

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

**OFFICER-INVOLVED SHOOTING – 089-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On ( ) Off(X)</u></b>	<b><u>Uniform-Yes( ) No(X)</u></b>
Wilshire	10/10/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	2 years, 10 months

**Reason for Police Contact**

Off-duty Officer A was in a barbershop when Subject 1 entered and threatened Victim 1 with a knife. Officer A instructed Subject 1 to drop the knife, but Subject 1 did not comply. Officer A fired three rounds at Subject 1.

<b><u>Subject</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ( )</u></b>
Subject 1: Male, 50 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 SE 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 08/21/07.

**Incident Summary**

Officer A was getting a haircut at a barbershop. Officer A was dressed in plain clothes and was carrying his Department identification card, his badge, and his service pistol on his person. Also present inside the barbershop were Victim 1 and Witnesses 1 and 2. Witness 1 was cutting Officer A's hair and Victim 1 was cutting Witness 2's hair.

While Officer A was getting his haircut, he observed Subject 1 walk into the barbershop carrying an object in his right hand. Officer A then observed Subject 1 make a whipping motion with his hand, exposing the blade of a folding knife. Subject 1 then moved

toward Victim 1 and lunged at him while making a slashing movement with his arm. Meanwhile, Victim 1 walked backwards and put his arms up.

Officer A observed that Subject 1 appeared to be very angry, and heard Subject 1 speaking in a language he did not recognize. Officer A stood up out of the barber's chair he had been sitting in and moved further into the barbershop and away from Subject 1's position. Officer A then drew his pistol from its holster, pointed it at Subject 1, yelled that he was an LAPD officer, and instructed Subject 1 to drop the knife. Subject 1 turned to look at Officer A while still holding the knife in his hand. Officer A then ordered Subject 1 to drop the knife three or four more times, but Subject 1 refused to comply. Officer A observed that Subject 1 remained close to Victim 1.

In response to Subject 1's continued failure to drop the knife, and in defense of both Victim 1's life and his own, Officer A fired three rounds at Subject 1. Subject 1 was struck by the officer's gunfire and fell to the ground near the front doorway of the barbershop. Officer A kept his pistol aimed at Subject 1 and began to walk toward him. After observing that Subject 1 had dropped the knife, Officer A used his foot to slide the knife along the floor, out of Subject 1's reach. At the same time, Officer A told Witness 1 to call 9-1-1 and report that an off-duty officer needed help.

Witness 1 called 9-1-1 and reported that an off-duty officer needed help. Officers B and C arrived at the scene, followed by Officers D and E, who deployed their police vehicle directly in front of the barbershop.

Upon their arrival, Officers B, C, D and E observed Subject 1 lying on the ground. Officers D and E observed that Subject 1 was bleeding from his arm. Officers B and C observed that Subject 1 was talking to someone on his cellular telephone. Through the windows at the front of the barbershop, Officer D saw the individuals inside pointing at Officer A and saying that he was a police officer. Officer D looked into the barbershop and observed Officer A standing inside the front doorway, with his badge on his waistband.

Meanwhile, Officer E looked into the barbershop and observed Officer A holding a gun and yelling out that he was a police officer. Officer E then dragged Subject 1 out of the doorway for cover and detained him by holding his arm. Officer D requested a rescue ambulance (RA) and placed a handcuff around one of Subject 1's wrists. Officer D elected not to handcuff Subject 1's other wrist, as it appeared to be injured.

Officer C then entered the barbershop and observed Officer A holding a pistol in his hand and an ID in his other hand. Officer C heard Officer A identifying himself as a police officer, and he also observed Officer A's badge on his belt. Officer C made contact with Officer A and verified his identification. Meanwhile, when Officer A observed that Subject 1 was being taken into custody, he de-cocked his pistol and re-holstered it.

## **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's tactics to be appropriate.

The BOPC found Officers B, C, D, and E's tactics to warrant divisional training.

### **B. Drawing/Exhibiting/Holstering**

The BOPC found Officer A's drawing to be in policy.

### **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Officer A reacted to Subject 1's immediate, aggressive and violent action of waving a knife while approaching a barbershop employee. Fearing that Subject 1 was going to seriously injure or kill the victim or himself, Officer A took decisive and appropriate action. Officer A created more distance from Subject 1 by backing further into the barbershop, drew his pistol, identified himself as a police officer and ordered Subject 1 to drop the knife. Subject 1 refused to comply with Officer A's orders and continued his aggressive and violent actions.

Additionally, Officer A demonstrated composure in directing a barbershop employee to call 9-1-1 and advise the operator that an off-duty officer needed help. The BOPC supported Officer A's decision to not approach Subject 1 but rather maintain his distance and await the arrival of responding personnel to physically take him into custody.

The BOPC was satisfied with Officer A's tactics throughout this incident.

The BOPC found Officer A's tactics to be appropriate.

The BOPC noted that Officers D and E deployed their police vehicle directly in front of the location. It would have been tactically safer to exit the police vehicle from a distance that afforded them the ability to make a tactical approach to the location.

A review of the investigation revealed that neither Officers B, C, D, nor E drew their service pistols throughout the incident. The nature of an "officer needs help" radio call sufficiently warrants the drawing of a service pistol. The officers did not know initially whether the person lying on the ground in the doorway, Subject 1, was a police officer, suspect or separate victim. It would have been tactically safer for the officers to initiate a plan to approach that identified at least one officer to draw a service pistol and serve as a cover officer. Officers B, C, D, and E indicated that there was limited to no verbal communication between them as they tactically deployed on the location. Verbal communication among initial responding officers is vitally important. Open and effective communication in this particular incident could have established a safe direction of approach to avoid potential crossfire issues, designation of appropriate cover/contact roles, and could have assisted with identifying persons at scene.

The BOPC found Officers B, C, D, and E's tactics to warrant divisional training.

## **B. Drawing/Exhibiting/Holstering**

The BOPC noted that Officer A observed Subject 1 enter the barbershop while aggressively waving a knife in slashing motions while approaching the victim. Officer A believed that he had to take immediate action in defense of the victims and his own life and drew his concealed pistol.

The BOPC determined that Officer A had sufficient information to believe that the situation had escalated to the point where deadly force may become necessary. The BOPC found Officer A's drawing to be in policy.

## **C. Use of Force**

The BOPC noted that Officer A repeatedly ordered Subject 1 to drop the knife and identified himself as a police officer. Subject 1 refused to comply with Officer A's orders and continued waving the knife in a slashing motion toward the victim and then toward Officer A.

Fearing that Subject 1 was about to seriously injure or kill the victim or himself, Officer A fired three rounds at Subject 1.

The BOPC determined that Officer A reasonably believed that Subject 1 presented an immediate threat of serious bodily injury or death. The BOPC found Officer A's use of lethal force to be in policy.