

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

OFFICER-INVOLVED SHOOTING – 081-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
-----------------	-------------	---------------------------	------------------------------

Topanga	12/23/17		
---------	----------	--	--

Officer(s) Involved in Use of Force	Length of Service
--	--------------------------

Officer B	7 years, 6 months
Officer C	7 years, 6 months

Reason for Police Contact

Following a domestic assault, the Subject exited a residence with a hammer and a pull bar in his hands. When told to drop the weapons by an officer, the Subject ran away. Responding officers identified the Subject in an alleyway, at which time the Subject ran towards them with the pull bar raised above his shoulder, resulting in an officer-involved shooting (OIS).

Subject	Deceased (X)	Wounded ()	Non-Hit ()
----------------	---------------------	-------------------	-------------------

Subject: Male, 32 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on November 6, 2018.

Incident Summary

Following a domestic disturbance, Witness A called 911. Witness A reported an assault to an Emergency Board Operator (EBO) at Communications Division (CD) and also requested a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) for an injury to his shoulder. While Witness A was on the phone with the EBO, the Subject confronted and assaulted Witness A, at which time the phone call was disconnected.

According to Witness A, the Subject slapped him numerous times in the face and on his head and attempted to gouge out his eyes before returning into the residence.

CD broadcast a request for Topanga units to attend an ambulance battery in progress, at the residence and graded the call Code-Three (such that officers respond with emergency lights and sirens.)

Uniformed Police Officer A (a single crewed unit) advised CD he had arrived in the area of the radio call. Shortly afterward, he was flagged down by Witness A who was standing in front of the residence.

Officer A activated his Body-Worn Video (BWV) and approached Witness A. As captured on the BWV, Witness A briefly described the ongoing domestic dispute and his attempt to intervene, resulting in him being assaulted. He also described the fact that the Subject was armed with a knife and encouraged Officer A to have more officers present, as he believed the Subject was mentally unstable. After listening to the details of the assault, including the fact that the Subject was armed with a knife, Officer A broadcast a request for an additional unit for a possible Assault with a Deadly Weapon (ADW) suspect still at the residence.

While waiting for additional police units, a LAFD RA arrived at the residence. Firefighter/Paramedics (FF/PM) approached Witness A and began their assessment of his injuries before escorting him to the rear of the RA. At about this time, Officer A and the paramedics heard frantic yelling and screaming and a cry for help from within the residence.

Officer A believed that the Subject was armed with a knife and was inside the house assaulting individuals. Officer A was aware that additional resources were responding to his location, but felt it was imperative to immediately enter the residence to stop the threat. Officer A opened the front gate with the intent to approach the front door and enter the house; however, as he took a step through the front gate, the Subject exited the front door wearing a full-face gas mask and holding an object in each of his hands.

According to Officer A, he believed the Subject was holding a machete in his left hand. That object was later determined to be a 16 ½ inch long, 3 inch wide, flat metal "pull bar" tool used for installing wood floors. Upon review of Officer A's BWV investigators determined the Subject was holding the pull bar in his left hand and a hammer in his

right hand. Officer A unholstered his pistol with his right hand, pointed it at the Subject, and gave instructions to the Subject to drop the knife

As Officer A was issuing commands, the Subject walked down the porch steps toward Officer A with the tools held down at his sides. He stopped his forward momentum and raised the hammer over his right shoulder as he stepped to his left. The Subject continued to his left, across the front yard and climbed over a short wrought iron fence into an alley. Once in the alley, the Subject continued to run.

Officer A ran on the sidewalk to the mouth of the alley and entered the alley. According to Officer A, he believed the Subject ran into the backyard of the residence and out of his view. Officer A broadcast a help call.

Officer A returned to the front of the house. As captured on his BWV, he could hear the continued screams from within the house, and he yelled for the occupants to exit. Officer A broadcast, that he had a male armed with a machete possibly assaulting people inside the residence.

Numerous children and several adults frantically exited the front door and ran toward Officer A. Due to the violent nature of the activity at the residence, the paramedics loaded the family, including Witness A, into the RA and transported them away from the residence. Ultimately, Witness A, along with the uninjured passengers, were transported to a medical center.

As a result of the help call, numerous patrol units and an Air Unit responded to the scene. The Air Unit was the first to arrive over the area, scanned the rear yard of the residence, and saw no evidence of the Subject in the yard.

