

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

OFFICER-INVOLVED SHOOTING – F003-24

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Central	2/3/24		

Officer(s) Involved in Use of Force	Length of Service
Sergeant A	16 years, 7 months
Officer F	5 years, 6 months
Officer B	4 years, 9 months
Officer E	10 months

Reason for Police Contact

On February 3, 2024, officers responded to a radio call of an “*Assault with a Deadly Weapon*” at a business. The officers made contact with the witness and were advised the Subject was inside the business refusing to leave. The officers gave the Subject commands to exit the location. As the Subject emerged from the business, he charged officers with what they believed to be a knife or sharp object, resulting in an Officer-Involved Shooting (OIS).

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

Male, 36 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 (Chief); 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 December 17, 2024.

Incident Summary

Witness A and his business partner, Witness B, were inside their place of business having a meeting when Witness A heard their door open and observed a male, later identified as the Subject, enter the location. Witnesses A and B did not recognize the Subject and asked him to leave. According to Witness A, the Subject replied, "...you guys need to leave. *This is my spot now.*" The Subject asked for the keys to the studio and told Witnesses A and B, if they did not leave, something bad was going to happen. In fear for their safety, Witness A put the keys to the business down onto a chair as he and Witness B fled the location and called 911.

Communication Division (CD) received a 911 call from Witness A. Witness A advised the Emergency Broadcast Operator (EBO) a "*very dangerous*" male entered his studio in possession of a stick or a pole. Witness A described the Subject as a "homeless dude," and provided a clothing description.

CD broadcast the information related to the incident. Officers A (driver) and B acknowledged the radio call and advised CD they were responding from the police station. Officer B requested an additional unit and a supervisor to respond.

Simultaneously, Officers A, B, C, D, and Sergeant A arrived at scene. Officer B deployed a beanbag shotgun from his/her police vehicle and walked toward the entrance of the location and were met by Witness A, who was standing outside an open door. Witness A advised the officers that the Subject was still inside the building on the fourth floor. Sergeant A, along with Officers A, B, C, D, E, and F followed Witness A inside and to the third floor of the building.

While still on the third floor, the officers continued to question Witnesses A and B regarding the Subject's actions. Witness A advised the officers, the Subject unexpectedly entered their studio through an unlocked door and told them to leave. According to Witness A, the Subject made statements such as, "*The world is changing you need to get out of here.*" The Subject was acting "*antsy*" and at one point, was blocking the exit. There was no one else inside the studio, and Witness A wanted the Subject removed. Sergeant A asked Witness A, "*If he [the Subject] doesn't want to come out, do you want to press charges for trespass?*" Witnesses A and B answered, "*Yes.*" Sergeant A then directed Officers G and H to complete a Private Person's arrest.

Sergeant A then formulated a tactical plan and designated Officer D as the contact officer, Officers F (40mm LLL) and B (beanbag shotgun) as less-lethal, and Officers C and E as the arrest team. The plan was not to enter, but to take a position of advantage and call the Subject out of the location.

Prior to walking up the stairs to the fourth floor, Officer D asked Witnesses A and B if there were any weapons or firearms kept inside of the location that the Subject could access. Witness B replied, "*No, just some scissors and shears.*"

Sergeant A along with Officers A, B, C, D, E and F walked up the stairs to the fourth floor and approached the Unit where the Subject was last seen.

As the officers stood in the hallway outside the Unit, Officer B announced, "*This is the Los Angeles Police Department. Slowly come out with your hands up.*" Immediately after the announcement, the Subject appeared in the doorway facing the officers with both of his hands raised above his head. Officer D then gave the Subject the commands, "*Hands up, hands up. Turn away face away from me. Walk backwards to the sound of my voice,*" to which the Subject initially complied.

Note: When the officers first encountered the Subject, they utilized the south wall as cover, which was approximately 16 feet from the front door of the Unit.

As Officer D gave the Subject commands, Officer F asked if the arrest team was ready. The Subject slowly walked backwards toward the officers while Officer D directed him, *"To your left to your left, hold on right there."* Without warning, the Subject turned, faced the officers, and ignored Officer D's command to *"Hold on right there."*

According to Officer D, *"He [the Subject] then turns and faces myself as well as my partners. At this time, he had his hands clenched in a fist, um, close to his body, to me indicating a fighting position. He then charges towards - - well, he walks towards officers, um, disobeying our commands."* Officer D advised FID investigators, he never observed anything in the Subject's hands.

