

INTRADEPARTMENTAL CORRESPONDENCE

March 15, 2018

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 025-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 025-17. A Use of Force Review Board (UOFRB) was convened on this matter on March 5, 2018. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On April 7, 2017, Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Hollenbeck Area, Narcotics Enforcement Detail (NED), were in plain clothes and driving a plain vehicle. The officers were on their way to Central Station to complete administrative duties. As officers were driving south on San Pedro Street from 1st Street, they were monitoring the Central Area base frequency and heard a radio call of Assault with a Deadly Weapon (ADW) at 7th Street and San Julian Street.

According to the officers, as they drove southbound on San Pedro Street passing 6th Street, they observed a shirtless [REDACTED] walking northbound in the middle of the street, bleeding from a large laceration to [REDACTED] *right bicep*.

According to Officer [REDACTED] notified Communications Division (CD) *a possible victim walking northbound on San Pedro from 7th*, and provided the description of the possible victim. [REDACTED] also advised CD they were in plain clothes and in an unmarked vehicle.

According to Officer [REDACTED] then observed a *male black*, later identified as A. Perkins, who was *wearing a white shirt with white shorts*. [REDACTED] also noticed that Perkins *had blood on his shirt and had a knife in his right hand* and thought he was as a *possible suspect*.

According to Officer [REDACTED], as they continued south, [REDACTED] observed Perkins approximately *50 feet away wearing white over white in the middle of the street looking around*.

[REDACTED]

As they got closer to him, *approximately 10 to 20 feet*, ■ saw what appeared to be a box cutter knife in Perkin's right hand. ■ then broadcast ■ observations via CD.

According to Officer ■ drove past Perkins *in order to create distance and have time to put on ■ vest to identify ■ because it looked like ■ was going to take police action.* ■ then negotiated a U-turn and stopped their vehicle facing northbound. ■ and Officer ■ exited their vehicle and donned their vests.

Simultaneously, Officers ■, Serial No. ■ and ■, Serial No. ■, Central Patrol Division, who were also en-route to the radio call, heard Officer ■ broadcast while they were stopped for a red tri-light at the intersection of 7th Street and San Pedro Street.

Consequently, Officer ■ activated their emergency equipment, cleared the intersection, and approached Officers ■ and ■ vehicle.

According to Officer ■, upon contacting Officers ■ and ■, they *physically pointed at Perkins and told them to watch out, he has a box cutter.* ■ observed Perkins was *walking briskly on the west sidewalk*, in a northerly direction and immediately drove towards him. ■ stopped the vehicle *positioned in a high-risk manner*, facing on an angle in a northwest direction, pointing directly at Perkins (Debriefing Point No. 1).

Note: Officers ■ and ■ Digital-In-Car Video System (DICVS) revealed a light-colored Infinity parked along the west curb of San Pedro Street between Perkins and their police vehicle. Perkins then walks along the passenger side of the Infinity and begins to attack a ■ victim, later identified as ■

According to Officer ■ observed Perkins go behind the Infinity then suddenly *go to the ground and slightly out of his view.* ■ exited ■ vehicle and advised ■ partner to update their status to Code-Six. As ■ stepped around the Infinity, ■ observed Perkins with a *box cutter in his right hand, actively slicing and stabbing the victim on the ground.*

According to Officer ■ observed that ■ had sustained *massive laceration from a blade and blood everywhere* and knew ■ had to *take immediate action.* ■ ordered Perkins to *drop the knife.* Perkins ignored ■ commands. In fear for ■ life, ■ drew ■ service pistol, and fired two rounds at Perkins to stop ■ actions (Drawing/Exhibiting and Lethal Use of Force).

According to Officer ■ *assessed* after the first two shots and ordered Perkins to *put the knife down again* ■ could see that Perkins was *still a threat and was still going to actively try to stab ■.* then fired a third round to stop Perkins actions (Lethal Use of Force).