Topanga Patrol Division uniformed Police Officers B and C, responded with emergency lights and sirens (Code Three.) According to both officers, they heard the broadcast from Officer A that the Subject was armed with a machete and that he was possibly inside the residence assaulting people.

As Officers B and C approached the area, the Air Unit broadcast that they found the Subject walking in the alley close to the residence. Officer B directed C to one end of the alley for the purpose of containing the Subject.

Officer C turned right onto the street at the end of the alley and stopped his vehicle close to the alley, with the front of the police vehicle angled toward the mouth of the alley.

As the police vehicle was coming to a stop, Officers B and C saw the Subject walking in the alley, illuminated by the high intensity light mounted on the Air Unit. Both officers identified the pull bar in his hand that they believed to be a machete. According to Officer B, he also believed the Subject was holding a hammer in his other hand.

According to the officers, and as captured on their BWVs, the Subject immediately ran in their direction as they exited their respective doors.

According to Officer C, he believed the Subject was charging directly at his partner on the passenger side of the police vehicle. According to Officer B, he also believed the Subject was charging at his position on the passenger side of the police vehicle. Both officers unholstered their pistols and engaged the Subject.

The following is an account of Officers B and C's perception of the Subject and his actions, which resulted in the discharge of the officers' weapons and an analysis of their BWV footage.

Officer B immediately identified the Subject in the alley wearing a gas mask, armed with a hammer in his right hand, and what he believed to be a machete in his left hand. He estimated the Subject was approximately 25 to 30 feet away; however, an analysis of the BWV determined the Subject was approximately 50 feet away. Officer B immediately opened his passenger side door, stepped out, and unholstered his pistol.

According to Officer B, the Subject was sprinting in his direction with the weapons held over his head. Officer B took cover behind his door, acquired a two-handed shooting position, and yelled at the Subject to stop. The Subject did not respond to Officer B's command. According to Officer B, he feared the Subject was closing the distance between them and was intent on attacking him.

Officer B, from the cover of his door, fired three consecutive rounds at the Subject from an approximate decreasing distance of 28 feet to 18 feet. The rounds were fired in a northwesterly direction, as the Subject was running toward him. Officer B took two steps back and quickly assessed the Subject's actions.

As stated by Officer B and as captured on BWV, the Subject deviated from his original course and was now running. According to Officer B, he believed the Subject was attempting to "outflank" him and could easily have thrown either the machete or the hammer, causing him serious bodily injury. Officer B fired again at the Subject, who was now approximately 14 feet away from the officer, causing the Subject to fall to the ground and drop the pull bar.

Officer C saw the Subject approximately 45 to 75 feet away walking along the side of the alley with what he perceived to be a machete in his right hand. An analysis of the BWV determined the Subject was approximately 56 feet away. According to Officer C, the Subject looked in their direction and did not run away from the officers, but immediately began sprinting in their direction. Officer C, who was already exiting the driver's side door, unholstered his pistol and acquired a two-handed shooting position.

According to Officer C, the Subject adjusted his course and began a wide approach around Officer B's door to effectively assault him with what he believed was a machete. Officer C moved forward to the left front fender of his police vehicle, and from a distance

of approximately 22 feet, fired at the Subject, causing him to fall to the ground and drop the pull bar. Officer B approached the Subject and kicked the pull bar out of the Subject's reach. Officer C then broadcast a help call.

Patrol Division uniformed Police Officers D and E were responding to Officer A's original request for help. Upon their arrival they parked directly behind Officers B and C. Both officers heard multiple gunshots as they exited their police vehicle.

Some of the responding officers unholstered their pistols due to the nature of the radio broadcasts regarding the Subject being armed with a machete.

Officers B and D remained lethal cover as Officers F and G approached the Subject and took him into custody. Officer G removed a hammer from within the front of the Subject's jacket.

Sergeant A arrived at the OIS scene and broadcast that he was Incident Commander. He requested an RA and additional resources to manage the scene.

A LAFD RA arrived at the scene and rendered aid to the Subject. The Subject was transported to hospital where he failed to respond to lifesaving treatment, and his death was pronounced

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 Officers A, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

Detention

- An officer responded to a radio call where the Subject assaulted a victim. The Subject emerged from the residence armed with a weapon and fled from the officer. Additional officers responded to the help call, where the Subject then charged at them with a weapon, and an OIS ensued. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

Tactical De-Escalation

- In this case, when the Subject exited the residence armed with a weapon, the officer gave multiple commands to drop the knife. The Subject ignored the officer's commands, ran down an alley, and out of the officer's line of sight. The suspect then exited the mouth of the ally, running directly towards officers with the weapon in his right hand.

