

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

OFFICER-INVOLVED SHOOTING – 022-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollenbeck	4/10/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	13 years, 9 months
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Reason for Police Contact

Officers responded to a Burglary in Progress call where the Subject was holding a knife to the victim's throat. Despite repeated requests, the Subject refused to put the knife down and an Officer-Involved Shooting (OIS) occurred.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject	Male, 27 years of age.		
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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 April 4, 2017.

Incident Summary

Communications Division (CD) broadcast a Burglary in Progress call and provided information that the suspect was holding a victim hostage with a knife to a victim's throat.

Uniformed Patrol Officer A advised CD that he and his partner, Officer B, were responding with emergency lights and siren (Code Three) to the location. Officer A requested an Air Unit (police helicopter) and additional officers with breaching tools to also respond.

Note: The officers were equipped with Body Worn Video (BWV) cameras and their police vehicles were equipped with the Digital In-Car Video System (DICVS). The DICVS and BWV systems were activated during this incident and portions of the OIS were captured on Officer A and B's BWV.

On arrival, Officers A and B were contacted by Witness A, who directed the officers to the location. Witness A told the officers that there were possibly three suspects and that they may be armed with a gun. Officer A updated CD with this new information. Additional officers responded to the rear of the location to assist Officers A and B.

Based on the information provided by CD and Witness A, Officers A and B believed the situation could escalate to one involving the use of deadly force and unholstered their respective pistols.

As Officers A and B made their way to the location, they encountered another individual, who told them that the Subject was inside with a knife to the victim's throat. As the officers approached the front door of the victim's apartment, they found the front door wide open with the front window shattered. The officers observed that the apartment was in disarray and flooded with water.

Officers A and B were joined by Officers C and D. When Officers C and D arrived at the victim's apartment, a tactical plan was developed by Officer A, who assumed Team Leader responsibilities.

Officer A told the officers to advance slowly, and they systematically cleared the living room, bathroom, and one of the bedrooms. While Officers C and D cleared the bedroom and held their position, Officer A heard screaming coming from behind the closed door of the other bedroom. Officer A stated that based on the comments of the call, "a hostage with a knife to his throat," and the screaming coming from inside the room, he was unsure if the victim was being stabbed and decided to force the door open.

Officer A believed that if he were to delay taking action, the victim may be killed. Officer A communicated to Officers B, C, and D that he was going to kick the door. Officer A

then kicked the door three times, creating an approximately two-foot horizontal crack from the door handle toward the hinge.

According to Officer A, Officers B, C, and D were at the threshold of the empty bedroom. From their position, the officers now had a partial view of the Subject and commanded the Subject to drop the knife multiple times. While the other officers provided cover, Officer A pulled the door off the hinges to provide a better view of the Subject.

According to Officer A, the Subject held the victim directly in front of him using him as a shield, approximately seven feet from the bedroom door, against the wall. The Subject was holding a large knife at the victim's throat.

According to Officer B, the officers attempted to communicate with the Subject by asking him what his name was several times, in English and in Spanish. Officer B yelled commands for the Subject to drop the knife, but he refused. Officers B, C, and D took a position of cover on one side of the bedroom door. Officer A repositioned himself in the hallway, outside of the bedroom's doorway. Officer B told Officer A that he was going to go in the bedroom. Officers C and D were crouched next to Officer B, who remained standing as he yelled at the Subject to drop the knife.

Officer B observed the Subject drop the knife on the bedroom floor, at which time he moved into the bedroom along with Officers A and D. As the officers entered the bedroom, the Subject picked up the knife and again placed it at the victim's throat.

The Subject continued to hold the Victim from behind with the knife on the victim's throat. The Subject placed his head behind the victim's head and moved his head off to the side so he could see the officers.

According to Officer A, he took a position at the bedroom door while Officers B and D gave commands to the Subject to drop the knife several times. The Subject did not comply. Officer B went into the bedroom where the Subject was holding the knife to the victim's throat, and Officer A followed him in.

Officer B was to the right of the Subject, and Officer A was to the left. The officers repeatedly yelled for the Subject to drop the knife, but he did not comply. The officers' commands were heard on their respective BWV.

