

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

OFFICER-INVOLVED SHOOTING – 025-17

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Central	4/7/17		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer C	2 years, 2 months

Reason for Police Contact

Officers responded to an Assault with a Deadly Weapon (ADW) in progress call. Upon arrival at the scene, the officers observed the Subject stabbing another victim, and an officer-involved shooting (OIS) occurred.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Subject: Male, 45 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 April 3, 2018.

Incident Summary

Victim A was sitting in a chair on the sidewalk, when he was approached by the Subject. According to Victim A, the Subject asked him for narcotics. Victim A told the Subject to get the hell out of his face. The Subject became visibly upset and approached Victim A to within six to nine inches and stood over him holding a utility knife in his right hand. Suddenly, the Subject slashed Victim A on the neck with the utility knife and continued to slash and cut Victim A's left arm as he attempted to kick the Subject off of him. According to Victim A, he was able to stand up and physically confront the Subject; however, he fell to the ground, at which time the Subject slashed Victim A on his back as he lay on the ground.

According to Victim A, moments after he fell to the ground, he was able to get to his feet and observe the Subject standing in the middle of the street. The Subject looked at him with bugged out eyes and then fled.

Communications Division (CD) received a 911 call from an unidentified male requesting paramedics for Victim A, who was cut and bleeding. The citizen was not able to provide a description of the Subject, but stated the Subject was nearby.

The following recounts the actions of the officers prior to the use of force and the officer who used lethal force during the incident. The incident was unfolding rapidly and the various officers' actions, although depicted in a certain order, occurred simultaneously.

Central Patrol Division officers responded with emergency lights and siren (Code Three) for the Assault with a Deadly Weapon radio call.

Simultaneously, Narcotics Enforcement Detail (NED) plainclothes Officers A and B, were driving in their unmarked police vehicle. Officers A and B were monitoring their police radios, when they heard the Assault with a Deadly Weapon radio call go out.

Simultaneously, the Subject had run to the corner where he encountered Victim B. According to Victim B, he knows the Subject as the "Cigarette Man," because he sells cigarettes and cocaine. Victim B stated he asked to buy some "dope" from the Subject, when suddenly without provocation, the Subject began beating and cutting him. According to Victim B, he believed the Subject used his "nails" to cut him. Victim B stated he wrestled the Subject to the ground then stood up and ran.

As Victim B ran, Officers A and B were driving in the number one lane, when they observed Victim B, with no shirt on, bleeding from a large laceration to his right bicep.

At the same time, the Subject followed Victim B and was observed by Officers A and B holding a utility knife in his right hand and with blood on his white shirt. Officer B notified CD of the officers' observations.

According to Officer A, in an effort to create more distance between themselves and the Subject, he continued driving past the Subject before negotiating a U-turn. After

negotiating a U-turn, Officers A and B stopped their vehicle, exited their vehicle, and placed their tactical ballistic police vests on in an effort to be identifiable as police officers in the event they had to take police action.

As Officers A and B placed their vests on, the Subject moved across lanes of traffic and approached a dark colored vehicle. As the Subject approached the vehicle it stopped in the number two lane. According to Officers A and B, the Subject appeared to be trying to get into the vehicle through the driver side door. The driver of the dark colored vehicle continued driving.

Also, responding to the ADW radio call were Central Patrol Division Officers C and D.

Note: Officer C activated his Body Worn Video (BWV) while en route to this incident. Officer D did not activate his BWV.

Simultaneous to Officer B's broadcast, Officers C and D arrived at the intersection, where they stopped their vehicle behind traffic at the red tri-light. After hearing Officer B's broadcast of the Subject's location, Officer C activated his lights and siren to clear the intersection and proceed through the red-tri light.

As Officers C and D drove in the number one lane, they observed Officers A and B mid-block outside of their vehicle. Officers C and D drove toward Officers A and B. As they reached Officers A and B, they slowed their vehicle and were directed to the Subject, who was walking in the number two lane of traffic.

The Subject was then seen on the DICVS walking on the sidewalk where he suddenly attacked Victim C with a utility knife. According to Officer C, he heard Officers A and B advise him, "Be careful. He has a box cutter."

Officer C then drove his vehicle toward the Subject and turned his vehicle into the southbound number two lane and angled it toward the west sidewalk facing the Subject.

Simultaneously, Officers A and B entered their unmarked police vehicle and followed Officers C and D to provide back up for them and parked their unmarked police vehicle to the left of Officers' C and D's police vehicle.

As Officer C stopped his vehicle and while seated in the drivers' seat, he observed the Subject slashing Victim C who was lying down on the sidewalk. According to Officer C, the Subject was swinging his arms wildly trying to cut Victim C.

As the Subject continued slashing Victim C, Officer C's view of the Subject and Victim C was slightly obstructed. Officer C placed the vehicle in park, quickly exited, and told Officer D to place them at the location (Code Six). As Officer C exited the vehicle, he unholstered his pistol with his right hand and held the pistol in a two-handed grip. According to Officer C, the reason he unholstered his pistol was because, "The statements of the other officers saying that he was armed with a box cutter, and I also was able to see that he had like a short, stubby, metal knife looking blade in his right

hand and that he was ferociously swinging it just over and over again on this guy before he -- before they went to the ground.” Also according to Officer C, he was witnessing the Subject attempting to murder Victim C.

