

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

OFFICER-INVOLVED SHOOTING – 011-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	1/31/17		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	7 years, 6 months
Officer B	3 years, 2 months

Reason for Police Contact

Officers responded to a call of a mentally disturbed individual stabbing civilians with a knife. Officers A and B located the Subject inside of a fast food restaurant attacking patrons, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 37 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 January 23, 2018.

Incident Summary

Witness A was working inside a liquor store, when he observed the Subject seated on the ground in front of his business and blocking customers from entering the store. Witness A walked over to the Subject and advised him that he was not allowed to sit there and that he needed to move. As Witness A was talking to the Subject, he observed the Subject holding a large knife. The Subject agreed to move so Witness A returned to assist waiting customers.

Five minutes later, Victim A and Witness B were walking on the sidewalk. According to Victim A, he was on his skateboard when he observed the Subject standing in the middle of the sidewalk. As Victim A got closer he didn't pay attention to the Subject until the Subject was directly in front of him. Then without warning the Subject swung a knife that was in his right hand, stabbing Victim A. Victim A did not see the knife until he was stabbed. After the Subject cut his arm, Victim A applied pressure to his injury and ran into the street to yell for help.

According to Witness B, who was on his bicycle standing on both his pedals heading down the sidewalk with his friend, Victim A, who was on his skateboard, he observed the Subject standing in the middle of the sidewalk. Witness B and Victim A were going to split up to go around the Subject. As they went around the Subject, Witness B noticed the Subject had a knife in his hand. Without warning, he immediately stabbed Victim A in his forearm. The Subject immediately turned toward Witness B and in a jab motion tried to stab Witness B as well, but Witness B jumped out of the way. The Subject stopped his motion towards Witness B, turned around, and began to walk on the sidewalk toward the fast food restaurant. Witness B tended to Victim A to help him stop the bleeding on his forearm. After Witness B wrapped Victim A's forearm with his shirt, Witness B observed the Subject try to stab another individual.

According to Witness B, he did not follow the Subject because he was helping Victim A. Witness B used his cellular phone to call 911 and report what had happened. Witness B continued to stay on the phone with the 911 operator to report where the Subject had walked to, but he did not follow the Subject.

Based on Witness B's 911 call, the Los Angeles Fire Department (LAFD) responded to the scene. Witness B was treated at the scene and then transported to the hospital.

Note: The restaurant's video security system consists of seven cameras that are positioned throughout the property. Three of the cameras are positioned to cover the parking lot and drive-thru. The time stamp is accurate on the video and indicated as military time on the 24-hour clock.

Police Officers A and B were driving in a marked black and white vehicle. Officers A and B were in the process of assisting Police Officers C and D with transporting runaway juveniles to the local police station. Officers A and B transported two of the three runaways. Officer B activated their Digital In Car Video System (DICVS) camera, which recorded the back seat of the police vehicle. While driving to the station, Officers

A and B were advised by Officers C and D that the juveniles had not eaten and were hungry. The officers decided to stop at the fast food restaurant where this incident occurred to buy food for the juveniles.

The drive thru surveillance camera depicted Officers A and B pull up behind Officers C and D. Both police vehicles utilized the drive-thru to order and receive their food. Officers C and D were first to order, received their food, exited the drive-thru, and then exited the driveway, and continued driving.

A different surveillance camera affixed to the exterior of the wall of the fast food restaurant depicted Officers A and B exit the drive-thru, proceed through the parking lot, and then exit where Officer A stopped for a red light.

A building surveillance camera depicted the Subject enter the door of the fast food restaurant.

A third surveillance camera depicted a man run to a police vehicle, where Officers A and B were stopped at the red light. According to Officers A and B, they observed an unknown man frantically approach their police vehicle, as he ran up to the passenger side of the police vehicle and advised officers that a man with a knife was going into the fast food restaurant. At the same time, an unknown woman in a vehicle drove up to the driver's side of the police vehicle and stated she was calling 911 about a guy with a knife.

According to Officer A, he broadcast, "Citizen's reporting a 415 man with a knife in the [fast food restaurant.] Requesting a back-up, air unit and a supervisor".

Note: Video from the second surveillance camera depicted Officer A pulling his vehicle slightly forward and toward the curb prior to the officers exiting.

According to Victim B, he went to the fast food restaurant to get a burger. He then walked to a table inside the fast food restaurant next to the door. Victim B was about to sit down and as he placed his food on the table, he noticed the Subject standing to his left and next to his table. As Victim B looked at the Subject, he observed the Subject holding a knife in his left hand and without provocation, the Subject stabbed him in his left hand and chest area. Victim B screamed and yelled to stop the attack, then ran out of the restaurant.

The third surveillance camera depicted a man identified as Victim B exit the door of the fast food restaurant, and run through the parking lot toward a police vehicle.