Although Officer C was assigned to the arrest team, when Officer B initially began to call the Subject out of the location, Officer C unholstered his/her pistol. As Officer C held his pistol at the low-ready position and the Subject moved toward the officers, he/she observed what he/she later described to be a *"sharp item"* in one of the Subject's hands. As the Subject closed the distance on the officers, Officer F fired one 40mm less-lethal round in the Subject's direction. According to Officer F, as the Subject turned, he/she observed a screwdriver in his right hand, pointed upwards.

As Officer F fired the 40mm LLL, Officer B simultaneously fired one round from the beanbag shotgun.

After being struck by both less-lethal rounds, the Subject ignored the officers' commands and continued to move in their direction, while clutching a white object, later determined to be a plastic fork, in his right hand. As the Subject closed the distance on Officer B, he/she fired an additional beanbag round. Officer B stated he/she was approximately five feet away from the Subject when he/she fired the second beanbag round. The investigation determined Officer B fired the second beanbag round from an approximate distance of one foot away from the Subject, which struck him on his right forearm.

According to Officer B, he/she aimed the beanbag shotgun at the Subject's abdomen when he/she fired both rounds. Officer B stated he/she was unable to give a less-lethal warning to the Subject due to the fluidity of the situation. According to Officer B, at no time did he/she observe anything in the Subject's hands.

According to Officer A, he/she never observed the Subject to be armed.

According to Sergeant A, after the three less-lethal rounds were fired, the Subject advanced toward the officer positioned on Sergeant A's left with a *"sharp pointy object"* in his right hand.

According to Officer E, as the Subject moved toward the officers, *"I see him. You- - he has a knife in his hand above his head. Sharp object. It was - - it was approximately - - it looked like - - I would say color white, and he - - he was like holding it like as if he was going to kill someone. And you could see in his eyes like - -that's what I remember that this guy had some kind of intent and he was just coming down, and he could have hurt officers."* Officer E believed an officer was going to be killed when he unholstered his pistol.

Note: Officer E was asked during his interview about his knowledge of knives that are white in color. He indicated, "Porcelain knives can be white. Oftentimes sharper than steel itself."

As the Subject closed the distance on Officer B, he used both of his forearms and pushed his/her beanbag shotgun in a downward motion. Officer B immediately pulled the beanbag shotgun away, which caused the Subject to collide with his back against the north hallway wall.

As the Subject contacted the wall, Sergeant A grabbed hold of him by placing his/her left hand on the Subject's upper back with his/her left thumb just under the Subject's right armpit. Sergeant A placed his/her right hand on the Subject's right arm just above the elbow.

Officer E's actions and account of the OIS

As Sergeant A placed his/her right hand on the Subject's right bicep, Officer E raised his/her pistol and fired one round. The round grazed the webbing between Sergeant A's right thumb and index finger before it struck the Subject in the right upper arm and entered his chest.

Note: The investigation determined Officer E was approximately three feet away from the Subject when he/she utilized a two-handed grip and fired one round. According to Officer E, he/she aimed at the Subject's upper chest when he/she fired his pistol. Officer E did not recall observing any officers in the foreground or background when he/she fired the single round.

Note: Sergeant A indicated that he/she was unaware that a pistol had been discharged at this point in the incident.

After Officer E fired, Sergeant A moved the Subject against the south wall and pinned him against a metal security door. Officer E holstered his/her pistol and assisted Sergeant A; together they took the Subject down to the floor. As Sergeant A and Officer E took the Subject down to the floor, a white plastic fork was still clenched in his right hand. Once the Subject was laying prone, the fork fell from his hand, onto the back of his leg, before coming to rest on the floor.

As Sergeant A and Officer F placed the Subject's hands behind his back for handcuffing, Officer F asked, "*Did anyone shoot?*" Officer E then confirmed to the officers he fired a lethal round that struck the Subject in the arm. With the assistance of Officers E, F, B, D, and Sergeant A, Officer A handcuffed the Subject.

