

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

OFFICER-INVOLVED SHOOTING – 003-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	1/3/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	12 years, 7 months
Officer B	7 years, 9 months
Officer C	1 year, 3 months

Reason for Police Contact

On January 3, 2023, at approximately 1645 hours, officers responded to a radio call of a male who threw a knife at a passing vehicle. The officers located a potential suspect; however, he entered an abandoned residence, and they did not attempt to detain him after it was determined that the potential victim was no longer at scene. Approximately 45 minutes later, in response to a second radio call, officers returned to the area when the same suspect (the Subject) was reportedly throwing metal tools at passing vehicles while armed with a knife. Officers met with a victim (the Victim) who reported that the Subject had vandalized his vehicle and threatened him with a knife. The Subject had fled to the same abandoned residence where the officers later located him on a second-floor landing. The officers repeatedly asked the Subject to come down and meet with them. When the Subject entered the residence, the officers went up to the landing. Seconds after officers opened the exterior door to the residence, the Subject opened an interior door and stepped toward the officers armed with a makeshift stabbing weapon, resulting in two officers firing their pistols and one officer firing a 40mm less-lethal launcher (LLL).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 35 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 (CUOF) 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 (FID) 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 (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on 12/12/23.

Incident Summary

On Tuesday, January 3, 2023, at approximately 1645 hours, officers responded to a radio call of a male who threw a knife at a passing vehicle. The officers located a potential suspect; however, he entered an abandoned residence, and they did not attempt to detain him after it was determined the potential victim was no longer at scene.

Approximately 45 minutes later, in response to a second radio call, officers returned to the area when the same suspect (the Subject) was reportedly throwing metal tools at passing vehicles while armed with a knife. Officers met with a victim (the Victim) who reported that the Subject had vandalized his vehicle and threatened him with a knife. The Subject had fled to the same abandoned residence where the officers later located him on a second-floor landing.

Numerous officers and supervisors responded, including Officers A, B, C, D, E, F, and G, and Sergeant A.

Note: Unless otherwise specified, the responding personnel were in full police uniform and operating out of marked black-and-white police vehicles equipped with a digital in-car video (DICV) camera.

Officers D and E spoke with the Victim while the other officers responded to the abandoned building that the Subject had entered during the prior call. Officer D confirmed that a felony crime had been committed and Officer E obtained a signed crime report from the Victim.

From the front of the abandoned residence, officers observed Witness A walking in the rear yard and requested that he speak with them on the sidewalk. Witness A told Officer A in Spanish that the Subject had walked up the rear stairs. He told the officers that the Subject lived there with his brother and another person, but that only the Subject and his brother were currently there.

Note: When later interviewed by FID investigators, Witness A told investigators that when he observed the Subject go up the stairs, the Subject was holding an "iron bar" from an [electric] scooter. Additionally, Witness A relayed that the Subject makes weapons and has wanted to stab him in the past. He characterized the Subject as mentally ill. A

review of body-worn video (BWV) determined that Witness A did not earlier provide this information to the responding officers.

Sergeant A spoke with Officer D, who relayed that the Subject had thrown an object at the Victim's moving vehicle and threatened him with a knife.

The officers assembled on the sidewalk in front of the abandoned residence and formulated a plan to contact the Subject in the backyard. Sergeant A ensured that the roles of contact, designated cover officer (DCO), less-lethal force, and arrest team were filled before the officers moved to the back of the property. While the officers staged at the front gate to the property, Officer B unholstered his/her pistol and directed his/her attention along the west side of the property in the direction they had last observed the Subject. Officer B described the two-story multi-unit property as dilapidated and rundown, and the exterior was dark and muddy with trash and other miscellaneous items strewn around the yard.

In an attempt to locate the Subject, the officers moved to the rear of the property via a walkway between the location and the neighboring residence to the west. As they entered the property, Officer A unholstered his/her pistol. When the officers arrived at the rear yard, they observed the Subject on the landing at the top of a staircase holding a chain and a metal pipe. Officer A instructed the Subject in Spanish to drop the items and come down to the officers. Officers A identified him/herself and the other officers as the police in Spanish to the Subject.

