

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

**OFFICER-INVOLVED SHOOTING – 031-15**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ( )</u></b>	<b><u>Uniform-Yes (X) No ( )</u></b>
------------------------	--------------------	-----------------------------------	--------------------------------------

Hollenbeck	4/21/15		
------------	---------	--	--

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
---	---------------------------------

Officer B	16 years, 9 months
Officer C	3 years, 4 months
Officer D	16 years, 11 months

**Reason for Police Contact**

Officers responded to a report of an attempted suicide. Upon entering the residence, the Subject produced a knife and did not comply with verbal commands for him to drop the knife. The Subject approached the officers with the knife, and an OIS ensued.

<b><u>Subject</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
-----------------------	----------------------------	---------------------------	---------------------------

Subject: Male, 35 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 March 1, 2016.

## **Incident Summary**

Witness A telephoned 911 to report that the Subject had stabbed himself with a knife. Witness A indicated the Subject was depressed and in need of emergency medical treatment.

**Note:** The investigation determined that the Subject's depression was due, in part, to an injury he sustained a few months prior, when he either jumped or fell over a railing from the third floor at his apartment complex and fractured his hip. The Subject was subsequently hospitalized for several weeks and was unable to return to work. Upon being discharged, he utilized a wheelchair to aid in his recovery.

According to Witness A, she had entered her bedroom and observed the Subject in his wheelchair with the front of his shirt covered in blood and a kitchen knife lying across his lap. When the Subject would not speak, Witness A concluded that he had stabbed himself, and she tried unsuccessfully to convince him to go to an emergency room with her. After taking the knife away from the Subject, she called Communications Division (CD) and requested a Rescue Ambulance (RA) on his behalf.

CD generated a radio call for an ambulance to respond to an attempted suicide at the Subject's residence. The comments in the incident recall indicated that the Subject was suffering from depression and had stabbed himself, but was no longer armed. This call was assigned to Officers A and B.

The officers responded to the location. They were joined immediately by Officer C. After finding the lobby entrance doors to be locked, Officer A was able to gain entry to the building by using his knife to open a nearby stairwell door. Once inside, Officers A and C proceeded up the stairs to the fourth floor, while Officer B remained in the lobby to prop open the entrance doors for other units that were also responding.

As Officers A and C made their way up the stairwell, Officer C donned a pair of latex gloves, due to the likelihood that the Subject was bleeding, and assumed the role of contact officer. Upon reaching the fourth floor, the officers observed Witness A standing outside of her apartment at the opposite end of the landing. Witness A waved at the officers to get their attention. The officers met with her outside of her apartment and briefly discussed why she had called CD. Witness A informed them that her husband had cut himself with a knife because he was depressed and that he was currently inside their residence sitting in the living room. According to Officer A, she also indicated that the Subject was no longer armed.

**Note:** Officer C did not recall if any questions were asked related to what weapons the Subject may have had.

Meanwhile, Officers D and E, along with Detective A, arrived at scene and met with Officer B in the lobby of the apartment complex. All four then entered the elevator from the lobby and proceeded to the fourth floor to meet with Officers A and C.

Officers A and C stepped into the threshold of the Subject's apartment and observed him seated in a wheelchair in the center of the living room, approximately 17 feet away. Officer A noted that the front of the Subject's shirt was covered in blood and believed he had sustained a significant injury. As Officer A began speaking with the Subject, he and Officer C moved across the threshold, which led immediately into the kitchen area. Officer A asked the Subject what was wrong, and where he was injured, but he did not respond. Because Officer A could see that the Subject was not holding a knife, and that Witness A had already informed them that he was no longer armed, Officer A began slowly walking toward the Subject with the intent to render aid.

**Note:** Officers B, D, and E, and Detective A approached the threshold of the Subject's residence within a minute or so of Officer A and C stepping inside.

As Officer A came within five feet of the Subject, the Subject used his feet to roll himself backward in his wheelchair, until he reached a sliding glass door on the north side of the living room. Officer A again asked the Subject what was wrong and how they could help him, but the Subject remained silent. The Subject reached underneath his right thigh and grabbed an eight and a half inch fixed-blade knife he had been concealing. The Subject held the knife in his right hand with his arm fully extended in front of him and the blade pointing outward. Officer A announced several times that the Subject had a knife and began stepping backward into the kitchen area. Officers A and C unholstered their pistols because they felt that the situation had the potential to escalate to the point where lethal force might be necessary.

**Note:** The investigation determined the knife the Subject had in the wheelchair was not the same knife he initially used to stab himself. That knife was taken from the Subject prior to the officers' arrival and was later recovered from the kitchen countertop.

Witness A was inside the residence when this occurred, standing in the kitchen behind the officers. Officer A was concerned for her safety and directed Witness A to the front door, where she was escorted by Officer D out of the apartment and into the hallway.

