

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

OFFICER-INVOLVED SHOOTING – 067-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	07/22/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	9 years, 2 months
Officer D	3 years, 1 month

Reason for Police Contact

Officers responded to a violent female with mental illness radio call, when they were confronted by the suspect, who was armed with a knife, resulting in an officer-involved shooting.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Female, 29 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 BOPC 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 June 12, 2012.

Incident Summary

The Los Angeles Fire Department (LAFD) emergency dispatch received a call from the Witness, who reported he needed the fire department to respond to his residence. He stated he had a violent, unstable, and mentally ill female who was suicidal and had not taken her medication. The LAFD emergency dispatch notified LAPD Communications Division (CD) of the incident.

Communications Division broadcast a call of a violent female with mental illness at the location. Officers A and B responded, while Officers C and D also responded in a backup capacity.

Once LAFD Rescue Ambulance arrived on scene, Captain A met with the Witness, who explained the Subject was bipolar and violent and was inside the apartment. The Witness stated the Subject had been armed with a knife and had broken some windows in the apartment, but was now calm. The Witness had been arguing with the Subject all morning and indicated no one else was inside the apartment.

Captain A followed the Witness into the apartment through the north kitchen entrance. Captain A was accompanied by Firefighters A and B as well as Paramedic A. After the Witness led them to the north bedroom, Captain A instructed the Witness to open the door. The Witness complied. Captain A observed the Subject lying on a bed, partially on her right side with her hands concealed underneath a blanket. He identified themselves as members of the LAFD and informed the Subject they were there to help her. Captain A instructed her to show her hands. The Subject showed her left hand, but her right hand remained under the blanket and it began to twitch. Despite numerous requests, the Subject continued to refuse to show her right hand. Suddenly, the Subject threw off the blanket, stood up on the bed, reached up to a light fixture hanging over the bed and retrieved a knife. The Subject, with her right hand, held the knife up next to her right ear, jumped off the bed and in a full sprint, lunged at the fire department personnel while making swiping gestures with the knife.

Captain A ordered everyone to exit and broadcast a help call. Officers A and B arrived and observed LAFD units already on scene. Firefighter C approached Officer A and, with an urgent tone in his voice, told the officers to hurry up and get inside the apartment. Officer A then spoke with Captain A, who informed him the Subject was inside the apartment holding a knife to her neck. Officer A then broadcast a request for backup.

Within 15-20 seconds of the backup broadcast, Officer A observed Officers C and D walk toward his location. Officer A assumed the lead for this incident and he ensured less-lethal weapons were available. He discussed his tactical plan with Officers B, C and D, which was to enter the location, attempt to defuse the event and persuade the Subject to come out.

Officers A and B entered through the living room entrance and had a clear view of Officers C and D, who had entered from the kitchen door. Officers A, B and D had drawn their pistols. Officer C, designated as the less-lethal officer, drew his TASER.

As Officer A approached the hallway area, an open closet door obstructed his view of the hallway, so he closed the door. Officer C took cover behind a wall that separated the kitchen doorway from the hallway and Officer D initially took a position behind him. Officers A and B had no cover available to them.

Officer A observed the bathroom door was closed and attempted to verbalize with the Subject to come out. Officer A noticed the bathroom door handle begin to move. The door then quickly swung open and the Subject exited. The left side of her torso was exposed to Officer A; however, he could see she was holding a knife in her right hand. The Subject then began to move toward the officers while yelling profanities.

Officer D commanded the Subject to drop the knife at least six times and heard the other officers articulate the same several times. With the knife blade pointed in the officers' direction, the Subject quickly advanced towards the officers.

Officer C discharged his TASER at the Subject. Through his peripheral vision, Officer D heard and observed the discharge of the TASER; however, there was no visible effect and the Subject continued to advance toward the officers. Officer D believed the Subject was going to kill or stab him or his partners and therefore he fired three rounds at the Subject. After the third round, the Subject fell to the floor.

Immediately after, Officer A broadcast that shots were fired. Officer A could not see the knife, so he took hold of the Subject by one of her arms, and with the assistance of Officer B, moved the Subject. After doing so, he noticed the knife on the floor near the bathroom door, far enough away from the Subject that he no longer considered her a threat. At that point he called for the LAFD to enter and provide medical attention to the Subject.

The Subject was transported to the hospital where she was pronounced dead.

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 Officers A, B, C and D's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officer D'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. Tactical Planning / Additional Resources

In this instance, Officers A, B, C and D had reason to believe the Subject was armed with a knife and was potentially a danger to herself and/or others. Though backup had been requested, Officers A, B, C and D elected to enter the Subject's residence prior to the arrival of additional resources.