According to Officer ■, after ■ third shot, Perkins fell on ■ left side, *with the knife in his hand.* ■ believed that Perkins was still within *striking distance of ■ and perceived ■ to still be an active threat, still trying to actively kill him.* ■ then fired a fourth round at Perkins (Lethal Use of Force).

According to Officer [REDACTED] exited the police vehicle and drew [REDACTED] service pistol. [REDACTED] observed [REDACTED] trying to brace [REDACTED] from the blows from Perkins. As [REDACTED] got to the sidewalk [REDACTED] heard [REDACTED] partner yelling, "Drop the knife, drop the knife", as Perkins continued swinging his arm in a stabbing motion at [REDACTED] until he fell on the ground. [REDACTED] then heard two shots coming from [REDACTED] left side. Perkins continued swinging his arm at [REDACTED] and [REDACTED] heard two more shots (Drawing and Exhibiting).

According to Officers [REDACTED] and [REDACTED] Perkins rolled into to gutter between the Infinity and the curb, then partially crawled beneath the parked Infinity. They directed Perkins to back out from under the car and then waited for additional resources.

Sergeant [REDACTED] Serial No. [REDACTED] Central Patrol Division, responded and observed Perkins laying down between the two parked cars. [REDACTED] directed Officers [REDACTED] and [REDACTED] to put on their gloves and take Perkins into custody.

Los Angeles Fire Department (LAFD) personnel responded and transported Perkins to the University of Southern California Medical Center Hospital (USCMC) where [REDACTED] was treated for multiple gunshot wounds to his upper torso, forearm, thigh and hip.

Sergeant [REDACTED] assumed the role of Incident Commander (IC). [REDACTED] ensured that Public Safety Statements (PSS) were obtained and that all involved personnel were separated and monitored.

FINDINGS

Tactics – Tactical Debrief, Officers [REDACTED] and [REDACTED]

Drawing/Exhibiting – In Policy, No Further Action, Officers [REDACTED] and [REDACTED]

Lethal Use of Force – In Policy, No Further Action, Officer [REDACTED]

ANALYSIS

Detention

The officers responded to a radio call of an ADW in the area of 7th Street and San Julian Street. Plain clothes officers responded and observed a possible victim bleeding from a large laceration to his bicep, and then observed the suspect holding a box cutter in his hand and broadcast their observations to responding units. When uniformed officers arrived, and exited their vehicle, the suspect began stabbing and slashing another victim, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

[REDACTED]

Tactics

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

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.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).

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 suspect slashing and stabbing a defenseless victim on the ground. An officer gave the suspect multiple commands to *drop the knife*. The suspect 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 the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Communication/Planning

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the

primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).

Officers [REDACTED] and [REDACTED] briefly discussed their observations of Perkins in possession of a knife as they deployed from their vehicle.

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. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

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

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers [REDACTED] and [REDACTED] actions were reasonable and not a substantial deviation, without justification, from approved Department tactical training. However, in an effort to enhance future tactical performance, I will direct this topic be discussed during the Tactical Debrief.

Command and Control

Sergeant [REDACTED] responded and directed the officers to take Perkins into custody. [REDACTED] assumed the role of IC and assured that all involved personnel were separated and monitored. The actions of this supervisor were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

Tactical Debrief

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.

Therefore, I will direct that Officers [REDACTED] and [REDACTED] attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;

- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On May 4, 2017, Officers [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered, including Force Option Simulator and Body Worn Video

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume 1, Section 556.80).

According to Officer [REDACTED], as [REDACTED] walked around the vehicle, [REDACTED] observed Perkins with a box cutter in his hand actively slicing and stabbing the victim on the ground and immediately drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

Basically, I was witnessing him murder this guy- attempt to murder this guy with this box cutter. I knew I had to act immediately, so I un-holstered my firearm [REDACTED]

According to Officer [REDACTED], based on the radio call of an ADW stabbing suspect at 7th Street and San Julian Street, and the undercover officers directing [REDACTED] and [REDACTED] partner towards the suspect, [REDACTED] drew [REDACTED] service pistol as [REDACTED] exited [REDACTED] vehicle.

