

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

**OFFICER-INVOLVED SHOOTING – 112-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
Harbor	12/25/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	11 months

**Reason for Police Contact**

Victim 1, who had been assaulted by Subject 1, stopped Sergeant A and Officer A in the street. When they entered Victim 1's apartment building, Victim 1 fled up a flight of stairs. The officers then observed Subject 1 chasing Victim 1 down the stairs, attempting to stab him with a knife. Officer A fired several rounds to prevent Subject 1's attack.

<b><u>Subject</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit ()</u></b>
Subject 1: Male, 30 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 11/06/07.

**Incident Summary**

Victim 1 made a 911 call from his residence, alleging that Subject 1 was drunk, had been beating on the door of his residence, and had gained entrance into his apartment. Communications Division (CD) generated a call of an intoxicated man refusing to leave a residence.

Later that evening, Victim 1 again called 911 and reiterated his need for the police, stating that Subject 1 had returned to the apartment. Victim 1 stated that he would let the officers into his gated apartment building.

From his bedroom window, Victim 1 observed a police vehicle driving past the apartment building. In English, he yelled that he needed the police because Subject 1 had a knife. Victim 1 then exited the apartment building and stood on the sidewalk.

Meanwhile, Sergeant A and Police Officer A were traveling in a marked police vehicle when they heard CD's broadcast. Officer A then advised Sergeant A that a male was waving them down from the sidewalk. Sergeant A parked the police vehicle. Officer A broadcast their status and location, and both officers exited the police vehicle and approached Victim 1, who addressed them in Spanish. Victim 1 explained that the subject was still inside. Knowing they were the only Spanish-speaking unit working in the division, Sergeant A decided to follow Victim 1 into the apartment building.

Sergeant A instructed Officer A to use a nearby trashcan to prop open the security door so that back-up units could enter if needed.

Without waiting for the officers, and on his own initiative, Victim 1 ran up the stairs ahead of the officers. Officer A proceeded slowly up the stairway, followed by Sergeant A. Sergeant A attempted to slow Victim 1 down by calling him back, but it appeared to the officers that Victim 1 was rushing to the third floor.

When Officer A and Sergeant A reached the second floor landing, they observed Victim 1 enter the third floor hallway. The officers then heard what they believed to be the trampling of feet from the third floor and heard Victim 1 shout, "He's coming, he's coming," in Spanish.

Officer A stopped at the base of the stairs and looked up. He observed Subject 1 on the landing between the second and third floors, chasing Victim 1 while holding a knife. Subject 1's arm was raised and bent at the elbow, as if beginning a stabbing motion with the knife.

Officer A made eye contact with Subject 1, unholstered his service pistol, and fired two rounds at Subject 1. The rounds did not appear to affect Subject 1, who continued down the stairway.

Officer A took a step backward, away from Subject 1. He then aimed at Subject 1's torso and fired four additional rounds. Subject 1 was struck with three rounds fired by Officer A, and one round struck the floor of the second floor landing.

Subject 1 abruptly fell forward down the stairs, landed facedown on the second floor landing and released the knife.

Sergeant A instructed Officer A to kick the knife away from Subject 1's right hand. Officer A approached Subject 1, grabbed Subject 1's arm and handcuffed him, and then kneeled down next to Subject 1. He observed that Subject 1 was still breathing and rolled Subject 1 onto his side.

Sergeant A broadcast a help call and requested a Rescue Ambulance (RA).

An RA responded and transported Subject 1 to the hospital, where he was subsequently 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 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 Sergeant A's tactics to warrant divisional training.

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

#### **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 Sergeant A assigned Officer A, who was originally assigned to the front desk, to work with him in the field. The intent was to provide an additional two-person unit in the field to respond as a secondary unit on priority calls.

Officer A observed Victim 1, who was waving his arms, and appropriately advised Sergeant A. Officer A advised CD of their status and provided Sergeant A with the comments of the call. Officer A was the designated contact officer and approached the victim to determine the nature of the radio call. Sergeant A was aware they were the only Spanish-speaking unit available and opted to handle the radio call.

As Sergeant A and Officer A followed Victim 1 into the apartment building, they noticed the front door was self-locking. Sergeant A and Officer A properly placed a trash receptacle in the threshold of the front door. This provided for an unobstructed entry of additional personnel. Officer A proceeded up the stairs with Sergeant A closely behind. As they arrived on the second floor, they heard someone running on the floor above them.

Officer A observed Victim 1 running down the stairs with Subject 1 close behind and holding a knife above his head. Officer A maintained his composure and appropriately responded to the deadly threat.

Sergeant A completed a help broadcast. The responding units would have benefited from additional information, however. The broadcast should have included pertinent information relevant to the incident, including that the subject had successfully been taken into custody. This additional information could have provided responding personnel with the insight necessary to effectively assist.

Additionally, Sergeant A did not effectively communicate with Officer A regarding their specific roles following an officer-involved shooting. It would have been prudent for Sergeant A to have directed the tactics to be used to approach and handcuff Subject 1. Sergeant A did not take the role of cover officer when Officer A approached and handcuffed Subject 1. It would have been tactically safer had Sergeant A drawn his weapon and served as the cover officer while Officer A approached Subject 1.

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

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

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

The BOPC noted that, as Officer A stood on the second floor landing, he observed Subject 1 running behind Victim 1 with a knife raised above his head. Officer A appropriately identified the threat and drew his service pistol.

The BOPC determined that Officer A had sufficient information to believe the situation may escalate 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 Subject 1 continued to advance toward Victim 1 while holding the knife above his head. Fearing Victim 1 was about to be stabbed and possibly killed, Officer A fired two rounds at Subject 1. Officer A noticed Subject 1 appeared unaffected and continued toward Victim 1 and him. Officer A took a step back to create distance from Subject 1 and to ensure that the victim was not in the line of fire. Fearing for the safety of the victim and himself, Officer A fired additional 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.