

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

OFFICER-INVOLVED SHOOTING - 103-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southwest	11/19/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	4 years, 1 month

Reason for Police Contact

Officers A and B responded to a radio call of a violent mentally ill female. While the officers were conducting their investigation, an officer-involved shooting (OIS) occurred.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Female, 30 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 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. In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on October 30, 2012.

Incident Summary

Officers A and B responded to a radio call regarding a violent female with mental illness. Upon arrival, Officer B advised Communications Division (CD) of their status and location. Officers A and B attempted to gain access to the apartment complex where the incident was reported to be occurring, but the front security gate was locked. Witness A subsequently came to the front gate and met with the officers.

Witness A informed the officers that the Subject was diagnosed as suffering from mental illness. Witness A explained that the Subject had not taken her medication for the last two weeks, was displaying violent behavior, and had threatened to kill her and Witness B. The Subject had physically assaulted Witness B's daughter, and had punched holes in the apartment wall.

Officer A noticed that Witness A appeared frantic and nervous and had swelling to her palm and wrist area. Witness A informed the officers that the Subject slammed the door on her hand and that she believed her hand was broken. Witness A told Officer B that the Subject tore things up inside the residence and had crushed Witness A's hand in a door out of anger. Witness A did not know if the Subject was armed, or under the influence of a controlled substance; however, she informed the officers the Subject was in a rear bedroom, and Witness B was in another bedroom. Officer B requested a Rescue Ambulance (RA) for Witness A. Fearing for Witness B's safety due to the Subject's behavior, Officers A and B walked to the apartment to further investigate. Officer B instructed Witness A to wait for the paramedics while they checked on the Subject.

Officer B armed himself with a TASER. Upon arrival at the front door, Officer B observed the exterior wrought iron security gate slightly open and the interior door halfway open. Officer B identified himself and Officer A by stating, "LAPD. It's the police," and also called out the Subject's name while he knocked on the door and stated, "If you're here come out." However, there was no response. The officers entered the residence, going into the living room. The officers checked the living room and kitchen area for people, with negative results.

After checking the front portion of the residence, the officers checked a hallway closet and continued down the hallway toward the bedrooms. A bedroom with an open door was occupied by the Subject, who was lying on the bed.

Officer A knocked on the closed doors and identified himself as a Los Angeles Police Officer. Witness B opened the door and spoke with Officer A, while Officer B stood behind Officer A and monitored the bathroom and the Subject's bedroom. Witness B advised Officer A that the Subject had threatened to kill her and Witness A. Witness B also told the officers that the Subject had been released two weeks ago from the hospital where she had been receiving psychiatric treatment, and that she believed that the Subject had not taken her medication.

After speaking with Witness B, Officer A advised her to return to her bedroom. Officer A walked towards Officer B's location. The officers observed the Subject lying on a bed and making mumbling sounds. Officer B attempted to build a rapport with the Subject by asking her a series of questions. In response, the Subject became verbally aggressive, cursed at the officers, and told them that she did not want to talk to them. Officer B made the decision to contact the Watch Commander (WC).

Officer B handed Officer A the TASER and walked several feet away into the hallway to call the WC and notify him of their status. Officer A maintained sight of the Subject and held the TASER with his right hand behind his right thigh, out of the Subject's sight.

Sergeant A answered Officer B's call and was advised that the Subject met the criteria for a mental illness hold and was not going to cooperate. Officer B also wanted to know whether Sergeant A wanted him and Officer A to handle the call, or to have another unit respond in their place. Sergeant A asked Officer B if the Subject was violent, and Officer B advised she was calm at the moment. Sergeant A spoke to Sergeant B, who advised he would send out two patrol cars to the officers' location, and directed Sergeant A to also respond. Sergeant A advised Officer B to contact Mental Evaluation Unit (MEU) while he and the other officers were en route to the location.

