

Incident Summary

A private ambulance company's Emergency Medical Technicians (EMT) A and B were dispatched to a local jail's Inmate Reception Center to transport the Subject to a local hospital. The Subject had sustained injuries during an altercation and arrest with an outside police agency. While in custody at the jail, the Subject also sustained a left occipital fracture to his eye. The Subject posted bail, but prior to his release from jail required a medical clearance.

During the transportation, EMT A was in the rear of the private ambulance with the Subject, who was facing to the rear on a gurney secured with seatbelts. The Subject began to unbuckle the seatbelt and EMT A directed him to sit back down. Initially, the Subject complied and sat back down. EMT B looked in the rearview mirror and observed the Subject standing. EMT B then began to slow the ambulance down. The Subject grabbed the left door handle and opened the ambulance door. EMT A grabbed the Subject's shirt and made an attempt to grab the open door handle. EMT B decreased the ambulance speed from approximately 30 or 40 miles per hour to 15 miles per hour, and observed the Subject jump out of the moving ambulance. The Subject landed on his feet and fell backwards striking his head on the pavement. The Subject continued to roll onto his stomach. EMT B stopped and exited the ambulance to assist his partner, who had approached the Subject. EMT A advised EMT B that the Subject lost consciousness for approximately 10 to 15 seconds, had sustained a laceration and was bleeding from the top right side of his head. When the Subject regained consciousness he stood up and stated he was fine. The Subject asked to be let go and told them not to worry about him.

EMT B walked across the street with the Subject to evaluate his injury when the Subject suddenly fled on the street towards the freeway. EMTs A and B initially followed the Subject on foot and EMT B eventually returned to the ambulance. EMT B notified the ambulance company dispatch of the incident, while EMT A chased the Subject and called 911 on his cell phone, informing the operator of the on-going incident. EMT A approached the Subject, placed his hand on his chest and asked him to stop. The Subject punched EMT A on the left forearm and continued to flee the location.

The 911 Emergency Operator instructed EMT A to stop chasing the Subject. EMT A was then picked up by EMT B in the ambulance.

The Subject fled the scene on foot and was followed by EMTs A and B in the ambulance. EMT B was in communication with their dispatch and advised them of the Subject's last known location. The Subject was seen going over a fence and into the backyard of a residence, next door to a church.

Communications Division (CD) broadcast the following, "Any [...] unit to meet the private ambulance worker at [the location]. Their patient had unrestrained himself and ran away from the RA and was last seen, correction, the patient is male [...], 38 years, 5-11, 220, dark long shaggy hair, last seen wearing a brown color shirt, black pants, one shoe. Was last seen running westbound[.]"

Uniformed Police Officers A and B advised CD they were responding and uniformed Police Officers C and D also advised CD they were in the area.

Sergeant A also responded and advised CD he had arrived at the location. Sergeant A exited his vehicle and observed the Subject attempting to secret himself behind a church pillar. The Subject was holding a 3-foot-long u-shaped pole in his left hand, raised the pole above his head and gave Sergeant A a threatening look. Sergeant A drew his firearm and ordered the Subject to drop the pole. The Subject ignored Sergeant A's commands and forced entry into the church by pulling open the doors located on the east side of the church, setting off the building alarm. Sergeant A notified CD and requested a perimeter around the church.

Sergeant A set up the Command Post (CP) at a nearby location. Sergeant B also responded to assist, along with uniformed Police Officers E, F, G, and H.

Note: The rod Subject held was further described as a flat metal rod, u-shaped, approximately 26.5 inches long and a half-inch wide.

Sergeant A met with EMTs A and B, who explained that they were in the process of transporting the Subject to the hospital when he fled their ambulance. Sergeant A then contacted the outside police agency that had arrested him who advised the Subject was on bond and had been released from their custody. It was determined the Subject was not in custody at the time of his departure from the ambulance. However, the Subject was now wanted for Battery on EMT A and Burglary, after forcing entry into the church. Prior to initiating a building search for the Subject, the Battery and Burglary Investigative Reports were signed.

Sergeant A directed Officers E and F to canvass the nearby homes in order to obtain contact information for the church. During the canvass, two civilian witnesses were located. Witness A, a church member, provided officers with keys to the church. Witness B, also a member of the church, drew an interior sketch of the church to assist officers with the search for the Subject. Both Witnesses A and B were formally interviewed.