Officer D broadcast the officers’ status and location (Code Six).

Officer C, while holding his pistol in a two-handed, low ready position, walked around a gray vehicle and observed the Subject standing over Victim C who was now lying on the ground with his legs and hands extended upward toward the Subject attempting to protect himself.

The Subject continued to stab and slash Victim C with the utility knife. According to Officer C, he observed a massive laceration on Victim C’s abdomen and blood everywhere. Officer C yelled, “Drop the knife, drop the knife, drop the knife,” at the Subject as he moved toward the sidewalk. According to Officer C, the Subject did not even look in his direction and ignored his commands to drop the knife as he continued cutting Victim C.

Simultaneously, Officer D, from his front passenger seat, observed a struggle between the Subject and Victim C. Officer D exited the vehicle, unholstered his pistol, and quickly walked in between the front of their vehicle and a gray vehicle parked along the curb. According to Officer D, the reason he unholstered his weapon was because, “Due to the tactical situation and my belief that the situation may escalate to the point where deadly force may be justified. There was a radio call of a ADW stabbing Subjects or incident [...] I had undercover officers saying that, that very Subject is heading northbound [...] at the time, and that he was armed with a razor blade. The razor blade could cause harm to myself, my partner, or any other civilian in the area.”

As Officer D reached the sidewalk to join Officer C, he observed the Subject standing over Victim C swinging his left arm at Victim C who was on the ground in a kneeling position. According to Officer D, he heard Officer C yell, “Drop the knife, drop the knife,” at the Subject, who ignored Officer C’s commands.

As Officer D joined Officer C, he positioned himself slightly behind and to the right of Officer C as they moved on the sidewalk close to where the Subject was attacking Victim C.

Simultaneously, Officers A and B exited their vehicle, unholstered their pistols and quickly walked toward the sidewalk to assist Officers C and D. As Officers A and B reached the west sidewalk, they observed the Subject standing over Victim C slashing and cutting him with the utility knife. According to Officer A, he believed the Subject was trying to kill Victim C and that the situation could escalate to one involving deadly force. As a result, Officer A unholstered his duty pistol and held it in a low ready position, with his finger on the frame.

According to Officer B, he unholstered his pistol with his right hand to a low ready position. He used his left hand as a support hand on his pistol, eventually positioning

both hands on his pistol. Officer B unholstered his pistol believing the tactical situation was going to escalate to a deadly force situation because the Subject was trying to kill Victim C.

According to Officer C, "I was able to observe that the victim had sustained massive laceration injuries to the abdomen. At which point I knew that this was a life or death situation, that he was going to actively murder this guy if I didn't take immediate action."

As Officer C approached to within 8-10 feet, he extended his arms outward toward the Subject, pointing his pistol at the Subject's mid torso and fired one round from a distance of approximately 8-10 feet, causing the Subject to fall to his knees near the head of Victim C who was lying on his back.

Simultaneously, while quickly moving to his left, Officer C while still pointing his pistol at the Subject's mid torso, approximately one second later, fired a second round from a distance of approximately 8-10 feet. As a result of the second gunshot, the Subject's body rotated clockwise with his head facing toward the sidewalk and his feet facing toward the street. Officer C's BWV depicts the Subject's left hand holding onto a black backpack which was partially under his upper chest and his right hand partially extended out toward the sidewalk holding an unknown dark colored object.

Approximately one second after the second gunshot was fired, the Subject's body suddenly fell flat to the ground with the left side of his body in the gutter and the right side of his body on the curb.

According to Officer C, he observed the Subject suddenly move back toward Victim C, and believed the Subject was still armed with the utility knife and was going to continue attacking Victim C. Officer C aimed his pistol at the Subject's mid torso, and from a distance of 8-10 feet discharged a third round, causing the Subject's body to fall completely into the gutter and street. After falling into the street, the Subject quickly began to crawl underneath the rear bumper of the gray vehicle.

Approximately one second after the third gunshot was fired, according to Officer C, he still believed that the Subject was armed with the utility knife and was attempting to continue his attack on Victim C, he aimed his pistol at the Subject's mid torso, and discharged a fourth and final round from an approximate distance of 8-10 feet. After the fourth round was fired, the Subject continued crawling further underneath the gray Infinity vehicle, with his legs protruding out from under the rear bumper.

Note: A review of Officer C's BWV revealed that Officer C fired four rounds in approximately four seconds.

According to Officer C, he stated he assessed between each round fired at the Subject.

Simultaneous to Officer C discharging his pistol, Officer D who was standing to the right side of Officer C, raised his pistol to a high ready position with his finger on the frame.

According to Officer D, Victim C's torso was obstructing his view and preventing him from seeing the knife in the Subject's hand.