According to Sergeant A, upon reaching the rear yard, he/she assessed the situation.

As the officers were attempting to communicate with the Subject, Sergeant A directed Officer D to get a ballistic shield from his/her vehicle. Additionally, Officer B broadcast a request for a rescue ambulance (RA) to standby.

In an effort to gain compliance, several officers alternated attempting to communicate with the Subject in both English and Spanish over a period of approximately four minutes. However, the Subject refused to comply with the officers' requests to drop the item(s) he was holding and come down the stairs to talk with them.

Note: The officers described the Subject as pacing back and forth on the second-story landing and dragging the heavy metal chain. The landing was approximately 15 feet wide and extended approximately 6 feet from the rear of the building. A three-foot-high railing with horizontal slats obscured the officers' view of the Subject when he was not directly in front of the stairs. A review of BWV determined that among the Subject's replies in Spanish were complaints about the officers' shining lights on him. He told the officers to shut up, and yelled, "You're not going to rob me, idiot!"

Sergeant A told the officers that if the Subject were to enter the residence, they would go in after him. Sergeant A indicated that he/she believed that the Subject was dangerous because he/she had received information that the Subject had already threatened someone with a knife. According to Sergeant A, although he/she had not confirmed whether or not the building was occupied, he/she was concerned the Subject would start stabbing people inside.

Approximately 4 minutes after officers began communicating with the Subject, he entered a doorway into the building, and closed the door.

Note: Officers A and C believed that the Subject dropped the pipe and chain prior to entering the building.

Officer B was unsure if the Subject dropped the chain on the landing or took it into the building with him.

According to Sergeant A, he/she did not see any weapons in the Subject's hands while he was on the landing. Sergeant A did not consider the Subject a barricaded suspect and described him as being uncooperative and either under the influence of a substance or mentally ill; however, he/she did not believe the Subject was refusing to submit to arrest.

At the base of the stairs, Officer B equipped him/herself with the shield and requested an officer with a less-lethal weapon to join him/her and Officer A. Sergeant A directed additional officers to join them as an arrest team and ensured that other officers were positioned at the front of the residence.

The officers ascended the staircase to the second-floor landing where the Subject entered the building. According to Sergeant A, he/she remained at ground level near the staircase because it provided him/her with the best position to oversee the team.

Officer B reached the landing and approached the doorway where the Subject had entered the building. The door was partially ajar, and Officer B advised that he/she was going to open it. As he/she held the shield with his left arm and pistol with his/her right hand, Officer B reached forward and opened the door with his/her right index finger.

As Officer B swung the door open, Officer A assumed a position to Officer B's left and used his/her left hand to open the door fully. Officer C stopped on the landing approximately three feet behind and slightly to the right of Officers A and B. Additional officers were positioned in single file on the stairway, with Sergeant A remaining at the base.

The door opened into a bathroom. On the opposite side of the bathroom was a closed interior door on the south wall. A blue plastic 55-gallon barrel was located approximately five feet in front of the officers, along the east wall.

While maintaining his position to the left of Officer B in front of the doorway, Officer A called out to the Subject in Spanish, “[Subject’s first name], come out.” Approximately six seconds after the officers opened the exterior door, the Subject forcefully opened the interior door armed with what was later determined to be a sharpened screwdriver mounted in a scooter fork.

Officer A ordered the Subject in Spanish, “[Subject’s first name], get down!” as Officer B ordered the Subject in English, “Put that down! Put that down!” Simultaneously, Officer C stepped forward, offset to Officer B’s right.

The Subject did not comply and started to advance on the officers. Officer C then fired one sponge round from his/her 40mm LLL, and Officers A and B each simultaneously fired three rounds each from their pistols. A Sound Graph Analysis determined that the 40mm LLL round and six pistol rounds were fired in approximately 1.2 seconds.

The officers stopped firing when the Subject dropped his weapons and fell to the ground.

The Subject was then taken into custody, given immediate first aid, and transported to the hospital, where he was pronounced deceased.

