

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

OFFICER-INVOLVED SHOOTING – 007-16

Division **Date** **Duty-On (X) Off ()** **Uniform-Yes (X) No ()**

Mission 1/17/16

Officer(s) Involved in Use of Force **Length of Service**

Officer A 8 years, 4 months

Officer B 8 years, 5 months

Reason for Police Contact

Officers responded to a call involving a suspicious man standing in the street armed with a knife. When the officers contacted the Subject, he charged the officers, resulting in an officer-involved shooting (OIS).

Subject **Deceased (X)** **Wounded ()** **Non-Hit ()**

Subject: Male, 24 years old.

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, pertinent subject criminal history, and addenda items); the relevant 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 Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on January 10, 2017.

Incident Summary

The incident began when a male wearing a grey T-shirt and black pants (the Subject) was observed pacing back and forth on the sidewalk and in the middle of the roadway. As he paced back and forth, the Subject held a large knife, approximately 12 inches long with a seven-inch blade, in his right hand.

Witness A, who resided nearby, stated that he had arrived at his residence and observed the Subject standing in the roadway. Witness A entered his residence, and approximately an hour later, Witness B arrived. They sat in Witness A's bedroom, located at the northwest portion of the residence and watched television.

As they watched television, Witness A, looked outside and observed the Subject holding a knife near his right leg. Witness A observed the Subject pace back and forth, place the knife in his right waistband area, and then remove it.

Witness B stated that he went to visit his friend, Witness A, and parked his vehicle in front of the residence. Witness B observed the Subject standing across the street near a telephone pole while facing his friend's residence.

Witness C, Witness A's sister, stated that as she left her home, she observed the Subject standing across the street on a sidewalk near a fire hydrant with his arms crossed. Approximately one hour later, Witness C returned to her residence and observed the Subject standing in the same area. Witness C also noted that the Subject possessed a knife, and quickly went inside her residence. She dialed 911 and informed the operator that the Subject was outside her residence, holding a black object which could be a knife.

Note: The group further monitored the Subject's activities through Witness A's bedroom windows.

Witness D, who also lived in the area, stated that she looked out her front bedroom window and observed the Subject standing on the west curb without any object in his hands.

A short time later, Communications Division (CD) broadcast for any available unit to handle the incident. Due to a lack of an available Area unit, CD assigned Officers A and B a non-emergency radio call of a Possible Assault with a Deadly Weapon Suspect. The officers responded from a neighboring Area.

Note: While en route, Officers A and B discussed that Officer B would assume lethal responsibility and Officer A would assume less-lethal responsibility. The officers also discussed the use of the bean-bag shotgun if time allowed.

Approximately 30 to 40 minutes later, Witness D awoke from a nap and again looked out the same window to check if the Subject was still present. She now observed the

Subject holding a knife with a black handle in his right hand, with the blade pointed downward, tapping the knife on his right thigh area, continuously looking to his left, and appearing as if waiting to stab someone. Witness D informed her family regarding her observations, then dialed 911.

Witness E stated that she and her sister arrived at Witness E's residence, also in the area.

Witness E parked her vehicle in her driveway and exited. Witness E then observed the Subject, whose face appeared upset and angry, in the roadway while possessing an object in his right hand. Due to their fear that the Subject would follow them into their residence, Witness E and her sister went to their neighbors and entered their residence. Witness E walked into the kitchen and looked out the window. She then observed the Subject holding a knife with a blade approximately 6 inches long in his right hand near his abdomen. Witness E dialed 911 and was informed by the operator that there were earlier reports of the incident and police were responding to the location.

Witness F stated that she was in her bedroom when her sister, Witness D, requested her to come to Witness D's bedroom. Witness F walked into Witness D's bedroom and looked out the bedroom window. Witness F observed the Subject looking underneath a parked vehicle then tapping his right thigh with a knife, which was approximately 12 inches long.

Witness G stated that she and her fiancée were alerted by Witness D regarding the Subject's presence. They went into Witness D's bedroom, where Witness G observed the Subject standing in the roadway, looking back and forth and tapping a knife with a brown handle on his leg as if appearing to be waiting for someone. Witness G also dialed 911 and was informed by the operator that there was a delay in police response due to another incident.

