

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

OFFICER-INVOLVED SHOOTING – 105-13

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

Topanga 12/29/13

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

Officer A 4 years, 9 months

Reason for Police Contact

The Subject was involved in an Assault with a Deadly (ADW) of a family member. Officer A contacted the Subject, who exited his bedroom and confronted the officer with a knife, resulting in an officer-involved shooting.

Subject(s) **Deceased () Wounded (X) Non-Hit ()**

Subject: Male, 34 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 December 9, 2014.

Incident Summary

On the date of this incident, Witness A contacted Los Angeles Police Department (LAPD) Communications Division (CD) via 911. Witness A informed the 911 emergency operator that she needed police officers to respond to her residence for her husband, (Subject). Witness A advised that the Subject was fighting with his brother, (Witness C). Witness B, the mother of the Subject, was inside the residence when this incident occurred.

CD initiated a radio broadcast to Topanga units of an ADW in progress. The Subject was described as a male, 34 years, black shirt, grey pants, assaulting the brother at location. The broadcast stated that the brother was on the ground and units were authorized to respond Code Three. Shortly thereafter, CD broadcast additional information that the Subject was now armed with a knife.

Note: During the interview with Force Investigation Investigators (FID), Witness B stated that Witness A was outside of the residence when the Subject armed himself with a knife. Witness B stated she yelled out the door and advised Witness A, who was on the phone with CD, that the Subject was now armed with a knife. Witness A stated she never observed The Subject with a knife.

CD assigned the call to Topanga Patrol Division uniformed Police Officer A, who stated he would be Code Six in about 30 seconds. Officer B acknowledged that he would also respond. CD broadcast additional information to the Topanga units that the victims were now outside and that the Subject was threatening to commit suicide with a knife inside location. As Officer A was almost on scene, he heard CD upgrade the radio call and heard CD broadcast the suspect was now armed with a knife.

Note: Officer A did not indicate, nor was he asked by FID whether he heard the subsequent broadcast stating the victims were outside and that the suspect was threatening to commit suicide with a knife inside the location.

Officer A parked his police vehicle one house west of where the Subject was located and notified CD that he was Code Six. Other officers stated they were responding with a ten minute estimated time of arrival.

Prior to exiting his police vehicle, Officer A unholstered the Thomas A. Swift Electronic Rifle (TASER), exited the vehicle, and placed the TASER in his right rear pants pocket. Officer A walked east, and as he approached the location, observed a female, (Witness A), and a child, later identified as Witness A's daughter, standing in a driveway of a nearby residence. Officer A noticed that Witness A was talking on her cell phone and appeared to be crying.

As Officer A approached Witness A she told Officer A, "He's in there. He's got a knife. He's got a knife." Officer A asked who else was inside the residence and she replied,

“He’s there. He’s there.” Officer A stated he monitored the radio frequency for a brief moment to ascertain if additional units were responding. Officer A indicated he did not hear any radio transmissions or any additional units broadcast they were en route.

Note: When Officer A arrived on scene, Witness A was on her cell phone with CD. According to Witness A, Officer A exited his vehicle with his hand on his weapon and to her “Go. Move down.” According to Witness A, she moved down and observed Officer A enter the residence.

There is no audio evidence on the 911 tape that would corroborate any conversation having taken place between Officer A and Witness A. According to Witness A, Officer A did not ask her any questions.

Fearing additional family members might be inside the residence and could be in danger, Officer A walked toward the front door of the residence. As he approached the front door, Officer A noticed the door was closed and heard a dog barking from inside the residence. According to Officer A, the dog was going crazy and he believed something was going on inside. When Officer A was within 8 to 10 feet of the front door, he unholstered his service pistol. Officer A stated he unholstered his service pistol because he was told there was a man inside the residence armed with a knife.

Note: Officer A did not obtain additional information from Witness A because he believed someone might be in danger or possibly being stabbed inside the residence.

Officer A opened the front door of the residence with his left hand while he maintained his service pistol in his right hand. Officer A immediately observed an approximately 20 pound dog inside the living room which was repeatedly barking at him. While Officer A was at the threshold of the front door, he announced twice, “LAPD, LAPD, who’s in here?”

Note: Officer A told FID he does not remember if he turned the door knob to open the door or if he just pushed the front door open.

