

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

OFFICER INVOLVED SHOOTING – 031-10

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Southwest	04/04/10		

Officers(s) Involved	Length of Service
Officer A	4 years, 3 months
Officer B	1 year, 9 months

Reason for Police Contact

Officers observe domestic violence incident involving an armed subject.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Male, 24 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 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 March 22, 2011.

Incident Summary

While on an unrelated service call, Officers A and B heard loud arguing between a male and female, coming from a residence north of the officers' location. Witness A advised the officers that the Subject was inside that residence, was drunk and had been behaving aggressively. The officers made contact with the Subject; however, the Subject was uncooperative. The officers spoke to the Victim, with whom the Subject was having a relationship and was cohabitating, but determined that no crime had taken

place. Witness A also told the officers he would control the Subject. The officers then returned to their police vehicle and began completing paperwork from the unrelated service call.

After the officers left the Subject's residence, the Subject became combative with the Victim, accusing the Victim of calling the police. The Subject poured wine on the Victim, then slapped her. Witness A came to the Victim's aid and Witness A and the Subject began to fist fight. Witness A then walked outside in an effort to defuse the situation. The Subject ran after Witness A and the Victim could see that the Subject was holding a knife in his hand. The Victim then chased after the Subject. The Victim yelled to Witness A that the Subject had a knife. As the Victim chased the Subject into the street, the Victim fell. The Subject then stood over her, swinging the knife back and forth.

Officer A heard screaming and yelling. Officer A saw the Subject run into the middle of the street. Both Officers A and B exited the police vehicle and began to walk toward the Subject. Officer A confirmed that Officer B had his TASER with him. Officer A saw that the Subject and the Victim appeared to be chasing each other. The Subject appeared to shove the Victim to the ground. Officer A saw a large knife in the Subject's right hand. The Subject straddled the Victim and made three to four quick slashing movements toward her. Officer A believed the Subject was slashing the Victim.

Officer A unholstered his pistol and Officer B unholstered his TASER. Officer A ordered the Subject to stop and drop the knife. Witness A heard the Subject state, "Oh yeah. It's good. Now come get me," to the officers, while still holding the knife.

Officer A saw the Subject raise the knife chest high, and begin to walk toward the officers. As the Subject began advancing toward the officers, the Victim got up and ran. Officer B then discharged his TASER and Officer A fired three rounds at the Subject from his pistol.

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 a tactical debrief.

B. Drawing/Exhibiting/Holstering

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

C. Less-Lethal Use of Force

The BOPC found Officer B's application of less-lethal force to be in policy.

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered the following:

In this instance, Officers A and B were running toward the Subject in order to intervene and prevent the Subject from further injuring the Victim with the knife. As they approached, Officer B discharged the TASER simultaneous to Officer A discharging his firearm.

In conclusion, both officers were responding to the deadly threat posed by the Subject and acted to defend the Victim; both officers acted without regard to their safety to defend the Victim against a deadly threat. Therefore, the officers' actions did not substantially deviate from approved Department tactical training.

In this instance, following the OIS, Officer B placed the TASER on the ground prior to approaching the Subject to apply the handcuffs.

In conclusion, Officer B faced exigent circumstances that caused him to place the TASER on the ground. Based on the totality of the Officer B's actions, the BOPC believes Officer B's actions did not substantially deviate from approved Department tactical training.

B. Drawing/Exhibiting

In this instance, Officers A and B were attempting to stop the Subject who was attempting to harm the Victim with a large knife.

Officers A and B observed the Subject push the Victim to the ground, straddle her and make several slashing motions at her, with a knife. Believing the Subject presented a deadly threat and that the Victim's life was in danger, Officer A drew his service pistol. Officer B handcuffed the Subject and observed a crowd forming. Fearing the group could be armed, Officer B drew his service pistol.

In conclusion, the BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Less-Lethal Use of Force

In this instance, as Officer B approached, he observed the Subject was armed with a knife and was standing over the Victim who was lying on the floor. Fearing the Subject was going to continue his attack on the Victim or himself, Officer B discharged the TASER once. Officer B did not believe that he had time to transition to his pistol. Therefore, Officer B used the less-lethal tool he had at the time.

A reasonable officer with similar training and experience would perceive that the Subject presented a serious threat of serious bodily injury or death and that lethal force would be justified to address the threat.

In conclusion, the BOPC found Officer B's application of less-lethal force to be in policy.

Lethal Use of Force

Officer A observed the Subject waving a knife as he straddled the Victim. Both officers perceived this threat to the Victim to be deadly and believed they had no choice but to intervene to prevent serious bodily injury or death to the Victim. The Subject then looked toward Officer A, raised the knife and advanced toward Officer A and his partner. Believing that his and his partner's lives were in danger, Officer A fired three rounds at the Subject.

Based on the fact that the Subject was armed with a knife, aggressively attempting to cause serious bodily injury to the Victim, then turned his attention toward the officers and advanced toward them while holding the knife, an officer with similar training and experience would reasonably believe that the Subject presented a threat of serious bodily injury or death and that lethal force would be justified in order to stop the deadly threat.

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