After confirming via CD that the Subject was still present at scene and, due to heavy vehicular traffic and the possibility that the Subject was armed with a knife, Officer B broadcast their upgraded response to an emergency call (Code Three) and requested an Air Unit.

As Officers A and B arrived in the area, Officer B broadcast that they were Code-Six. Officer A drove slowly down the street and both officers utilized their respective spotlights to locate the Subject.

As the police vehicle traveled south Officer A observed the Subject standing approximately 46 feet away, south of the driveway of a nearby residence. The Subject had both arms folded, and his hands were concealed near his abdomen region as he faced east.

Note: According to Witness A, the Subject placed the knife into his waistband area as Officers A and B arrived. According to Witness C, the Subject concealed the knife behind his right leg.

Upon observing the Subject, Officer A stopped the police vehicle in the middle of the roadway, exited and took cover behind the opened driver door. Officer A pushed the automatic trunk latch release, allowing access to the bean-bag shotgun.

Officer B exited and took cover behind the opened passenger door. According to Officer A, the Subject turned toward the officers with a blank stare and clenched his hands into fists near his front waist, as if to hide something. Officer A stated the Subject began to walk toward the police vehicle as he repeatedly directed the Subject to stop. The Subject then accelerated to a fast walk.

Note: According to Officer B, he directed the Subject, "Hey stop. Let me see your hands." However, the Subject displayed a blank stare and shook his head side to side.

According to Witness G, she heard, "Have your hands up, or something like that."

According to Witness A, he observed Officers A and B exit and walk around their opened front doors. Witness A heard the Subject being directed to, "Stay right there." The Subject did not obey and advanced toward the officers; therefore, they repositioned behind their respective doors.

Officer A stated he had formed the belief that the Subject was under the influence of a controlled substance or was suffering from a mental illness based on his observations.

According to Officer B, the Subject quickened his pace toward him, so he unholstered his service pistol and held it at a low-ready position due to his belief that the situation could escalate to a deadly force incident. Simultaneously, as Officer B unholstered his service pistol, the Subject began to sprint toward him.

As the Subject was approximately 15 to 20 feet away, Officer B observed the Subject holding a knife in his right hand with the blade exposed, and his right arm moving in an up and down motion.

Note: According to Witness C, the Subject's right arm was bent at 45 degrees, with the knife held in the right hand above his shoulder and the blade facing the officers.

Witness F stated that she could not see the Subject's hands; however, she thought the Subject had dropped the knife and intended on walking past Officers A and B.

Witness D stated she was not certain if the Subject had thrown the knife away or placed it in his pockets because she no longer observed the knife in the Subject's hands as they were down along his sides.

According to Witness G, she could not determine if the Subject ran at Officers A and B or intended on running past the officers. She added that she was only able to observe the left side of the Subject, therefore, was not able to observe if the Subject possessed the knife in his right hand.

According to Witness B, he observed one of the Subject's arms move from a pants pocket in an upward direction toward his right shoulder, holding an object appearing to be a knife.

According to Officer A, as he directed the Subject to stop and show his hands, the Subject removed the knife from his waist or pants pocket area and stated something unintelligible. The Subject held the knife in his right hand near his waist level, with the blade facing outward at an angle between 45 to 60 degrees to the ground. The Subject continued to display a blank stare and moved toward Officer B, who stood behind the opened front passenger door of the police vehicle. In fear that the Subject may cause serious bodily injury to Officer B, Officer A repositioned himself near the left front wheel of the police vehicle while removing the TASER from its holster, attached to the left side of his equipment belt. Officer A held the TASER in both hands and discharged it at the exposed right portion of the Subject's upper torso for a five-second cycle, from a distance of approximately 14 feet and 5 inches. Officer A observed the Subject's body tense up and fall onto the roadway, subsequently releasing the knife.

Note: According to Officer A, due to the fact that the Subject was advancing toward Officer B with the knife, he did not have time to provide any warning to the Subject prior to discharging the TASER.

As the Subject sprinted four to five steps toward him, Officer B retreated toward the trunk of the police vehicle in an effort to gain more distance from the Subject. Due to his fear that the Subject would stab him with the knife, Officer B fired one round in a southwest direction targeting the Subject's center body mass from an approximate distance of 12 feet. Simultaneous to firing his pistol, Officer B heard a TASER activation and observed the Subject fall forward onto the street, releasing his grasp of the knife.