Officer [REDACTED] recalled,

I unholstered my weapon as soon as I exited the vehicle. 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 suspects or incident at San Julian and 7th. I had undercover officers saying that that very suspect is heading northbound on San Pedro at that time, and that he was armed with a razor blade. That razor blade could cause harm to myself, my partner or any civilian in the are [REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED] and [REDACTED], 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.

[REDACTED]

Therefore, I find Officer Officers [REDACTED] and [REDACTED] Drawing/Exhibiting to be In Policy, No Further Action.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer [REDACTED] – 9mm, fired four rounds, in a northeasterly direction from a distance of approximately eight to ten feet.

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

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

Officer [REDACTED] recalled,

I walked around the vehicle and was able to see that the suspect was actively stabbing - - had a box cutter in his right hand and was actively slicing and stabbing the victim on the ground. I was able to see that the victim on his right side - - his stomach was exposed - - a massive laceration from a blade, and blood everywhere. Basically, I was witnessing a murder this guy. I knew I had to act immediately, so I un-holstered my firearm, and I fired at the suspect twice [REDACTED]

I verbalized once, and I saw that he had stabbed him two to three more times between me saying that, and I realized at that point I had to use deadly force [REDACTED]

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 [REDACTED]

[REDACTED]

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

According to Officer [REDACTED] assessed and gave a command to Perkins to put the knife down. Perkins continued making quick stabbing motions towards the victim, so [REDACTED] fired a third shot to stop Perkins actions.

Officer [REDACTED] recalled,

It appeared to me that it was ineffective, because he still has the knife in his hand even after I told him, "Put the knife down."

And the suspect kept on - - kept doing his quick stabbing motion with his right hand.

He was still a threat to the man, that he was still going to actively try to stab him, at which point, I fired the third shot.

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

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

Officer [REDACTED] recalled,

And I perceived him to still keep on stabbing this guy, so I fired one more shot. Totaling four shots.

And then still within striking distance, still with the knife in his hand, perceived him to still be an active threat to that man, still trying to actively kill him or at least injury him, great bodily injury. At which point, I fired the fourth

So, he was - - on his - - on his side, still within stabbing distance. And you could tell that he still had the intent to still attack the man.

[REDACTED]

Officers [redacted] and [redacted], along with responding Central Area Patrol officers were equipped with BWV. Officer [redacted] activated [redacted] BWV at the time of the incident and captured the OIS. Officer [redacted] did not activate [redacted] BWV. Officers [redacted] and [redacted] were working in a plain clothes capacity and were not equipped with BWV. All other BWV related to this incident was reviewed and captured only post OIS activity.

Outside Video – Four surveillance videos were recovered for this investigation. Surveillance video from [redacted] San Pedro Avenue depicts Perkins walking north on San Pedro Avenue prior to attacking [redacted]. Surveillance video from [redacted] San Julian Street depicts Perkins walking on San Julian Street. Surveillance video from San Julian Street between 6th Street and 7th Street depicts Perkins' attack on his first victim, [redacted]. Surveillance video from [redacted] San Pedro depicts Officers [redacted] and [redacted] driving south on San Pedro and the second victim [redacted] walking north on the east sidewalk.

Chief's Direction

During review of this incident, it was discovered that Sergeant [redacted] did not take note that Officer [redacted] had removed [redacted] magazine and was counting [redacted] rounds in Sergeant [redacted] presence.

Although the UOFRB determined that Sergeant [redacted] was not substantially involved in this incident and did not receive formal findings, I have determined [redacted] would benefit from attending the Tactical Debrief to discuss the responsibilities of a supervisor as it relates to monitoring of officers after a Categorical Use of Force, to enhance future performance during similar incidents.

Respectfully,



CHARLIE BECK
Chief of Police

Date: 3-15-18