

The following incident was adjudicated by the BOPC on July 12, 2016.

Incident Summary

On the date of this incident, the Subject entered an open business and obtained merchandise. The Subject approached the counter, placed the merchandise on the counter and handed money to the employee. As the employee opened the cash drawer to retrieve change and complete the transaction, the Subject placed a note on the counter. The employee had closed the cash drawer and given the Subject her change when she observed the note. The employee read a portion of the note that read, "I have a gun." The employee was in fear for her life and recognized that the business was being robbed. The Subject then produced a knife, displayed it to the employee and stated, "Don't push any buttons." The employee again opened the cash drawer and retrieved US currency that she placed in a brown paper bag and handed to the Subject. The Subject took the bag, collected her note and the merchandise and left the location.

Note: The note and US currency was recovered under the Subject's body and in her clothing after the OIS.

Communications Division (CD) received a 911 call from the employee, who described the circumstances of the robbery that had just occurred and supplied a description of the Subject and her last known direction of travel.

CD broadcast a Code 2 call of a robbery Subject who had just left the business. Southwest Patrol Division uniformed Police Officers A and B responded to the location.

After meeting with the employee and obtaining a Subject description, Officer B broadcast that a robbery had just occurred approximately five minutes prior from the business. He further broadcast the Subject's description, and that the Subject was armed with a knife.

Southwest Patrol Division uniformed Police Officers C and D responded. They assisted Officers A and B in completing a Los Angeles Police Department Investigative Report (IR) for the Robbery.

Southwest Patrol Division uniformed Police Officers E and F, along with Officers G and H, responded to the area of the robbery to assist in searching for the Subject. During the course of checking the area, both units were eventually traveling north, with Officers E and F in the lead car.

As Officers E and F continued north, Officers G and H observed the Subject walking west on a north sidewalk. The officers observed that the Subject was walking with a male and matched the description of the robbery Subject they were looking for.

Note: The male was never identified and the investigation uncovered no evidence to suggest he was involved in the robbery.

Officer G made a westbound turn, and as the officers drove slowly toward the Subject, the male turned and walked east while the Subject continued west. Officer H ordered the Subject to stop, and she appeared to look in the officers' direction, but failed to comply. She continued toward the alley, where she turned and began walking north, crossing to the west side of the alley. The Subject was then closer to the driver's side of the police vehicle. Officer G began ordering the Subject to stop, yet she continued her non-compliance.

Note: Officer G believed it was at this point that the officers developed a tactical plan that Officer G would broadcast if there was a foot pursuit, and Officer H would be designated less lethal with the TASER. Officer H believed that the plan was developed as they first began to search for the Subject.

Officers G and H exited their vehicle, and Officer G broadcast that the officers were Code Six in the alley with the Subject. Officer H unholstered his pistol and held it a two-hand low-ready position. The Subject immediately reached to her waistband, removed a knife and began running northbound, away from the officers.

Meanwhile, Officer F observed the Subject walking west on the north sidewalk with a male and advised his partner that the Subject matched the description of the robbery Subject. Officer E began to make a U-turn and advised Officer F that another police vehicle had just turned west. They completed their turn, and as they were headed west, they observed a police vehicle parked facing north in the alley, with Officers G and H in foot pursuit of the Subject.

Officer G broadcast, "She's got the knife in hand, she's running." Officers G and H began chasing the Subject, while continually ordering her to stop and drop the knife. Officer G unholstered his pistol and held it in one hand with the muzzle pointed toward the ground. Officer H holstered his pistol as he began running. Officer E drove past the parked police vehicle to get closer to the foot pursuit and parked. Officer E exited the vehicle and joined the foot pursuit. Officer F exited the vehicle and grabbed his side-handle baton and a TASER while also joining the foot pursuit. Officer F called out to the other officers that he was armed with a TASER.

Note: Officer G stated his intention in chasing the Subject was to contain her within the long alley until other units arrived, at which time he believed she would either be cornered or surrender.

Witness A was in his vehicle, facing south in the alley. He was preparing to exit his vehicle and open his garage door to park when he observed police vehicles at the south end of the alley. Witness A observed several police officers chasing the Subject, who was holding a large knife. Witness A heard officers telling the Subject to stop, but she did not comply and continued running down the hill toward him.

Note: Witness A stated he only understood a few words in English, but recognized that the officers were telling the woman to stop.

The Subject ran past Witness A's vehicle and suddenly turned in a westbound direction. She stopped abruptly and doubled back eastbound. This, coupled with the momentum that Officer G had from running down the incline, greatly diminished the distance he was attempting to maintain from her. As the Subject began advancing toward Officer G, she raised the knife in her right hand. The Subject held the knife with the blade parallel to the ground, slightly higher than her shoulder with the blade pointed forward. Officer G continued ordering the Subject to drop the knife, but she refused to comply and quickly advanced toward Officer G. Officer G began backpedaling in an attempt to create more distance between himself and the Subject.