**Note:** Witness A did not see the knife. According to Witness A, "I was still kind of inside apartment, like probably in the door when the police got inside. So he was still over there. And that's when I heard them say, 'Put your hands up.' And I -- I told them, 'He doesn't have no gun. He doesn't have anything.' But that's when they told me to step out. [...] When I came outside, outside of my door I heard them say, 'Put down the knife.' That's all I heard."

In an effort to utilize cover, Officer A repositioned himself in the front doorway of the apartment and told Officer C to move back with him. From this location, Officer A repeatedly ordered the Subject in English to drop the knife, while Officer C gave similar orders in Spanish. The Subject did not comply and slowly pushed himself out of his wheelchair to a standing position. Without saying a word, he then began walking toward the officers with the knife clenched in his right hand. After taking about five to six steps, the Subject walked back to his wheelchair and sat down.

Officer A reiterated his command for the Subject to drop the knife and told him they were there to help. Within a few moments, the Subject stood up again and began pacing in the living room. Officers B and D stood on either side of Officer A near the threshold as this occurred and attempted to communicate with the Subject in Spanish; however, he did not respond.

**Note:** Officer D unholstered his weapon upon seeing the Subject standing in the living room holding a knife.

**Note:** With regard to the Subject being able to walk, Witness A initially indicated that in the last three months the Subject had been in a wheelchair, she had never seen him get up. Later she indicated that the Subject got into a vehicle by lifting himself up with his arms and hands. When she was asked if he was “kind of able to stand up,” she replied, “Uh-huh.”

Officer C indicated, “He did appear to be -- had suffered some sort of injury. I'm not sure where to his body, but just by the way he stood up from his wheelchair. At first the way he stood up once, you know, kinda like hunched over. It took him a second or two to completely stand up and continue and advance us or come our way.”

Officer A initially assumed that the Subject could not walk; however, when he stood up, “He appeared to be walking normally. He didn't -- he didn't assist himself by leaning on anything to get there. He stood up and walked there. Like I said it wasn't at a fast pace but he walked under his own power.”

According to Officer D, “When I first seen him, he's standing. But then he just -- he will didn't stay still the whole -- the whole scenario. He's -- he's pacing the living room like I said. Then he sat down on the living room sofa, got up, paced then, and then he sat on a wheelchair. [...] In the living room he's he's -- it's a quick -- it's a quick pace in the living room just back and forth like I said like he was desperate, like he was trapped, like he was trying to -- I don't know what was going through his mind. I can't say that. But he was pacing back and forth real quick, looking at us, pacing back and forth real quick. [...] Like I said, if he had a limp or -- or he had trouble walking, he didn't -- he didn't exercise that with us. 'Cause if he was in -- incapable of walking or I wouldn't have perceived him to be

a threat per se even though he's holding a knife. Maybe if he -- he couldn't walk or he was limping or on crutches, those scenario (sic) would most likely have been different. But I didn't see any -- any of that myself."

While monitoring the Subject's actions from the doorway, Officer A communicated with the other officers that they needed a TASER, and asked Officer E to retrieve one from his vehicle. Officer E acknowledged the request and immediately ran toward the stairwell. Simultaneously, Detective A initiated a broadcast to CD and requested a TASER.

While waiting for less lethal resources to arrive, Officer A directed the other officers to step back out of the threshold to create more space between themselves and the Subject. While the officers continued to plead with the Subject to put his knife down, Witness A stood behind them crying hysterically, attempting to look over their shoulders. Detective A walked Witness A away from her apartment and over to the open door of a neighboring unit, where she stood for the remainder of the incident.

The Subject stopped pacing in the living room and re-adjusted his hold on the knife to an overhand grip. He then placed the tip of the blade against his chest and pushed it into his body with his left hand. The officers continued to give the Subject commands to drop the knife in both English and Spanish and reassured him they were there to help. According to Officer C, the Subject pulled the knife out of his chest, which appeared to have been inserted approximately one inch. He then shook his head in disagreement, implying that he was not going to comply with their commands, and began walking toward them. As the Subject moved from the living room into the kitchen area, the officers stepped completely out of the residence and into the exterior hallway. Officers A, B and C moved to the left of the front entrance, while Officer D stepped straight back.

As the Subject approached the threshold, he was still gripping the knife in his right hand with his arm extended outward. The Subject appeared to be focused on Officer D and pointed the blade toward him as he walked in his direction. Officer D ordered the Subject to stop multiple times while stepping backward. He also communicated with the other officers, who were no longer in a position to see the Subject, and advised them that the Subject was about to exit the residence. After moving backward approximately 7 to 8 feet, Officer D found himself in an alcove that had a solid wall behind him and to his left, and a metal railing to his right.