Thirty-two seconds after the OIS, Officer D broadcast, "*Shots fired Officer needs help at our location. Let me get an RA for a male approximately 40 years of age, conscious and breathing, GSW to the arm.*" Simultaneously, Officer F told the officers, "*Ok, roll him onto his side, roll him on his side. Life, lifesaving, lifesaving.*"

As Officers B, E, and A rolled the Subject onto his left side, Officer D observed an injury and stated, "*He's shot in the chest.*" The officers continuously told the Subject to relax and breathe as Officer E applied pressure to the wound on the right side of his chest. Shortly thereafter, Officer D checked for a pulse on the left side of the Subject's neck and stated, "*Hey start chest compressions, start chest compressions, his, his pulse is weak, start chest compressions.*" Officer D placed his/her thumbs on the Subject's chin and opened his mouth, as Officer E initiated chest compressions. Officers E and D continued chest compressions until LAFD arrived at scene.

An LAFD Rescue Ambulance (RA) staffed by Firefighter/Paramedics arrived and began treating the Subject at scene. The Subject was subsequently transported to a hospital where he was treated for a gunshot wound. Despite life-saving efforts, the Subject was later pronounced deceased.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	No	N/A
Officer F	Yes	No*	Yes	No	N/A
Officer E	Yes	No*	Yes	No	N/A
Officer B	Yes	Yes	Yes	Yes	N/A

*Officers E and Fs video did not have a full 2-minute buffer due to their BWV camera being re-activated shortly after leaving the scene of another radio call.

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Los Angeles Board of Police Commissioners' (BOPC) Findings

The BOPC reviews each categorical use of force (CUOF) 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). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

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

B. Drawing and Exhibiting

The BOPC found Officer E's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers B, E and F, and Sergeant A's non-lethal force to be In Policy.

D. Intermediate Use of Force

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

E. Lethal Use of Force

The BOPC found Officer E's lethal use of force to be Out of 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 Subjected 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 subject 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 suspect 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, Subjects, persons in custody, subjects 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 fired 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 fired 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 firing 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 subject.

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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

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

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)

Planning – Officer E was a probationary officer with six months of field experience and Officer F was his/her assigned Field Training Officer (FTO) of two months. They had previously discussed tactics, including contact/cover roles and de-escalation techniques.

At scene, Sergeant A ensured a crime had been committed and developed a plan to take the Subject into custody. Sergeant A's plan was to call the Subject out and place him in a position of disadvantage to take him into custody. To effect the arrest, Sergeant A formed an arrest team, which included Officer D as the contact officer, Officers F (40mm LLL) and Officer B (beanbag shotgun) as intermediate force, and Officers C and E as the arrest team. Sergeant A stated he/she visited the third-floor hallway to familiarize himself/herself with the layout of the studio which was on the fourth floor.

Assessment – Based on Witness A's explanation of events that led to the radio call, Sergeant A assessed the Subject may possibly have a mental illness. As the Subject emerged from the studio, Officer B noted his disheveled appearance and his fidgety behavior, which led to his/her assessment he was under the influence of an unknown narcotic. Officers F and B initially assessed the Subject was cooperating with the commands given to him. When the Subject turned towards officers, Officer D assessed the Subject took on a fighting stance. Prior to the OIS, three officers observed the Subject with an object in his hand but had a different assessment of what the object was; Officer F believed it was a screwdriver, Officer C described it as a "sharp object" and Officer E stated it was a knife. Sergeant A also observed an object in the Subject's hand and described it as a "*sharp, pointy object.*"

As the Subject charged toward officers, Officer F assessed the Subject posed an imminent threat of inflicting serious bodily injury and although Officer B did not see a weapon, he/she assessed the Subject posed an immediate threat. Both Officers F and B deployed intermediate force munitions based on their assessment of the threat posed by the Subject. As the Subject pushed past the DCO and officers assigned as intermediate force, Sergeant A assessed the Subject's actions as he advanced toward, and made a stabbing motion, to the officer positioned to his/her left. Officer E also assessed the Subject's actions and believed he was attacking an officer with the

knife. As a result of his assessment, Officer E unholstered his/her service pistol and fired a round at the Subject.