BWV and DICV Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	N/A	N/A
Officer A	No	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	No	Yes	Yes	N/A	N/A

Los Angeles Board of Police Commissioners’ Findings

The BOPC reviews each Categorical Use of Force (CUOF) incident based on 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). Based on the BOPC’s review of the incident, the BOPC made the following findings:

A. Tactics

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

B. Drawing and Exhibiting

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officer C's less-lethal use of force to be In policy.

D. Lethal Use of Force

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

Basis for Findings

In making its decision in this matter, the Commission is mindful that every use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers. (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same

situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available

resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered

include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced

to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her 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.

Planning – Officers A and B worked together on numerous occasions since 2019 and discussed tactics throughout their time working together, including contact/cover

roles, less-lethal force options, and theoretical scenarios. They discussed the comments of the call while enroute and, while in front of the residence, formed a team and plan with other officers to contact the Subject. Sergeant A ensured that all necessary roles were filled. After the Subject entered the residence, Officers A and B formed a second team and plan to make entry into the residence. Again, Sergeant A ensured that all necessary roles were filled. After the OIS, Officers B and A formed a plan to approach the Subject and handcuff him.

Assessment – During the first radio call, Officers A and B briefly assessed Subject's behavior. They did not attempt to detain him before verifying that a crime had occurred, as they believed that any attempt at a detention would lead to a use of force. While enroute to the second radio call, Officers A and B assessed the possibility of the Subject being armed based on the comments of the call. The officers verified that the crime of assault with deadly weapon (ADW) with a knife had been committed by the Subject. After contacting the Subject, they observed him armed with a chain and pipe. Once the Subject dropped the items and entered the residence, Officers A and C assessed that he was no longer armed and believed that he was not barricaded, while Officer B was unsure if he dropped the items. Sergeant A did not observe any weapons at all but believed that the Subject was possibly armed with a knife and recalled that the Subject's brother was possibly in the residence with him based on Witness A's statements, and Sergeant A assessed the need to make entry to protect him.

Time and Redeployment/ Containment – Prior to officers contacting the Subject in the backyard, Officers C, D, and E remained at the front of the residence creating containment in the event the Subject exited through the front door. The officers who entered the backyard and contacted the Subject on the landing used distance to create time, affording them more opportunities to gain voluntary compliance. Once the Subject entered the residence, Sergeant A directed officers to go in after him to protect possible occupants of the residence. This caused the officers to position themselves on the landing in front of the exterior door prior to entering the residence. This position left the officers with limited redeployment options, as the landing was narrow and the staircase was unstable with missing hand railings. After the exterior door was opened, the Subject's actions left the officers with no time to use other force options.

Other Resources and Lines of Communication – After the officers contacted the Subject, Officers A and B attempted to communicate with him in Spanish and English, respectively. During their communication attempts, Officer B requested an RA to standby and Sergeant A asked Officer D to retrieve a ballistic shield from his/her vehicle. When the Subject opened the interior door dynamically, Officers A and B gave the Subject commands again in Spanish and English.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Barricaded Suspects

Approximately 15 seconds before the Subject entered the residence, Sergeant A told Officers A and B, "Okay, if he goes inside there, we're gonna go after him." Approximately four minutes after the officers began communicating with the Subject, the Subject entered the residence and closed the door. Officers A, C, and F believed that the Subject dropped the pipe and chain prior to entering the residence, but Officer B was unsure if the Subject did.

According to Sergeant A, he/she did not see weapons in the Subject's hands and described him as being uncooperative and either under the influence of a substance or mentally ill. After the Subject entered the residence, Sergeant A did not consider him to be a barricaded suspect because he/she did not believe that the Subject was refusing to submit to arrest. Also, he/she believed that there were other occupants in the residence, because Witness A had told them that the Subject's brother was inside the residence at the time.

The BOPC noted that the UOFRB assessed the tactics used by Officers A, B, and C, and Sergeant A as it pertains to the topic of barricaded suspects. With regards to Officer C, the UOFRB noted that he was a new police officer and still in the learning phase of his/her career. Given his/her lack of experience, the UOFRB opined that it was reasonable for Officer C to follow the lead and decisions of the supervisor and senior officers at scene. The UOFRB opined that an officer with similar training and experience as Officer C would have acted as he/she did in that situation. Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer C were a substantial deviation, with justification, from Department-approved tactical training.

