

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

**OFFICER-INVOLVED SHOOTING – 026-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No( )</u></b>
North Hollywood	03/13/2007		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	11 years, 7 months

**Reason for Police Contact**

Officers responded to a possible domestic violence and an assault with a deadly weapon radio call.

<b><u>Subject(s)</u></b>	<b><u>Deceased (x)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Subject: Male, 34 years.			

**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 Commission and made itself available for any inquiries by the Commission.

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 November 6, 2007.

**Incident Summary**

Officer B and Officer C responded to a possible domestic violence and an assault with a deadly weapon radio call. Upon their arrival, Officers A, B, C, and D met with individuals standing in front of the apartment building. One of the individuals (Victim) had bite marks on his finger and wrist, and indicated that the person who bit him, was currently upstairs in an apartment.

Officer D retrieved a Preliminary Investigation Report (PIR) from his vehicle and had the Victim sign it, even though it was not completely filled out. Officer D, who was armed with a TASER, and Officer B, who drew his weapon, went up the stairway to the Subject's apartment. Officer D knocked on the front door, but there was no response from inside the apartment, so Officers B and D descended the stairs.

Sergeant A arrived at the scene, and the officers were able to obtain a key to the Subject's apartment from the building manager. The officers spoke with one of the residents who was out in front of the apartment building and learned about the layout of the Subject's apartment. The officer continued ascending the stairs toward the Subject's door again. Officer A drew his weapon and Officer D drew the TASER, but Officer A told him to secure it and draw his weapon instead.

The officers knocked on the Subject's door and again announced themselves as officers. They informed the Subject that they would be entering his residence. Officer B then used the key to unlock the Subject's front door. Officer A took one step into the apartment and observed the Subject approaching from the kitchen area. Officer A also observed that the Subject was bleeding and that he was holding a knife in his left hand. The Subject held the knife above his shoulder, near the level of his ear, in an overhand grip, with the blade pointed toward Officer A. Officer A repeatedly told the Subject to drop the knife. Sergeant A told Officer D to holster his weapon and pull the TASER back out again. Officer C drew a pistol as well. The Subject slowly walked toward Officer A, who told the Subject to drop the knife or else he would shoot him. The Subject took another step toward Officer A, who fired two rounds in rapid succession at the Subject. The Subject paused momentarily and then turned around and fell face-forward onto the floor, still clenching the knife in his hand. Sergeant A used his radio to request a Rescue Ambulance (RA) for a victim of a gunshot.

Officer D repeatedly ordered the Subject to drop the knife, but the Subject did not respond. Officer D observed that the Subject was not moving at this time. Meanwhile, Officer A cleared the kitchen, where he found blood on the floor. Officers B and C then cleared the remainder of the apartment and holstered their service pistols.

An RA arrived at the scene. Shortly thereafter, Officer D holstered his weapon and used his arms to prevent the Subject from moving his upper body while Officer B took the knife out of the Subject's hand and moved it approximately three or four feet away.

LAFD personnel then began to administer medical treatment to the Subject, and they subsequently transported him to a nearby hospital for further treatment. The Subject subsequently died from his injuries.

### **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 Officer A, B, C and D's and Sergeant A's tactics to warrant formal training.

**B. Drawing/Exhibiting/Holstering**

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

**C. Use of Force**

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

**D. Other**

The BOPC found Officer A, B, C and D's and Sergeant A's application of legal mandates regarding search and seizure to warrant formal training.

**Basis for Findings**

**A. Tactics**

The BOPC noted that Officers A, B, C, and D met with the Victim and gathered the necessary information to determine the type of crime that had occurred. Although a crime report was signed, the specific crime was not indicated.

Officer A obtained information that the Subject had deliberately cut himself in the past and that he had knives inside the apartment. It would have been prudent to obtain further information about the prior incident and to contact the Mental Evaluation Unit (MEU) to inquire about prior reported Department contacts.

The officers devised the tactical plan and initiated it without requesting a supervisor to respond. The circumstances of the incident warranted a notification to a supervisor, who then could respond, determine the most appropriate course of action and oversee the tactical aspects of the enforcement action. Sergeant A arrived on-scene and was briefed on the details of the incident.

Sergeant A concurred with the decision to detain the Subject, although more detail should have been obtained about the incident. Sergeant A should have assumed more supervisory oversight and control of the tactical operation.

Officers A and D began to ascend the stairs leading to the Subject's apartment door when Officer A inquired about a floor plan of the interior of the apartment. Additional information should have been obtained from the victims, who could have provided detailed information regarding the position of furniture and other relevant obstructions. It would have been safer for the officers to obtain this information during the initial planning stages, prior to approaching the Subject's apartment.

Sergeant A directed Officer D to holster his weapon and re-deploy the TASER. The necessity for Officer D to transition back to the TASER could have been avoided had the tactical plan identified a third officer to deploy the TASER.

The Subject was not handcuffed and the knife remained in his hand as he remained motionless on the floor. Officer B removed the knife from the Subject's hand after the arrival of paramedics to facilitate medical treatment. It would have been safer to have removed the knife from the Subject's hand and applied handcuffs once he became incapacitated.

The BOPC found Officer A, B, C and D's and Sergeant A's tactics to warrant formal training.

## **B. Drawing/Exhibiting/Holstering**

The BOPC noted that Officer B, fearing an armed confrontation with the Subject, drew his weapon as he approached to knock on the Subject's apartment door. Officer B again drew his weapon after the shots had been fired and assisted Officer C in clearing the apartment, fearing an armed confrontation with additional suspects.

Prior to entering the apartment, Officer A, fearing an armed confrontation with the Subject, drew his service pistol as well. Officer D placed the TASER into his pants pocket and drew his weapon as he stood behind Officer A prior to making entry into the apartment. Officer D holstered his service pistol and again deployed the TASER at Sergeant A's direction. Once Officer D heard Officer A advise that the Subject had a knife, he secured the TASER and again drew his weapon. Officer C drew a pistol as well.

The BOPC determined that Officers A, B, C and D had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary.

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

### **C. Use of Force**

The BOPC noted that Officer A opened the Subject's apartment door and entered the apartment. Officer A observed the Subject emerge from the kitchen area holding a large knife in an overhead stabbing position.

The Subject was naked and bleeding from numerous self-inflicted stab wounds. He advanced toward Officer A, as Officer A repeatedly ordered the Subject to stop and drop the knife. Officer A feared that the Subject was about to stab him with the knife and fired two rounds at the Subject to stop his assault. The Subject was struck by the gunfire and fell to the floor and remained motionless.

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

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

### **D. Other**

The BOPC noted that a thorough review of the investigation revealed inconsistencies in the rationale for making a warrantless entry into the Subject's residence. It is incumbent upon the involved personnel to sufficiently articulate the justification for actions taken. The involved personnel would benefit from additional legal training in the area of warrantless search considerations. Additionally, all Department personnel would benefit from further training in this area.

The BOPC found Sergeant A and Officer A, B, C and D's application of legal mandates regarding search and seizure to warrant formal training.