An elderly female, (Witness B) exited the kitchen and entered the living room. Fearing the dog might attack him, Officer A asked Witness B to pick up the dog. Witness B picked up the dog, at which time Officer A asked her, “Where’s the guy?” Witness B replied, “He’s back there in the bedroom,” as she motioned toward the southeast portion of the residence with her head. Officer A replied, “Where?,” at which time Witness B began walking toward the hallway. Officer A, concerned for her safety, told her, “Ma’am, come back.”

Note: During the interview with FID, Witness C stated after the altercation with the Subject, he began to exit the residence when he heard the Subject say, “If you call the cops, I’ll kill you all.” Witness C exited the residence and went to a neighbor’s house.

Witness B continued to walk toward the hallway causing Officer A to fear for her safety. Officer A told her, "Get out, get out of the house now." Officer A left the threshold of the front door and entered the residence. Officer A took a standing position along the east wall of the living room just south of the front door. Officer A continued to verbalize for Witness B to exit the residence and once she arrived at the hallway, she pointed east in the east/west hallway. After repeated commands to exit the residence, Witness B began walking toward Officer A while holding the dog.

Note: Officer A indicated he would have maintained his position at the threshold of the residence and waited for additional units to arrive but entered fearing for Witness B's safety.

As a result of the walk-through that was conducted by FID personnel, it was determined the distance from the threshold of the front door to the point where Officer A took a standing position along the east wall of the residence was approximately 11 feet.

As Witness B was walking toward Officer A, the Subject suddenly emerged from the east/west hallway, made eye contact with Officer A, and ran toward his direction yelling something unintelligible while armed with a large knife. Officer A noticed the Subject had the knife in his left hand, which was raised above his left shoulder at ear level, with the tip of the knife pointed toward Officer A. Officer A believed the blade of the knife appeared to be somewhere between seven and eight inches long.

As the Subject advanced toward Officer A with the knife in his hand, Officer A believed he was about to be stabbed and, to prevent injury or death, assumed a two-hand shooting stance, raised his service pistol, and pointed his pistol at The Subject's center body mass. According to Officer A, the Subject was running full force at him and he believed that he would be stabbed in the chest and killed, therefore he fired one round. Officer A stated that the Subject was struck in the right shoulder and went down immediately.

Note: According to Witness B, the Subject came around the corner had the knife. Witness B stated that the Subject did not advance towards the officer, but just stood there with the knife in his hand. According to Witness B, the sharp edge of the knife was pointed towards Officer A.

The round fired by Officer A was determined to be from a distance of approximately nine feet.

Note: Officer A stated he did not have an opportunity to give the Subject any commands due to the Subject's rapid approach toward him, however according to Witness B, "The officer yelled at him. He yelled at him very loudly in a very authoritative voice to drop the knife, and he didn't and he [Officer A] shot him."

At the time of the shooting, Witness B was standing approximately 2 feet 8 inches west of the Subject. This distance was established by FID's investigation.

Witness C stated he was at a neighbor's residence when the OIS occurred and did not hear or witness the OIS. Witness C indicated he did not see the Subject arm himself with a knife. Witness C sustained minor scrapes and scratches to his right arm, right ear, and back during the altercation with the Subject.

The Subject was struck in the left shoulder area and immediately fell to his knees. Once the Subject fell to his knees, he placed his right shoulder along the east wall of the living room and, while facing Officer A stated, "Yeah, you shot me." Officer A noticed the Subject had dropped the knife on the carpet, to his left, but was still in a position to obtain the weapon.

Officer A, fearing the Subject might arm himself again with the knife and continue advancing toward him, asked Witness B to move the knife. Witness B picked up the knife and moved the knife away from the Subject's reach. Shortly after Witness B moved the knife, she exited the residence. Officer A stated he did not know where Witness B placed the knife once it was removed from the Subject's reach.

Note: Officer A stated he did not believe he placed Witness B in danger by having her pick up the knife. Officer A indicated it was necessary to remove the knife from the Subject's reach because Officer A was by himself and he did not want the Subject to arm himself again and place him in a situation where he had to shoot the Subject again.

According to Witness B, she picked up the knife on her own to keep it away from the Subject, at which time Officer A told her to drop the knife. According to Witness B, she did not know why she grabbed the knife, perhaps so that the Subject would not grab it again. According to Witness B, Officer A, yelled at her to put the knife down, but did not recall where she placed it.

The knife was ultimately recovered from the top of a coffee table inside the living room of the residence. It was an 11 ¼ inch knife with a black handle. The length of the blade was approximately 6 ½ inches.