With regards to Sergeant A, the UOFRB noted that he/she directed the officers to go into the residence after the Subject. The UOFRB opined that Sergeant A's own statements indicated that he/she believed the Subject to possibly be armed with a knife and that the comments of the radio calls, as well as the statements of the Victim, should have led him/her to believe that the Subject was probably armed with a knife. The UOFRB also opined that the Subject's position inside a residence, located on the second-story, accessible only by a dilapidated staircase and landing leading to the door, was a significant position of advantage. Additionally, the UOFRB opined that when the Subject refused to comply with the commands made by identified police officers to come downstairs and instead walked away and entered the residence, he was refusing to submit to a lawful arrest. Given the set of circumstances, the UOFRB opined that Sergeant A should have recognized the Subject to be a barricaded suspect and slowed down the incident by maintaining containment of the Subject and contacting the Department's Special Weapons and Tactics (SWAT) team along with its Crisis Negotiation Team (CNT). Additionally, the UOFRB opined that Sergeant A could have contacted the Mental Evaluation Unit

(MEU) for advice, based upon his/her assessment that the Subject was possibly suffering from mental illness.

The UOFRB assessed Sergeant A's justification for directing officers to go into the residence after the Subject. The UOFRB opined that his/her justification was insufficient, as Sergeant A was not sure if there was anyone else in the residence with the Subject, and there was no specific indication from the Subject that he was a danger to anyone possibly inside. The UOFRB opined that Sergeant A did not have sufficient evidence of an exigent circumstance necessitating the immediate entry of officers into the residence. Based on the totality of the circumstances, the BOPC determined that the tactics employed by Sergeant A were a substantial deviation, without justification, from Department-approved tactical training.

With regards to Officers A and B, the UOFRB Majority opined that despite Officer A seeing the Subject drop the chain and pipe, the comments of the radio calls and the statements of the Victim should have led him/her to believe that the Subject was probably armed with a knife. The UOFRB Majority noted that Officers A and B had been directed to go after the Subject into the residence by Sergeant A; however, the Majority opined that both officers were tenured and should have recognized the incident to be a barricaded suspect. As such, the UOFRB Majority opined that the onus of the decision to go after the Subject was not solely on Sergeant A, but also on Officers A and B.

The UOFRB Minority disagreed with the Majority's assessment of Officers A and B's tactics. The Minority opined that officers respond to numerous radio calls with comments giving inaccurate information, which are often caused by victims and/or witnesses calling the police while in fear and reporting with vague, exaggerated, or baseless statements. The Minority opined that although officers meet with persons reporting and victims of radio calls, they are still required to investigate further, adding that officers will rely more on their observations or the observations of other officers at scene. The Minority noted that Officers A and B did not observe the Subject armed with a knife or any other edged weapon at any point during the incident and only observed him holding a chain and pipe, which they believed that he dropped prior to entering the residence.

The UOFRB Minority noted that Sergeant A specifically gave Officers A and B the command to go into the residence after the Subject. The Minority opined that officers are expected to follow the directions and orders given by an incident commander (IC), especially from a tenured supervisor, unless ordered to do something illegal, unethical, or immoral. Furthermore, the Minority opined that failing to obey an order could expose the officers to consequences for insubordination. The Minority noted that the Training Bulletin for Barricaded Suspects states, "*Once the IC believes the incident meets the criteria for a barricaded suspect, the IC shall immediately contact Metropolitan Division's Watch Commander (WC) to request SWAT.*" In this incident, the Minority opined that Officers A and B were following

the lawful order of their supervisor, who was the IC and did not believe the incident met the criteria for a barricaded suspect.

The Minority opined that the onus was on Sergeant A as the IC to determine whether the Subject was a barricaded suspect and added that the officers should not be penalized for following the reasonable and lawful order given by Sergeant A. Therefore, the UOFRB Minority opined that Officers A and B substantially deviated from Department-approved tactical training with justification.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, without justification, from Department-approved tactical training.

