

Incident Summary

On the date of the incident, Witness A called 9-1-1 regarding an assault with a knife that had just occurred at her residence. Witness A advised Communications Division (CD) that the Subject attempted to stab the Victim.

Note: The Subject lived in a structure attached to a trailer in the rear area of Witness A's property. The living space was a single-room structure attached along the side of a camper trailer. The structure was separate from the main residence, which is a single-story, single-family dwelling.

Witness A also advised CD that the Subject no longer had the knife and that he had walked away prior to her calling 9-1-1. A radio call was generated and Officer E responded to the location. Officer E completed a crime report, collected the knife as evidence, and later booked it into property.

Approximately four hours later, Witness A called 9-1-1 again and reported that the Subject had returned to the location and was in the back of the property. Witness A further informed CD that the Subject had brandished a handgun in the past and may be armed. Communications Division broadcast another radio call and Officers A and B responded. While the officers were on their way to the location, CD provided several updates with information that the Subject was in the back and might be armed with a handgun. The officers arrived and met with Witness A on the sidewalk in front of her residence.

Witness A told Officer A that the Subject was inside a structure at the rear of the property. Witness A showed Officer A a photograph of the knife on her cellular phone and provided Officer A with the Subject's name, clothing description, and weapon information. According to Witness A, on prior occasions, the Subject had brandished a revolver in her presence; however, on this day she had not seen him with a gun.

Officer A requested an additional unit and Officers C and D responded.

Officer A assembled Officers B, C and D together and developed a tactical plan to approach the structure in the rear area of the property. The officers entered the property. The officers systematically cleared several vehicles on the property as they proceeded toward the rear structure. The officers established that the Subject was not hiding in any of the property surrounding the rear structure or camper trailer and directed their attention to the wooden door leading to the structure where the Subject was reportedly located.

Officer B used his flashlight to knock on the door while he maintained his pistol in his right hand. Officer B identified the officers as members of the Los Angeles Police Department, called out to the Subject by his first name, and ordered him to open the door. There was no response. He knocked again and repeated his order, this time in Spanish. Again, there was no response. He knocked again, gave the same orders, and told the Subject that, if he did not open the door, they would have to force the door

open. The officers waited again and listened for any movement from inside the location. They heard nothing.

Meanwhile, Sergeant A read the comments of the call and responded to the location. He briefly spoke with a female resident before proceeding to the rear of the location to meet with the officers. While he was walking along the driveway toward the rear area of the property, Sergeant A heard the officers knocking on a door and announcing their presence.

Together, Officers A and B decided to kick open the door. Officer A holstered his pistol and kicked the wood door open using a single kick with his right leg. The door swung open and Officer A drew his pistol. Officers A and B entered the location and utilized their flashlights to illuminate the dark room.

Within a few seconds, Officers A and B discovered the Subject lying on a couch on the east side of the dwelling and notified Officers C and D and Sergeant A. The Subject was lying on his right side with his knees bent and his hands between his legs.

Officers A and B immediately started giving commands to the Subject to show them his hands, in English and Spanish, but the Subject did not comply.

While Officer B was ordering the Subject to raise his hands, Officer A noticed that the Subject's hand shifted and saw that the Subject was holding a gun. Officer A alerted the other officers that the Subject was armed. Both Officer A and Officer B raised their voices, identified themselves as police officers, and ordered the Subject to raise his hands again, in English and in Spanish. The Subject remained lying down on the couch with a blank stare on his face and, according to an audio recording of the incident, responded, "I know you're the police," in Spanish.

Suddenly, the Subject extended his right arm and pointed the gun in the direction of the officers. Officer A fired nine rounds from his pistol at the Subject. Simultaneously, Officer B fired nine rounds from his pistol at the Subject. The Subject dropped the weapon to the floor and remained lying on the couch. Sergeant A broadcast "shots fired" over his radio and requested help.

Sergeant A also requested an ambulance for the Subject. The Subject was determined to be dead at the scene. A black plastic toy revolver, which had an overall length of 5 ¼ inches and a 1-inch barrel, was recovered from the scene of the officer-involved shooting.

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

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers A and B's lethal use of 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 Deployment

In this instance, Officers A and B received information that the Subject was wanted for a recent assault with a deadly weapon. The Subject returned to the location and the victims feared that he might try and hurt them again. Officers A, B, C and D formulated a tactical plan to make contact with the Subject. Each officer was assigned specific duties, although less-lethal force options were not deployed. Although there is no requirement for less-lethal force options to be deployed, the BOPC would have preferred that the officers had done so in order to ensure they had all available force options available to them.

The BOPC determined that not deploying less-lethal force options did not substantially deviate from approved Department tactical training.

2. Warrantless Entry

In this instance, Officers A, B, C and D knew that a violent felony crime (ADW) had occurred and believed that the Subject was inside of the rear structure. Based on the clear and expressed fear of the victim and family members, coupled with them calling 911 to report that the Subject had returned to the property and that he may be armed with a handgun, it was objectively reasonable for the officers to make every attempt to locate the Subject. Additionally, the officers believed that if they left the location without locating the Subject, the protection of the family would be compromised as the Subject would likely continue his aggression toward them upon their departure.

The BOPC determined Officers A and B's actions of entering the structure 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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

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

B. Drawing/Exhibiting

- Officer A

In this instance, Officer A formulated a tactical plan to approach the residence and attempt to locate and take the Subject into custody. The structure was located at the rear of the property and there were several vehicles and debris that the officers had to clear. Believing that he may encounter the Subject and that he might be armed, Officer A drew his pistol. Prior to kicking the door to make entry, Officer A holstered his service pistol. Immediately after breaching the door, Officer A again drew his service pistol, believing the Subject might be armed with a handgun.

Officer B

In this instance, Officer B, along with Officer A, cleared the vehicles and debris on the side of the residence as they made their way toward the rear of the property. Just prior to approaching one of the parked vehicles in the driveway, Officer B, believing the Subject might be armed, drew his pistol.

Officer C

After the door had been breached and Officers A and B entered the structure, Officer C heard Officer A state that he observed the Subject holding a gun and drew his service pistol.

Officer D

Officer D believed that the Subject might be inside and might be armed with a handgun. Upon Officer B's initial door knock, Officer D drew his service pistol believing the Subject might open the door while armed with the handgun.

The BOPC determined that officers with similar training and experience while faced with similar circumstances would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- In this instance, Officers A and B entered the structure and observed the Subject lying on the couch. Officer A then observed the Subject holding a handgun pointed it in his (Officer A's) direction. Officer A, believing he or his partners were about to be shot, fired his pistol at the Subject to stop his actions.

Simultaneously, Officer B observed the Subject point a handgun at him and the other officers. Believing that the Subject was going to shoot him or his partners, Officer B fired his pistol to stop the Subject's actions.

An officer with similar training and experience as the involved personnel would reasonably believe that the Subject's act of pointing a handgun at the officers posed an imminent threat of serious bodily injury or death. Consequently, it was objectively reasonable for Officers A and B to perceive the Subject's actions as a deadly threat and utilize lethal force in defense of their lives and those of their fellow officers.

In conclusion, the BOPC found Officers A and B's lethal use of force to be in policy.