Time, Redeployment and/or Containment, Other Resources and Lines of Communication – Officer B requested an additional unit and a supervisor as he/she responded to the radio call after CD broadcast updated information about the Subject. Prior to their encounter with the Subject, Sergeant A used time to formulate a tactical plan. The officers also utilized the south wall of the hallway for cover, which was 16 feet from the front door of the studio. Officer B made an announcement identifying themselves as law enforcement and ordered anyone inside to come out with their hands up. After contacting the Subject, Officer D gave further commands to place him at a disadvantage. The Subject ignored the commands and his sudden, aggressive charge toward officers defeated the tactical plan, ended the officers' ability to use distance, cover and time to further de-escalate and limited their time to assess and respond to the Subject's actions. After the OIS, Officer D broadcast a help call and requested a rescue ambulance (RA) for the Subject.

During the review of this incident, the following Debriefing Point was noted:

Debriefing Point No. 1: Situational Awareness

Foreground and Background: As the Subject charged toward officers, Officer E believed the Subject was armed with a knife and observed him *“coming down with the knife onto the officer as if to kill him and stab him.”* Officer E unholstered his/her service pistol, aimed at the Subject's chest, and discharged a single round from three feet away at the Subject to stop his imminent threat of serious bodily injury or death. Simultaneously, Sergeant A observed the Subject charging at officers with a stabbing motion and took the opportunity to grab him when his back was turned. Officer E did not recall observing any officers in the foreground or background when he/she discharged his/her round; however, the FID investigation determined Sergeant A placed his/her right hand on the Subject's right bicep as Officer E discharged his/her service pistol. Officer E's round grazed the webbing between Sergeant A's right thumb and index finger before it struck the Subject in the right upper arm and entered his chest. Officer B and the north hallway wall were in Officer E's background, behind the Subject.

The Use of Force Review Board (UOFRB) assessed Officer E's foreground and background and was critical of Officer E's decision to fire in such close proximity to other officers and concluded his/her lack of situational awareness led to his/her failure to ensure his/her foreground was clear. The UOFRB recognized the incident took place in a narrow hallway with no room to redeploy, but believed Officer E should have been more aware of crossfire concerns. The UOFRB believed Officer E did not adequately consider his/her surroundings, background and the potential risk to the other officers. The UOFRB opined even if the Subject was actively stabbing officers, it was Officer E's duty to find an opportunity and an angle so other officers would not be struck by gunfire. The UOFRB would have preferred Officer E change the angle of his/her shot and get closer than three feet to minimize risk to his/her fellow officers. The UOFRB concluded that background and foreground are paramount and regardless of Officer E's perception the Subject was posing an imminent threat of

death to another officer, he/she failed to display situational awareness by ensuring his/her foreground was clear prior to discharging his/her service pistol.

Tactical Roles: Prior to contacting the Subject, Sergeant A formulated an arrest team that consisted of Officer D as the DCO/contact officer, Officers F and B as intermediate force with the 40mm LLL and beanbag respectively, and Officers C and E as the arrest team. Sergeant A would provide supervisory oversight and command and control. Officer E was aware his/her role would be to take the Subject into custody. Officer E stated when he/she observed the Subject armed with a knife; he/she believed the Subject was going to kill his/her fellow officers. As a result, he/she unholstered and fired one round at the Subject.

The Chief reviewed the circumstances regarding Officer E's situational awareness and the UOFRB discussion. The Chief concurred an officer's background and foreground are important when the decision is made to discharge one's service pistol; however, it is secondary consideration when a suspect poses an imminent threat of death. The Chief found Officer E was deficient for failing to anticipate the possibility of an officer in the foreground as the Subject charged toward the officers.

As for tactical roles, tactics are known to be fluid and roles may change from the original plan. The Department must allow for flexibility during tactical situations as officer's observations and assessments are different, suspect's actions are unpredictable and the environment can change. As in this incident, the Subject overcame the tactical plan when he pushed past the DCO and officers assigned to intermediate force. In the time officers had to react, two beanbag sock rounds and one 40mm round were deployed and struck the Subject in the arm and abdomen and were ineffective.

The UOFRB was understandably not critical of Sergeant A when he/she deviated from his/her role of providing command and control to go hands on with the Subject, use force and ultimately became part of the arrest team. The deviation was reasonable and appropriate as Sergeant A recognized the tactical plan was no longer in effect and he/she seized an opportunity to take control of the Subject. The same consideration should be given to Officer E, who had his/her own perspective of the unfolding events and unholstered his/her service pistol. Additionally, the Subject bypassed Officer D, who was assigned as the DCO, rendering his/her role unavailing. Furthermore, the mere unholstering of one's service pistol does not indicate they have assumed the role of DCO.