In the meantime, Los Angeles Fire Department (LAFD) personnel responded to the scene and treated Witness. LAFD personnel then walked to Witness A's apartment, along with Witness A, to see if any assistance was needed.

Upon meeting with Officers A and B, Firefighter A was advised that the Subject would not speak with officers, and the officers asked him to try to talk with her. Firefighter A walked into the Subject's room and asked if she needed anything. The Subject advised she was having problems with Witness A, who wanted her to take medication. Firefighter A believed the Subject appeared to be aggressive, but there were no medical issues for him to address and he determined that the incident was a police matter. The LAFD personnel left the location.

As Officer A monitored the Subject for approximately 5-15 minutes, she remained face-down, lying on her right side, not moving and possibly pretending to sleep. Every time the Subject heard Witness A's voice, she would interject and yell curse words.

The Subject then threw the blanket off, jumped out of bed with balled fists and mumbled. Immediately, Officer A alerted Officer B that the Subject was up and stated, "Partner she's probably gonna come at us." Officer B was on the phone requesting MEU personnel to respond. Officer B heard Officer A ask the Subject, "What are you doing?" Officer B returned to his partner's location and observed the Subject standing in the doorway of the bedroom. The Subject yelled at the officers, "Get the [expletive] out the way, this is my house! I'm going to leave, you can't stop me!" The Subject ran to the side of her bed and yelled at the officers. The Subject was shaking her fists and moving back and forth. Officer A placed the TASER in his pocket and kept both hands

in front of him in an attempt to de-escalate the incident, and asked the Subject if he needed an ambulance.

The Subject stated, "I'm going to leave. You can't stop me." Officer B positioned himself in the hallway, blocking the Subject's path of escape. The Subject clenched both fists and ran aggressively toward the bedroom door where the officers were positioned. Officer A indicated that the Subject ran towards the officers with her fists down, which looked as though the Subject was trying to bulldoze through Officer A. According to Officer B, as soon as the Subject arrived at the door, he grabbed her left arm. Officer A applied a firm grip by placing his right hand on her right wrist and his left hand over her right upper bicep/triceps. Officer A began giving commands to "stop resisting," and Officers A and B attempted to push the Subject against the wall in an attempt to gain control of her.

Officer A put the Subject's right arm into a rear arm lock and Officer B attempted to get her left arm behind her back in a rear arm lock. However, the Subject locked her arm and slammed Officer B against the wall. When Officer B initiated a second attempt to apply a rear arm lock, and as he moved closer to gain leverage to be able to place her arm behind her back, the Subject bit him on the left shoulder. In response to being bitten, Officer B attempted to push the Subject away, but the Subject pushed back, knocking Officer B to the ground. Officer A heard a loud thud, heard his partner yell, and observed Officer B fall to the ground. Officer A believed Officer B was in a panic by the tone of his voice.

Officer B broadcast a request for a backup unit. As soon as Officer B fell to the ground, the Subject pushed Officer A against the wall/door jamb which caused him to lose grip of the Subject's arm. The Subject then turned in Officer A's direction and grabbed his collar. In response, Officer A attempted to grab hold of the Subject's arm, but was unsuccessful. The Subject reached for Officer A's groin area and grabbed him for approximately two seconds, causing a sharp pain. Officer A crossed his forearms in front of his chest area and pushed the Subject away from him. The Subject released her grip and moved approximately 1-2 feet from Officer B.

According to Officer A, the Subject assumed a semi-squatting position, simultaneously reaching down and yanking twice on what appeared to be a solid wood panel with nails sticking out of it. Officer A stated that the panel was approximately three feet in length, with four to five nails protruding from it. Officer A observed that the Subject assumed a two-handed grip of the object and held it as if holding a baseball bat. Officer A believed the Subject was going to swing the object at Officer B, who was on one knee trying to get up from the floor.

According to Officer B, he was dizzy and disoriented and observed the Subject ripping a piece of molding from the wall. The Subject stood up and held the molding with two hands, at which time he observed numerous screws protruding from the molding.