Regarding his decision to move backward, Officer D stated that he considered moving to his left, but felt as though taking that option would have placed him in front of his fellow officers, whom he knew had their weapons drawn, and thus would have put him in their line of fire. Officer D believed that moving to his left would have potentially blocked the other officers' view of the Subject and could have prevented them from being able to respond to the Subject's actions. Officer D was also concerned that had he moved in the same direction as his partner officers, he would have lost sight of the Subject if he had stepped back into his residence.

According to Officer D, he backed up as far as he could and was unable to give up any more ground to the Subject, who was walking toward him at a fast pace. The Subject leaned forward as he walked and held the knife pointed outward away from his body. As the Subject approached within approximately three to five feet, Officer D believed the Subject was trying to kill him and fired one round at his center body mass. The Subject fell to floor and immediately used his left arm to prop his upper torso off the ground. The Subject looked up at Officer D, lunged forward, and attempted to stab him in the leg by swinging the knife in a side-to-side motion. Officer D quickly fired a second round at the Subject's upper torso area, which caused him to lay motionless on the floor.

At the time of the Officer-Involved Shooting (OIS), Officers B and C were standing next to each other in the hallway outside of the Subject's apartment, approximately four to eight feet to the left of the front door. Both of these officers fired their weapons during this incident. Based on the statements of the involved and witnessing officers, it appeared their rounds were fired either simultaneously or immediately after those of Officer D. The following is an account of each officer's actions:

According to Officer B, after Officer D fired his rounds, the Subject fell to the floor and landed on his left side or partially on his knees. In a very quick movement, the Subject pushed himself up with his left arm and lunged forward with his right arm extended. The Subject was able to reach within one to two feet of Officer D with the knife still clenched in his hand. Officer B believed the Subject was trying to stab Officer D and fired one round at his center body mass from a distance of approximately five feet.

According to Officer C, Officer D fired his rounds at the Subject, which caused him to stumble forward a few steps and begin to fall to the ground. The Subject came down on his right knee and supported himself with his left hand. The Subject held the knife tightly clenched in his right hand with the tip of the blade pointing toward Officer D. As the Subject attempted to stand, Officer C believed he was going to lunge at Officer D and attack him with the knife. In defense of Officer D's life, Officer C fired two rapid shots at the Subject's right flank and back area from a distance of approximately four feet.

**Note:** Detective A and Officer E were not in a position to witness the OIS. According to Detective A, he was interacting with Witness A at the time the first shot was fired. Officer E indicated that he was on the first level of the apartment complex on his way to retrieve a TASER from his vehicle.

According to Officer A, after the shots were fired, the Subject stopped moving and was lying face down with his right arm extended in front of him, still holding the knife. Officer A held his position momentarily to determine if the Subject was going to move. He then holstered his weapon and announced to the other officers that he was going to approach the Subject to kick the knife out of his hand. Officer A stepped between Officers B and C and used his right foot to kick the Subject's right hand.

**Note:** Witness B lives on the second floor of the building. According to Witness B, she heard one gunshot and opened her front door. She looked up on the fourth floor and saw the backs of four uniformed officers and one officer in plainclothes. Approximately 15 seconds after the first shot, she heard four consecutive gunshots and observed that the officers had their guns pointed in a downward direction. She then observed one of the officers bend down and deliver two kicks.

The knife dislodged from the Subject's grip, struck the east railing, and bounced back onto the landing. Officer D placed his foot on the knife to keep it from sliding underneath the railing and down to the pavement below. Because the knife was now closer to the Subject's left side, Officer A stepped over the Subject and took control of his left arm, while Officers B and C took control of his right arm. After placing the Subject's arms behind his back, the officers were able to handcuff him without incident.

Shortly after the Subject was handcuffed, Los Angeles Fire Department (LAFD) personnel arrived on the fourth floor and evaluated him on the landing in front of his apartment.

**Note:** The LAFD personnel were on the elevator prior to the OIS. According to Firefighter A, when the elevator doors opened on the second floor, "I stepped out of the elevator thinking that we might be on the fourth. I stepped outside, realized we were on the second floor and that's when I heard the voices down the hallway and upstairs again state, 'Put the knife down. Put the knife down. Don't do this. Put the knife down. Put the knife down. I'm telling you to put the knife down now,' and then we heard gunshots. We got back onto the elevator."

The Subject was not conscious or breathing and was determined to have sustained multiple gunshot wounds to his upper torso. With the assistance of Officers A and B, LAFD personnel rolled the Subject onto a gurney and immediately moved him toward the elevator while performing cardio pulmonary resuscitation. The Subject was eventually placed into the RA, but was quickly transferred into an Advanced Life Support RA that arrived on scene moments later.

**Note:** An Advanced Life Support RA is staffed with Firefighter/Paramedics and is able to provide a higher level of care.

Despite their life saving efforts, LAFD personnel were unable to revive the Subject and determined death at the scene.

