when confronting a person demonstrating aggressive behavior and suffering from a mental illness would increase the officers' tactical advantage.

It would have been beneficial for Officers A and B to have less-lethal force options available in the event that other force options should become necessary. However, the BOPC determined based on the totality of the circumstances, the officers' actions did not represent a substantial deviation from approved Department tactical training.

Nevertheless, a discussion of Effective Encounters with Mentally Ill Persons and options when doing so, would be beneficial for the involved personnel.

2. Contact and Cover

Officers A and B's actions during the incident initially did not coincide with their preplanned roles as contact and cover officers. Officers A and B had previously discussed the roles of contact and cover. Additionally, Officers A and B surmised that although their roles are predetermined, the roles are driven by situation and therefore constantly being evaluated to enhance their effectiveness. In this circumstance, Officer A made the initial contact with the Subject and assumed the role of the contact officer. At the same time, Officer B assumed the role as cover officer.

Officer A opened the door with his left foot, at which time Officers A and B observed the Subject lying on her bed. Soon thereafter, the Subject threw a small mirror in the direction of Officers A and B. The Subject then stood up, while holding a knife, and simultaneously yelled obscenities at them.

Consequently, Officers A and B drew their respective service pistols. While holding his service pistol, Officer A utilized his other hand to broadcast a back-up request for a woman with a knife. In this circumstance, the BOPC would have preferred that Officer B, while acting as the cover officer, perform radio communication, thereby allowing Officer A to continue to act as the cover officer.

Additionally, Officers A and B utilized simultaneous non-conflicting verbal commands upon contacting the Subject. Accordingly, multiple commands given to a subject suffering from a mental illness increases the likelihood of confusion that could unintentionally escalate an already volatile situation.

In conclusion, the BOPC recognized that the incident was rapidly unfolding, requiring the officers to make decisions and take action with little time to do so. Officers A and B deployed in a manner that was different from their predetermined roles. Consequently, their actions deviated from approved Department tactical training, although this deviation was not substantial, as they both quickly resumed their pre-designated roles.

3. Weapons Other Than Firearms

Officers A and B were in close proximity to the Subject while she was armed with a knife. Officers must continuously assess their tactical positions while

confronting an armed subject that is armed with a knife. Additionally, the officers' positioning must coincide with their ability to communicate with the subject thus enhancing their overall effectiveness. In this circumstance, Officer A was approximately sixteen feet away from the Subject when he observed her holding the knife. In response, Officers A and B drew their service pistols while Officer A broadcast a Back-up request. Soon thereafter, the Subject ignored Officers A and B's commands and continued walking in their direction while holding the knife. Consequently, Officer A was involved in an OIS.

During the BOPC's assessment of this incident the BOPC took several factors into consideration. There was limited space available for the officers due to the confines of the room and hallway. The Subject's room, which was approximately seventeen feet deep with a weighted self-closing fire door that Officer A held open during his interaction with the Subject, reduced the officers' ability to deploy to more effective tactical positions.

Therefore, the BOPC determined that Officers A and B's actions did not substantially deviate from approved Department tactical training.

4. Tactical Planning

Officer A repositioned himself inside the room to cover the Subject with his service pistol, while waiting for additional units to arrive prior to approaching her for handcuffing. Officer A observed the Subject still holding the knife and directed her to drop it. The Subject complied with Officer A's direction. Simultaneously, Officer B repositioned himself in the doorway of the Subject's room in order to maintain eye contact with Officer A, while waiting for responding units to arrive.

Soon thereafter, responding resources arrived at which time Officer A coordinated the officers' efforts to move the knife into a position away from the Subject. Additionally, Officer A directed the personnel to take the Subject into custody without further incident. In this circumstance, the BOPC commends Officer A on his tactical awareness and leadership while coordinating taking the Subject into custody.

Although the philosophy behind a Tactical Debrief is to enhance future tactical performance by discussing areas where improvements could be made, oftentimes, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents. These topics were to be discussed during the Tactical Debrief.

- 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.

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 during this incident.

In conclusion, the BOPC found Officer A and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- Officers A and B responded to a radio call involving a woman causing a disturbance. Upon their arrival, the officers spoke to Witness A regarding the Subject's behavior and threats. During the conversation, Witness A advised the officers that the Subject was not taking her prescribed medication. Officers A and B walked over to the Subject's room and opened the door. The Subject yelled obscenities at the officers, as she was lying on her bed. Seconds later, the Subject threw a mirror at the officers, shattering in the hallway. The Subject then stood up while holding a knife. Based on the above circumstances, Officers A and B believed that the situation may escalate to the point where lethal force may become necessary and both officers drew their service pistols.

In evaluating the actions of Officers A and B, the BOPC took into consideration that they were aware that the Subject suffered from mental illness and had not been taking her prescribed medication. The Subject also threatened to cause bodily harm to Witness A. The Subject's unprovoked aggressive verbal actions and acquisition of the knife, caused the officers to believe that the incident had escalated to a life-threatening situation.

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 there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- Shortly after Officer A opened the Subject's door, she stood up while holding a knife. The officers directed the Subject to drop the knife; however, she ignored their commands and walked toward the officers. The Subject closed the distance between her and Officer A. After the Subject closed the distance to approximately five feet, Officer A believed the Subject was going to stab him, and in defense of his life, he discharged one round from his service pistol, striking the Subject in the abdomen area.

Based on the Subject's continued verbal assault, uncooperative behavior and advancement toward Officer A while holding a knife, Officer A's decision to discharge his service pistol to stop the Subject's actions and protect his and his partner's life was objectively reasonable.

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