During the review of this incident, the following Additional Debriefing Topics were noted:

Additional Tactical Debrief Topics

Ballistic Shield Manipulations – After Officer B reached the landing, he/she saw that the front door was partially ajar and advised the other officers that he/she was going to open it. While holding the ballistic shield with his/her left arm and his/her pistol with his/her right hand, he/she opened the door with his/her right index finger.

Although Officer B was able to open the door without violating any of the Basic Firearms Safety Rules, he/she could have had Officer A, who was standing to his/her left, open the door for him/her.

Simultaneous, Nonconflicting Commands – When the Subject opened the interior door armed with a sharpened screwdriver mounted in a scooter fork, Officer A ordered the Subject in Spanish to get down, as Officer B ordered the Subject in English to drop the object.

Incident Commander Declaration – Sergeant A arrived at scene as the first supervisor and did not declare him/herself as the IC.

Bloodborne Pathogens – After the OIS, the Subject was clearly bleeding from his wounds. As officers were taking the Subject into custody, they did not wear protective gloves. After the Subject was handcuffed, Officer B located a towel and applied direct pressure to the Subject's wound. Officer A assisted Officer B in removing the Subject's makeshift plastic body armor without wearing gloves.

Preservation of Evidence – Officer D entered the room after the Subject was handcuffed, donned gloves, and moved the makeshift stabbing weapon from the front edge of the brown chair to the rear portion of the seat. He/she then picked up the metal pipe and utility knife from the floor and placed them on the brown chair. According to Officer D, he/she moved them because he/she was concerned that the

items could be lost, damaged, or destroyed due to the tight confines of the room, resulting in the evidence not being properly documented. Given the circumstances in this case, the BOPC determined that the movement of the evidence was reasonable.

Officer C unloaded the 40mm LLL after firing one sponge round during the OIS. Officer C should have left the 40mm LLL sponge round in the chamber until it was given to FID personnel or a supervisor.

Command and Control

While forming a plan to contact the Subject, Sergeant A ensured that the roles of contact, designated cover officer (DCO), less-lethal force, and arrest team were filled. Once they contacted the Subject, Sergeant A directed Officer D to get a ballistic shield from his/her vehicle and told Officers A and B to follow the Subject into the residence if he were to go inside. The Subject entered the residence and the officers assembled at the base of the stairs, forming another plan to follow the Subject. Sergeant A directed additional officers to join the team as arresting officers, ensuring again that all needed roles were filled. He/she also ensured that officers were positioned in front of the residence for containment. As the officers ascended the stairs, Sergeant A remained at ground level near the stairs because he/she believed that it provided him/her the best position for oversight of the team, given the narrow and unstable staircase.

Moments after the OIS occurred and CD was notified, Sergeant A walked away from the base of the staircase toward the front of the residence. Without direct awareness of what was happening on the second floor, and without knowing if the subject was in custody, Sergeant A requested two additional units to respond. Shortly after, Sergeant A directed responding officers to not over-drive. The officers formed a plan to carry the Subject downstairs to get him to LAFD more quickly and briefed Sergeant A of the plan, who agreed to it. As the officers carried the Subject to the front of the residence, Sergeant A directed other officers to gather to clear the rest of the residence to ensure that no one was injured due to the OIS. Sergeant A remained at ground level and directed the officers in the room where the OIS occurred to vacate the location so they would not be in the line of fire of the searching officers.

Once the RA left the scene with the Subject, Sergeant A gathered all involved personnel and directed them to shut off their BWV cameras. While monitoring the officers, Sergeant A admonished them not to speak about the incident. Shortly after, Sergeant B arrived at scene, and Sergeant A directed him/her to oversee the tactical portion of the incident. Sergeant A took the involved officers' BWV cameras and continued to monitor them until additional supervisors arrived to assist him/her. At no point during this incident did Sergeant A go upstairs to the second floor.

Detective A gathered a public safety statement (PSS) from Officer B and transported officers to Newton Station at various times. Additional supervisors assisted with monitoring officers.

The BOPC noted that the UOFRB was critical of Sergeant A's command and control immediately following the OIS. Sergeant A did not go to the second floor following the OIS and did not provide any command and control to the arrest team as they took the subject into custody. The UOFRB opined that because Sergeant A walked toward the front of the residence following the OIS, he/she was not in a position to gain adequate situational awareness or to give appropriate commands to the arrest team, which should have been his/her primary focus at the time.