The Subject continued to advance, and with no cover available and in fear of being stabbed, Officer G fired five rounds at the Subject from a decreasing distance of 10 to six feet, striking the Subject.

Note: Officer G believed Subject was advancing toward him faster than he was backing up.

Simultaneously, Officer F, seeing the Subject charging at Officer G with the knife raised, discharged the TASER. The TASER probes did not make contact with the Subject. Officers E and H both unholstered their weapons and held them in a two-hand grip.

Note: The foot pursuit covered a distance of approximately 240 feet and lasted approximately 19 seconds.

Officer H believed the TASER was deployed just prior to Officer G firing his pistol. Officers E and G were unaware that Officer F had discharged the TASER.

Witness A stated he was looking away and did not observe the actual OIS.

The Subject collapsed face down on the ground with the knife near the upper left side of her body. Officer G kicked the knife away to prevent the Subject from rearming herself.

The officers coordinated a plan to handcuff the Subject. Officer H holstered his weapon and put on gloves. Officers E and G provided cover while Officer H approached and completed the handcuffing.

Officer F broadcast a request for a Rescue Ambulance (RA). Additional officers began arriving and securing the area with crime scene tape. Southwest Patrol Division uniformed Police Officer I arrived at the location.

Note: Officer I had previously received training and qualified as a first aid intermediate responder while assigned to Metropolitan Division.

Officer I recognized that Subject was in need of immediate medical attention, and while waiting for the RA to arrive, he obtained his medical kit. Officer I provided medical aid pending the arrival of paramedics.

Southwest Patrol Division uniformed Sergeant A arrived at the location. Sergeant A verified that the scene was being secured and had heard from previous broadcasts that an RA unit had been requested. Sergeant A located the involved officers, ordered them not to discuss the incident and separated them while waiting for additional supervisors to arrive. He then obtained a Public Safety Statement (PSS) from Officer G.

Los Angeles Fire Department (LAFD) personnel arrived at scene. Officer I discontinued his care of the Subject and allowed the LAFD personnel to take over. LAFD began treatment and medical assessment of the Subject, who was determined to have died.

Note: The Department of Coroner's autopsy examination revealed that the Subject sustained four gunshot wounds. Three of the wounds were described as front-to-back. One wound was described as left-to-right.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found Officer G and H's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officer E and F's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer E, G, and H's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer G'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. Code Six

Officers G and H did not advise CD of their Code Six location when they first attempted to stop the Subject.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Traffic stops can be dangerous, the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

In this case, the officers elected to conduct a pedestrian stop on a robbery Subject who was reported to be armed with a knife. Upon observing the Subject, the officers had sufficient time to broadcast their Code Six location as well as any other relevant information prior to making contact with the Subject.

Based on the totality of the circumstances, the BOPC determined that Officers G and H's decision to not advise CD of their Code Six location prior to making contact with Subject was a substantial deviation, without justification, from approved Department tactical training.

2. Initiating Contact While Seated in a Police Vehicle

Officers G and H initiated contact with a robbery Subject, who was reported to be armed with a knife, while still seated in their police vehicle.

The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, the officers observed the Subject, identified her as the robbery Subject and knew that she had utilized a 12-inch knife when she committed the crime. Armed with this knowledge, both officers still attempted to stop the Subject from a close distance by issuing commands while seated in their police vehicle. Officer G and H placed themselves at a significant tactical disadvantage by positioning the police vehicle in close proximity to a potentially armed Subject and then initiating contact while remaining seated inside their police vehicle.

Based upon the totality of the circumstances, the BOPC determined that Officers G and H's decision to contact the Subject while still seated in their police vehicle was a

substantial deviation, without justification, from approved Department tactical training.

3. Pursuing Armed Subjects/Weapons Other Than Firearms

Generally, officers are discouraged from pursuing armed Subjects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed Subject.

In this case, the primary unit responded to the location where the robbery occurred, requested an air unit and initiated a crime broadcast with a detailed Subject description and type of weapon (12-inch knife) that was used by the Subject to commit the crime. Officers G and H responded, searched the area and located the robbery Subject.

Upon locating the Subject, the officers did not observe anything in the Subject's hands and immediately began giving commands to the Subject to stop and put her hands up in the air. The Subject ignored the commands and continued walking away from the officers at a faster pace. As the officers exited their vehicle, they continued to give the Subject orders to, stop and get down on the ground. The Subject continued to ignore the commands and then began running down a residential alley away from the officers.

As the officers began to follow the Subject, Officers G observed the Subject retrieve a long kitchen knife from her waistband and immediately broadcasted that information to the other officers.

The investigation revealed there were citizens sitting inside their vehicles parked in the alley and there was open access to the pedestrian walkways, used by the members of the community that live on nearby streets, which provided numerous avenues of escape for the Subject.

