

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

**OFFICER-INVOLVED SHOOTING – 004-22**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
-----------------	-------------	----------------------------	-------------------------------

Foothill	2/1/22		
----------	--------	--	--

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
--	--------------------------

Officer C	4 years, 8 months
Officer O	12 years, 9 months
Officer P	6 years, 9 months
Officer Q	16 years, 8 months

**Reason for Police Contact**

On February 1, 2022, at approximately 0216 hours, officers assigned to Foothill Patrol Division responded to an Assault with a Deadly Weapon (ADW) radio call at a residence. The Subject was armed with knives and threatening family members. Upon the officers' arrival, they evacuated the family members, established containment around the residence, and began speaking to the Subject via a public address system.

Approximately 65 minutes later, the Subject exited the residence armed with two knives. An officer discharged a 40mm less-lethal launcher (LLL) at the Subject, causing him to briefly drop to the ground. The Subject got back up and ran to the front of the residence while still armed with a knife. An officer discharged a beanbag shotgun at the Subject; however, he continued to advance toward officers, resulting in an Officer-Involved Shooting (OIS).

The Subject was struck by gunfire and subsequently transported by rescue ambulance (RA) to a local hospital where he was pronounced deceased.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
-------------------	---------------------	--------------------	--------------------

Subject: Male, 23 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 January 10, 2023.

### **Incident Summary**

On February 1, 2022, at approximately 0150 hours, Victim A was in his bedroom when he heard the Subject banging on the bedroom door and yelling. When Victim A opened the door, he observed the Subject was armed with two knives. According to Victim A, the Subject was threatening to kill him and other family members. Victim A closed and locked his bedroom door and called 911. Victim A informed the operator that the Subject had knives and was threatening to kill everyone. Additionally, Victim A advised that the Subject was drunk and had mental issues.

Simultaneous to Victim A's 911 call, Victim B called 911 from the adjacent bedroom. Victim B told the operator that the Subject was acting crazy and trying to attack his father (Victim A) with knives. In the background of both calls, the Subject can be heard pounding on the bedroom door.

Based on the 911 calls, Communications Division (CD) broadcast an "ADW, suspect there now" radio call over the Foothill Area base radio frequency. Officers A and B were assigned the call and backed by Officers C and D. As the officers arrived in the area, CD updated the call and broadcast that the Subject was armed with a knife. Per the Department's edged weapon protocol, CD verified that Officers A and B were equipped with a 40mm LLL and assigned Sergeant A to the call.

Officers A and B parked their vehicle half a block east of the residence where they were joined by Officers C and D. The officers then approached the residence on foot. Officer A was equipped with a beanbag shotgun and Officer C was equipped with a 40mm LLL. While standing at the vehicle gate in front of the residence, the officers made verbal contact with Victim A, who was inside his residence at his open bedroom window.

Victim A informed the officers that the Subject was inside the residence, armed with two knives, and threatening to kill everyone. Additionally, Victim A advised the officers the front door was locked, but they could enter the residence through a back door. While the officers spoke with Victim A, they heard the Subject attempting to force open one of the bedroom doors.

In response to hearing the Subject attempting to force open the interior door, Officer A assumed the role of team leader and, along with the other officers, moved north along the west walkway before entering the rear of the residence.

Upon entering the residence, Officer A maintained his/her role as team leader, while Officer D assumed the role of Designated Cover Officer (DCO) with his/her pistol, and Officer C remained equipped with the 40mm LLL. Additionally, Officer B gave commands for the Subject to drop his knives and come out with his hands up. Officer A, who was still equipped with a beanbag shotgun, advised CD that he/she and the other officers had entered the rear of the residence. Additionally, Officer A broadcast that the Subject was armed with two knives and was refusing to come out of the residence.

Meanwhile, when Officer A and the other officers moved to the rear of the residence, Victim A evacuated his sons through the bedroom window. Officers E and F initially joined the officers inside the residence, before Officer A directed them to return to the front of the residence and ensure the family had been evacuated.

While inside the residence, Officer D observed the Subject in the hallway near the front bedrooms. Officer D could see the Subject was armed with a knife and notified the other officers. In response, Officer A broadcast a backup request for a "man with a knife."