The BOPC determined that the overall actions of Sergeant A were not consistent with Department training and expectations of supervisors during a critical incident.

The BOPC also determined that the overall actions of all other involved supervisors were consistent with Department training and expectations of supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A, B, and Sergeant A were a substantial deviation, without justification, from Department-approved tactical training. The BOPC also determined that Officer C's actions were a substantial deviation, with justification, from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident. Therefore, Officers A, B, C, D, and G, and Sergeant A, will be directed to attend a Tactical Debrief and the identified topics are to be discussed.

B. Drawing and Exhibiting

Officer A

After the officers assembled on the sidewalk in front of the abandoned residence and formulated a plan to contact the Subject in the backyard, the officers moved to the rear of the property. As they entered the property, Officer A unholstered his/her pistol because the Subject was reportedly an armed ADW subject who posed a threat to others, and the Subject's exact location was unknown.

Officer B (1st Occurrence)

After the officers assembled on the sidewalk in front of the abandoned residence and formulated a plan to contact the Subject in the backyard, the officers moved to the rear of the property. As they entered the property, Officer B unholstered his/her pistol because the Subject was reportedly armed with a knife and had assaulted someone with it.

Officer B (2nd Occurrence)

Post-OIS, after Officer G relieved Officer B of the task of holding the Subject's left arm, Officer B got up and unholstered his/her pistol to assist Officer A in clearing the residence.

The BOPC noted that the UOFRB assessed Officers A and B's drawing and exhibiting of their pistols and noted that they were both aware of the Subject possibly being armed with a knife based on the comments of the radio calls. The UOFRB also noted that the officers verified that the Subject had committed an ADW with a knife. The UOFRB further noted that the officers did not know the Subject's exact location but were advised by Witness A that he was standing on the second-floor landing in the backyard. With regards to Officer B's second instance of drawing and exhibiting his/her pistol, the UOFRB noted that the residence had not been cleared after taking the Subject into custody and the officers did not know if anyone else was lying in wait. Based on the available evidence, the UOFRB opined that each instance of Officers A and B's drawing and exhibiting conformed to policy.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe there was a substantial risk that the situation may have escalated to the point where lethal force may have been justified. Therefore, the BOPC found Officers A and B's drawing/exhibiting to be In Policy.

C. Less-Lethal Use of Force

Officer C – 40mm LLL, one sponge round from approximately ten feet, in a southerly direction.

Round One

According to Officer C, the Subject was armed with a "sharp spear object" in his right hand which was pointed toward the officers at a downward 45-degree angle. He/she could see the front of the weapon and described it as a seven to ten-inch silver spear with a pointy end capable of causing serious bodily injury (SBI) or death. The Subject began to lunge forward starting with his right leg, while pointing the object toward the officers, indicating to Officer C that the Subject was an immediate threat and intended to cause harm to him/her and the other officers. In response, Officer C

targeted the Subject's navel area and discharged one 40mm LLL sponge round from approximately ten feet away, which he believed struck the Subject in the navel area. Officer C then immediately reloaded.

The BOPC noted that the UOFRB assessed Officer C's application of the 40mm LLL during the incident. The UOFRB noted that Officer C discharged his 40mm LLL after observing the Subject take a step toward the officers with his weapons in hand, and the UOFRB opined that the Subject's actions met the threshold of an immediate threat against the officers. The UOFRB noted that neither Officer C nor any of the other officers gave the Subject a warning prior to discharging the 40mm LLL, but the UOFRB opined that there was too little time between the officers opening the exterior door and the Subject advancing toward them for a warning to have been feasible.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, in the same situation, would reasonably believe that the less-lethal use of force was objectively reasonable. Therefore, the BOPC found Officer C's less-lethal use of force to be In Policy.

D. Lethal Use of Force

Officer A – pistol, three rounds from approximately ten feet, in a southerly direction.

Background – Upon inspecting the scene and relevant video evidence, FID investigators determined that the background for all three rounds was the same, consisting of a bedroom measuring 12 feet by 10 feet and the south interior wall. A dresser drawer on the floor of the room was the only item identified as being struck by the officers' rounds.

