

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

OFFICER-INVOLVED SHOOTING – 027-16

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Mission	4/30/16		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	16 years, 8 months
Officer B	9 months

Reason for Police Contact

Officers were dispatched to a battery/domestic violence call. When the Subject was confronted, he advanced toward the officers with two knives and an officer-involved shooting (OIS) occurred.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Subject: Male, 28 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 March 21, 2017.

Incident Summary

Los Angeles Police Department (LAPD) Communications Division (CD) received a 911 call for service from Witness A, who reported that his family member, the Subject, had locked himself inside his bedroom with Victim A, and was assaulting her.

Officers A and B were assigned the "Battery/Domestic Violence in Progress" radio call and responded with emergency lights and sirens (Code Three). The officers were in uniform and driving a marked black and white police vehicle.

Upon arrival, the officers activated their Body Worn Video (BWV) cameras and were met by Witness A, who provided them access to the apartment complex via the security gate. Officer B spoke with Witness A, whom he described as "really nervous," and when Officer B asked Witness A if the couple was still fighting, he told him, "It went quiet." The officers followed Witness A to his tri-level residence, and as the officers entered through the open garage door, Witness A directed them to a flight of stairs that led to the main level of the residence.

Witness A then directed the officers to a second stairwell and advised that the Subject's bedroom was at the top of the stairwell on the left. Officer A ascended the stairs followed by Officer B and Witness A. Officer A reached the top of the stairwell and observed that the door to the Subject's bedroom was open. As Officer A peered into the bedroom, he illuminated the interior with his flashlight. Officer A observed Victim A lying on the floor, bleeding from her mouth. Officer A visually cleared the bedroom of any other people, then covered the rooms close to his location as he directed Officer B to enter the bedroom and tend to Victim A. Officer B entered the bedroom and, upon making contact with Victim A, requested a Rescue Ambulance (RA) to respond to their location for a female, conscious and breathing, suffering from facial trauma.

Simultaneously, Witness A advised Officer A that the Subject was possibly in the nearby bathroom. Officer A knocked on the bathroom door. With no response, Officer A opened the bathroom door and discovered the bathroom to be unoccupied. Officer A then directed his attention to the closed bedroom door near his position. Officer A opened the bedroom door and identified himself as a police officer.

While remaining in the hallway and visually clearing the bedroom with his flashlight, Officer A again announced, "Police," and suddenly the closed bedroom door at the end of the hallway, also close to his position, began to open. Officer A directed his attention to that bedroom and observed the Subject standing behind the partially-opened door, attempting to hide his hands. Officer A further noted that the Subject's shirt was torn, which led him to believe he had been involved in an altercation, and observed that his eyes were "extremely wide open."

Believing the Subject was possibly concealing a weapon, Officer A unholstered his service pistol and held it at a low-ready position as he instructed the Subject to show his hands. Witness A, who was behind Officer A, observed the Subject at the door and ran downstairs. Concurrently, Officer B, having completed his request for an RA, began to exit the bedroom when he heard Officer A yell, "Stop, put it down."

The Subject immediately raised his hands and revealed that he was in possession of two kitchen knives. The Subject ran toward Officer A with the knives raised up at shoulder level and the blades pointing in Officer A's direction.

Officer A moved backward in the hallway and, fearing the Subject was going to stab him, raised his service pistol in the direction of the Subject. As the Subject continued to advance, Officer A pulled the trigger on his pistol; however, his pistol did not fire.

Officer A continued to back pedal toward the stairway just as Officer B began to cross the threshold from the bedroom into the hallway. As Officer A passed Officer B's position, Officer B observed the Subject advancing on his partner while armed with two knives. Officer B deployed back into the bedroom and immediately unholstered his service pistol.

As Officer A moved back down the stairwell, he lost his balance and fell against a table located on the riser four steps down from the top floor. Officer A leaned up against the table while he kept his pistol pointed at the Subject. The Subject continued advancing on Officer A with his hands at shoulder level and the blades of the two knives still pointed in Officer A's direction. Officer A, still fearing for his safety and believing that his pistol had malfunctioned, again pulled the trigger. Officer A fired two rounds in rapid succession at the Subject.

Simultaneously, Officer B, fearing for his partner's safety, raised his pistol and fired one round at the Subject as the Subject ran across his field of vision through the open bedroom doorway.

The Subject immediately dropped to his knees in the hallway, at the top of the stairway, facing in Officer A's direction, and both officers ceased fire. According to Officer A, the Subject released his grip on the knives as he went to the floor, and the knives came to rest directly under the Subject's outstretched hands. Officer A stated he had transitioned to a low-ready position, when he observed the Subject suddenly reach down and he then "clenched the knives."

