

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

OFFICER-INVOLVED SHOOTING - 021-05

Division	Date	Duty-On (x) Off()	Uniform-Yes(x) No()
Devonshire	3/3/05		

Officer(s) Involved in Use of Force	Length of Service
Officer A	5 years, 5 months
Officer B	5 years, 10 months
Officer C	8 years, 4 months
Officer D	8 years, 7 months

Reason for Police Contact

Los Angeles Police officers responded to a request for backup made by the Los Angeles Sheriff's Department to assist in dealing with a possibly mentally ill male trespassing on Metrolink railroad tracks.

Suspect	Deceased ()	Wounded (x)	Non-Hit ()
Subject 1: Male, 35 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 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 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 February 28, 2006.

Incident Summary

On the evening of March 3, 2005, a Los Angeles County Sheriff Department's (LASD) Deputy was patrolling the Metrolink railroad tracks when he came upon Subject 1 trespassing on the tracks. When the Deputy attempted to contact Subject 1, Subject 1 started yelling incoherently and waving a stick at him. The Deputy used his cellular telephone to contact his Sergeant. The Deputy informed the LASD Sergeant that he

was going to contact LAPD and request backup to take Subject 1 into custody for trespassing. The Deputy then contacted the LASD's dispatch which, in turn, contacted the Los Angeles Police Department (LAPD). The LAPD dispatch broadcast a request for backup by a Sheriff's Deputy regarding a "male mental on the railroad tracks."

Officers A, B, C and D and the LASD Sergeant responded to the call. When the officers arrived at the scene, they could see the Deputy's car parked approximately 200 feet west on the south side of the tracks. There is no lighting along the railroad tracks, so the officers could only see the headlights and the spotlight on the Deputy's vehicle. Officers A, B and C exited their vehicles and proceeded west on the north side of the tracks to attempt to locate Subject 1. Officer D met up with the LASD Sergeant to attempt to obtain additional information regarding the backup call. The LASD Sergeant expressed his concern regarding the whereabouts of his Deputy.

The Airship arrived and provided light. Officers A, B and C located Subject 1 walking rapidly toward them (east) on the north side of the railroad tracks. Subject 1 was carrying multiple objects including one object that appeared to the officers to be some sort of knife.¹ Officer C drew his firearm upon seeing that Subject 1 was carrying what appeared to be a knife-like object. Officers A and B verbally instructed Subject 1 to drop what he had in his hands. Subject 1 did not comply with the officers' commands and continued to walk toward them. As Subject 1 swiftly approached the officers, Officer B discharged a TASER at Subject 1. The TASER darts appeared to have hit Subject 1, but did not have a noticeable effect on Subject 1. Subject 1 then ran north and stopped at a chain link fence. When Officer A saw that the TASER had no effect on Subject 1, Officer A drew his firearm. Subject 1 then turned and threw an object in Officer B's direction. Subject 1 then charged at Officer B with an object that appeared to the officers to be a knife in his left hand outstretched in front of him. Fearing for Officer B's life, Officer A fired three rounds at Subject 1 in a south/southwest direction. Subject 1 staggered to his right and took two steps toward Officer C. Officer C then fired one round at Subject 1.

As Subject 1 charged at Officer B, Officer B dropped his TASER and sidestepped to the west to get out of Subject 1's path. As Subject 1 passed Officer B, Officer B felt something strike him in the left arm and somehow Subject 1 transferred some sort of mucus onto Officer B's right pocket lapel. Subject 1 went past Officer B and fell to the ground. Officer B proceeded to handcuff Subject 1. Officer A decocked and holstered his weapon, and then proceeded to assist Officer B with handcuffing Subject 1.

In the interim, the LASD Sergeant had proceeded southwest of the LAPD officers and located his Deputy. The LASD Sergeant looked away from the Deputy to see what progress the LAPD officers were making with Subject 1. When he looked back, the Deputy was on the ground as if the Deputy had been pushed and fell over backwards. The Deputy believed he had been hit with a beanbag round.

¹ Officer A described the object as a dagger-like knife. Officer B stated Subject 1 had knife-like objects in his hand. Officer C stated the object looked like a machete or sharp stake. Officer D thought Subject 1 had a knife in his hand.

