

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

OFFICER-INVOLVED SHOOTING – 015-07

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Northeast	02/11/2007		

Officer(s) Involved in Use of Force	Length of Service
Officer A	4 years, 8 months

Reason for Police Contact

Communications Division assigned Officers A and B a call indicating that Subject 1 was assaulting residents at a mental health living facility, and staff was unable to restrain him. Officers were subsequently told that Subject 1 was armed with a knife. When Subject 1 attempted to stab Officer B, an officer-involved shooting occurred.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: Male, 24 years.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 and addenda items); the 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on 01/22/08.

Incident Summary

Subject 1, a diagnosed schizophrenic, was a resident at a group mental health facility for adults.

Witness A, a fellow resident, was asleep when Subject 1 burst into his room and started punching him. Witness A picked up a chair on the side of his bed and threw it at him, causing Subject 1 to run out.

Shortly thereafter, Witness A left his room and encountered Witness B, a facility employee. Witness A told Witness B what had just transpired. They went downstairs

and met with Witness C, another employee, in the facility's kitchen. As the three conferred in the kitchen, Subject 1 continued to roam the hallways yelling and screaming. Witness C confronted Subject 1 and tried unsuccessfully to calm him. Witnesses A, B and C then locked themselves in the kitchen, and Witness C dialed 911.

Witnesses A and B left the kitchen and went to the front porch of the building to await the arrival of the police. Witness C remained in the kitchen while another resident, Witness D joined Witnesses A and B on the front porch.

Communications Division (CD) assigned Officers A and B the call, which indicated that Subject 1 was assaulting residents and that staff was unable to restrain him.

As Witnesses A, B and D waited on the front porch, Subject 1 appeared at the front door of the residence. Witness A attempted to keep Subject 1 inside the residence by holding the security screen door closed, but Subject 1 forced open the door. Witness A, fearing another attack, ran off of the porch into the front yard.

Subject 1 then confronted Witness D who was seated in a chair on the front porch. Subject 1 suddenly lunged at Witness D and stabbed him in the neck and stomach with a sharp object (a tire plug tool, which is normally used in the repair of punctured tires). As a result of this attack, Witness D sustained non-life-threatening puncture wounds to his neck and stomach.

When Witness B attempted to intervene, Subject 1 swiped at Witness B with the tire plug tool, missing him, then pushed him against the front of the residence and eventually onto the ground. Witness B moved into the front yard.

Meanwhile, Witness D had fled to the adjoining property and informed 911 that Subject 1 was now armed with a knife. This information was subsequently communicated to the officers. As Officers A and B approached the scene, Witness D flagged them down and showed them the wounds he had sustained as a result of the attack.

The officers parked their vehicle, and Officer B strapped a TASER to his left thigh. As the officers approached the front of the residence they could see Subject 1 standing in the doorway, holding the security screen door open.

As they approached Subject 1, Subject 1 shouted threats at the officers. The officers attempted to reassure Subject 1 they were there to help him, but Subject 1 pulled the security screen door closed.

Officer A told Officer B, "Do not let him go back in the house."

Based on the nature of the call, Officers A and B assumed additional units were enroute to their location. The officers followed Subject 1 inside the facility, while trying to verbally reassure him. Officer B unholstered his TASER. Simultaneously, he saw that Subject 1 had an edged weapon in his hand advised his partner.

Officer A unholstered his pistol and shouted at Subject 1, "Drop that knife right now." Simultaneously, Subject 1 reached out and grabbed hold of Officer B's left forearm and pulled Officer B towards him. Simultaneously, Subject 1 began an underhand stabbing motion toward Officer B's abdomen with the tire plug tool. Officer B pulled himself back and wasn't injured.

Officer A, who was standing slightly behind and to the right of Officer B, fired three rounds in quick succession at Subject 1. Subject 1 released his grip on Officer B and retreated further down the hallway where he collapsed onto the floor.

Officer B requested a back-up unit for a "man with a knife."

Subject 1 went limp, dropped the tire plug tool, and rolled onto his back. With Officer A assuming the role of cover officer, Officers A and B approached Subject 1. Officer B rolled Subject 1 onto his stomach and handcuffed him.

Subsequently, Officer A contacted CD and requested a Rescue Ambulance (RA) for Subject 1. Subject 1 was transported to the hospital, where he failed to respond to medical intervention and was pronounced dead.

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 and B's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing 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

The BOPC noted that, based on the nature of the call and the details obtained from the victim, Officers A and B should have requested additional resources. In addition, as this incident unfolded, the officers missed several other opportunities to request a back-up or assistance in anticipation of the need to control and apprehend a potentially armed suspect.

The BOPC evaluated the officers' decision to close the distance between themselves and Subject 1, not only at the outset of the incident, but after Subject 1 entered the location. The preferred course of action would have been to maintain a safe distance, request additional resources, establish a plan of action and maintain a dialogue with the subject. However, some measure of flexibility must be given to the judgement of those personnel at scene. In this case, the foremost mitigating concern was that Subject 1 could barricade himself inside the location and have access to other potential victims.

As Subject 1 continued further into the hallway, Officer B was holding the TASER in his right hand while maintaining a grip on his baton with his left hand. The BOPC would have preferred that Officer B had kept his left hand free in order to facilitate different force options. The BOPC also noted that Officer B did not use the TASER during this incident

During his interview, Officer A stated he warned Subject 1 that he would be shot while Subject 1 attacked Officer B. Although a warning can de-escalate a situation, it is not required when an attack is in progress. Additionally, Officer B broadcast a back-up request subsequent to Officer A discharging his pistol. In this instance, an assistance or help call would have been appropriate in order to communicate the seriousness of the incident to responding personnel.

The BOPC found Officers A and B's tactics to warrant additional formal training.

B. Drawing and Exhibiting

The BOPC noted that as the officers walked into the hallway of the residence, Officer A believed Subject 1 had armed himself with a knife and was holding it in his right hand. Believing the situation had escalated to the point where deadly force may become necessary, Officer A drew his pistol.

The BOPC determined that Officer A had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary.

The BOPC found Officer A's drawing to be in policy.

C. Lethal Use of Force

The BOPC noted that Officer A observed Subject 1 produce what he believed to be a knife, lunge toward his partner, and thrust the knife into Officer B's upper torso. In immediate defense of his partner's life, Officer A fired two rounds. Officer A noticed Subject 1 was unaffected and fired one additional round. Subject 1 stopped his attack and ran in the hallway where he collapsed.

The BOPC determined that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death.

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