While examining this issue, the BOPC took into account the following factors: First, the sense of exigency the LAFD personnel expressed to the officers upon their arrival. Second, before entering the residence, the officers obtained information from LAFD personnel that the Subject was contained inside the residence. Third, upon making a tactical entry into the location and confirming that the Subject was contained inside a bathroom, the officers attempted verbalize with the Subject. Once it was determined that the Subject would not comply, the officers decided to hold their positions and wait for additional resources.

While, under ideal circumstances, it would be tactically advantageous to wait until all needed resources were in place before entering the residence of a potentially armed suspect; tactics are meant to be fluid and adjustable given the situation. In this

instance, the officers were placed in a rapidly unfolding tactical scenario the moment they stepped out of their police vehicles. Reacting to the information they received, the officers developed and executed a reasonable and effective tactical plan to contain the Subject to one room.

In conclusion, the BOPC found that, given the situation, the officers' decision to enter the Subject's residence before the arrival of additional resources did not substantially deviate from approved Department tactical training.

2. Tactical Deployment / Building Entry / Crossfire

In this instance, prior to entering the Subject's residence, Officers D and C deployed on the door on the north side of the building while Officers A and B deployed on the door on the south side. Once the decision was made to enter the residence, the officers entered from the two different points of entry simultaneously. Had the Subject emerged from the hallway into the common area of the residence, there could have been a potential crossfire situation.

In assessing the officers' actions, the BOPC noted that prior to entering the residence both teams of officers had a clear view of the common areas inside the residence prior to making entry.

Furthermore, the officers had obtained information from the LAFD that the Subject was contained inside the apartment. After visually verifying that the Subject was not in the common area, the two entry teams verbally coordinated their entry into the location, taking special note to avoid potential crossfire.

In conclusion, the decision to enter the location from two different points of entry was coordinated and executed not as a search tactic but to limit the Subject's containment to one room inside the residence. As such, the BOPC found the officers' decision did not substantially deviate from approved Department tactical training.

- 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.

Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this case, although there were identified areas where improvement could be made, the tactics utilized did not substantially and unjustifiably deviate from approved Department tactical training.

A Tactical Debrief is the appropriate mechanism for Officers A, B, C, and D to evaluate the events and actions that took place during the incident, assess the

identified tactical considerations and reinforce applicable tactical best practices to better handle a similar incident in the future.

In conclusion, the BOPC found Officers A, B, C, and D's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

- In this instance, the officers responded to a violent female with mental illness radio call. Upon their arrival, the officers were notified by LAFD that the Subject was inside the residence holding a knife to her neck. In effort to diffuse the situation and persuade the Subject to exit without incident, the officers entered the residence. Armed with the knowledge that the Subject had a knife and fearing the situation may escalate to the point where lethal force may become necessary, Officers A, B and D drew their weapons before making entry.

Based on the totality of the circumstances, Officers A, B and D believed that there was a possibility that the Subject could be armed. The BOPC determined that officers with similar training and experience as Officers A, B and D would reasonably believe that the situation may escalate to the point where deadly force may be justified.

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

C. Less-Lethal Use of Force

- Prior to making entry into the residence, Officers A, B, C and D developed a quick tactical plan which included a less-lethal force option. After attempts to verbalize with the Subject failed, the Subject emerged from the bathroom with a knife in her left hand and began to yell profanities at the officers. After repeated attempts to persuade the Subject to drop the knife, she turned toward the officers and advanced toward them. In an effort to cease the Subject's actions, Officer C deployed his TASER at the Subject's center body mass.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the Subject's aggressive actions presented a threat to the officers and would have reasonably reacted in the same manner. Consequently, it was objectively reasonable for Officer C to perceive the Subject's actions as a threat and utilize less-lethal force.

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

D. Lethal Use of Force

- The officers responded to a violent female with mental illness radio call. Upon arrival the officers spoke with LAFD personnel who stated the Subject was inside the apartment holding a knife to her own neck. The officers entered the residence, observed the bathroom door to be closed and attempted to verbalize with the Subject in effort to get her to exit. After several minutes the bathroom door handle began to move and the door swung open. The Subject emerged from the restroom with a knife in her hand and began to yell profanities at the officers. Officer D ordered the Subject to drop the knife numerous times with negative results. The Subject turned toward the officers and began to advance toward them. Fearing for his and his partners lives, Officer D fired three rounds in rapid succession at the Subject.

In this instance, Officer D fired his service pistol to protect himself and his fellow officers from the imminent threat of death or serious bodily injury. Officer D's decision to use lethal force was objectively reasonable in that an officer with similar training and experience would have reasonably perceived the suspect's actions could result in serious bodily injury or death.

In conclusion, the BOPC found Officer D's use of lethal force to be in policy.