

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

OFFICER-INVOLVED SHOOTING – 094-08

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Central	10/28/2008		

Officers(s) Involved in Use of Force	Length of Service
Officer B	3 years, 9 months

Reason for Police Contact

Officer were assigned to patrol incident location for narcotics activity and other violations when they were confronted by a subject armed with a knife.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Male, 47 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 suspect 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 BOPC of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission. 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 15, 2009.

Incident Summary

Officers A, B, and C were riding Department-issued bicycles, attired in police bicycle uniforms and were assigned to patrol an area for narcotics activity and other violations. They observed three individuals (Subject 1, and Witnesses 1 and 2) standing in an area associated with narcotics activity. Subject 1 appeared to have something in his hands. The three individuals looked in the direction of the officers. Subject 1 immediately closed both his fists, put them into his front pockets of his sweatshirt, and turned to start to walk into the street.

Note: Based on their observations, Officers A, B, and C believed that the three subjects had been engaged in a narcotics transaction.

Subject 1 began walking toward the officers. Officer B told Subject 1 that he could not walk in the street. Officer A instructed Subject 1 to stop and move out of the street.

Note: Witness 1 stated that he was standing with Subject 1 when the officers approached them. According to Witness 2, as the bicycle officers approached, Subject 1 turned and looked in their direction. Subject 1 then moved into the street and began to walk in the direction of the approaching officers. Witness 2 stated that the officers told Subject 1 to move out of the street because he was jaywalking. Subject 1 did not respond to the officers and continued walking toward them.

Subject 1 did not respond to Officer A's command to step out of the street. Subject 1 continued walking northbound. Officer A turned his bicycle around and told Subject 1 a second time to step out of the street. Subject 1 voiced some type of reply to Officer A; however, Officer A could not understand what Subject 1 had said.

Officer A was attempting to broadcast the officers' status and location when he observed Subject 1 pull something out of his pocket, but could not see what the object was.

Officer C was getting off of his bicycle to make contact with Subject 1. He observed that Subject 1 had a knife in his hand. Officer C drew his service pistol and dropped his bicycle to the ground.

Meanwhile, Officer B also observed Subject 1 pull a knife from his pocket, turn toward the officers, and begin running toward the officers. Officer B dismounted his bicycle and drew his service pistol.

Officers B and C ordered Subject 1 to drop the knife. Subject 1 continued to run toward the officers. As Subject 1 ran, he made slashing, stabbing movements with the knife.

Note: According to Witness 3, who was standing on the street at the time of the incident, he observed Subject 1 running toward the officers and believed that Subject 1 was under the influence of narcotics. Subject 1 paused. The officers instructed him to get down, but Subject 1 put his arms up and looked like he was going to attack the officers.

According to Officer B, Subject 1 was running toward Officer C and approaching very quickly. When the Subject was within several feet of Officer C, Officer B fired two rounds.

Following the officer-involved shooting, Officer A broadcast to Communications Division that shots had been fired and requested back-up and an Air Unit.

Detective A and Officers D, E, F, G and H arrived at the scene in response to the help call. Officers G and H unholstered their service pistols.

Officer C holstered his pistol and approached Subject 1. Officer C kicked the knife Subject 1 had been holding away from him. Officers C, D, E, and F apprehended Subject 1. A Rescue Ambulance arrived at the scene and transported Subject 1 to a local 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/Holstering 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 unanimously made the following findings.

A. Tactics

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

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B, and C's drawing and exhibiting to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. Officers A, B, and C were operating on a citywide tactical frequency. Although the officers were assigned to operate on this frequency and there was a dedicated Radio Transmission Operator (RTO) assigned to monitor it, calls for service, crimes in progress and unfolding tactical situations are generally not simulcast over the tactical frequency.

Therefore, the officers are reminded of the tactical advantages gained by monitoring the appropriate area base frequency in addition to their assigned tactical frequency.

2. Officers A, B, and C observed three individuals involved in what they believed to be a narcotics transaction. According to Officer B, he decided to detain one of the individuals because he believed he was trying to conceal narcotics. It was at this moment that the officers should have advised Communications Division (CD) of their status and location.

Although the officers initially went Code Six upon their arrival in the area, they did not advise CD of their updated status and location upon approaching the three male subjects.

3. Officers A, B, and C observed what they believed to be a narcotics transaction. The officers closed the distance between themselves and the suspects and focused their attention on Subject 1 who began to walk in the roadway toward the officers. Officers A and B told Subject 1 to get out of the street. However, Subject 1 ignored the officers' commands and continued walking on the roadway past Officer B. By allowing Subject 1 to continue on his path and eventually pass Officer B, the officers placed themselves at a tactical disadvantage.
4. When circumstances warrant an emergency response of additional personnel, as occurred in this instance, it is imperative that the appropriate request for resources is made and that CD has the pertinent information readily available to provide to the responding units, thereby maximizing their ability to properly respond and make the most appropriate tactical decision.

Therefore, Officer A is not only reminded to be familiar of when to request back-up and help, but to also expand his broadcast to include if the suspect is in custody or down due to injuries.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Subject 1 turned around, removed a knife from his sweatshirt, and ran toward the officers. Officers A, B, and C dismounted and dropped their bicycles in the roadway and Officers B and C drew their service pistols.

After the OIS, as the officers prepared to take Subject 1 into custody, Officer A drew his service pistol and along with Officer B covered the suspect as Officer C holstered his service pistol and took Subject 1 into custody with the assistance of responding personnel without further incident.

Accordingly, it was reasonable for the involved personnel to believe that the tactical situation had escalated to the point where lethal force may become necessary. Therefore, the BOPC found Officers A, B, and C's drawing/exhibiting to be in policy.

Note: In addition to the above listed employees, additional responding personnel drew or exhibited firearms during this incident. This

drawing/exhibiting was appropriate and requires no specific findings or action in regard to these officers.

C. Use of Force

The BOPC noted that as Subject 1 ran toward the officers, he was still holding the knife at shoulder level, making slashing and stabbing motions. Once Subject 1 passed the bicycles, he ran directly toward Officer C. When Subject 1 was close to Officer C, Officer B realized that Subject 1 was closing the distance very quickly and Officer C's life was in danger.

In defense of his partner's life, Officer B fired two consecutive rounds at Subject 1, causing Subject 1 to drop the knife and fall to the ground.

In this situation, it was objectively reasonable for Officer B to believe that Subject 1's actions presented a threat of death or serious bodily injury. Therefore, the BOPC found Officer B's use of lethal force to be in policy.