Note: According to Officer A, approximately half a second later after he activated his TASER, he heard Officer B fire a single round.

After activating the TASER, Officer A held the TASER in his right hand and used his left hand to remove the ASTRO police radio from his belt. He broadcast "[...], did you copy? Officer needs help, shots fired. I got one suspect down."

Officer A then holstered his police radio and again held onto the TASER with both hands.

The Subject then tried to remove a TASER probe which had attached to the Subject's right chest area and attempted to stand.

Officer A directed the Subject to place his hands on his head; however, due to the Subject's non-compliance, Officer A activated the TASER a second time from the same position. Officer A stated the TASER activation appeared to be ineffective because the Subject continued to move around rather than becoming rigid.

Note: According to Witness F, the Subject had fallen onto the street and then appeared to attempt to stand and remove whatever was on him.

According to Witness D, the Subject fell face down, then rolled onto his left side and appeared to grab at something near his left shoulder.

According to Witness G, the Subject fell onto his back and attempted to remove whatever was on him, then attempted to stand.

According to Witness A, after observing the Subject fall into a prone position, he observed the Subject roll onto his right side.

Officer A removed the TASER cartridge from the TASER and dropped it onto the roadway. He then holstered the TASER and unholstered his service pistol. As Officer A held onto his service pistol with two hands and pointed it at the Subject, he directed the Subject not to reach for the knife and to place his hands onto his head.

Officer B stated that he would fire his service pistol if the Subject attempted to reach for the knife. According to Officer B, the Subject positioned himself onto his left side, started breathing heavier, stared at Officer B, and stated something that he could not recall.

According to Officer A, the Subject placed his hands on his head, then removed them from his head and motioned with his right hand toward the knife, which lay approximately 3 feet east of the Subject. The Subject then grabbed the knife and placed his left hand and bottom of his feet onto the roadway as if ready to charge at Officer B.

As the Subject's knees were off the roadway, it appeared to Officer A that he was preparing to lunge at Officer B.

Fearing that the Subject would cause serious bodily injury to Officer B or him, Officer A held the service pistol in two hands and fired one round in a northwest direction, targeting the Subject's center body mass from an approximate distance of 11 feet and 10 inches. Upon firing his round, the Subject again fell onto the street facing north and the knife dropped to the Subject's east.

Officer A held onto the pistol with his right hand and used his left hand to retrieve his police radio and broadcast, “[...], Suspect attempted to reach for the knife again, I got shots fired again.”

According to Officer B, the Subject quickly attempted to reach for the knife and his body was half off the ground, at which time Officer A fired a round from his service pistol.

Note: Officer A’s walk-through position indicated he redeployed from the cover of the police vehicle and moved to the front of the vehicle before firing.

Officer B estimated 20 to 25 seconds elapsed between the time the Subject initially fell to the ground until the time he grabbed the knife again.

According to Witness F, she heard an officer state, “Get down, get down, freeze, don’t move,” as the Subject attempted to stand from a seated position. She then heard a gunshot coming from the direction of Officer A.

As described by Witness F, “And I think, like, he was -- he was sitting up. He was trying to move, like, to a more standing position. And that’s when we heard the second shot or the first shot in this case.”

According to Witness G, the Subject was halfway up while on his left side when she heard either a gunshot or TASER activation during the Subject’s third or fourth attempt to stand. During the Subject’s attempt to stand, she heard Officers A and B directing the Subject to place his hands up.

According to Witness C, “And he was trying to get up. And he was a bigger guy. He tried to get up a couple of times. They told him -- he was clearly not listening. He tried to get up. And I think the third or fourth time that he tried to get up and they kept on going further and coming closer and telling him to stop, I heard a shot, but I didn’t know if it was the Taser or the shot.” She later added, “He was kind of like halfway up. Like he was still on the floor, but he was, like, halfway up trying to come up.” She explained that he was not on his feet but rather in a seated position.

Witness G corroborated the officers’ positions when the Subject was tased by Officer A and shot by Officer B. She described Officer A as being near the front corner of the car, “right where the lights are,” and that Officer B had moved towards the trunk of the car.

