

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

**OFFICER-INVOLVED SHOOTING – 018-17**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Outside City	3/7/17		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	20 years, 11 months
Officer B	4 years, 4 months
Officer G	9 years, 10 months
Officer H	16 years, 2 months

**Reason for Police Contact**

Officers pursued a car-jacking suspect with a kidnapped victim inside. At the conclusion of the pursuit, the Subject started stabbing the victim, resulting in an officer-involved shooting (OIS).

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 34 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 February 20, 2018.

## **Incident Summary**

The Subject was at his residence under the influence of methamphetamine, and threatening to harm family members with a knife and commit suicide. Several calls were made to 911 but prior to the arrival of the police, the Subject left the location with one of his family members, Witness A, and girlfriend, Victim A. Witness A drove the Subject and Victim A to another area, parked her car, and left the area, taking her car keys with her. The Subject and Victim A then began to walk down the street.

After the Subject and Victim A had exited the vehicle, the Subject started to act irrationally and, at one point, the Subject placed a knife to Victim A's neck and tried to open doors to vehicles parked in the area.

Communications Division (CD) received a 911 call from a woman who reported seeing a man who had a knife up to his girlfriend's neck and was attempting to open random vehicle doors. The 911 caller told CD their direction of travel and described the man as having a ponytail and wearing a black shirt and blue jeans.

After that call, Communications Division received another 911 call from Victim B, who reported being approached by the Subject and threatened with a knife. The Subject had then entered Victim B's vehicle and drove it away. Victim B advised CD that the Subject was holding a woman by the neck while armed with a knife. CD then broadcast the information and made several updated broadcasts as new information became available. These broadcasts included descriptions of the Subject, Victim A, and the vehicle (a white truck); their direction of travel; and the information that he was armed with a knife and threatening Victim A.

Two officers arrived at the scene, interviewed Victim B along with several witnesses, and completed a car-jacking police report. The officers then updated CD's broadcast.

Officers A and B were driving in their marked police vehicle when they heard the crime broadcast and observed a white truck traveling past them. Believing the truck was the vehicle taken in the car-jacking, Officer A negotiated a U-turn and positioned his police vehicle behind the truck. Officer B asked CD for confirmation on the car-jacking vehicle license plate number.

Communication Division broadcast the license plate number, which matched that of the truck in front of the officers, and Officer B advised the other units they were following the car-jacking vehicle. Officer B requested backup units and a supervisor. Officer B updated their location and advised CD he was unable to see the occupants inside the vehicle due to the windows being tinted.

Officers C and D advised CD they were en route in their marked black and white police vehicle.

As Officers A and B followed the truck, it stopped momentarily and then continued forward, failing to stop for a red light. The truck approached the next street and again failed to stop for a red light. The truck swerved between two lanes of traffic as it continued driving.

Officer B advised CD that a Los Angeles County Sheriff's Department (LASD) police vehicle was now with them. The Subject negotiated a right turn, failing to stop for another red light. The truck continued driving, running several red lights along the way. At one point, several other officers joined the pursuit including Officers C, D, E, F and Sergeant A. Officers C and D became the primary unit on the pursuit and Sergeant A declared himself the Incident Commander.

The police helicopter arrived over the pursuit and took over the broadcasting responsibility. Approximately 10 seconds later, Officers G and H joined in the pursuit.

Sergeant A requested four units in the pursuit due to the serious nature of the crime. However, as the pursuit began to speed up, Sergeant A requested the helicopter pull back and only track the pursuit. Officer D notified CD that there was a possible kidnapping victim in the vehicle and at that time, Sergeant A rescinded his order and the pursuit continued.

According to Victim A, she indicated the Subject was hoping the police would shoot him and that he thought he was going to die and take her with him. The Subject also indicated he would rather die than go to prison.

Over the radio Sergeant A asked if any units in the pursuit were certified in the Pursuit Intervention Technique (PIT). Two units, including the primary unit, notified Sergeant A that they were PIT-certified. Sergeant A then broadcasted that he was authorizing the PIT maneuver once the environmental conditions were met.