Metropolitan Division K9 Units were requested to assist with the search. Prior to the arrival of the Metropolitan K9 Units, Sergeant A positioned a police vehicle at an intersection and an announcement was made via the Public Address System advising the Subject to exit the church, with negative results. A second announcement made at the west side of the building was also unsuccessful.

Sergeant C and K9 Police Officers I and J arrived at the CP and were briefed. The interior sketch of the church drawn by Witness B was used as a tactical plan was developed.

A search team was assembled at the west side of the church. Officer J was the primary handler and point with his police dog. Officer J briefed the entry team regarding K9

tactics and ensured less lethal options (TASER and beanbag shotgun) were deployed. Sergeant A advised he drew his firearm and covered the west side door with a K9 officer as Officer J briefed the search team.

The search team consisted of Officer J and his police dog, Officer I, as well as Officers A, E, F, and G. The search team had been provided with the code for the alarm. Officer E held the west door open, and Officer F deactivated the alarm. Officer F then read the K9 announcement from a card in English and Spanish at the open west entrance door of the church. There was no response from the Subject. All of the search team officers had donned their helmets and drew their firearms. A broadcast was then made on the radio as the officers initiated the search. Sergeant A holstered his firearm and redeployed back into the driveway.

During the search, Sergeant A advised, a K9 officer broadcast that the search team required two additional officers. Officer H was directed to don his helmet and entered the church along with Sergeant A, who was already wearing his helmet. Officer H was directed to cover a hatch, which was located in the first room south of the east/west hallway. Officer H drew his firearm upon reaching his post. Sergeant A was directed to back up Officer H and cover a hatch located on the west end of the hallway. Sergeant A remained holstered. Officer I stated there were lights on in some rooms and the lights were off in other rooms, but none of the rooms were "real" dark.

Sergeant C stated he handed off a set of the church keys to the search team. During the search a request was made for additional keys. Sergeant C entered the church with the key. He remained inside the church and drew his firearm when he was tasked with covering a door.

There were two closed and locked doors located in the center of the church. One of the doors was on the north end of the kitchen. The second door was located to the southwest of the north door. Both doors had access to the kitchen. Officer J advised the search team his dog alerted to the area behind the locked doors. There was no noise coming from inside of the room and the decision was made to clear the surrounding area behind them. Once the surrounding area was clear the search team focused on the room with the two separate sets of locked doors.

Officer J stated his dog was barking at the north door, so the Subject had an indication that a dog was present. The announcements were repeated regarding a dog being used to search for the Subject, and that they were armed with a beanbag shotgun and TASER. The Subject was advised to surrender and give himself up. There was no response from the Subject.

Officer A positioned himself east of the north door. Officer G, who was standing east of Officer A and to his left, holstered his firearm and deployed the bean bag shotgun, chambering a shot shell. As officers covered both of these doors, Officer F used a key and attempted to unlock the dual locks on the southern door. The southern door was a Dutch door, positioned to the southwest and out of view of the north door.

Note: A Dutch door has upper and lower halves that can be opened separately.

Officer F was unable to unlock the door. He unlocked the top lock of the Dutch door then unlocked the bottom lock, only to find that the top lock was locked again. Officer F then left the key in after unlocking the lock and observed the key move as the lock was being manipulated from the other side of the door. This information was passed on to the search team. Officer F stated he then passed the key off to Officer E.

Note: Officer E advised he was at the south end of the multi-purpose room and did not indicate he was posted at the Dutch door.

Sergeant A, who remained in the west hallway, heard the dog barking followed by commands telling the Subject to exit. Sergeant A was approached by Officer J who advised the dog was alerting on a door and asked for approval to breach the door. Sergeant A was also advised the door was being locked from the inside as the officers attempted to unlock it with a key. Sergeant A approved the breaching of the door.

Officer J returned to the door and positioned himself along with Officer I inside the multi-purpose room southeast of the door, next to Officers A and G. Officer G stated the hallway was illuminated by natural light coming in from the wide open west door. The plan was to manipulate the Dutch door for distraction and then have Officer A kick the northern door open. Officer A holstered his firearm and removed his baton in order to allow him to kick the door without interference from the baton.