Upon his/her arrival, Sergeant A joined Officers E and F in front of the residence. After determining that Victim A's wife was still in her bedroom, Sergeant A ensured she was evacuated through the window. Sergeant A then advised Victim A and his family to move east, away from the residence. Sergeant A also directed Officer F, who was equipped with a beanbag shotgun, and Officer E, who was equipped with his/her pistol, to cover the front door of the residence.

Sergeant A then broadcast that he/she was the Incident Commander (IC) as he/she moved to the rear and joined the other officers inside the residence. Upon doing so, Sergeant A verified that the team had less-lethal options, DCOs, and an officer assigned to communicate with the Subject. After determining that the Subject was alone inside the residence, Sergeant A directed the officers to redeploy outside the residence and establish containment positions as noted below:

**West** – Officers C and D positioned themselves in the rear yard, on the north side of the property. They were subsequently joined by Officers G, H, and I. Approximately 27 minutes later, the officers redeployed one property west, where they monitored the residence from behind a cinderblock wall. From their positions, the officers monitored the north and west sides of the residence.

Officer C remained equipped with a 40mm LLL, Officer J was equipped with a TASER, Officer G was equipped with a shotgun, and Officers D and H had their pistols unholstered.

**East** – Officers K and L were positioned one property east in the rear yard, where they monitored the east side of the residence from behind a cinderblock wall. Officer L was equipped with a 40mm LLL and Officer K had his/her pistol unholstered.

**Southwest** – Officers E, F, M, and N, positioned themselves on the sidewalk at the front of the residence and monitored the southwest side of the property from behind a wall made of cinderblock and wrought iron. Officer F was equipped with a beanbag shotgun, while Officers E, M, and N had their pistols unholstered.

**Southeast** – Sergeant A had a police vehicle placed at the apron of the driveway pointed north toward the residence. According to Sergeant A, the vehicle provided cover for the officers and additional illumination of the residence. Additionally, it provided a public address (PA) system to communicate with the Subject.

Officers Q, S, T, W, and X were positioned on the driver's side of the vehicle. From their positions, they had a view of the south side of the property. Officer W was equipped with a conventional shotgun with buckshot rounds and Officer X was equipped with a ballistic shield.

Officers O, P, and Q were positioned on the passenger's side of the vehicle. From their positions, the officers had a view of the south side of the property. Officer O was equipped with a beanbag shotgun, while Officers P and Q had their pistols unholstered.

Sergeant A and Officer R positioned themselves to the rear of the vehicle where they coordinated the tactical operation. While there, Sergeant A requested the Los Angeles Fire Department (LAFD) to stage nearby in the event they were later needed. Additionally, Sergeant A directed the officers to don their ballistic helmets while containment was maintained at the residence.

At 0236 hours, after containment had been established, Officer S spoke to the Subject through the police vehicle's PA system. During the incident, Officers Q, R, T, and Sergeant A also attempted to communicate with the Subject through the PA system. The officers repeatedly told the Subject to exit the residence with his hands up and made numerous attempts to engage him in conversation. The Subject frequently yelled back non sequiturs at the officers and was occasionally seen in the front windows, but he did not comply with the officers' directions to exit the residence. Between 0247 and 0304 hours, Sergeant A, Officers Q and T each used the vehicle's PA system to give less-lethal-force warnings to the Subject.

At 0254 hours, Sergeant B arrived and received a briefing from Sergeant A. Sergeant B assumed the role of Incident Commander (IC) while Sergeant A continued overseeing the tactical operation. Sergeant B established a Command Post (CP), where he/she was joined by Officers A, B, U, and V. Additionally, LAFD arrived and staged at the CP. Victim A and the other family members were present at the CP, where Officers A and B obtained a signed crime report for Criminal Threats. This information was broadcast to the officers at the residence.

While at the CP, Officer B contacted the Mental Evaluation Unit (MEU), who advised that the Subject did not have any prior contacts and that they were dispatching a Systemwide Mental Assessment Response Team (SMART) from Harbor Division. Officer B passed the information to Sergeant B, who then telephonically briefed Sergeant C.

After speaking with Sergeant B, Sergeant C directed personnel at Foothill Station to conduct a workup on the Subject and the location. Sergeant C later advised Sergeant B that there were no firearms registered to the address, no prior calls for service, and the Subject had only one prior arrest for Driving Under the Influence. During the same conversation, Sergeants B and C agreed to continue attempting to gain the Subject's voluntary compliance while waiting for the SMART Team to arrive. According to Sergeant B, he/she considered contacting Special Weapons and Tactics (SWAT) at this point but wanted to first see if the SMART Team could resolve the situation upon their arrival.