Noticing that the Deputy was on the ground, Officer D proceeded to the Deputy's location. Officer C noticed Officer D running toward the Deputy who was on the ground. Officer C decocked and holstered his firearm, and then proceeded to the Deputy's location to provide assistance.

LAPD officers and the LASD Sergeant requested Rescue Ambulances for both the Deputy and Subject 1. The Rescue Ambulances arrived, rendered medical attention to both the Deputy and Subject 1 and transported both of them to the hospital.

The Deputy suffered a penetrating injury to his right chest. The bullet struck the Deputy's bullet-proof vest, pushing the vest approximately one inch into the deputy's chest. The Deputy received sutures and was released that night.

Subject 1 suffered a fractured right femur; a through and through gunshot wound to his left arm continuing into his chest; a gunshot wound to the right thigh; and a through and through gunshot wound to the left thigh. Subject 1 was admitted and underwent surgery for his injuries. Subject 1 was discharged approximately one week later, and released into the custody of LAPD. Subject 1 was booked on charges of Assault with a Deadly Weapon on a Police Officer.

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 that Officers A, B, C and D would benefit from additional tactical training at Training Division. (Formal Training)

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and C's drawing/exhibition/holstering of a firearm to be in policy, requiring no action.

C. Less Lethal Use of Force

The BOPC found Officer B's less lethal use of force (TASER) to be in policy, no action.

D. Use of Non-Lethal Use of Force

The BOPC found Officer B's non-lethal use of force (use of body weight) to be in policy, no action.

E. Use of Deadly Force

The BOPC found Officers A and C's use of force to be in policy, requiring no action.

Basis for Findings

A. Tactics

The BOPC noted that it would have been tactically advantageous for the officers to have requested additional information from Communications Division prior to arriving on the scene. The BOPC also noted that Officer A left his flashlight in his vehicle as opposed to carrying it with him while approaching Subject 1 in the hours of darkness. The BOPC would have preferred that the officers had obtained additional information from the LASD Sergeant and formulated a tactical plan prior to contacting Subject 1. The BOPC also noted that both Officers A and B simultaneously gave Subject 1 verbal commands. The BOPC would have preferred that only one officer had given verbal commands while the other provided cover. As Subject 1 charged, the officers moved and created a cross fire situation, ultimately resulting in a gunshot wound sustained by the LASD Deputy. The BOPC would have preferred that the officers had formulated a plan before approaching Subject 1 and communicated with each other to prevent the crossfire situation. The BOPC also would have preferred that Officer C had stayed with Officers A and B to provide cover for them while they handcuffed Subject 1 instead of going to assist Officer D in tending to the Deputy. The BOPC determined that all of the involved officers would benefit from additional tactical training. It is the BOPC's direction that Officers A, B, C and D receive formal tactics training at Training Division.

B. Drawing/Exhibiting/Holstering

The BOPC determined that Officers A and C reasonably believed that they were clearly involved in a situation that may escalate to the point where deadly force may become necessary when they drew their firearms. The BOPC found Officers A and C's drawing to be in policy, no action.

C. Less Lethal Use of Force

The BOPC noted that Officer B discharged his TASER in an attempt to stop Subject 1 from attacking him. The BOPC determined that Officer B's less lethal use of force was

reasonable to stop the suspect's attack and take him into custody. The BOPC found Officer B's less lethal use of force to be in policy, no action.

D. Use of Non-Lethal Use of Force

The BOPC noted that Officer B forced Subject 1 to stay on the ground by putting his foot on Subject 1's back and then lowering himself to his knees and placing his body weight on Subject 1 while he was being handcuffed. The BOPC determined that Officer B's non-lethal use of force was reasonable to prevent the suspect from again becoming a threat and to take him into custody. The BOPC found Officer B's non-lethal use of force to be in policy, no action.

E. Use of Deadly Force

The BOPC noted that Officers A and C were confronted by an armed suspect who failed to comply with the officers' commands and ran toward them. The BOPC determined that Officers A and C reasonably believed that Subject 1's actions could result in serious bodily injury or death. The BOPC found Officers A and C's use of deadly force to be in policy, no action.