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

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

1. Weapons other than firearms

The investigation revealed that when Officer A requested an additional unit for a possible ADW suspect, he did not broadcast that the weapon involved was an edged weapon. Officer A is reminded of the importance of advising CD when an edged weapon is involved, as it ensures a field unit with a beanbag shotgun or other available less-lethal munitions and a supervisor are dispatched to the call.

2. Holding Service Pistol in Right Hand and Hand-Held Radio in Left Hand

The investigation revealed that Officer A drew his service pistol in his right hand while holding his hand-held radio in his left hand. Officer A is reminded of the tactical disadvantage of having a service pistol in one hand and an additional piece of equipment in the other hand. In this case, it is understandable because the situation was rapidly evolving and Officer A needed to broadcast information while simultaneously being concerned about the potential for a deadly threat.

This necessity for multi-tasking by a lone officer is the very reason we encourage single officer units to wait for additional units prior to arriving on the scene of a potentially violent radio call.

3. Profanity

A review of Officer C's BWV captured Officer C using profanity while giving the Subject commands. Officer C is reminded that profanity may unnecessarily escalate the situation.

4. Tactical Planning

The investigation revealed that Officer B approached the suspect immediately after the OIS to kick the weapon away from the Subject without first formulating a tactical plan or arrest team. Officer B is reminded that it is preferable to formulate a tactical plan to ensure minimal exposure to the officers.

5. Preservation of Evidence

The investigation revealed that Officer B used his foot to move the weapon away from the Subject to prevent him from re-arming himself. Officer B is reminded that whenever tactically feasible, it is preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene. In this case, it is understandable because the risk of the suspect re-arming himself outweighed the benefits of leaving the evidence in place.

These topics were to be discussed at the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

The BOPC found Officers A, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, the Subject exited the residence while wearing a gas mask and holding a machete in his left hand. Both the Subject's arms were at his side until he saw Officer A. The Subject then stopped and raised his arms above his

shoulders. Officer A backed up, drew his service pistol, and advised the Subject several times to drop the knife.

After the Subject fled in the alley, Officer A holstered his service pistol, ran to the mouth of the alley to keep eyes on the Subject, and broadcast a help call for a male armed with a machete. He observed the Subject jump the fence into the backyard of the residence. Concerned that the Subject could re-enter the residence, Officer A ran to the front of the house and drew his service pistol again.

According to Officer B, he observed the Subject in the alley wearing a gas mask while wielding a hammer in his right hand and a machete or some type of edged weapon in his left hand. Before he was even out of the car, the Subject advanced in a full-blown sprint with both weapons in each hand, flailing them above his head as he ran in his direction. Officer B exited, assuming a position behind his open passenger door, and drew his service pistol.

According to Officer C, he observed the Subject walking casually in the alley carrying a machete-type of instrument. As he was placing the vehicle in park, the Subject looked in the officers' direction and began sprinting directly toward them. Officer C exited the vehicle, drew his service pistol, and observed the Subject charging them, noting that the Subject was running towards them and not away from them.

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

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

C. Lethal Use of Force

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

According to Officer B, the Subject was approximately 30 feet from him and rapidly closing the distance. Fearing the Subject was going to use either the impact or edged weapon against him, Officer B told the Subject to stop, acquired his front sights, took a few steps back to redeploy, and fired five rounds at the Subject to stop the lethal threat.

According to Officer B, after the third round was fired, the Subject appeared to deviate his path of travel, as if flanking him, and had closed the distance to approximately 10 to 15 feet. Officer B feared if the Subject flanked him, it would leave him with no cover. The Subject could then use the impact device or edged weapon as a throwing object.

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

According to Officer C, the Subject was closing the distance rapidly and appeared to go wide on Officer B, possibly going around the door to gain better access to his partner and use the weapon against him. Believing his partner was in imminent danger of being hacked up by the Subject and the machete, Officer C stepped to the front engine block of his vehicle and fired two rounds at the Subject to stop the lethal threat.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officers B and 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.

Therefore, the BOPC found Officers B and C's use of lethal force to be objectively reasonable and in policy.