Approximately 65 minutes after the officers began communicating with the Subject on the PA, Officer I observed the Subject through a window on the west side of the residence.

Officer J, who was next to Officer I, broadcast the Subject's movements and location. Sergeant A then broadcast for officers to illuminate the Subject so that he would know that they were present and hopefully surrender. In response, several officers activated their flashlights and illuminated the doorway to the patio.

According to Officer I, he/she then observed the Subject exit the west door while holding a knife in each hand. In response, Officer I called out to the Subject and advised him that they were not trying to hurt him. The Subject then started running south along the west side of the residence. When later interviewed, Officer I told Force Investigation Division (FID) investigators that the knife in the Subject's left hand had a ten-inch blade and a black handle. Officer I described the knife in the Subject's right hand as having a purple handle.

When later interviewed, Officer I told FID investigators that he/she had completed his/her regular shift and was overtime when he/she responded to the backup request.

Officers C, D, G, H, J's BWV cameras were recording when the Subject exited the residence; however, their camera views were obstructed by the cinderblock wall.

Officer C observed the Subject move toward Officer I while armed with the knives. In response, he/she targeted the Subject's navel area and fired one sponge round from his/her 40mm LLL from an approximate distance of 14 feet. According to Officer C, he/she observed the Subject briefly drop to the ground, before getting back up and sprinting south along the west side of the residence. Simultaneously, Officer J broadcast that the Subject was heading towards the front. The Subject exited through a metal pedestrian gate on the southwest corner of the residence and into the front yard.

The investigation determined the Subject dropped the knife with the black handle near where he fell after being hit with the 40mm LLL sponge round. However, the Subject remained armed with the purple handled knife as he ran to the front of the residence.

Over the span of approximately four seconds, as the Subject ran toward the officers, Officer O fired three rounds from his/her beanbag shotgun, before Officer P fired four rounds from his/her duty handgun and Officer Q fired three rounds from his/her duty handgun. At that time, the officers were standing together on the passenger side of the police vehicle.

#### **Officer O's account of the OIS**

At the point the Subject ran toward the front yard, Officer O was on the passenger side of the police vehicle. Officer O was equipped with a beanbag shotgun and positioned behind a cinderblock wall and mailbox that he/she was utilizing for cover. According to Officer O, he/she observed the Subject running toward him/her from the gate on the southwest corner of the residence. The Subject ran between two parked vehicles and the residence as he tucked his fists to his chest, while holding a knife in his right hand. In response, Officer O fired one beanbag round at the Subject from an approximate distance of 30 feet. The Subject continued running toward officer O while still armed with the knife. In response, Officer O fired a second beanbag round at the Subject from an approximate distance of 25 feet. The Subject continued running with the knife toward Officer O and the officers positioned near the police vehicle. In response, Officer O fired a final beanbag round at the Subject from an approximate distance of 15 feet. According to Officer O, he/she targeted the Subject's right arm with his/her first beanbag round because the Subject's lower body was obscured by one of the parked vehicles. At the point he/she fired the subsequent rounds, the Subject's abdomen was visible, and Officer O targeted the Subject's navel area with his/her second and third beanbag rounds.

#### **Officer P's account of the OIS**

Officer P was standing on the sidewalk between the open passenger door of the police vehicle and Officer O when he/she heard Officer J broadcast that the Subject was

armed with two knives and heading to the front. According to Officer P, he/she saw the Subject “crash” through the gate at the southwest corner of the residence. In response, he/she activated the weapon-mounted light on his/her pistol as the Subject ran toward him/her across the driveway. Officer P then heard Officer O firing the beanbag shotgun. According to Officer P, the Subject sprinted out from behind the vehicles and continued running at him/her from approximately 15 feet away. The Subject was leaning forward with his arms tucked into his torso while holding a knife with the blade pointed at Officers O and P. In response, Officer P fired four rounds from his/her pistol as the Subject ran toward him/her from a decreasing distance of 10 to 7 feet. According to Officer P, each of his/her rounds were aimed at the Subject’s torso.

