

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

**OFFICER-INVOLVED SHOOTING – 077-07**

<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>
Hollywood	07/24/07		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	8 years, 4 months
Officer B	5 years, 2 months

**Reason for Police Contact**

While responding to a radio call of a stabbing, Officers A and B encountered Subject 1, who was armed with a knife. When Subject 1 approached the officers with the knife still in his hand, the officers fired several rounds at Subject 1.

<b><u>Subject</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ()</u></b>	<b><u>Non-Hit ()</u></b>
Subject 1: Male, 25 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 and addenda items); the 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on 06/24/08.

**Incident Summary**

Officers A and B were en route to a disturbance call when they heard a radio call of a stabbing. A rescue ambulance (RA) was already responding to the location. Officers A and B were nearby and responded, and when they arrived, they broadcast their location and status to Communications Division (CD).

A Los Angeles Fire Department (LAFD) Engine and RA arrived at approximately the same time as Officers A and B.

Both officers exited their patrol vehicle and walked up the driveway of the residence. A male (Witness 1) came out of the residence. Not knowing if he was a suspect or a victim, Officer B used a flashlight to illuminate Witness 1 and drew Officer B's pistol. Witness 1 confirmed that he had called the police and informed the officers that the subject was inside the house and armed with a knife.

At this time a second male (Victim 1) came out of the house. Victim 1 was bleeding from his shoulder and was holding a dressing to his injury. Victim 1 informed the officers that Subject 1 was inside the house and that he was armed with a knife.

Victim 1 and Witness 1 then tried to re-enter the house. Officers A and B, concerned for the safety of Witness 1 and Victim 1, told them not to go back inside and directed them to a safer location.

Officer A moved closer to the house and noted a car in the driveway, which he could use for cover. Knowing that Victim 1 had been stabbed and that Subject 1 was still in the house armed with a knife, Officer A drew his pistol. Officers A and B were discussing what to do next when Witness 1 yelled, "He's in the front." Officer A ran down the driveway toward the front of the house and took cover behind a tree.

Officer B could see Subject 1's silhouette at the open door and Officer A yelled that Subject 1 had a knife. Witness 1 yelled that Subject 1 did not have a knife. Officer B could not see the knife, and asked Officer A to confirm if Subject 1 had a knife. Officer A replied that Subject 1 did have a knife. Officer B then requested a back-up unit and a TASER.

Officer B took cover on the side of the house. Officer A, who saw Subject 1 standing in the doorway holding a knife in his hand, ordered Subject 1 several times to drop the knife. Subject 1 did not comply.

Subject 1 began walking toward the sidewalk. Officer A walked backwards and parallel to Subject 1 to keep him in sight. Officer A continued to order Subject 1 to drop the knife.

When Subject 1 reached the sidewalk, Officer A turned and started walking on the sidewalk. Officer A retreated backwards as Subject 1 walked toward him with the knife still in his hand.

Officer A repositioned himself so he had a clear background behind Subject 1. Officer A then fired two rounds in quick succession at Subject 1.

Meanwhile, Officer B observed Subject 1 continue to walk toward the street where the paramedics were treating Victim 1. Officer B repositioned because the LAFD personnel were in Officer B's line of fire. When Subject 1 stepped onto the sidewalk, Officer B told him to "drop the knife." Subject 1 then turned toward Officer A. Officer B fired four rounds in succession at Subject 1.

Subject 1 was struck by the officers' gunfire and fell to the ground. He landed on his back, but was still moving. Officer A saw the knife was still within Subject 1's reach and continued to cover Subject 1 with his pistol.

Sergeant A arrived at the location. Officer B pointed out the knife to Sergeant A. Sergeant A moved the knife away from Subject 1, then handcuffed him. After Subject 1 was handcuffed, Officers A and B holstered their pistols.

Subject 1 was transported to the hospital where he was subsequently pronounced dead.

### **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/Holstering 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 unanimously made the following findings.

#### **A. Tactics**

The BOPC found Officers A and B's tactics to warrant divisional training and found Sergeant A's tactics to be appropriate.

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

The BOPC found Officers A and B's drawing to be in policy.

#### **C. Use of Force**

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that when the officers arrived at the location, they exited their vehicle and approached the residence without equipping themselves with a TASER. In this incident, it appears that the additional equipment may have been useful. This was

further demonstrated by Officer B when Officer B requested a unit equipped with a TASER to respond to the location. The officers should be reminded of the importance to have the appropriate equipment on their person when handling radio calls and not secured in the trunk of their police vehicle. While in this situation, the actual use of a TASER as a means to control Subject 1 may not have been practical, leaving their TASER in the trunk of their car limited the officers available force options.

Officer B broadcast a request for a TASER to deal with Subject 1, who was armed with a knife. Although time did not allow for the arrival of additional units in this incident, a more appropriate request would have been for a Beanbag Projectile Shotgun. This would have allowed the officers to remain at a safe distance and allow them to operate within the effective range of the equipment. Additionally, it would have been tactically safer for Officer B to request assistance/help, based on the information known to the officers regarding Subject 1's actions.

Following the officer-involved shooting (OIS), Officers A and B held their positions until the arrival of Sergeant A, who ensured the officers provided cover as Sergeant A approached Subject 1, kicked the knife out of his reach and applied the handcuffs. Sergeant A then assumed a supervisory role and obtained the necessary information.

The BOPC found Officers A and B's tactics to warrant divisional training and found Sergeant A's tactics to be appropriate.

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

The BOPC noted that as Officer B walked down the driveway, Officer B observed a male figure approaching from the rear of the residence. Based on the serious nature of the radio call and fearing the incident could escalate to a deadly force situation, Officer B drew Officer B's service pistol.

As Officer A approached the front of the residence, he observed Subject 1 standing on the front porch armed with a knife. Fearing the situation could escalate to a lethal force situation, Officer A drew his service pistol.

The BOPC determined Officers A and B had sufficient information to believe the incident might escalate to the point where lethal force may be justified.

The BOPC found Officers A and B's drawing to be in policy.

## **C. Use of Force**

The BOPC noted that, as Subject 1 approached Officer A, Officer B verbally warned Officer A she was about to shoot and changed position to ensure the LAFD personnel were not in the background. As Subject 1 continued to advance toward Officer A, Subject 1 raised the knife. Officer B fired four rounds at Subject 1.

Simultaneously, Officer A observed Subject 1 nearing his and the victim's location. Officer A fired two rounds at Subject 1.

The BOPC determined that Officers A and B had sufficient information to believe the subject presented an immediate threat of serious bodily injury or death.

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