Officer A observed Officer B still on one knee, slightly elevated from the ground, trying to stand up, and the Subject crouched next to him. The Subject held the object with two hands at the same level as Officer B's head. Officer A stated it appeared the nails could hit Officer B's temple or his eye, which would cause great bodily injuries. Officer A was in fear for his partner's safety and his own safety as well.

Using his right hand, Officer A drew out his service pistol and brought it close to his rib cage attaining a close contact shooting position, due to the deadly threat. Immediately, Officer A yelled "Hey" in an attempt to get the Subject to drop the object. The Subject swung the object toward Officer B. In response to the Subject's actions, Officer A fired one round at the Subject, in an effort to stop her actions. Officer A stated the Subject was approximately 3-4 feet from him at the time he fired. Officer B broadcast an "officer needs help" and "shots fired" broadcast on his radio.

Following the OIS, the Subject dropped the object and staggered several steps toward Officer A. Seeing the Subject was no longer armed, he holstered his service pistol and grabbed the Subject's right arm with both hands to maintain control of her. Officer A guided the Subject to the ground as she dropped to her knees and then to a seated position. Officers A and B then handcuffed the Subject's hands behind her back. Officer B then requested an RA.

Backup units arrived at the scene, entered the residence, and noticed the Subject's family was upset. To avoid the situation from escalating, Officer C took Officers A and B to his vehicle while Officer D assumed responsibility of the crime scene as additional units arrived.

Sergeant A arrived at the scene and met with Sergeant C, who advised him that the involved officers were with Officer C outside the apartment complex. Sergeant A returned outside, met with Officer C, and immediately separated the officers.

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 unanimously made the following findings.

A. Tactics

The BOPC found Officers A and B's tactics to warrant administrative disapproval.

B. Drawing/Exhibiting

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

C. Non-lethal Use of Force

The BOPC found Officers A and B's non-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers A's 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. Persons with Mental Illness (Substantial Deviation)

In this instance, Officers A and B had substantial and reliable information from several sources confirming that the Subject was a violent person suffering from a mental illness, had not taken her medication, had been physically assaultive and threatened to kill two persons who resided within the apartment. Having this information, Officers A and B decided to enter the apartment, spoke with a witness and ultimately interacted with the Subject, who displayed aggressive and uncooperative behavior.

The BOPC examined the tactics utilized by Officers A and B during the initial onset of this incident. Consequently, the BOPC was critical of Officer B's decision to leave the immediate area where the Subject was not physically detained and had not been searched for weapons. Officer B's decision to leave Officer A alone with a violent, unrestrained individual left Officer A at a tactical disadvantage.

Furthermore, Officers A and B had additional options at their disposal prior to entering the residence. The options included notification of MEU and requesting additional police resources. In addition, Officers A and B had ample opportunity to evacuate the occupants of the location, thus ensuring their safety. Once the officers elected to enter the apartment, Officers A and B elected to allow Witness B and a child to remain inside their room. This decision unnecessarily exposed them to potential violence during the police contact.

In this case, both officers knew that the Subject was a violent mentally ill person who had exhibited aggressive behavior toward others. Both officers should have taken more time to develop a tactical plan to both contact the Subject, and take her into custody when necessary to do so. By failing to plan accordingly, both officers unnecessarily placed themselves, the other family members, and LAFD personnel at risk of violence.

The BOPC found that Officers A and B's failure to effectively plan, recognize the significant threat posed by the Subject, a person suffering from a mental illness, and their inability to make sound tactical decisions throughout this incident unjustifiably and substantially deviated from approved Department tactical training.

2. Tactical Communication/Requesting Additional Unit/Back-up/Help

At the point where Officers A and B realized that they were dealing with a violent mentally ill person, they should have requested additional units, then developed a plan before taking action. Additionally, although the Subject's actions became increasingly hostile over time, it was not until the Subject attacked the officers and a violent physical altercation ensued before a request for a back-up was broadcast by Officer B. Although a back-up request was appropriate, given the substantial threat of serious bodily injury to the officers or the Subject, a help request would have also been appropriate at this point.