Officer A kicked the door open using his right foot and observed the Subject holding up a 2'-3' red or brown stick, in his left hand at chest level. The Subject closed the door. Officer A kicked the door open a second time. The door was closed again by the Subject. Officer A kicked the door open a third time and the dog started to enter the kitchen. The Subject closed the door again, trapping the dog behind its front legs at the threshold. Officer A kicked the door open again. Officer J had holstered his weapon and was able to successfully remove the pinned dog from the doorway as Officer I moved forward to provide cover.

After kicking the door open a fourth time, Officer A observed the Subject through the halfway open door holding a large kitchen knife in his right hand and a stick in his left hand. The Subject started to run out of the kitchen towards Officer A and Officer G. Officer A yelled out, "knife, knife, knife," and heard a beanbag round fired from his left.

The Subject ran out towards Officer G and stabbed him on the left arm with the knife, as he pushed Officer G against the east wall. Officer A was approximately five to six feet away and to the southwest of the Subject when he fired three rounds at the Subject's back to stop the attack on Officer G. After being struck by gunfire, the Subject turned and faced Officer A. The Subject continued to hold the knife in his right hand at chest level and took two steps towards Officer A. Officer A fired one additional round at the Subject in defense of his life. The Subject dropped the knife and fell to the floor face up.

Note: When asked by FID why he fired his pistol the first time, Officer A recalled fearing for his partner's life since he had a knife stuck in his shoulder. When asked why he fired his pistol the second time when the Subject turned toward him, Officer A told FID that he feared for his own life.

While the Subject was on the ground, Officer A continued to cover him with his firearm. Officer J observed the knife on the floor approximately three to four feet away from the Subject and placed his foot on the blade of the knife to secure it until the Subject was handcuffed. Officer H moved from his covering position in the hallway toward the Subject. Officer H donned a pair of latex gloves and began to handcuff the Subject. Officer F also approached the Subject and assisted H in rolling the Subject onto his stomach and handcuffing him.

Officer I observed Officer G bleeding. He took the beanbag shotgun from him and placed it on the table. Officer I assisted Officer G to a bench inside the multi-purpose room. Officer I cut off the uniform sleeve and observed a large open wound on the bicep. Officer I placed pressure on the stab wound by inserting his fingers inside the bicep until the arrival of medical personnel.

Sergeant A observed Officer G sitting and holding his left arm as it bled and broadcast the following, "Officer needs help, officer down, request RA at our location." At 1651:45 hours, Officer I broadcasted, "We need an RA, officer down, officer down knife wound." Sergeant A directed Officer E to locate the civilian EMT personnel who were outside to provide medical treatment for Officer G.

EMTs A and B responded to the officer's request for medical assistance and entered the church. Officer G was lying on a bench when they observed an injury to his left arm and pressure was applied with a trauma dressing.

Sergeant B entered the church and escorted Officer A outside and away from the officers on scene. Sergeant B then obtained a Public Safety Statement (PSS). Officer A stated he fired four rounds in a northbound direction, the Subject did not fire at him, and both the Subject and Officer G were injured. Officer A further stated that officers assigned to the search team were witnesses. He also advised a knife, along with his baton were in the hallway.

Note: The above is a brief synopsis of the answers provided to Sergeant B by Officer A. The transcribed interview of Sergeant B provides the full nine questions and answers of the PSS.

FID personnel reviewed all documents and circumstances surrounding the separation and monitoring of the officers. All protocols were complied with and properly documented.

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 and Exhibiting 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, G, I and J's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, G, I and J's drawing and exhibiting of a firearm 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

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 1. Barricaded Suspect/Notification to the Special Weapons and Tactics (SWAT) Section of Metropolitan Division

In determining whether a person is considered a barricaded subject, the subject in question must meet the four criteria as cited in the relevant training bulletin. The first criterion states that officers must have reason to believe that the "subject is probably armed." In this instance, Officers A, G, I and J had reason to believe that the Subject was contained inside a locked room and armed with "...a three-foot bar that had been bent into a U-shaped or V-shaped configuration." Though a person in possession of a three foot metal bar would technically be considered as "armed," this type of weapon would not generally facilitate a SWAT response.