Sergeant A arrived at the scene and declared himself the Incident Commander. Shortly thereafter, Sergeants B and C arrived and ensured the officers were immediately separated and that Public Safety Statements were obtained from each of the involved officers.

## **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 A, B, C and D's tactics to warrant Administrative Disapproval and Detective A's tactics to warrant a Tactical Debrief.

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

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

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

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

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

The BOPC found Officers B, C and D's lethal use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

- In its analysis of this incident, the BOPC noted the following tactical considerations:
  1. Tactical Communication / Tactical Planning

Officers A, B, C, and D did not develop a tactical plan or effectively communicate with each other during this incident.

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, Officers A left his normal working partner, Officer B, in the lobby to hold the door open for the other officers who were responding to the call and then proceeded to the fourth floor with Officer C. Officers A and C then entered the Subject's apartment without taking the time to ask Witness A questions that would have provided them with the information necessary to make a sound tactical decision. As a result, the officers entered the residence without knowing whether there was anyone else inside the apartment beside the Subject or whether there were any additional weapons available to the Subject. It would have been tactically prudent for the officers to ask questions, formulate a plan, and await the arrival of additional personnel, prior to making entry.

Additionally, the investigation revealed that even though the officers knew that they were responding to a radio call of an attempted suicide in which the Subject had stabbed himself, Officer B intentionally left his TASER in the police vehicle because he did not check out a holster to carry it in, and Officers A and D's TASERS were left in their police vehicle. As a result, the officers were without a less-lethal force option during this incident, placing them at a tactical disadvantage by not utilizing the resources available.

As the incident unfolded, the Subject stood up from his wheelchair and began approaching the officers with a knife in his right hand. Officers A, B, and C redeployed outside the residence into the hallway while Officer D redeployed, finding himself trapped within an alcove. Officer D should have redeployed into the hallway along with the other officers.

Based on the totality of the circumstances, the BOPC determined that Officers A, B, C, and D's actions were a substantial deviation, without justification, from approved Department tactical training.

## **Additional Tactical Debrief Topics**

- **Required Equipment** – Officers A, B, D and E left their TASERS inside their vehicle during the incident. The officers are reminded that as of September, 2015, Operations Order No. 4 requires that field deployed officers who are trained carry a TASER on their person utilizing a Department approved holster unless either is unavailable.
- **Simultaneous Commands (Non-Conflicting)** – The investigation revealed that Officers A, B, C and D gave simultaneous commands to the Subject in both English and Spanish while trying to get him to surrender and submit to the arrest. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance, especially if the subject suffers from mental illness.
- **Encounters with the Mentally III** – Detective A, along with Officers A, B, C, D and E, responded to a radio call of an *Attempt Suicide* in which the Subject was reported to be suffering from depression and had stabbed himself.
- 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 that the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officers A, B, C and D substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the BOPC found that Detective A's tactics did not substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officers A, B, C and D's tactics to warrant Administrative Disapproval. The BOPC found Detective A's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- While seated in a wheelchair, the Subject reached underneath his right thigh with his right hand and retrieved a large knife. Officers A, B, C and D observed the Subject holding the knife and drew their service pistols.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C and D, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers A, B, C and D's drawing and exhibiting of a firearm to be in policy.

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

- Officer A observed the Subject lying face down, motionless, with his right arm extended in front of him, still holding the knife. Officer A holstered his service pistol, approached and kicked the knife out of the Subject's right hand with his right foot.

After a review of the incident and the non-lethal force used by Officer A, the BOPC determined an officer with similar training and experience as Officer A would believe this application of force was reasonable to effect an arrest.

In conclusion, the BOPC found Officer A's non-lethal use of force to be in policy.

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

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

Officer D observed the Subject walking toward him at what he perceived to be a fast pace with the knife pointed outward away from his body. As the Subject came within approximately three to five feet from him, Officer D believed that the Subject was trying to kill him and fired one round from his service pistol at the Subject to stop the deadly threat.

According to Officer D, the Subject fell to the ground and immediately used his left arm to lift himself up. The Subject then lunged forward and attempted to stab him in the leg by swinging the knife in a side-to-side motion. Fearing for his life, Officer D fired a second round from his service pistol at the Subject to stop the deadly threat.

- **Officer B** – (pistol, one round)

Officer B observed the Subject fall to the ground, then push himself up with his left arm and lunged with the knife clenched in his right hand at Officer D. Fearing that the Subject was about to stab Officer D, Officer B fired one round from his service pistol at the Subject to stop the deadly threat.

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

Officer C observed the Subject begin to stand and believed he was going to attack Officer D with the knife. In defense of Officer D's life, Officer C fired two rounds at the Subject to stop the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as that of Officers B, C and D 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 to address this threat.

In conclusion, the BOPC found Officers B, C and D's lethal use of force to be in policy.