**Note:** At this point, the pursuit had traveled approximately 5.6 miles and the Sheriffs unit had dropped out of the pursuit.

The Subject negotiated a right turn and continued driving. Officer C accelerated his police vehicle, pulled up along the right side of the truck, and struck the right rear portion of the vehicle. The PIT caused the truck to turn 180 degrees and roll backwards away from the responding units.

The truck traversed up the curb and onto the front lawn of a commercial building. As the truck came to a stop on the front lawn, the Subject raised his right arm and began rapidly stabbing Victim A multiple times with a 12-inch kitchen knife. This was captured by five DICVS's and a surveillance camera attached to a nearby building.

**Note:** According to the medical reports, Victim A was stabbed 12 times and required surgery.

Victim A opened the front passenger door and struggled to exit while the Subject leaned toward her and continued to try to stab her.

The officers at the termination of the pursuit saw Victim A being stabbed repeatedly as she tried to escape out the passenger-side door followed by the Subject. Once Victim A was just outside of the passenger door, Officers B, G, and H began to shoot in the direction of the Subject as he tried to exit. Victim A ran from the truck as the Subject exited the passenger-side door and started to run. It was the belief of Officers A, B, G, and H that the Subject was still a threat to Victim A and was going to chase her, so they fired their weapons at the Subject. According to the video evidence, the Subject took three steps from the truck when a round struck him, he then fell to the ground onto his right side and discarded the knife from his right hand onto the grass parkway between the sidewalk and the street.

**Note:** According to the video evidence, Officer A fired two rounds when the Subject had fallen to the ground. Officer H fired his last round as the Subject was on the ground and just as he discarded the knife. The investigation determined that the Officer-Involved Shooting (OIS) lasted approximately five seconds with 17 shots fired in total.

Officer F exited the front passenger door of his vehicle and began to run toward the truck. When he reached the front of another police vehicle, there were shots fired from Officers B, G, and H. Officer F stopped and then ran back to the passenger side of his vehicle.

Below is an account of each of the officers' actions during the OIS and their reasoning for the Use of Deadly Force.

Officer H was the driver of his vehicle and as the truck came to rest, his partner illuminated the interior of the truck with the police vehicle spot light. Officer H noticed the Subject had a dazed look on his face and began to stab Victim A with a knife he held in his right hand. According to Officer H, he placed the vehicle into park and began to exit as he unholstered his weapon with his right hand. Officer H stepped away from the drivers' side door, raised his weapon into a two-handed shooting position, transitioned his index finger to the trigger, and began to shoot at the Subject as Victim A exited the truck.

**Note:** The video evidence showed the vehicle driven by Officer H rolling backwards after the shooting began, indicating the vehicle had not been in park when he exited.

Officer H moved forward while he continued to fire his weapon at the Subject. The estimated shooting distance was from a decreasing distance of approximately 46 to 39 feet. According to Officer H, he stopped firing his weapon when the Subject fell to the ground. The video evidence supported that Officer H moved forward while he fired his weapon; however, after the Subject fell to the ground, Officer H took two side steps to

his left and fired an additional round. At this point, the Subject was on the ground on his right side and was discarding the knife with his right hand when Officer H fired his last round. Officer H then held his weapon pointed at the Subject as additional officers began to approach. Officer H fired a total of eight rounds. Based upon the trajectory of the impacts to the truck identified in the Bullet Analysis Report, three of the rounds that struck the truck were fired by Officer H.

Officer G was in the front passenger seat of his vehicle. As the truck came to rest, Officer G utilized the spot light to illuminate the interior of the vehicle and to blind the Subject from seeing the officers. Officer G saw the Subject begin to stab Victim A and yelled to his partner, "He's stabbing her. He's stabbing her. He's got a knife."

Officer G then exited his vehicle, utilized the front passenger door for cover, and unholstered his weapon with his right hand. Officer G raised his weapon into a two-handed shooting position and pointed it in the direction of the Subject, who continued to stab the victim.