Regarding his reason not to shoot, Officer D indicated he didn't have a great shot at the Subject because the victim was blocking the torso of the Subject from his perspective. And he was not able to verify whether or not the Subject had a knife in his hand.

According to Officers A and B's statements, they were standing just south of Officers C and D and had unholstered their pistols. Officer A indicated the reason he did not fire was because Victim C was in his line of fire and did not want to hit him. Officer B stated he did not shoot because he saw that the Subject was already shot and had stopped attacking Victim C. According to Officer A, immediately after the OIS, he called out to Victim C to get up and come to him.

Witness A was on his cigarette break, standing in front of a nearby business, when he observed the Subject in the middle of the street yelling. Witness A watched the Subject walk toward Victim C who was sleeping on the sidewalk.

According to Witness A, as the Subject approached Victim C, he had a box cutter or a little knife in his hand. Witness A stated that the Subject approached Victim C, stood over him and began to slice at Victim C approximately six to seven times as Victim C was lying on the ground. Witness A then observed two pedestrians wave down a police car.

Note: The two pedestrians that Witness A believed he observed were Officers A and B.

According to Witness A, he removed his earphones as the officers approached the Subject. As the Subject was slashing at Victim C, he observed two or three male officers, in uniform, order the Subject to, "Stop. Put it down."

Note: Officers C and D were assigned as a two-person unit.

According to Witness A, the Subject did not acknowledge the officers' commands, at which time, two officers shot two to three rounds each at the Subject.

Note: According to Witness A, he was approximately 40 feet north of the OIS location when the incident occurred. Just prior to the OIS he heard the officers loudly providing commands. He described the officers as yelling at the "[t]op of their lungs."

Approximately 23 seconds after the OIS, Officer C is heard on his BWV telling Officer D, "I can't see if he has the knife still."

Officer B began to broadcast a request for two rescue ambulances to respond. Officer B also broadcast the officers' location and requested additional units to establish a perimeter.

After the OIS, Officer C ordered the Subject to crawl out from under the vehicle. The Subject maneuvered his body out from under the gray vehicle and lay in the street face down. Officers C and D then held the Subject at gunpoint until additional units began to arrive at the scene.

Note: Prior to a supervisor arriving, Officer C was observed on BWV removing and checking the magazine that was inserted in his pistol.

According to Officer A, he assessed the Subject's status and determined he was no longer a threat and directed Victim C to come to him. Officer A then had Victim C sit against the wall until the RA arrived to treat him. According to Officer B, he requested additional units to respond and requested an RA for Victim C and the Subject. Both were transported to the hospital and treated for their wounds, as were the other two victims.

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 C and D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

Detention

- The officers responded to a radio call of an ADW. Plainclothes officers responded and observed a possible victim bleeding from a large laceration to his bicep, and

then observed the Subject holding a box cutter in his hand and broadcast the officers' observations to responding units. When uniformed officers arrived and exited their vehicle, the Subject began stabbing and slashing another victim, resulting in an OIS. 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 officers exited their vehicle and immediately observed the Subject slashing and stabbing a defenseless victim on the ground. An officer gave the Subject multiple commands to, "*drop the knife.*" The Subject ignored the officer's commands and continued slashing and stabbing the victim.

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

- During its review of the incident, the following Debriefing Topics were noted:

1. Tactical Communication/Planning

Officers C and D briefly discussed their observations of the Subject in possession of a knife as they deployed from their vehicle.

In this case, the officers were faced with a victim who was being brutally attacked by the Subject armed with an edged weapon, which necessitated their immediate intervention.

- Based on the totality of the circumstances, the BOPC determined that Officers C and D's actions were reasonable and not a substantial deviation, without justification, from approved Department tactical training.

In conclusion, the BOPC determined Officers C and D's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer C, as he walked around the vehicle, he observed the Subject with a box cutter in his hand actively slicing and stabbing the victim on the ground and immediately drew his service pistol.

According to Officer D, based on the radio call of an ADW stabbing suspect, and the undercover officers directing him and his partner towards the Subject, he drew his service pistol as he exited his vehicle.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C and D, 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 C and D's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

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

Rounds 1 and 2 – two rounds in a northeasterly direction from an approximate distance of eight to ten feet.

According to Officer C, he observed the Subject slashing the victim, swinging his arms wildly with a box cutter blade in his hand. He observed a laceration from the blade to the victim's right side, believed he was witnessing a murder and fired two rounds at the Subject to stop his actions.

Round 3 – One round in a northeasterly direction from an approximate distance of eight to ten feet.

According to Officer C, he assessed and gave a command to the Subject to put the knife down. The Subject continued making quick stabbing motions towards the victim, so he fired a third shot to stop the Subject actions.

Round 4 – One round in a northeasterly direction from an approximate distance of eight to ten feet.

According to Officer C, after his third shot, the Subject fell on his left side, with the knife in his hand. He believed the Subject was still within stabbing distance of the victim and still an active threat. He believed the Subject still had the intent to attack the victim, so he fired a fourth shot to stop the Subject's actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, 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 C's lethal use of force to be in policy.