### **Round No. 1**

The investigation determined Officer P fired his/her first round from an approximate distance of ten feet. According to Officer P, he/she fired his/her handgun to prevent the Subject from stabbing him/her or Officer O.

### **Round No. 2**

After firing his/her first round, Officer P observed the Subject was still armed with the knife and sprinting toward him/her. In response, Officer P fired a second round.

### **Round No. 3**

After firing his/her second round, Officer P could see that the Subject was still sprinting toward him/her with his arms tucked into the front of his body. In response, Officer P fired a third round.

### **Round No. 4**

After firing his/her third round, Officer P could see that the Subject was still sprinting toward him/her and that he/she was now approximately five feet away from him/her. In response, Officer P fired a fourth round.

Immediately after firing his/her fourth round, Officer P observed the Subject fall to the ground. As such, Officer P stopped firing because he/she believed the Subject was no longer able to stab him/her or his/her partner.

According to Officer P, as the Subject sprinted toward him/her, his arms were tucked into his torso and his upper body was “leaned forward.” The angle of the Subject’s upper body and the way his arms were tucked into his torso prevented him/her from seeing the knife when he/she fired his/her third and fourth round. Although Officer P could not see the knife when he/she fired his/her third and fourth rounds, he/she

believed the Subject was still holding the knife in his right hand and was about to stab him/her or Officer O.

The investigation determined that as Officer P fired, he/she moved backward and away from the Subject. When later interviewed, Officer P told FID investigators he/she was trying to gain distance between himself/herself and the Subject. Officer P was aware that another officer was firing beanbag rounds at the Subject and, by moving back, Officer P was attempting to gain more time and distance to avoid the need to use lethal force.

### **Officer Q's account of the OIS**

Officer Q was standing behind the passenger door of the police vehicle while using the PA to speak to the Subject when he/she heard Officer J broadcast that the Subject was armed with two knives and heading to the front. Moments later, Officer Q heard the sounds of a 40mm LLL being fired on his/her left side (Officer C) and a beanbag shotgun being fired on his/her right side (Officer O). Officer Q then observed the Subject in front of the police vehicle door, running toward him/her with his hands held against his chest and a knife in his right hand. In response, Officer Q dropped the microphone he/she was using to speak on the PA, unholstered his/her handgun, and fired three rounds at Subject from a decreasing distance of 5 to 3 feet.

### **Round Nos. 1 and 2**

According to Officer Q, after hearing the beanbag shotgun fire on his/her right side, he/she observed the Subject in front of the police vehicle door, running toward him/her with his hands held against his chest and a knife in his right hand. In response, Officer Q unholstered his/her pistol and fired one round at the Subject from an approximate distance of 4 or 5 feet. The Subject continued running toward Officer Q with the knife in his right hand and Officer Q fired a second round. According to Officer Q, both rounds were aimed at the Subject's torso. Officer Q felt that the Subject posed an imminent threat of serious bodily injury to him/her and the other officers.

### **Round No. 3**

After firing his/her first two rounds, Officer Q took several steps backward as the Subject fell to the ground immediately in front of him/her. Officer Q then fired a third round. When later interviewed, Officer Q told FID investigators that as the Subject fell, he/she redeployed backward away from the police door because he/she was in fear. Officer Q felt like the Subject was going to get back up because he/she had just seen the Subject run through beanbag rounds. Officer Q felt that the Subject was going to come back up and try to stab him/her with the knife and that is when he/she fired one additional round.



A review of BWV determined that immediately prior to falling to the ground, the Subject turned counterclockwise. As he fell, his body contacted the passenger door, causing it to close. The Subject landed on his back in front of the officers and was in that position when Officer Q fired his/her third and final round.

### **Timeframe Analysis**

A sound graph analysis of this incident determined that 10.264 seconds elapsed from when Officer C fired his/her 40mm LLL on the west side of the property until the last pistol round was fired. Additionally, the investigation determined that all of the pistol rounds were fired in 1.575 seconds.

<b>Event No.</b>	<b>Relative Time</b>	<b>Action</b>
1	0.000 seconds	Officer C discharged one 40mm LLL round.
2	6.139 seconds	Officer O discharged first beanbag round.
3	7.505 seconds	Officer O discharged second beanbag round.
4	8.23 seconds	Officer O discharged third beanbag round.
5	8.689 seconds	Officer P fired first round from his/her handgun.
6	9.026 seconds	Second round fired from handgun.
7	9.154 seconds	Third round fired from handgun.
8	9.287 seconds	Fourth round fired from handgun.
9	9.539 seconds	Fifth round fired from handgun.
10	10.264 seconds	Officer Q fired a final round from his/her handgun.