Round One

According to Officer A, the Subject kicked the interior door open and was holding what appeared to be a "harpoon gun," or homemade spear with a sharp point, in his right hand and another sharp chrome object in his left hand. He/she described the weapon in the Subject's right hand as a four-foot-long black solid metal pole with a chrome-colored spear or harpoon extending an additional foot from one end. Officer A described the object in the Subject's left hand as L-shaped with a six-inch blade.

Officer A described the Subject as taking a fighting stance while holding the weapon at mid-chest level. He/she described the Subject's demeanor as very angry, tense, and agitated, and making rapid body movements. The Subject moved forward with his lead foot approximately 12 inches, decreasing the distance between him/her and the officers. Officer A believed that the Subject was five feet away and feared that it would take a "split-second" for the Subject to either shoot the harpoon gun or charge and stab the officers with the spear. In response, Officer A fired his/her first round

from his/her pistol, which he/she believed hit the Subject but had no apparent effect. The investigation determined that Officer A fired from approximately ten feet away.

Round Two

According to Officer A, the Subject was still holding the weapon in a threatening manner. Believing the Subject was still a threat to the officers' safety, Officer A fired a second round from approximately ten feet away.

Round Three

According to Officer A, the Subject was still armed at the same "lunging, striking distance." Believing the Subject was still a threat to the officers' safety, Officer A fired his/her third and final round from approximately ten feet away, causing the Subject to fall to the floor.

Officer B – pistol, three rounds from approximately ten feet, in a southerly direction.

Background – Upon inspecting the scene and relevant video evidence, FID investigators determined that the background for all three rounds was the same, consisting of a bedroom measuring 12 feet by 10 feet and the south interior wall. A dresser drawer on the floor of the room was the only item identified as being struck by the officers' rounds.

Round One

According to Officer B, the Subject violently opened the interior door, "smashing" it against the wall, and holding what appeared to be a sharp, stainless steel, approximately one-foot-long spear or projectile weapon that could shoot the sharp object or stab him/her. He/she ordered the Subject to drop the weapon before the Subject raised it and leaned forward approximately one foot. Believing the Subject was moving forward to stab him/her and fearing the Subject would kill him/her, Officer B fired his/her first round from his/her pistol from approximately ten feet away, utilizing a one-handed grip with his/her right hand while holding the shield with his/her left arm. He/she was unsure if the round had struck the Subject.

Round Two

According to Officer B, the Subject remained standing with the weapon still pointed at him/her. Officer B described the Subject as looking "even angrier" and believed that he was going to continue advancing toward him/her and the other officers. In defense of him/herself and the other officers, Officer B fired his/her second round from his/her pistol from approximately ten feet, still utilizing a one-handed grip with his/her right hand while holding the shield with his/her left arm.

Round Three

According to Officer B, he/she was unsure whether he/she fired two or three rounds during the incident. The investigation determined that Officer B fired three rounds from his/her pistol from approximately ten feet away, still utilizing a one-handed grip with his/her right hand while holding the shield with his/her left arm. Although Officer B was unsure if he/she fired his/her third round or not, he/she stated that he/she stopped firing once the Subject dropped the weapon, went down to the floor, and stopped being a threat.

The BOPC noted that the UOFRB assessed Officers A and B's lethal use of force and that the findings were unanimous. The UOFRB opined that each application of lethal force for both officers was in direct response to the Subject's actions and the imminent lethal threat posed by the Subject as he advanced towards the officers while armed with a spear-like weapon that could have caused serious bodily injury or death. The UOFRB further opined that Officers A and B were unable to safely redeploy, given the small space provided by the landing and the proximity of the Subject. Additionally, the Subject's actions could have caused the officers to fall off the second-floor landing and noted only a short time had passed before the Subject advanced towards the officers after they opened the exterior door. The UOFRB also opined that both Officers A and B assessed between rounds and stopped firing when the Subject no longer posed a threat. Therefore, the BOPC determined that Officers A and B's lethal use of force was proportional, objectively reasonable, and necessary. The BOPC found Officers A and B's lethal use of force to be In Policy.