Although Officer G indicated they were in containment mode, in this instance, the officers were aware that the Subject used a knife in the commission of a robbery of a local business and had a duty to protect the public and prevent the escape of an armed Subject into a more populated area of the community.

Officers G and H are reminded of the importance of always striving to maintain the tactical advantage when dealing with a Subject armed with weapons other than a firearm.

4. Tactical Communication

Officers G and H did not discuss tactics at the start of their watch and did not effectively communicate with each other throughout the 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, the investigation identified the following concerns in regards to the tactical communication between Officers G and H:

- This was Officer G and H's first day working together and they did not discuss tactics at the start of watch.
 - The officers did not request Back-Up or have a tactical plan prior to making contact with the Subject.
 - Officer G did not communicate his observations to Officer H when he observed the Subject producing a knife, but did broadcast his observations over the radio.
 - The officers did not advise CD when they went in foot pursuit after the Subject.
 - Officer G did not communicate his intention to approach and kick the knife away from the Subject.
- The BOPC additionally considered the following:
 1. Digital In-Car Video System (DICVS) Activation – The investigation revealed that Officers G and H did not activate their DICVS when they first contacted the Subject. The officers are reminded that DICVS plays a significant role in increasing officer safety as well as facilitating criminal prosecutions, complaint adjudications, and fostering a positive relationship with the community.
 2. Running with a Service Pistol Drawn – The investigation revealed that Officer G pursued the Subject with his service pistol drawn. Officer G is reminded there is a heightened concern for an unintentional discharge when running with a service pistol drawn.
 3. Simultaneous Commands (Non-Conflicting) – The investigation revealed that Officers G and H gave simultaneous commands to the Subject during this incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance.
 4. Running with Baton in Left Hand and TASER in Right Hand – The investigation revealed that Officer F was holding his baton in his left hand and his TASER in his right hand as he exited his vehicle and pursued the Subject. Officer F is reminded of the importance of keeping his hands free whenever tactically feasible.

5. Preservation of Evidence – The investigation revealed that immediately after the OIS, Officer G ran up to the Subject and kicked the knife away from her body. The officers are reminded that it is preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene.
 6. Searching a Subject – The investigation revealed that the Subject was not searched immediately after she was handcuffed. Although the Subject was incapacitated, the officers are reminded of the importance of searching all arrestees to ensure that they are not in possession of any additional weapons that could be a threat to the officers.
 7. Equipment (TASER) – The FID investigation revealed that Officer F retrieved the TASER from inside the glove box of his police vehicle and placed the TASER in his lap while they were searching the area for Subject. Officer F indicated that there were no Department-approved holsters available when he checked out the TASER from the kit room. This issue was brought to the attention of the Commanding Officer, Southwest Patrol Division. The Commanding Officer advised that he has conducted an audit and ensured that all TASERs now have an accompanying holster.
 8. Preservation of Evidence (Police Vehicle Moved) – According to Officer J, he was directed by an unidentified officer to move Officers E and F's police vehicle to allow the RA an ingress to Subject. A supervisor has discussed the issue of preservation of evidence with Officer J.
- 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 merits a comprehensive debriefing. In this case, the BOPC determined that Officer's G and H's tactics substantially and unjustifiably deviated from approved Department tactical training.

In conclusion, the BOPC found Officer G and H's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officer E and F's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- Officers G and H were actively searching for a Subject involved in a robbery who was reported to be armed with a 12-inch knife. Upon locating the Subject, Officer H exited the vehicle and drew his service pistol.

As the Subject fled from the officers, Officer H holstered his service pistol and ran after the Subject. As the Subject continued down the alley and then suddenly stopped and turned around with a knife in her right hand, Officer H stopped and drew his service pistol a second time.

Officers G observed the Subject retrieve a long kitchen knife from her waistband with her right hand and drew his service pistol.

As Officer E was running down the hill behind Officers G, H and F, he observed the Subject turn around while holding a 12-inch knife in her right hand. As the Subject began to move towards Officer G, Officer E drew his service pistol.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers E, G, and H while faced with similar circumstances, would reasonably believe that the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- **Officer G** – Five rounds.

According to Officer G, the Subject passed the witness vehicle and then made an abrupt stop near the center of the alleyway. Officer G attempted to stop immediately, but ended up closer to the Subject than he anticipated because of his forward momentum from running downhill. Officer G began to back pedal away from the Subject. The Subject turned towards him, raised her knife to head level and pointed the blade in his direction. The Subject then took approximately three to four lunging steps and charged in his direction.

Officer G continued to back pedal as the Subject closed the distance. Believing that his life was in danger and the Subject was going to stab him with the knife, Officer G fired five rounds from his service pistol at Subject to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer G would reasonably believe that the Subject's actions while armed with a knife presented an imminent threat of death or serious bodily injury and, therefore, the use of lethal force would be objectively reasonable.

In conclusion, the BOPC found Officer G's use of lethal force to be objectively reasonable and in policy.