For these reasons, the Chief determined Officer E deviated from situational awareness with regard to background/foreground, but not for tactical roles.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, the tactics employed by Officer E were a substantial deviation, without justification, from Department-approved tactical training. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Less Lethal Verbal Warning** – Officer F fired one 40mm round at the Subject striking his abdomen. According to Officer F, due to the suddenness and unpredictability of the Subject's sudden advance on the officers while armed with a screwdriver, he/she believed there was an imminent threat of serious bodily injury to the officers in the team and it was not feasible to provide a less lethal warning. Officer B fired two rounds from his/her beanbag shotgun striking the Subject in the abdomen twice. According to Officer B, it was impractical to give a less-lethal warning to the Subject due to the fluidity of the situation and the Subject's actions escalated the situation before a verbal warning could be given. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.
- **Retention of Equipment** – After the Subject was handcuffed, Officer F opened the chamber of his/her 40mm LLL and briefly placed it on the floor unattended. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

Command and Control

- Sergeant A was the first supervisor to arrive at scene and he formulated a tactical plan specific to the factors of the situation (schematics of the studio, the crime and information gathered about the Subject), assigned tactical roles and ensured each officer understood their responsibility. Before and after the incident, Sergeant A continued to provide direction and manage the tactical situation until he/she was relieved. The UOFRB lauded the leadership displayed by Sergeant A for his/her formulation of a tactical plan and appropriate reaction when the Subject brought the situation to him/her. The UOFRB determined, and the Chief concurred, the overall actions of Sergeants A was consistent with Department training and the Chief's expectations of supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, the actions of Officers F and B and Sergeant A were not a substantial deviation from Department-approved tactical training. The UOFRB also determined, and the Chief concurred, the actions of Officer E were a substantial deviation, without justification, from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvements 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, the BOPC found Officers B and F, and Sergeant A's tactics to warrant a finding of Tactical Debrief. The BOPC found Officer E's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

Officer E

According to Officer E, he/she unholstered his/her service pistol because he/she observed the Subject armed with a knife, charging at officers and believed an officer was going to be killed.

The UOFRB assessed Officer E's drawing and exhibiting. The UOFRB noted when officers arrived on scene they spoke to PR Witness A, who stated the Subject had access to scissors and shears inside his studio. When the Subject charged at the officers, Officer E observed what he/she described as a white porcelain knife in his hand. Officer E stated he/she believed an officer would be killed by the Subject. The UOFRB opined it was objectively reasonable for Officer E to believe the situation could escalate to the use of deadly force when faced with a suspect armed with a knife.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, an officer with similar training and experience as Officer E would reasonably believe there was a substantial risk the situation may escalate where deadly force could be justified.

Therefore, the BOPC found Officer E's drawing/exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

Officer E – Bodyweight and Firm Grips

Officer F – Bodyweight and Firm Grips

Officer B – Bodyweight

Sergeant A – Bodyweight and Firm Grips

Sergeant A observed the Subject make a stabbing motion towards the officer to his/her left while armed with a sharp, pointy object in his right hand. As the Subject charged at them, he turned his back to Sergeant A, who seized the opportunity to use non-lethal force to control the Subject. Sergeant A grabbed hold of the Subject by placing his/her left hand on the Subject's back with his/her thumb under the Subject's right armpit and placed his/her right hand on the Subject's right arm. Just as Officer E discharged his round, Sergeant A grabbed hold of the Subject's biceps and moved him against the south wall, pinning him against a metal security door. Officer E holstered his/her service pistol and assisted Sergeant A with taking the Subject down to the floor and used firm grips and bodyweight to control the Subject's movement while he was handcuffed. Officer F used firm grips and bodyweight to control the Subject's movements as he was handcuffed and Officer B applied bodyweight to the Subject's legs as he received medical aid.

The UOFRB conducted a review and analysis of the investigation and circumstances of the incident in determining the reasonableness of the non-lethal force used by Officers E, F and B, and Sergeant A. Based on the Subject's level of resistance, the UOFRB opined the force applied by Officers E, F and B and Sergeant A was objectively reasonable and proportional.