Officer A broadcast a request for back up, shots fired. CD broadcast to all units, officer needs help, shots fired. Officer A continued to cover the Subject and waited for additional units to arrive. Officer A broadcast a request for a Rescue Ambulance (RA) for a male, suffering from a gunshot wound.

Shortly thereafter, Officer B arrived on scene. Officer B stated he entered the residence and observed Officer A with his service pistol unholstered, covering the Subject, who was near a hallway in the living room of the residence. Officer B observed a gunshot wound to the Subject's shoulder.

Note: When Officer B entered the residence, he did not have his service pistol unholstered. When Officer B observed Officer A with his service pistol drawn, Officer B stated he unholstered his service pistol because he did not know where the weapon was located.

Officers A and B developed a plan in which Officer A would continue to cover the Subject and Officer B would approach and handcuff him. Officer B holstered his service pistol and put on gloves. Officer B ordered the Subject to lie on his torso, but he was unable due to his injury.

Officer B approached the Subject, placed his left arm behind his back, and handcuffed his left hand utilizing his set of handcuffs. At this time, other officers entered the residence. Officer C approached the Subject, placed the Subject's right arm behind his back, and utilized a second set of handcuffs to cuff the Subject's right hand. Officers B and C then interlocked the two sets of handcuffs together, securing both hands behind his back.

Note: Officer A indicated he did not see the Subject being handcuffed.

Officer B broadcast a request for a supervisor, two additional units, and an RA for a male with a gunshot wound.

Officer A stated Officer C told him that he would assist and therefore Officer A holstered his service pistol.

Officers D and E arrived on scene. Officer D stated he entered the residence and was told by Officer B to escort Officer A out of the residence. Officer B stated he wanted to separate Officer A since there was no supervisor at scene. Officer D walked Officer A to his police vehicle, at which time they entered and drove to a nearby intersection. When Officers A and D arrived at the intersection, Officer D exited the police vehicle, assumed perimeter control, and waited for a supervisor to arrive to take over monitoring of Officer A.

Note: Officer A stated he walked to the front lawn of the residence when Officers D and E arrived. Officer D asked Officer A if he was involved in an OIS and when Officer A told him he was involved, Officer D separated him so he would not talk to anyone.

Officer D stated he asked Officer A if he was all right, but did not ask any other questions. Officer D told Officer A that a supervisor would be responding and that the supervisor would be speaking to him.

LAFD personnel arrived on scene and provided emergency medical treatment to the Subject for a single gunshot wound to his left shoulder. The RA transported the Subject to a nearby hospital for treatment.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A'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 its analysis of this incident, the BOPC identified the following tactical considerations:

1. Back-up/Help Request

Upon arrival, Officer A received information that the Subject was inside the residence armed with a knife. Officer A decided to approach the residence prior to requesting a Back-Up or Help.

Officers are given discretion regarding the appropriate time to broadcast for resources, based on the ongoing tactical situation. In this circumstance, Officer A perceived that there were possibly victims inside the residence and the Subject presented an ongoing deadly threat. With the information of an armed Subject inside the residence and the comments of Witness A stating the Subject was armed, a request for Back-Up/Help broadcast would have been tactically prudent prior to entering the residence.

The BOPC assessed Officer A's actions regarding his decision to approach the residence without requesting Back-Up or Help. The BOPC would have preferred that Officer A, working a single officer unit, broadcast a request for additional resources. This would have provided responding resources with vital information and let them know the proper level of response for this incident. Nonetheless, Officer A knew that units were responding and he was faced with a situation that required him to take action for the safety of those inside. Based on the totality of the circumstances and facts surrounding this portion of the incident, the BOPC determined that Officer A's actions did not substantially deviate from approved Department tactical training. However, in an effort to enhance future tactical performance, this topic will be discussed during the Tactical Debrief.

2. Using the Public for Police Assistance/Recovery of Weapon

Officer A asked Witness B to retrieve the knife from the floor, which was near the Subject.

Subsequent to the OIS, Officer A continued to cover the Subject and waited for additional units to arrive after he broadcast a Back-Up request (shots fired). Addressing several issues at once, Officer A made a critical decision when he asked Witness B to pick up the knife from the floor. While there were several options that Officer A could have utilized, based on a totality of the circumstances, the option he chose was reasonable. Officer A's rationale in having Witness B retrieve the knife was tactically sound, as he wanted to prevent the Subject from reacquiring the knife, which may have prevented additional lethal force from being utilized.