In this instance, prior to the OIS, Officers A, G, I and J did not know that the room the Subject had locked himself inside was, in fact, a kitchen. Furthermore, when the officers attempted to force open the locked door they did so based on premise that the Subject was armed only with a two to three foot long metal bar. However, once Officer J, the leader of the search team, realized that the Subject had armed himself with a knife, he immediately recognized that the situation had escalated to a scenario involving a barricaded subject. Officer J recalled that Officer G opened the door and stated, "He has a knife. He has a knife," before the door closed again. So at that time, Officer J pulled his dog back, and in his mind the scene at that point involved a barricaded subject, given that the Subject was inside armed with a knife.

Though Officer J correctly identified that the situation had escalated to a barricaded subject scenario, he and the other officers were afforded no time to alter their tactical plan. Moments after observing that the Subject was armed with a knife, the Subject lunged out of the room and stabbed Officer G. Given the belief that the Subject secured himself in a locked room armed with only a two to three foot long pipe, and given the rapidity of how events transpired once it was learned that the Subject had armed himself with a knife, the BOPC found that it was reasonable no notification to SWAT had been made.

In conclusion, the BOPC found that Officers A, G, I and J's actions did not substantially deviate from approved Department tactical training. However, the topic of Barricaded Subjects was to be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Preservation of Evidence:

Immediately following the OIS, Officer J observed the knife on the floor approximately four feet away from the Subject. Officer J placed his foot on the blade of the knife to secure it until the Subject was handcuffed.

In this instance, Officer J saw an immediate need to ensure the Subject did not rearm himself with the knife. Given that Officer J was holding onto his K-9 dog at the time, stepping on the knife blade was an effective way to secure the weapon without sacrificing his tactical advantage. Though the BOPC found that Officer J did not substantially deviate from approved tactical training, the topic of preservation of evidence was to be discussed at the Tactical Debrief.

2. Reloading Beanbag Shotgun to Maximum Capacity:

Upon deploying the beanbag shotgun, Officer G chambered a round from the shotgun magazine but did not load another beanbag shotgun round into the magazine well to ensure the beanbag shotgun was loaded to full capacity.

Though there is no requirement to “top off” a beanbag shotgun after a round is chambered, it is a tactical practice that should be encouraged and reinforced. This topic was to be discussed at the Tactical Debrief.

- 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 and 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 was an identified area where improvement could be made, the tactics utilized did not substantially and unjustifiably deviate from approved Department tactical training.

In conclusion, a Tactical Debrief is the appropriate mechanism for Officers A, G, I and J 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.

The BOPC found Officers A, G, I and J’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, a search team was assembled on the west side of the church. The search team consisted of Officers A, G, I and J, as well as a police dog. Officer J was the primary K-9 handler, Officer I was assigned the point position of the entry team, and Officers A and G were designated cover officers. Fearing the situation may escalate to where deadly force may be necessary, Officers A, G, I and J drew their service pistols in preparation for the search.

Prior to entering the church, Officers A, G, I and J received information that the Subject, armed with a metal pipe, forcibly entered a church. Given the circumstances, the BOPC determined that officers with similar training and experience as Officers A, G, I and J would reasonably believe that the situation may escalate/or had escalated to the point where deadly force may be justified.

In conclusion, the BOPC found that Officers A, G, I and J’s drawing and exhibiting to be in policy.

C. Lethal Use of Force

- **Officer A** – (pistol, four rounds)

In this instance, Officer A kicked the kitchen door open for the fourth time and observed the Subject armed with a knife. Without warning or provocation, the Subject suddenly charged Officer G and stabbed him in the left bicep. In fear for Officer G’s life, Officer A fired three rounds at the Subject’s back. Officer A recalled fearing for his partner’s life because he had a knife stuck in his shoulder. Although

Officer G was in Officer A's background, Officer A was left with no other option but to fire his service pistol at the Subject. Officer A's intention was to preserve the life of Officer G and to prevent further serious bodily injury or possibly death.

After being struck by Officer A's rounds, the Subject removed the knife from Officer G's arm, turned and charged at Officer A. In fear for his own life, Officer A fired an additional round at the Subject, at which time he dropped the knife and fell to the ground. Officer A also recalled fearing for his life and safety.

The BOPC determined that Officer A responded to the immediate deadly threat posed by the Subject and acted to defend Officer G and then himself. Given the circumstances, an officer with similar training and experience would reasonably believe that the Subject posed an immediate deadly threat. Therefore, the decision by Officer A to utilize lethal force was objectively reasonable and consistent with Department policy.

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