The BOPC evaluated the officers' actions regarding effectively communicating through radio broadcasts. Although the topic is worthy of discussion and Officers A and B are reminded that requesting the appropriate level of resources and providing an accurate location is important and allows surrounding units to become aware of specifics regarding the incident and their location, the BOPC took into consideration that the officers were aware that two additional units and a supervisor were already responding. Therefore, based on the totality of the circumstances, the officers'

actions in this regard did not unjustifiably and substantially deviate from approved Department tactical training.

3. TASER Deployment

In this instance, based on the comments of the radio call, Officer B appropriately armed himself with a TASER upon exiting the police vehicle. Prior to contacting the watch commander, Officer B handed the TASER to Officer A, who was monitoring the Subject. The TASER was not utilized during this incident.

Discharging the TASER at the Subject once she stood and aggressively approached him in an effort to exit the bedroom would have been a reasonable and justifiable application of less-lethal force. Officer A is reminded that the deployment of the TASER upon persons which meet the criteria can be an effective force option.

- 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.

The BOPC was critical of the tactics employed by Officers A and B and found that their actions substantially and unjustifiably deviated from approved Department tactical training, warranting a finding of administrative disapproval.

B. Drawing/Exhibiting

- In this instance, Officers A and B were involved in a violent struggle with the Subject. Officer A observed the Subject bite Officer B on the neck and push Officer B to the ground. The Subject then proceeded to rip away a three foot long plastic conduit with screws protruding from it from a wall (believed by the officer to have been a strip of wood with protruding nails) and assumed a two-hand grip, as if she were going to swing the object at Officer B. Believing that the Subject may cause serious bodily injury to Officer B or himself, Officer A drew his service pistol.

The BOPC determined that an officer with similar training and experience as Officer A, and faced with similar circumstances, would reasonably believe that the situation had escalated to the point where deadly force may be justified.

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

C. Non-lethal Use of Force

- Officer A – Firm grip and physical force.
Officer B – Firm grip and physical force.

In this instance, the Subject charged Officers A and B with closed fists. Officers A and B attempted multiple times to utilize firm grips and various physical force in order to control the Subject; however, she was able to continue out of the bedroom and into the hallway. While the officers were attempting to detain the Subject, she bit Officer B's neck area, pushed him against a wall and to the floor, and grabbed Officer A in the area of his groin.

Following the OIS, the Subject stepped toward Officer A. Officer A holstered his service pistol, grabbed the Subject's right arm with both of his hands and guided her to the floor.

The BOPC determined that officers with similar training and experience as Officers A and B would reasonably believe that the Subject was actively resisting and that the application of non-lethal force would be reasonable to overcome her resistance and effect a detention.

The BOPC found the use of non-lethal force by Officers A and B to be in policy.

D. Lethal Use of Force

- In this instance, both Officers A and B became involved in a violent physical altercation with the Subject. The Subject bit Officer B on his left shoulder/neck area and then pushed him to the ground. The Subject then grabbed Officer A in the area of his groin, causing sharp pain. During the ongoing struggle, the Subject retrieved a three-foot long plastic conduit with screws protruding from it and assumed a two-hand grip, holding it like a baseball bat. Officer A believed that the Subject was going to swing the weapon at Officer B, who was still on the floor, and cause serious bodily injury. Subsequently, Officer A drew his service pistol and fired one round at the Subject, striking her in the upper abdominal area. The Subject went down onto her buttocks and was taken into custody without further incident.

Based on the Subject's violent behavior, including her assault on the officers, grabbing the described weapon and holding it in a baseball bat type grip, an officer with similar training and experience to Officer A's would reasonably believe that the Subject represented an imminent threat of serious bodily injury or death, and that the use of lethal force would be justified.

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