

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

OFFICER-INVOLVED SHOOTING – 041-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Olympic	05/09/11		

Officer(s) Involved in Use of Force	Length of Service
Officer C	11 years, 8 months
Officer E	16 years, 3 months
Officer G	2 years, 4 months
Officer I	10 years, 6 months

Reason for Police Contact

Witnesses called 9-1-1 to report a crime in progress. Officers responded to the location, when Victim B came running out of her residence, screaming for help and indicating the Subject had stabbed Victim A with a knife and that he was trying to kill her as well. The suspect then confronted the officers, resulting in an officer-involved shooting.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject: Male, 36 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 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 Chief 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 March 6, 2012.

Incident Summary

Victim A was assisting Victim B when the Subject entered a bedroom in the victims' residence holding a knife. Victim B observed the Subject grab Victim A's head with one hand and cut her neck three times with the knife.

According to witnesses, the Subject followed Victim B as she ran out of the house, and jumped on top of her while holding two knives. Witness C heard someone yelling for help and requesting that someone call the police. Witness C ran outside, saw Victim B covered in blood, and heard Victim B say that the Subject killed Victim A.

Witness D observed the Subject exit the residence scraping two knives against each other, as though he was sharpening them. Witness D also observed blood on the Subject's hands, arms, shirt, and the knife. Witness D indicated that the Subject looked crazy and determined to hurt somebody. Witness D called 9-1-1 and provided the location, indicating that the Subject had two knives in his possession. Meanwhile, the Subject had grabbed Victim B by the neck, thrown her on the ground, and then run back into the house.

Communications Division (CD) broadcast that the Subject was male, the victim female, and that the Subject had been observed armed with two knives. Communications Division also broadcast that the Subject was believed to be inside.

Upon hearing the broadcasts, Officers A and B responded to the location. Officer A immediately observed Victim B in the street covered in blood. When Officer A asked Victim B who attacked her and where the attacker was, Victim B responded that the Subject had attacked her and that the Subject had gone back inside, probably to kill Victim A.

Officer B began to establish a perimeter and broadcast that there may be an armed subject inside the residence. Officer A reiterated a request for backup units and broadcast the exact location where he needed the units to be positioned. Officer A also requested that the Air Unit cover the location. Additional units began to arrive at the scene, including Sergeants A, B and C, as well as Officers C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q. Los Angeles Fire Department personnel arrived in a Rescue Ambulance (RA) staffed by Firefighter/Paramedics A and B.

Officer A returned to the street in front of the location and formed two teams – an entry team and a rescue team. Officer A also briefed the other officers as to exactly what he knew. Sergeants A and B subsequently took charge of the two teams – one team to locate Victim A and extract her, and the second team to search the rest of the residence.

The first team made entry into the residence and quickly discovered Victim A, and Officer A observed Victim A to be fatally injured. Officer G announced they had a victim down and Sergeant A ordered Officers A and J to remove Victim A from the residence

so the Los Angeles Fire Department (LAFD) personnel could render aid. The paramedics approached and took Victim A to the RA, where she was determined to be dead.

Officers then cleared the upstairs and downstairs of the location, as well as the basement. They did not locate the Subject or any additional victims and/or subjects.

Officers were in the process of developing a tactical plan to clear the backyard when other officers on the side of the residence and upstairs started yelling over the radio that the Subject was exiting the rear residence where the Subject lived. Because the Subject exited the back residence unexpectedly, the officers had to execute their plan to search the backyard as soon as possible.

Officer C moved with Officer Q to take cover behind a vehicle parked in the driveway of the backyard when Officer C observed the Subject step halfway back inside a rear residence located on the property. Officer E was positioned in the upstairs bedroom window with a clear line of sight to the door of the rear residence. Officers G and I took cover behind a small area that was covered by a tarp. Officer Q instructed the Subject to get down multiple times, Officer G commanded the Subject to show his hands, and Officer I ordered the Subject to come out and to get on the ground. The Subject was standing at the security door to his residence with a blank stare and covered in blood.