Victim B stated he ran directly toward a police vehicle that was stopped at the corner. Victim B told the officers, who were outside their vehicle, that there was a man attacking people inside the restaurant.

Officer A stated that his first instinct was to stay with the juveniles and contain the Subject until additional units responded, but as he walked around the rear of the police vehicle, Officer A observed Victim B run toward him with his shirt half off and holding his side. Victim B approached officers and stated, "I've been stabbed!" Believing an active incident was occurring and the Subject possibly had unrestricted access to additional victims inside the restaurant, Officer A retrieved a Patrol Rifle (PR).

Note: Officer A stated he believed the PR was a better option than the beanbag shotgun based on his "reasonable belief that the situation may escalate to a point where deadly force may be necessary." Additionally, Officer A stated that if a hostage situation occurred, the PR would give him the ability to neutralize the threat from a distance.

Officer A racked a round into the chamber of the PR and held it at a low ready position with his finger on the safety. According to Officer B, he unholstered his primary duty pistol and held it in a two-handed, low ready position, with his finger along the frame, "due to the situation at hand, I believed it could escalate to the point where deadly force may be -- may be used." Before Officers A and B moved toward the restaurant, Officer B secured the juveniles in their back seat with their seat belts and locked the rear doors to the police vehicle.

Note: Both juveniles were identified and interviewed. Both juvenile witnesses did not witness the OIS.

Officers A and B then moved together, through the parking lot. Officer A was away from the building, as Officer B moved toward the sidewalk just outside the fast food restaurant. As the officers approached the corner of the restaurant, Officer A indicated that an unidentified man stated, "He's outside around the corner wearing a purple shirt."

The second surveillance camera depicted the movement of Officers A and B from the parking lot adjacent to the restaurant. It also depicted the Subject standing outside the door, as Officers A and B approached the Subject.

According to Officer B, he and Officer A approached the corner of the restaurant. When they moved around the corner, they immediately observed two other men standing in the parking lot. Not sure if either one was involved; Officer A ordered the two men on the ground.

According to Officer B, as Officer A was providing verbal commands to the two men; he and Officer A looked past the two men and observed the Subject standing outside the door of the restaurant with a blank stare and holding a knife in his right hand. Both Officers A and B immediately determined that the two men were not involved and continued past the two men. Officer B believed his partner also observed the Subject holding the knife. Officer A then yelled at Officer B to unholster his TASER. Officer B stated he holstered his pistol and transitioned to his TASER because he was aware that Officer A had a rifle.

Officer B took over verbal commands and ordered the Subject to drop the knife.

The second surveillance camera depicted the movement of Officers A and B in the parking lot of the fast food restaurant. It also depicted the Subject enter the door with Officers A and B following close behind.

Officer B continued to order the Subject to drop the knife; the Subject without warning turned around and entered the restaurant through the door armed with the knife.

According to Officer B, he and Officer A, not knowing the Subject's intentions, elected to follow the Subject through the door. Officers A and B simultaneously entered the restaurant through the door that the Subject had entered.

According to Officer B, when the Subject entered the restaurant, he did not verbalize with the Subject because, "[T]here was [...] no time. As soon as I saw him with the knife, he jumped inside of, of the [restaurant]."

Surveillance camera video footage depicted the movement of Officers A and B from the parking lot into the door of the restaurant. It also depicted the Subject enter the door and walk toward a man, Victim C, who was seated at a table inside the restaurant.

According to Officer B, he observed the Subject holding the knife in his right hand, grabbing Victim C from behind his head and immediately pressed the knife against the left side of Victim C's neck as he remained seated.

According to Officer B, "[H]e did not say anything. There was no time at all to verbalize with him to deescalate the situation."

Note: Although neither officer recalled giving the Subject commands while inside the fast food restaurant, several witnesses reported hearing commands being given, such as, "Drop the knife" or "Drop the weapon," immediately preceding the OIS. None of the witnesses could identify which officer(s) gave the commands.

Surveillance cameras located inside the restaurant depicted the movement of the Subject and Officers A and B inside the restaurant. The video depicted the Subject walking around the side of Victim C, grabbing his head while standing in front of Victim C, at which time Victim C is stabbed.

Note: According to Witness C, "The one officer fired his Taser [...] He [the Subject] dropped down a little bit but didn't let go of his victim. He turned to face the other officer who had the rifle. They told him to drop it and get down on the ground. He didn't. The next thing I heard was two shots pointblank in the chest of the subject. He immediately dropped face first on the ground. In doing so, he -- knife went into his victim's left

forearm, stabbing him, and when he fell, he dragged the knife and sliced his arm open cutting the vein, I mean the artery in the man's forearm."

The video also depicted Officers A and B's movements, which were indicative of both officers deploying the PR and TASER, simultaneously.

