

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

**OFFICER INVOLVED SHOOTING – 003-17**

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

Central                              1/10/17

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

Officer A    6 years, 2 months

**Reason for Police Contact**

The Subject ran at officers with a large knife in his hand, at which time an officer-involved shooting (OIS) occurred.

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

Subject: Male, 32 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, 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 December 19, 2017.

## **Incident Summary**

Police Officers A and B were in full uniform, driving a marked police vehicle. Both officers were equipped with Body Worn Video (BWV) and their vehicle was equipped with Digital In-Car Video System (DICVS).

**Note:** A portion of the incident was captured on the above officers' DICVS, but it did not capture the OIS. Officer A activated his BWV, which captured the OIS. Officer B did not activate his BWV. Third party cellular phone video captured the OIS from the parking structure overlooking the incident. Surveillance video from businesses in the immediate area captured the Subject's actions prior to and during the OIS.

Officers A and B were driving when Officer A stated that he observed a Department of Transportation (DOT) vehicle parked on the side of the street. Officer A observed that the DOT Officer, Witness A, was being chased by the Subject, who was holding a large butcher-type knife in his right hand.

Witness A stated that he had stopped to cite a parked vehicle on the side of the street. Witness A had exited his vehicle and closed the door, but the door was not locked. Witness A had his back to his vehicle when he heard someone say, "All I want to do is die!" Witness A turned around and saw the Subject enter the driver's side of his DOT vehicle and close the door. Witness A immediately went to the driver's side door and attempted to get the Subject out of his vehicle.

Witness A then saw the Subject produce a large kitchen knife from his waistband and exit the vehicle. Witness A stated that he believed the Subject was going to try and stab him with the knife and backed away. At that moment, Witness A observed a black and white police vehicle driving on the street. Witness A said that he attempted to get the officers' attention by waving at them, and the officers stopped their vehicle. At this point, Witness A observed the Subject charge the officers' vehicle with the knife in his hand and pound on the driver's side window. Witness A recalled hearing the Subject say multiple times that he wanted to die.

Within seconds of Officer B stopping their vehicle, both officers saw the Subject turn his attention to them and charge their patrol vehicle in an aggressive manner with the knife in his right hand.

Officer B stated that when he saw the Subject turn his attention to the officers' vehicle and begin to approach them, he put their vehicle in reverse and intended to drive backward, hoping to gain a tactical advantage by creating distance and giving them time to de-escalate the situation. However, a vehicle was behind them, and Officer B could not back up his vehicle to create enough distance. Officer B saw that the Subject was charging their vehicle and heard him yell out, "Kill me!" Officer B then heard a loud bang and believed the Subject struck the driver's side of their vehicle with the knife.

Since Officer B could not back up any further, he decided to continue to create distance between themselves and the Subject. Officer B accelerated and drove down the street a short distance, then negotiated a U-turn. Officer A saw the Subject enter a business on the side of the street.

**Note:** Local video depicts the Subject jogging into the business premise with the knife in his right hand.

The owner of the business, Witness B, was inside when the Subject entered. She and other patrons saw the Subject with a knife in his hands, yelling, that he wanted to kill himself. According to Witness B, she and other patrons ran to the back of the premise and barricaded themselves in the back room and bathroom.

As Officers A and B were driving, Officer B activated his overhead emergency lights, which also activated his DICVS. Officer B told Officer A to broadcast the officers' location to Communications Division (CD).

Officer A stated that he never heard CD acknowledge his location, which he thought he had broadcast (Code Six). As they were driving back to where they last saw the Subject, Officer A asked CD if they had received his earlier broadcast. The CD operator replied that he had not. Officer A's BWV captured him requesting help for a man with a knife at their location. Officer B stopped their police vehicle outside the business premise the Subject had entered. Officer A then exited his vehicle.

Officer A's BWV captured the following: Officer A exited his patrol vehicle and stood outside the frame of his passenger door. The Subject walked out of the commercial building holding a large knife down by his side. Officer A told citizens in the area to get back. The Subject had the knife in his right hand with the blade pointed down. The Subject turned his attention to Officer A and began walking toward him. Officer A yelled out for the Subject to drop the knife as he simultaneously unholstered his pistol with his right hand. He held his pistol with both hands, with his arms fully extended and the muzzle pointed at the Subject. The Subject had the knife in his right hand as he began running at Officer A from approximately 26 feet, yelling that he was going to kill Officer A.