During the incident, a total of seven handgun rounds were fired; however, only six rounds were observed on the sound graph. This indicates that two of the handgun rounds were fired simultaneously.

Additionally, the investigation determined that Officers P and Q fired the rounds described above in Event Nos. 6 to 9; however, the sound graph analysis was unable to attribute those rounds to a specific officer.

### **Background Analysis**

Force Investigation Division (FID) investigators analyzed the scene, physical evidence, and video footage to assess Officers P and Q's background at the point they discharged their handguns. The investigation determined their background consisted of an empty residence, unoccupied vehicles, and the driveway/planter area.

### **Post OIS**

Approximately 14 seconds after the OIS, Sergeant A used his/her police radio and directed the CP to send the pre-staged RA to the scene. Sergeant A then directed officers to take the Subject into custody.

Officers S and T approached the Subject while Officers Q and W provided cover. Officer T rolled the Subject onto his stomach. Officer S held the Subject's right forearm behind his back, while Officer T pulled the Subject's left arm out from under his body. Officer T then handcuffed the Subject's wrists behind his back. Officer S placed the Subject in a right-lateral recovery position, while Officer T searched the Subject's clothing for weapons and other contraband; none were located.

At 0346 hours, approximately one minute after the Subject was handcuffed, LAFD arrived at the driveway. Less than two minutes later, the Subject was placed in the RA and transported to the hospital. At 0357 hours, the Subject was pronounced deceased by medical staff.

### **Body-Worn Video (BWV) and Digital In-Car Video (DICV) Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer C	Yes	Yes	Yes	N/A <sup>1</sup>	N/A
Officer O	Yes	Yes	Yes	Yes	Yes
Officer P	Yes	Yes	Yes	Yes	Yes
Officer Q	Yes	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	N/A <sup>2</sup>	N/A
Sergeant B	Yes	Yes	Yes	N/A	N/A
Sergeant C	Yes	Yes	N/A	N/A	N/A

### **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 determined the tactics of Officers C, O, P, Q, and Sergeant A to warrant a finding of Tactical Debrief. The BOPC determined the tactics of Sergeants B and C to warrant a finding of Administrative Disapproval.

<sup>1</sup> Officer C responded as a backup unit on the initial radio call and did not respond with emergency lights and siren activated (Code Three). As such, Officer C did not activate his DICV.

<sup>2</sup> Sergeants A, B, and C did not active their DICV during this incident.

## **B. Drawing and Exhibiting**

The BOPC determined Officers C, P, and Q's drawing and exhibiting of a firearm to be In Policy.

## **C. Less-Lethal Use of Force**

The BOPC determined Officers C and O's less-lethal use of force to be In Policy.

## **D. Lethal Use of Force**

The BOPC determined Officer P's lethal use of force (all rounds) to be In Policy. The BOPC determined Officer Q's lethal use of force to be In Policy for rounds one & two and Out of Policy for round three.

## **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 suspect 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 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 Officers 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 Officers 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 Officers 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 Officers 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 suspect 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 Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

Tactical de-escalation does not require that an officer compromise his 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** – When Officer A and the other officers moved to the rear of the residence, Victim A evacuated his sons through the bedroom window. Officers E and F initially joined the officers inside the residence, before Officer A directed them to return to the front of the residence to ensure the family had been evacuated. Upon his/her arrival, Sergeant A joined Officers E and F in front of the residence. After determining Victim A's wife was still in her bedroom, Sergeant A ensured that she was evacuated through the window. Sergeant A then advised Victim A and his family to move east to the intersection. Sergeant A also directed Officer E, who was equipped with his/her pistol, and Officer F, who was equipped with a beanbag shotgun, to cover the front door of the residence.

Sergeant A then broadcast that he/she was the IC as he/she moved to the rear and joined the other officers inside the residence. Upon doing so, Sergeant A verified that the team had less-lethal options, DCOs, and an officer assigned to communicate with the Subject.