According to Witness C, the Subject’s legs were moving as if attempting to stand. Witness C did not know if the Subject still had possession of the knife.

According to Witness A, approximately ten seconds after observing the Subject fall onto the street, he heard a second gunshot. Witness A stated

the Subject was rolling on the roadway preceding the second gunshot. Witness A reported, "I just remember like his knee was up, like he wasn't on the street yet. Like he was barely like hanging out. And then he moves, like I'm telling you, he rolls, and then yeah, a second round went off." Witness A was then asked by investigators if it appeared the Subject was "trying to get up or move or --" and Witness A replied, "No. I just see him roll onto the street and he got shot again."

According to Witness D, "They Tasered him. He fell. And I think at that point they told him several times not to move, but he -- he was trying to move. And that's when they shot him, I think, the second time."

Upon the arrival of back-up, the Subject was taken into custody, transported to the hospital and pronounced deceased a short time later.

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 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 made the following findings.

A. Tactics

The BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Less-lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be out of policy. The BOPC found Officers B'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. Additional Unit Request

Officers A and B did not request an Additional Unit or a Back-up after being assigned a radio call of an armed suspect.
 2. Simultaneous Commands (Non-Conflicting)

The investigation revealed that Officers A and B were simultaneously giving commands to the Subject during the incident.
 3. Effective Encounters with Mentally Ill Persons

The investigation revealed that during this incident the Subject displayed behavior consistent with a person suffering from a mental illness, and/or being under the influence of drugs or alcohol.
 4. Optimal Target Areas of the TASER

According to Officer A, when he deployed the TASER he was aiming at the center body mass.
 5. Preservation of Evidence

The investigation revealed that Officer A moved the Subject's knife with his right foot during his approach to take the Subject into custody.
 6. Searching Handcuffed Suspect

The investigation revealed the arrest team did not conduct a search of the Subject after placing him in handcuffs.
- 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 also 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 and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

According to Officer B, when the Subject came within about 15-20 feet of him, he observed that the Subject was armed with a knife in his right hand. Believing the tactical situation could escalate to deadly force, he drew his service pistol and held it at a low ready position.

According to Officer A, he observed the Subject lying on his back attempting to remove the TASER probes from his body. He then activated his TASER for a second time in probe mode to stop the Subject's actions; however, it was not effective. Officer A then holstered his TASER and drew his service pistol into a two handed grip.

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

C. Less-Lethal Use of Force

- **Officer A** – (TASER, two activations in probe mode)

First TASER Activation

According to Officer A, he observed the Subject closing the distance on his partner and deployed the TASER in probe mode at the Subject from a distance of approximately 14 feet to stop him from continuing to advance toward his partner.

Second TASER Activation

According to Officer A, he observed the Subject lying on his back attempting to remove the TASER probes from his body. He then activated his TASER for a second time in probe mode to stop the Subject's actions; however, it was not effective.

In conclusion, the BOPC found Officer A's less-lethal use of force to be objectively reasonable, and in policy.

D. Lethal Use of Force

- **Officer B** – (pistol, one round)

According to Officer B, he observed the Subject running in his direction with a knife in his right hand moving it in an up and down motion. The Subject had closed the distance very quickly and he feared the Subject was going to stab him. He re-deployed rearward to get more distance and fired one round at the Subject to stop the deadly threat.

In conclusion, the BOPC found Officer B's use of lethal force to be objectively reasonable and in policy.

- **Officer A** – (pistol, one round)

After falling to the ground and dropping the knife, the Subject remained on the ground for what Officer A estimated to be 20 to 25 seconds. During that time, according to both officers, the Subject was non-compliant with verbal commands, grabbed his knife, and began to push himself up from the ground. The accounts of both officers, as well as independent witnesses to the OIS, support that the Subject never attained a standing position before Officer A fired his round. Following the discharge of that round, one minute after the initial broadcast that shots had been fired, Officer A broadcast, "Suspect attempted to reach for the knife again, I got shots fired again."

Based on the totality of the circumstances, by a vote of 4-1, the BOPC found that Officer A's belief that the Subject presented an imminent threat of death or serious bodily injury was not objectively reasonable and that his use of lethal force was out of policy.