

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

OFFICER-INVOLVED SHOOTING – 080-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
77 th Street	09/03/2005		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	16 years, 5 months
Officer E	2 years, 1 month

Reason for Police Contact

Officers responded to a program care facility to possibly place Subject 1 on a mental health hold. Subject 1 armed herself with scissors and a paring knife and moved toward the officers, causing Officer A to fire in response. Later, Officer E used the TASER to subdue and arrest Subject 1.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Female, 56 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 Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on 10/03/06.

Incident Summary

Subject 1 was a resident in a residential care facility. After speaking with her on the phone, her sons became concerned that she was mentally unstable and contacted Witness A, the apartment manager, and informed her of their concern. Witness A telephoned Subject 1 and determined that Subject 1 was paranoid and delusional. Witness A telephoned Clinical Social Worker A and asked him to evaluate Subject 1 for an involuntary mental health hold (California Welfare and Institutions Code §5150) because she had threatened her sons and seemed psychotic.

After Subject 1 threatened Clinical Social Worker A during a telephone conversation, Clinical Social Worker A determined that she posed a threat to others and completed an application for mental evaluation and treatment. Clinical Social Worker A then called the police department's Mental Evaluation Unit (MEU) for assistance, but was directed to call 9-1-1. Witness A called 9-1-1 and requested a female officer and a "5150 unit."

Communications Division (CD) broadcast that any area unit should respond to the location for a female with mental illness, threatening staff, and becoming violent. CD also stated that no weapons had been seen.

Officers A and B responded to the call. Leaving their Beanbag Projectile Shotgun and a TASER in the trunk, the officers met with Clinical Social Worker A and Witness A at the front of the location. Witness A advised the officers of Subject 1's mental condition and expressed her desire for the officers to have her transported to a mental health facility by ambulance.

In order to establish Subject 1's condition, the officers, Clinical Social Worker A and Witness A walked to Subject 1's apartment.

Witness A identified herself and asked Subject 1 if they could come inside. Subject 1 replied that they could. Using her passkey, Witness A unlocked Subject 1's door but could not fully open the door because a security chain was in place. Subject 1 refused to unfasten the chain and remained seated on the couch.

Officer A pushed the door in and observed drug paraphernalia on a table directly in front of Subject 1. Based on their observations and the threatening statements she made, the officers determined that Subject 1 should be admitted on a mental health hold and informed Witness A that they needed to gain access to the apartment.

By this time, Subject 1 had closed the door. Officer A pushed the door open, broke the security chain, and entered the apartment. The officers observed Subject 1 arm herself with a pair of scissors in one hand and a knife in the other hand. The officers, Clinical Social Worker A, and Witness A ordered her to drop the weapons.

The officers drew their service pistols and ordered Subject 1 to drop her weapons. Officer B requested a backup, Beanbag Projectile Shotgun and a TASER over the radio and instructed Clinical Social Worker A and Witness A open the security door to the facility for responding units. Officer A then retrieved his canister of Oleoresin Capsicum (OC) and advised his partner that he was going to use it. Officer A's canister of OC malfunctioned, so Officer B used his canister of OC to spray Subject 1. Subject 1 continued to advance toward the officers.

Concerned for their safety, the officers retreated while ordering Subject 1 to drop her weapons. Officers A and B continued to walk backwards until their backs were against a staircase. Subject 1 then moved toward Officer B. Officer A told her to stop and

pulled the trigger of his service pistol; however, the pistol malfunctioned and did not fire. Officer A then “cleared” the malfunction and fired three rounds, striking Subject 1 twice in the legs.

Subject 1 continued to hold her weapons and face the officers; however, she stopped her advance. Sergeant A and Officers C, D, and E responded to the scene. When they reached Officers A and B’s location, Officer E, who was armed with a TASER, was told to use the TASER on Subject 1 by Officer A. Officer E fired the TASER at Subject 1.

Subject 1 turned from the officers and re-entered her apartment. The officers followed Subject 1 into her apartment, where Officer D controlled Subject 1’s arm while Sergeant A handcuffed her. Subject 1 was later transported to the hospital.

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 Officer 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. Non-lethal Use of Force

The BOPC found Officers A and B’s non-lethal use of force to be in policy.

D. Less-Lethal Use of Force

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

E. Use of Force

The BOPC found Officer A’s use of lethal force to be in policy.

F. Additional

The BOPC found Sergeant A's actions to warrant divisional training.

Basis for Findings

A. Tactics

The BOPD noted that after arriving to the radio call of a female suffering from a mental illness and threatening to harm others, the officers met with the person reporting and obtained further information regarding Subject 1's mental health. The officers responded to Subject 1's apartment to assess her condition.

The BOPC noted that while Officers A and B had a Beanbag Projectile Shotgun and a TASER in their police vehicle, they did not bring that equipment with them. Based on the information they received regarding Subject 1, it would have been preferable that the officers bring those tools to allow for added force options. Additionally, time should have been used to establish command and control of this situation. Prior to making contact with Subject 1, the officers should have contacted the MEU for advice, obtained additional resources, and advised CD of their updated location.

Once at Subject 1's apartment, the officers allowed Witness A and Clinical Social Worker A to make contact with Subject 1. By doing so, the officers unnecessarily placed Witness A and Clinical Social Worker A in harm's way.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officers A and B were confronted by Subject 1, armed with a knife and a pair of scissors, who refused to comply with their commands. The officers drew their pistols. The officers had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

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

C. Non-lethal Use of Force

The BOPC noted that Officer A deployed his OC and attempted to spray its contents towards Subject 1. Officer A's OC spray was ineffective and he appropriately advised Officer B. Officer B then used his OC spray and discharged the canister toward Subject 1 in an attempt to stop her actions.

The BOPC found Officers A and B's non-lethal use of force to be in policy.

D. Less-Lethal Use of Force

After Officer A fired his service pistol at Subject 1, Officer E arrived and was directed to deploy the TASER at Subject 1. Officer E assessed the situation and used the TASER, striking Subject 1.

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

E. Use of Force

The BOPC considered that Officers A and B observed Subject 1 armed with a paring knife and a pair of scissors walking toward them. Subject 1 refused to comply with their commands to stop and drop the weapons. Officers A and B continued to walk backwards until their backs were against a staircase. Officer A, fearing for his life and the life of his partner, pulled the trigger of his service pistol, but the pistol did not fire. Officer A cleared the malfunction and fired one round at Subject 1.

Officer A observed that Subject 1 was still advancing toward him and his partner, still holding the weapons. Officer A then fired two additional rounds at Subject 1.

The BOPC found Officer A's use of lethal force to be in policy.

F. Related Issues

The BOPC noted that Sergeant A became involved in the incident, and would have preferred that Sergeant A had maintained a supervisory role and designated another officer to assist in the handcuffing.

The BOPC found Sergeant A's actions to warrant divisional training.