Officers A and B illuminated the Subject with their respective weapon-mounted lights. Officer A noted that when he illuminated the Subject's face, he moved his head backward and created space between his head and the victim's. Officer A said that he illuminated the Subject's face a second time and the Subject moved his head away from the victim's head. Utilizing a two-handed shooting grip, Officer A fired one round at the Subject from an approximate distance of eight feet striking him in the head. Officer A indicated that the Subject had a knife pointed into the victim's throat, and he had no doubt that the Subject was going to kill the victim. Given that Officer A feared for the life of the victim, Officer A fired his service weapon one time.

The BWV of Officers A, B, and D depicted the Subject holding the victim with his right forearm over his neck, in a choke hold. The Subject held the knife in his right hand, toward the victim's throat. The Subject's left hand was over the victim's left wrist and held tight against the Subject's upper torso. The officers' BWV depicted the Subject holding the victim tight and off balance by pulling the victim toward him and downward. The Subject's head moved slightly to his left a moment before the OIS.

After the OIS, the victim, who had fallen with the Subject, stood up and was directed out of the bedroom with Officer B so that responding LAFD personnel could treat him.

Officer A advised CD that the location was secure and all officers were accounted for. Firefighter/Paramedics were directed to the scene, where after an examination of the Subject, paramedics found no signs of life and determined the Subject to be deceased.

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 firearm 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, and D's tactics to warrant a Tactical Debrief, and Officer C's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A'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. Tactical Communication

Officers A, B, C, and D did not advise the officers on the perimeter that they were making entry into the apartment. Operational success is based on the ability to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

Based on the totality of the circumstances, the BOPC determined that Officers A, B, C, and D's actions were not a substantial deviation from approved Department tactical training.

2. Shotgun Manipulations (Substantial Deviation – Officer C)

Officer C intentionally disengaged the safety on his Department shotgun while he searched the apartment and did not effectively maintain control of the shotgun as the incident unfolded.

Department policy and training dictates that the shotgun safety remains engaged with the officer's finger on the safety until the officer acquires a target and is prepared to shoot. This will give officers the greatest tactical advantage in the safest possible manner. The practice of disengaging the safety prematurely may lead to an unintentional discharge of the shotgun.

Additional concerns identified by the BOPC with regard to the shotgun manipulations displayed by Officer C included:

- Transitioning to his service pistol when he was the dedicated shotgun officer.
- Placing the shotgun down to assist in the handcuffing of the Subject.
- In the above instance, not ensuring the safety was on when he placed it down.
- Not ensuring the condition of the shotgun when he handed it to an unknown officer.

In conclusion, the BOPC determined that Officer C's actions of operating the shotgun during a tactical incident with the safety disengaged and not effectively maintaining control of the shotgun at all times represented a substantial deviation without justification from approved Department tactical training.

- The BOPC also considered the following:
 1. Kicking in a Door While Maintaining Control of a Service Pistol – Upon hearing screams emanate from behind the closed door, Officer A kicked the door with his service pistol drawn. Officer A was reminded there is a heightened concern for an unintentional discharge when kicking a door with a drawn service pistol.

2. Simultaneous Commands (Non-Conflicting) – The investigation revealed that several officers gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers were reminded simultaneous commands can sometimes lead to confusion and non-compliance.

These topics will be discussed at the Tactical Debrief.

- 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.

In conducting an objective assessment of this incident, the BOPC found the tactics utilized by Officer E substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval. Additionally, the BOPC found that Officers A, B, and F's tactics did not substantially deviate from approved Department training.

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, and D's tactics to warrant a Tactical Debrief, and Officer C's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- Officers A, B, C, and D responded to a call wherein the Subject was reported to have a hostage and was possibly armed with a handgun or a knife. Based on the nature of the call, Officer C deployed his shotgun, and Officers A, B, and D drew their respective service pistols as they approached the location.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, and D, when faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- **Officer A** – (pistol, one round)

According to Officer A, the Subject continued to ignore repeated commands to drop the knife and used the victim's head as cover, while holding the knife to the victim's throat. Believing that it was only a matter of seconds before the Subject was going

to stab the victim in the neck and kill him, Officer A fired one round at the Subject to stop the threat.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer A would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable to stop the threat.

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