Suddenly, according to the officers, the Subject seemed to snap into focus, and his direction immediately turned to Officers G and I, who were closest to him. The Subject exited the gate and in a full sprint started charging toward Officers G and I, as though he wanted to attack and kill them. According to the officers, the Subject's hands were red and also appeared to be black and dark. To Officers C, G, E and I, it looked as though the Subject had something black in his hand, like a knife or some other type of weapon. The officers knew that the Subject could possibly be armed with knives, that no knives had been recovered, and that he had already attacked two victims. The Subject's aggressive charge toward the officers also led the officers to reasonably believe the Subject intended to inflict serious bodily injury.

As the Subject sprinted toward Officers G and I, Officers C, G, E and I each fired one round at the Subject. The Subject immediately stopped and fell to the ground. After the Subject fell to the ground, Officers A and B approached the Subject, along with Officer H, handcuffed and searched the Subject. No weapons were recovered. Officers conducted a search of the Subject's back residence and determined that no additional victims or subjects were present.

Once the back house was cleared, Sergeant A broadcast that the incident was under control and requested an RA for the Subject. Firefighter/Paramedic A determined the Subject to be dead. The Subject had sustained a self-inflicted laceration approximately 6-8 inches to his throat, with visible anatomy, and multiple gunshot wounds to his abdomen area.

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 the 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 Sergeants A and B, and Officers C, E, G and I's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC found Officers C, E, G and I's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers C, E, G and I's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Immediate Action Rapid Deployment (IARD)

Sergeants A and B demonstrated clear, expeditious and decisive leadership and recognized the need to take immediate action and make entry into the residence to stop the Subject's actions and effect a rescue of Victim A. The BOPC was pleased that Sergeants A and B, along with the other sworn personnel involved, assembled two teams and worked in concert, performing a successful IARD operation. The BOPC determined that all aspects of this IARD operation were reasonable and performed in a tactically proficient manner.

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. Each tactical incident inherently results in considerations for improvement. In this instance, there were no identified areas for improvement, and the tactical considerations, either individually or collectively, did not unjustifiably or substantially deviated from approved Department tactical training.

In conclusion, the BOPC found Officers C, E, G and I's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

Sergeant B along with Officers C, E, G and I responded to a radio call involving a stabbing. Upon arrival, the sergeants and officers were advised that the Subject and at least one seriously injured or dead victim were inside of the residence. Believing that the Subject may have unrestricted access to additional victims, coupled with the exigency of the situation, IARD contact and rescue teams were quickly developed. Having knowledge that the Subject was armed with two knives and had likely committed murder, Sergeant B and Officer G drew their pistols, Officer E exhibited his police rifle, and Officers C and I exhibited Department-issued shotguns as they approached and entered the residence.

Based on the totality of the circumstances, the BOPC determined that sworn personnel with similar training and experience as Sergeant B and Officers C, E, G and I would reasonably believe that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Sergeant B and Officers C, E, G and I's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

In this instance, the officers observed the Subject standing in the doorway of the garage covered in blood with what they perceived as a black object/weapon in his hand. After the Subject refused to comply with Officers G and I's verbal orders, the Subject raised the black object above chest level and ran directly toward Officers G and I. Officers C, G, E and I, in fear for their lives and that of their fellow officers, each fired one round from their respective weapons causing the Subject to collapse to the ground.

Based on the totality of the circumstances, officers with similar training and experience would reasonably believe that the Subject charging at the officers with what was perceived as a dark object in his raised hand would cause them to reasonably believe he was armed with a weapon.

With Officers C, G, E, and I knowing that the Subject murdered one person by cutting her throat, coupled with the Subject's aggressive and violent behavior, the BOPC determined that it was objectively reasonable for the officers to perceive the coagulated blood on the Subject's hands as a weapon or knife. The BOPC also determined that it was objectively reasonable for Officers C, G, E and I to believe that serious bodily injury or death may be imminent, resulting in their use of lethal force to stop the Subject's actions.

In conclusion, the BOPC found Officers C, E, G and I's use of lethal force to be in policy.