

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

OFFICER-INVOLVED SHOOTING – 054-07

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	06/13/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 years, 8 months

Reason for Police Contact

Officers A and B responded to a radio call involving an assault with a deadly weapon. The officers tracked Subject 1's location with the assistance of an Air Unit. Subject 1 was observed holding a knife when Officers A and B exited their vehicle to confront him. Officer A shot Subject 1 when he advanced toward him and raised the knife.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Male, 20 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 04/29/08.

Incident Summary

Officers A and B heard a radio broadcast of an Assault with a Deadly Weapon (ADW) which included a description of the subject and indicated that he was armed with a knife. Officer A informed Communications Division (CD) that he would respond to the call and he and Officer B began driving toward the location.

Simultaneously, Sergeant A and Officers C and D overheard the same radio call and began to respond to the location in their Air Unit. Sergeant A and Officers C and D arrived over the scene before Officers A and B, and Officer D broadcast that he had

observed a “possible [subject] walking with a knife in his hand.” Officer D continued to communicate the possible subject’s location to Officers A and B.

Officers A and B turned onto a street and saw Subject 1 in front of them. Officer B stopped the vehicle and both officers exited.

Officers A and B observed that Subject 1 was holding a knife in his right hand and was walking toward them. The officers drew their service pistols and used their vehicle doors for cover. Officers A and B both repeatedly ordered Subject 1 to drop his knife, but Subject 1 failed to comply and continued walking toward them. Officer A observed that Subject 1 was holding the knife down at his side with his elbow slightly bent, slightly above his waist.

Note: Officer A indicated that, around this time, he considered whether he had enough time to retrieve a beanbag shotgun, but he concluded that there was not enough time for him to do so and maintained his position behind the door of the police vehicle.

Note: From the Air Unit, Officer D was able to observe Subject 1 as he approached Officers A and B. Noting that the officers were confronted with a subject who was armed with a knife and who appeared to be non-compliant with their orders, Officer D broadcast a request for assistance.

Officer B told Subject 1 that he would be shot if he did not drop his knife, and Subject 1 replied by saying, “Shoot me.” Subject 1 continued approaching the front of Officers A and B’s vehicle. Officer A then diverted Subject 1’s attention by again ordering him to drop his knife. Subject 1 then moved toward Officer A, walking past the front bumper of the police vehicle.

As Subject 1 was passing the front bumper on the passenger side of the police vehicle, Officer A observed him bring the knife up to the level of his chest, with the blade sticking straight up. Fearing the threat that was presented by Subject 1, Officer A fired three rounds at him, striking him twice.

Subject 1 fell to the ground, landing on his back. Officer A moved forward around the passenger side door of the police vehicle. Meanwhile, Officer B holstered the service pistol and also moved forward. Officer B also observed Subject 1’s knife by his side and kicked it away. Assisted by responding officers, Officer B then began to secure Subject 1’s arms with handcuffs. Officer A also holstered his service pistol.

Officer D continued to monitor the scene from his position in the Air Unit. Upon witnessing Subject 1 fall to the ground, Officer D upgraded the assistance call to a help call and also requested a rescue ambulance.

Personnel from the Los Angeles Fire Department arrived at the scene, evaluated Subject 1’s medical condition and determined he had died.

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 divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and B'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 upon arrival to the incident, Officers A and B did not advise CD of their status and location. Although the Air Unit was overhead, it would have been safer for the officers to advise CD of their status and location so that nearby units would be aware of their location and could respond more rapidly if needed. Both officers issued verbal commands as Subject 1 advanced toward them with a knife. Officer A allowed Subject 1 to approach before discharging his service pistol to thwart the attack.

Allowing Subject 1 to approach within such close distance increased the potential risk of harm to Officer A. Although Subject 1 was allowed to approach within close proximity of Officer A, Officer A appropriately evaluated the rapidly unfolding events before resorting to the use of deadly force.

After the shooting, Officers A and B should have considered maintaining their positions of cover until the arrival of additional units. Once additional units were at scene, an arrest team could have been quickly formed to safely approach and take the subject into custody.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B responded to an ADW radio call. While enroute to the call the Air Unit advised the officers that the subject was armed with a knife. Upon arrival, the officers exited the police vehicle, deployed behind their respective vehicle doors and observed the armed subject approaching them. Fearing an armed confrontation, Officers A and B drew their service pistols.

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

The BOPC found Officers A and B's drawing to be in policy.

C. Lethal Use of Force

The BOPC noted that the armed subject approached the officers while failing to comply with their commands. The subject reached the front of the police vehicle, he raised the knife as he continued his advance toward Officer A. In immediate defense of life, Officer A fired three rounds at the subject.

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 lethal force to be in policy.