Officer G saw Victim A trying to exit the passenger-side door of the truck as the Subject tried to continue stabbing her. Once Victim A was free from the Subject and out of the truck, Officer G believed the Subject was going to pursue and try to kill Victim A, so he fired three rounds at the Subject from an approximate distance of 46 feet. The Subject was struck and fell to the ground.

**Note:** According to Officer G, he fired at the Subject to protect Victim A from an imminent threat of death or serious bodily injury, and to prevent other potential kidnappings or hostages.

After Officer G fired his last shot, he moved away from the cover of his door and proceeded to clear the truck of any additional individuals. Once that was done he holstered his weapon and assisted with handcuffing the Subject.

Officer G fired a total of three rounds. Based upon the trajectory of the impacts to the truck identified in the Bullet Analysis Report, one of the rounds that struck the truck was fired by Officer G. In addition, the round that struck the Subject was fired by Officer G. This was determined by the caliber of the bullet recovered.

At the termination of the pursuit, Officer A saw the Subject rapidly stabbing Victim A multiple times with a knife he held in his right hand. Officer A estimated that the Subject had stabbed Victim A at least 10 times.

Officer A began to exit his vehicle when he noticed Victim A start to exit from the passenger side of the truck, followed by the Subject. Officer A said he unholstered his weapon and was going to fire at the Subject when Officer F stepped into his line of fire. Officer A waited until Officer F was no longer in his way, he then raised his weapon in a two-handed shooting position and fired two rounds at the Subject from an approximate distance of 52 feet. Officer A looked up to assess and saw that the Subject was down on the ground.

The two rounds fired by Officer A were never associated with the trajectories identified in the Bullet Path Analysis report. Officer A holstered his weapon after he cleared the truck with other officers.

The video evidence from the DICVS in one of the other officers' vehicles showed that when Officer A fired his two rounds, the Subject had fallen to the ground. This vehicle was positioned to the left and behind Officer A. In addition, the audio portion of the other DICV's viewed as part of the investigation supported that the Subject had just fallen when the two rounds were heard.

Officer B was the front passenger in his vehicle. Officer B could see, once the truck came to a stop, Victim A crouched over in her seat and the Subject making striking motions with his right hand, as though he was stabbing her in the back. Officer B exited, unholstered his weapon with his right hand, stood behind the front passenger-side door, and pointed his weapon at the Subject. Officer B believed he began to point his weapon at the Subject when he appeared to be stabbing Victim A for the fifth time. Concerned about the proximity between Victim A and the Subject, and the possibility of the bullet trajectory changing once it hit the front windshield, Officer B elected not to fire.

Officer B could see Victim A struggling to get out of the passenger-side door and noticed the Subject continued to lunge toward her with the knife. Once Victim A was free from the grasp of the Subject and out of the vehicle, Officer B fired four rounds at the Subject as he exited the truck in pursuit of Victim A. Officer B fired his weapon utilizing a standing, two-handed shooting position from an approximate distance of 45 feet. Officer B assessed and saw the Subject was down on the ground. Officer B holstered his weapon once the Subject was handcuffed. Officer B fired a total of four rounds. Based upon the trajectory of the impacts to the truck identified in the Bullet Analysis Report, one round that struck the truck was fired by Officer B.

After the last shot was fired, Sergeant A directed the officers to clear the truck, to ensure no other individuals were inside, and then handcuff the Subject. An ambulance was requested and the Subject was transported to the hospital, where he was treated for a single gunshot wound. An additional Rescue Ambulance was requested for Victim A, who was also transported to the hospital to undergo treatment for her injuries.

### **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 its review of the instant case, the BOPC made the following findings:

### **A. Tactics**

The BOPC found Sergeant A's, along with Officers A, B, G, and H's tactics to warrant a Tactical Debrief. The BOPC found Officer F's tactics to warrant a finding of Administrative Disapproval.

### **B. Drawing/Exhibiting**

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

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

The BOPC found Officers A, B, and G's lethal use of force to be in policy. The BOPC also found Officer H's initial lethal use of force (rounds 1-7) to be in policy; however, the BOPC found Officer H's final use of lethal force (round 8) to be out of policy.