**Assessment** – While the officers spoke with Victim A, officers heard the Subject attempting to force open one of the bedroom doors. According to Officer A, he/she believed the incident had become “a lifesaving mission” and the officers entered the rear of the residence. Sergeant A recognized that the Subject was alone inside the residence and not responding to officer commands. In response, he/she directed officers to exit the residence and establish containment. Based on his/her assessment, Sergeant A opined that the Subject was a barricaded suspect and requested that Special Weapons and Tactics (SWAT) be notified. Based on their assessment, Sergeants B and C did not believe this incident met the barricaded-suspect criteria.

**Time/Redeployment and/or Containment** – Sergeant A directed the officers to redeploy outside the residence and established containment positions. Sergeant A assigned each officer a specific role and tactical position based on the specifics of the incident to effectively address the possible threats posed by the Subject.

**Other Resources** – While inside the residence, Officer D observed the Subject in the hallway near the front bedrooms. Officer D could see the Subject was armed with a knife and notified the other officers. In response, Officer A broadcast a backup request for a “415” (disturbing the peace) man with a knife. Multiple units responded.

After arriving at the scene, Sergeant A requested LAFD to stage nearby, in the event they were later needed. Sergeant A also requested an additional supervisor to respond to the incident. Sergeant B arrived and received a briefing from Sergeant A. Sergeant B assumed the role of IC while Sergeant A continued overseeing the tactical operation.

The primary officers were directed to contact the Mental Evaluation Unit (MEU), who advised that the Subject did not have any prior contacts and that they were dispatching a SMART supervisor from Harbor Division.

**Lines of Communication** – During the incident, Officers Q, R, T, and Sergeant A attempted to communicate with the Subject through the PA system. The officers repeatedly told the Subject to exit the residence with his hands up and made numerous attempts to engage him in conversation. The Subject frequently yelled disjointed statements at the officers and was occasionally seen in the front windows, but he did not comply with the officers' directions to exit the residence. The Subject's actions were communicated to the officers at the scene, and Sergeant A, who was overseeing tactical operations, briefed the IC, Sergeant B, who in turn, briefed the Watch Commander, Sergeant C.

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

### **Debriefing Point No. 1 Barricaded Suspects**

Upon the officers' arrival, they evacuated the family, established containment around the residence, and began speaking to the Subject via a PA system. Officers obtained a signed crime report for Criminal Threats and attempted to communicate with the Subject for over an hour before the OIS occurred. During that time, MEU was contacted, and they dispatched a SMART supervisor from Harbor Division. Sergeant A believed the situation met the criteria of a barricaded suspect and stated that he/she notified the IC, Sergeant B, and the Watch Commander, Sergeant C, requesting that they contact Metropolitan Division SWAT. However, Sergeant B and Sergeant C did not notify Metropolitan Division, as they did not believe the incident rose to the level of a barricaded suspect due to officers still communicating with the Subject.

The BOPC noted that the UOFRB opined that after several minutes of communicating with the Subject, Sergeants B and C should have recognized that the Subject was not going to surrender. Despite specific instructions given to the Subject to exit the house, he refused and remained in a position of advantage. The Subject had been observed by officers armed with a knife and there was probable cause to believe he had been involved in a criminal act. As a result, the sergeants should have identified the incident as a barricaded suspect and notified Metropolitan Division SWAT. Also, the UOFRB would have preferred that Sergeant C had responded to the incident. Had Sergeant C been at the scene, he/she would have seen that the incident met the criteria of a barricaded suspect and could have provided Captain A with a clear picture of the sequence of events. The UOFRB recognized that while SWAT being at the scene may not have resulted in a different outcome, contacting them may have changed the trajectory of the incident.

Based on the totality of the circumstances, the BOPC found the tactics employed by Sergeant A were not a deviation from Department-approved tactical training. The

BOPC determined that the tactics employed by Sergeants B and C were a substantial deviation, without justification, from Department-approved tactical training.

### **Additional Tactical Debrief Topics**

- **Preservation of Evidence** – After discharging his/her 40mm LLL, Officer C performed a reload and ejected the expended cartridge. Officer C picked up the expended cartridge and ultimately placed it in the back of his/her patrol vehicle, he/she informed FID investigators of his/her actions. Because this was a CUOF incident, alternatively, Officer C could have left the expended cartridge on the ground.
- **Beanbag Shotgun Protocols** – Officer O discharged his/her first beanbag shotgun round at the Subject from an estimated distance of 35 feet. According to the FID investigation, the distance was approximately 30 feet. Officer O's estimated distance was outside of the Department's recommended range of 5-30 feet.