Officer A's BWV also depicts him standing slightly outside the frame of his passenger door when he fired his first round at the Subject from an approximate distance of 15 feet. The BWV depicts the Subject charging at Officer A while holding the knife in his right hand. As the Subject continued forward, he started to bring the knife up from his right side and extend his right arm out with the blade pointed at Officer A. The BWV depicts the Subject bent at his waist, leaning forward, as he is running at Officer A. Officer A continued to command the Subject to drop the knife. Fearing he was about to be stabbed, Officer A fired at the Subject's center body mass from an isosceles shooting position, he moved backward, around the rear of his patrol vehicle, attempting to create distance between himself and the Subject. Officer A fired a total of 12 rounds at the Subject as he continued to close the distance on the officer.

When Officer A fired his last round at the Subject, the Subject was in the process of going down to the ground. The Subject brought the knife close to his chest as he collapsed in front of Officer A. Once the Subject collapsed to the street, he rolled onto his back, still holding onto the knife. Officer A continued to command the Subject to drop the knife.

**Note:** Cellular phone video footage depicted the Subject lying on his back, on the street, with the knife in his right hand. The video also depicted the Subject attempting to cut his own throat.

Officer B immediately exited the driver's side, unholstered his pistol, and held it with both hands at a low-ready position. From his position outside the driver's side of the officers' vehicle, he saw Officer A moving backward and heard shots being fired. Officer B redeployed toward the rear of the officers' vehicle and saw the Subject fall to the ground.

Witness C, who was standing in the street nearby, stated that he saw the Subject going toward Officer A and heard Officer A order the Subject to drop the knife twice. Witness C saw the Subject continue to charge at Officer A with the knife in his hand as the officer fired multiple rounds at the Subject.

Immediately following the shooting, Officers A and B maintained their position with their pistols covering the Subject. Officer B requested a Rescue Ambulance (RA) for the Subject.

Uniformed Sergeant A responded to the scene, assumed the role of Incident Commander (IC), and directed officers to approach the Subject and take him into custody. Sergeant A obtained a Public Safety Statement (PSS) from Officer B and admonished him not to discuss the incident.

The Los Angeles Fire Department (LAFD) arrived at the scene and rendered aid to the Subject. The Subject was transported to the hospital where he was later pronounced dead.

**Note:** The investigation determined that shortly before the OIS, the Subject had murdered a young woman in a nearby apartment.

### **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 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. Lethal Use of Force**

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

### **Basis for Findings**

#### **Detention**

- In this case, the involved officers observed the Subject chasing a DOT Officer with a knife. The Subject then charged at the officers' vehicle with the knife. When the officers redeployed and exited their vehicle, the Subject charged at one of the officers with the knife in his hand. The officers' actions were appropriate and within Department policies and procedures.

#### **A. Tactics**

##### **Tactical De-Escalation**

- Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. In this case, the Subject immediately exited the business with a knife in his hand and ran toward one of the officers. When the officer ordered the Subject to drop the knife, the Subject ignored the commands and continued running toward the officers with the knife.

Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

- In its analysis of this incident, the BOPC identified the following tactical consideration:

## 1. Situational Awareness

The investigation revealed that Officer A initially broadcast the officers' incorrect Code-Six location and then approximately one minute later, Officer B broadcast their correct location. Officer A is reminded of the importance of broadcasting the correct location to ensure that responding units arrive in a timely manner.

- 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 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/Exhibiting

- According to Officer A, as he exited the vehicle, he observed the Subject with the knife in his right hand. He ordered the Subject to drop the knife, and then drew his service pistol as the Subject started moving towards him.

According to Officer B, he observed the Subject running with a knife towards his partner. He exited the vehicle and drew his service pistol.

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

Therefore, 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, 12 rounds)

According to Officer A, he observed the Subject running towards him in a dead sprint while uttering, "kill me or shoot me!" and continued to order him to drop the knife. The Subject ignored Officer A's commands and continued running towards him.

Officer A fired one round at the Subject while redeploying to the rear of the vehicle. The Subject continued to run towards him with the knife up over his head to thrust down in a deadly manner. Fearing for his safety, Officer A fired several more rounds at the Subject to stop him from advancing until he fell to the ground two to three feet away from him with the knife still in his hand.

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 lethal use of force would be objectively reasonable to stop the threat.

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