## **Basis for Findings**

### **Detention**

- While on patrol, the officers observed a vehicle matching the description of a carjacking and possible kidnapping suspect's vehicle. The officers verified that it was the Subject's vehicle and initiated a pursuit when the Subject fled from them. 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, upon termination of the vehicle pursuit, the Subject immediately began stabbing the kidnap victim inside the vehicle and continued to chase after the victim with a knife as she fled for her life from the vehicle. Faced with an immediate defense of life situation, the officers used lethal force to stop the threat.

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

1. Crossfire (Substantial Deviation – Officer F)

Officer F exited his police vehicle and ran in front of officers at the time of the OIS. In this case, Officer F's actions endangered his own life as well as prevented Officer A from taking immediate action to stop a deadly threat.

Based on the totality of the circumstances, the BOPC determined that Officer F's actions were a substantial deviation, without justification, from approved Department tactical training.

2. Utilization of Cover

Officer H left the cover of his ballistic door while confronting a suspect armed with a knife. The utilization of cover enables officers to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer H was concerned the Subject would drive his vehicle toward them and did not want to get caught between his door and his vehicle. Additionally, he believed that he needed to move away from the door in order to obtain a better position to fire at the Subject to prevent striking the victim with his rounds.

Based on the totality of the circumstances, the BOPC determined that while identified as an area for improvement, Officer H's actions were reasonable and justified deviations from approved Department tactical training.

- The BOPC also considered the following:

1. Situational Awareness

The investigation revealed that Officers A and H exited their vehicles to engage an armed suspect without placing the vehicle in park. The officers were reminded that not placing the vehicle park can place officers and the community in danger.

2. Less-Lethal Force Options

The investigation revealed that Sergeant A did not assign less-lethal cover officers as part of the arrest team when approaching the subject. Although not required, it would have been preferred that a less-lethal option was deployed in case the Subject had attempted to resist officers with bodily force.

These topics were to 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 Sergeant A's, along with Officers A, B, G, and H's tactics to warrant a Tactical Debrief. The BOPC found Officer F's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing/Exhibiting**

- According to Officer B, after the Subject's vehicle came to a stop, he observed the Subject with a knife stabbing a woman inside the truck. He then exited his vehicle, and drew his service pistol.

According to Officer A, after the Subject's vehicle came to a stop, he observed the Subject stabbing a woman multiple times. Officer A then exited his vehicle and drew his service pistol.

According to Officer G, he observed the Subject stabbing a woman repeatedly with a knife and drew his service pistol.

According to Officer H, he observed the Subject grab a knife and start stabbing Victim A, and he drew his service pistol.

According to Officer F, he observed the Subject stabbing towards the passenger seat and 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, B, F, G, and H, when faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

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

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

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

According to Officer A, he observed the Subject stab Victim A multiple times and proceed to chase her with the knife. Believing that the Subject was attempting to kill Victim A, he fired two rounds at the Subject to stop his actions.

- **Officer B** – (pistol, four rounds)

According to Officer B, he observed the Subject lunging toward the victim as she was exiting the vehicle. Fearing that the Subject would kill Victim A, he fired four rounds at the Subject to stop his actions.

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

According to Officer G, he observed the Subject chasing after Victim A with the knife in his hand. In immediate defense of Victim A's life, Officer G fired one round at the Subject.

- **Officer H** – (pistol, eight rounds)

According to Officer H, he observed Victim A exit from the passenger side of the vehicle, being chased by the Subject. In defense of Victim A's life, he began firing his service pistol at the Subject and continued to fire at the Subject until the Subject fell to the ground.

**Note:** The investigation revealed, through video evidence, that Officer H fired his final round (the eighth round) after taking two steps to his left and after the Subject had fallen to the ground.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, G, and H (with respect to rounds 1-7), would reasonably believe that 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. The BOPC also determined that an officer with similar training and experience as Officer H would not reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury at the moment Officer H fired his last round.

Therefore, the BOPC found Officers A, B, and G's lethal use of force to be in policy. The BOPC also found Officer H's initial lethal use of force (rounds 1-7) to be in policy but his final lethal use of force (round 8) to be out of policy.