Based on the totality of circumstances, the UOFRB determined, and the Chief concurred, an officer and supervisor with similar training and experience as Officers E, F and B and Sergeant A would believe the force used was objectively reasonable and proportional.

Therefore, the BOPC found Officers E, F and B and Sergeant A's Non-Lethal Use of Force to be In Policy, No Further Action.

D. Intermediate Use of Force

- **Officer F** - One projectile from a 40mm LLL from an approximate distance of 10 feet.

According to Officer F, he/she observed the Subject armed with a screwdriver and believed the Subject would inflict serious bodily injury to one of his/her fellow officers. Officer F discharged one round striking the Subject's abdomen.

- **Officer B** – Two super-sock projectiles from a beanbag shotgun, from an approximate distance of eight feet and one foot respectively.

The UOFRB evaluated the intermediate force used by Officers F and B who discharged one 40mm round and two beanbag rounds respectively. Regarding Officer F's use of the 40mm LLL, the UOFRB considered Officer F's perception the Subject was armed with a screwdriver when he charged towards officers, posing an immediate threat to the lives and safety of officers. Officer F discharged a 40mm round to stop the Subject's actions and protect the officers. The UOFRB opined Officer F's belief the Subject's actions constituted an immediate threat to the safety of the officers was reasonable and the use of the 40mm LLL was objectively reasonable and proportional.

Regarding Officer B's first beanbag round, the UOFRB noted the Subject refused to follow officers' commands, had already been struck with a 40mm round, and was charging at Officer B. The UOFRB opined the Subject's actions constituted an immediate threat to the safety of the officers and the use of the beanbag shotgun was objectively reasonable and proportional.

The UOFRB further noted after being struck with the first beanbag and 40mm round, they appeared ineffective as the Subject continued to charge at Officer B. Regarding Officer B's second beanbag round, the UOFRB noted and discussed it was fired from a range of approximately one foot, which is less than the Department-approved minimum range of five feet. At the moment of Officer B's second discharge, the Subject was charging at him/her and appeared to be reaching out to grab his/her beanbag shotgun. The UOFRB observed Officer B placed the beanbag shotgun in a "*close contact*" position and discharged the weapon to repel the Subject off the barrel. The UOFRB pointed out this technique is trained for weapon retention for the shotgun and Officer B appeared to instinctively revert to his/her training. Although the distance was one foot, the UOFRB concluded Officer B's response to the Subject's attack was objectively reasonable and proportional.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, an officer with similar training and experience as Officers F and B in the same situation, would reasonably believe the use of intermediate force was proportional and objectively reasonable.

Therefore, the BOPC found Officers B and F's use of Intermediate Force to be In Policy, No Further Action.

E. Lethal Use of Force

- **Officer E** – 9mm caliber, semi-automatic pistol. One round in an easterly direction.

Background – According to Officer E, he/she was focused on the imminent threat posed by the Subject and did not recall observing any officers in his/her foreground or background. Sergeant A's right hand was in the foreground the moment Officer E discharged a round from his/her pistol. The FID investigation determined Officer B and the north hallway wall were in the background, behind the Subject.

Round One

The investigation determined Officer E discharged one round from his/her service pistol from an approximate distance of three feet. According to Officer E, he/she shot because he/she believed the Subject was armed with a knife and attempting to stab officers.

The Chief reviewed the circumstances surrounding Officer E's decision to use lethal force. Based on the totality of the circumstances, the Chief determined an officer with similar training and experience as Officer E, in the same situation, would not reasonably believe the use of lethal force was consistent with the Department's policy as it relates to the consideration of an officer's surroundings and potential risk to bystanders to the extent reasonable under the circumstances.

The BOPC concurred with the Chief and, therefore, found Officer E's use of Lethal Use of Force, to be Out of Policy, Administrative Disapproval.

Medical Treatment/Rendering Aid

- Officer D requested an RA and the Subject was rolled onto his left side and placed in the recovery position. Officer E applied direct pressure to the wound and began performing chest compressions. The Los Angeles Fire Department (LAFD) arrived and treated the Subject. The Subject was transported to a hospital where he was treated for a gunshot wound. The Subject was subsequently pronounced deceased. The officers met the Department's expectation for rendering aid.