Officer A, from atop the stairway riser, again raised his weapon in the Subject's direction and began to order the Subject to put the knife down. Officer B, from within the bedroom, also ordered the Subject to again put the knife down. The Subject, with his head slightly angled to the left, did not comply with the officers' orders to drop the knife. Officer A maintained cover on the Subject as he observed the Subject still clenching the knives and movement from his head. Believing the Subject was going to stand up and try to stab Officer A, Officer A fired one additional round at the Subject.

The Subject again dropped the knives and, as Officer B exited the bedroom to provide cover, Officer A ascended the stairwell and kicked the knives onto the lower landing. With the knives safely out of the Subject's reach, Officer A assumed the responsibility of cover officer as Officer B holstered his weapon and, at the direction of Officer A, handcuffed the Subject. Officer A broadcast that shots had been fired and requested an RA to respond for the Subject, whom he described as conscious and breathing.

As a result of the help call, numerous officers and supervisors responded to the scene. Officer A briefed the officers regarding evidence at the scene, as well as Victim A's injuries and her need for medical treatment.

Upon arrival of the RA, the medical personnel were escorted into the residence to assess both Victim A's and the Subject's injuries. Victim A was transported to the hospital for treatment, and the Subject was determined to be deceased at the scene.

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's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers 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. Lethal Use of Force

The BOPC found Officers A and 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. Tactical Communication and Planning (Substantial Deviation – Officer A)

Officer A did not effectively communicate or formulate a plan with his partner, Officer B, a probationary officer with nine months of field experience.

Operational success is based on the ability of officers 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 Officer A's failure to effectively communicate or plan with his partner, a probationary officer, with minimal time in the field at the time of the incident, was a substantial deviation, without justification, from approved Department tactical training.

2. Public Safety at Critical Incidents (Substantial Deviation – Officer A)

Officer A allowed Witness A to accompany the officers upstairs to the third floor and assist with locating the Subject. Placing an uninvolved civilian in physical jeopardy should be avoided at every opportunity.

In this case, Officer A allowed Witness A to follow the officers as they attempted to locate the Subject on the third floor. Upon reaching the third floor, Witness A stepped in front of Officer A and was exposed to an unsearched area, where the Subject was ultimately located.

The BOPC determined that Officer A's decision to involve Witness A in locating the Subject unnecessarily jeopardized his safety and was a substantial deviation, without justification, from approved Department tactical training.

3. Building Searches (Substantial Deviation – Officer A)

Officer A started conducting a search of the third floor without a tactical plan and sufficient personnel.

In this case, Officer A made the decision to begin searching three rooms with closed doors by himself, while his partner was in a separate room requesting an RA for the victim. Officer A's failure to communicate his actions with his partner, coupled with the lack of sufficient personnel to conduct a safe and systematic search of these rooms, limited his tactical options and unnecessarily endangered his safety.

The BOPC determined that Officer A's decision to act independently and search for the Subject on his own placed the officers at a distinct tactical disadvantage,

created unnecessary risk to their safety, and was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:

1. Simultaneous Commands (Non-Conflicting)

The investigation revealed that Officers A and B gave simultaneous commands to the Subject during this incident. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

2. Searches of Arrestees

The investigation revealed the Subject was not searched immediately after he was handcuffed. Although the Subject was handcuffed and appeared to be incapacitated, the officers were reminded of the importance of searching all arrestees to ensure that they are not in possession of any additional weapons that could be a threat to the officers.

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.

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 discuss individual actions that took place during this incident.

In conclusion, the BOPC found Officer A's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officer B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

According to Officer A, the door in front of him began to open and he observed the Subject standing behind the door with his hands behind him as if he were hiding something. Believing that the Subject was possibly concealing a weapon, he drew his service pistol.

According to Officer B, as he exited the room, he observed the Subject running towards his partner with two knives out in front of him. He drew his service pistol and moved back a step or two into the room for cover.

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

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

C. Lethal Use of Force

- **Officer A** – (pistol, three rounds)

First Sequence of Fire (Rounds 1 and 2)

According to Officer A, the Subject produced two very large kitchen knives, raised them above his shoulders, and then charged at him. In fear for his life, Officer A continued to back up and fired two rounds at the Subject to stop the threat.

Second Sequence of Fire (Round 3)

According to Officer A, he observed the Subject clench the knives and then ordered the Subject to drop the knife. The Subject ignored his commands and slightly raised his head. Believing that the Subject was going to get up and stab him, Officer A fired another round at the Subject to stop the threat.

- **Officer B** – (pistol, one round)

According to Officer B, he observed Officer A backpedaling towards the stairs as the Subject continued moving towards him with the knives. In fear for his life and his partner's life, he fired one round at the Subject to stop the threat.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A and B 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.

In conclusion, the BOPC found Officers A and B's lethal use of force to be in policy.