According to Officer B, the Subject put his knife against Victim C's neck, and Officer B felt he had to act. Therefore, he pointed the red dot of the TASER directly at the Subject and discharged his TASER. Officer B was uncertain whether the TASER struck the Subject because Officer A simultaneously fired two rounds from his PR.

According to Officer A, he observed the Subject press the knife against Victim C's neck. He feared the Subject was about to cut Victim C's throat. Officer A then stepped to his left, believed he had a clear shot at the Subject, aimed his PR at the Subject's center body mass, and fired a round.

Officer A conducted an assessment and observed that the Subject was still standing and a threat. He fired a second round from his PR at the Subject's center body mass, causing the Subject to fall to the ground.

Officer B verbalized to his partner that he would handcuff the Subject and Officer B continued to cover the Subject. Officer B attempted to handcuff the Subject, but the Subject resisted by preventing his arms from being placed behind his back while face down. Officer B described that the Subject refused to remove his left hand under his body.

Officers C and D returned to the scene to assist the other officers, and the Subject was handcuffed without further incident. He later succumbed to his wounds and was pronounced as 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 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. Non-Lethal Use of Force

The BOPC found Officers A and B's non-lethal use of force to be in policy.

D. Less-Lethal Use of Force

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

E. Lethal Use of Force

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

Basis for Findings

- **Detention**

While stopped at a red light, on the way to the police station, the officers were flagged down by several citizens who reported that there was a man armed with a knife attacking people inside the fast food restaurant. The officers located the Subject outside the restaurant and ordered him to drop the knife. The Subject ignored the officers' commands and entered the restaurant while still armed with the knife. The officers followed the Subject into the restaurant and then observed the Subject grab a man and place a knife up to his throat. 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, Officer A considered re-deploying to get some distance and cover, and then attempted to de-escalate the situation by talking the Subject into dropping the knife. He then realized that the Subject was standing in front of the door, and if he entered the fast food restaurant, he would have access to additional potential

victims. Consequently, he directed his partner to Tase the Subject to keep him from entering the restaurant. When the officers ordered the Subject to drop the knife, the Subject ignored the officers' commands and then fled into the restaurant, where he immediately began attacking another victim with a knife.

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

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

1. Contact and Cover

Immediately following the OIS, Officer B began to handcuff the Subject while Officer A covered with his rifle. Officer A then transitioned from covering to assist in securing the Subject.

- The BOPC also considered the following:

1. TASER Spark Check

The investigation revealed that Officer B did not conduct a Spark Check at the start of his shift.

2. Maintaining Control of Equipment (TASER)

The investigation revealed that after Officer B deployed his TASER, he dropped it because he was going to draw his service pistol.

- 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.

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

B. Drawing/Exhibiting

- According to Officer A, he exhibited his patrol rifle because he believed that this was an active incident and that the Subject had unrestricted access to additional victims inside the restaurant or in the parking lot. He believed this was the best option because Officer A knew the Subject may take someone hostage, and he believed he may have to eliminate the threat from a distance.

According to Officer B, he believed that the Subject was armed with a knife and that the situation could escalate to the point of deadly force, so he drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer 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. Non-Lethal Use of Force

- **Officer A** – (Firm Grip and Physical Force)

According to Officer A, the Subject dropped to the ground with his left arm under his body and his right arm along his right side. He removed the Subject's left arm from under his body and placed it in the small of his back.

- **Officer B** – (Firm Grip, Physical Force, and Bodyweight)

According to Officer B, he placed his left knee on the Subject's lower back and then grabbed both of his wrists to bring his arms behind to the middle of his back. The Subject was actively resisting and did not appear to want his hands behind his back. Officer B decided to focus on the Subject's right wrist and grabbed it with both hands. He then pulled it back and placed a handcuff on the wrist.

Officer B then attempted to bring the Subject's left arm behind his back but was not able to do so because he was still holding onto the Subject's right wrist and did not want to lose his positioning.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome the Subject's resistance.

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

D. Less-Lethal Use of Force

- **Officer B** – (TASER, one five second activation in probe mode)

According to Officer B, he observed the Subject grab Witness C and place a knife up to his throat. Believing that he had to protect Witness C from serious bodily injury that was imminent at the time, Officer B deployed the TASER.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, while faced with similar circumstances, would believe the same application of less-lethal force would be reasonable to stop the Subject's actions.

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

E. Lethal Use of Force

- **Officer A** – (rifle, two rounds)

According to Officer A, when he entered the restaurant, he observed that the Subject was holding a knife in his right hand towards Victim C's throat and was concerned that the Subject had already been stabbed or injured. Believing the Subject was going to take Victim C hostage or slit his throat, Officer A side stepped to his left to get a clear sight picture and fired two rounds from his police rifle at the Subject's center mass 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 lethal use of force would be objectively reasonable.

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