Nonetheless, when officers decide to ask the public for their assistance during critical incidents, there needs to be a balance between officer safety and the safety of the persons that may potentially be placed in harm's way, specifically when a weapon is involved. The BOPC also acknowledged that the totality of the circumstances must be taken into account and assessed during critical incidents such as this, as they are dynamic and rapidly unfolding, requiring immediate decisions and action to be taken. Given that Officer A was by himself and involved in an OIS, and having two persons to deal with, he believed Witness B was not a threat and was not in immediate danger when he asked for her assistance to retrieve the knife.

Tactical training cannot cover every tactical situation and after a thorough review of this portion of the incident, the BOPC determined that Officer A's actions were reasonable under these circumstances and did not substantially deviate from approved Department tactical training. However, in an effort to enhance future tactical performance during similar incidents, this topic will be discussed during the Tactical Debrief.

3. Functional Supervision (Positive)

After Officer B assisted with taking the Subject into custody, he assumed the role of supervisor when he took command and control of the incident and began Categorical use of Force procedures/protocol. Officer B requested the appropriate resources needed for a crime scene. Officer B asked Officer D to separate Officer A and begin to monitor him, complying with established procedures of a Categorical Use of Force.

The BOPC noted that Officers B and D took on additional responsibilities while at the scene of a critical incident. The BOPC commended both for their leadership and assisting with bringing order to a chaotic incident, while following required protocol.

Although the philosophy behind a Tactical Debrief is to enhance future 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 during future incidents. Therefore, the topic of Functional Supervision will be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Tactical Vehicle Deployment

Officer A parked his police vehicle one residence west of and in view from the target location, and walked toward the residence. Officers are reminded of the tactical advantages when the police vehicle is parked out of the view of the target location, allowing more time to assess the situation and prevent suspects from observing the officer's actions upon arrival. Therefore, this topic will be discussed during the Tactical Debrief.

2. Single Officer Units

Officers are reminded to approach every contact with officer safety in mind. Officer A was working a single officer unit, but was assigned the radio call with another single officer unit. Although two officers were assigned the high priority radio call, Officer A approached the residence just prior to the other single officer unit arriving. An officer working a single officer unit should always consider waiting for the other unit or additional units to arrive prior to approaching the location during calls for service such as this, absent exigent circumstances. Therefore, this topic will 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 the tactics be evaluated based on the totality of the circumstances.

After a thorough review of the incident, it was determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

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

B. Drawing/Exhibiting

Officer A received additional information from CD that the Subject was armed with a knife. When Officer A arrived, he observed that Witness A was visibly upset, and she stated the Subject was still inside the residence and armed with a knife. Based on the information that the Subject was armed with a knife, Officer A drew his service pistol.

Officer Logan recalled that when he was approximately ten feet from the front door, Witness A informed him that there the Subject was inside the residence with a knife. Based on this information, Officer A stated he drew his weapon announced himself.

Note: In addition to the above listed employee, there were additional personnel that drew or exhibited firearms during this incident. This drawing/exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer A's Drawing/Exhibiting to be in policy.

C. Lethal Use of Force

- Officer A (pistol, one round)

Officer A believed there may be other family members in the residence that could possibly be harmed by the Subject therefore he approached the front door. Officer A observed Witness B and immediately ordered her to exit the residence. Witness B started to walk toward the rear of the residence and then toward Officer A. At this time, the Subject came around the corner of the hallway and charged at Officer A while holding a knife above his shoulder, pointed outward toward Officer A. Believing that the Subject was going to stab him, Officer A fired one round at the

Subject to stop his advance. The Subject fell to his knees on the floor and dropped the knife.

Officer Logan recalled that Witness B was walking back when all of a sudden, the Subject came running around the corner holding a knife and yelled at him. According to Officer A, he believed the Subject was going to kill him, therefore he fired one round to stop the threat.

Officer Logan further recalled that due to his experience, he knew that the Subject was intending to kill him or at least stab him. Officer A recalled that he could see "the look" in the Subject's eyes and could tell that the way he was acting, it "wasn't normal."

Based on the totality of the circumstances, the UOFRB determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions of charging toward him with a knife raised at shoulder level pointed toward him, presented an imminent threat of death or serious bodily injury and therefore, the Use of Lethal Force was objectively reasonable.

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