### **Command and Control**

Sergeant A arrived at the scene and broadcast that he/she was the IC. Once Sergeant A determined the Subject was alone in the residence, Sergeant A directed officers to establish containment around the residence. Sergeant A ensured the teams within the containment positions had less-lethal force options, designated cover officers, and a contact officer. Sergeant A also directed officers to don their ballistic helmets.

Sergeant A requested an additional supervisor and LAFD to respond to the incident. Sergeant B responded, arrived at the scene, and received a briefing from Sergeant A. Sergeant B assumed the role of IC while Sergeant A continued overseeing the tactical operation; however, Sergeant B did not advise CD that he/she was now the IC. Sergeant B established a CP. Additionally, LAFD arrived and staged at the CP.

The primary officers who responded to the incident obtained a signed crime report for Criminal Threats and contacted MEU, who dispatched a SMART supervisor from Harbor Division.

The BOPC noted that the UOFRB opined that Sergeant A remained engaged and led throughout the incident. Sergeant A made sound decisions in assessing and recognizing what he/she had in a potential barricaded suspect, thus creating a tactical plan to effectively address the situation, such as redeploying the officers at the scene, providing containment, and requesting additional resources such as LAFD.

Sergeant B telephonically briefed Sergeant C on the incident, and Sergeant C notified Captain A, who notified Commander A. Sergeants B and C did not believe

the incident met the criteria for a barricaded suspect and agreed to continue attempting to gain the Subject's compliance while waiting for the SMART Team to arrive.

The BOPC considered that the UOFRB opined that Sergeants B and C failed to recognize that it was a barricaded-suspect incident, and that Sergeant C should have responded to the scene. It was also noted that had Sergeant C been at the scene, he/she would have had better situational awareness and could have communicated pertinent information to Captain A, allowing Captain A to make an informed decision about implementing barricaded suspect protocols.

Approximately 14 seconds after the OIS, Sergeant A used his/her police radio and directed the CP to send the pre-staged RA to the scene. Sergeant A then directed officers to take the Subject into custody.

The BOPC determined that the overall actions of Sergeant A were consistent with Department supervisory training and expectations of supervisors during a critical incident; however, the actions of Sergeants B and C were not consistent.

## **Tactical Debrief**

- In conducting an objective assessment of this case, the BOPC found that the actions of Officers C, O, P, Q, and Sergeant A did not deviate from Department-approved tactical training. The BOPC also found that the actions of Sergeants B and C 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 improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

Additionally, it was determined that Captain A and Commander A would benefit from attending the Tactical Debrief to discuss communications, barricaded suspect protocols, and command and control.

## **B. Drawing/Exhibiting**

### **Officer Q**

**First Occurrence** – Officer Q was assigned the role of contact and designated cover officer for Officer O when he/she observed the Subject appear in a window. Understanding the Subject had knives and that he could potentially exit out of the open window, Officer Q briefly unholstered his/her weapon to protect himself/herself and the other officers at the scene. Officer Q holstered his/her weapon once the Subject left the window and went out of view.

**Second Occurrence** – Officer Q was trying to speak to the Subject via a police vehicle’s PA system when Officer Q observed him run in front of the vehicle holding a knife. To protect himself/herself and his/her partners from death or serious bodily injury, he/she unholstered his/her service pistol.

### **Officer P**

**First Occurrence** – Officer P was initially assigned to the arrest team upon his/her arrival at the incident. While standing in front of the residence, Officer P heard and observed the Subject yelling out of the front window. Believing the Subject could potentially exit the residence armed with knives and that deadly force may be necessary, Officer P unholstered his/her service pistol.

**Second Occurrence** – Officer P holstered his/her weapon to don his/her helmet as directed. Once Officer P was done putting on his/her helmet, he/she resumed his/her role as a designated cover officer and unholstered his/her weapon, believing that if the Subject exited the residence, the incident could potentially escalate to a situation where he/she would have to use deadly force.

### **Officer C**

**First Occurrence** – Officer C was part of the team that made the initial entry into the rear of the location. After entering the location, Officer B advised the team that he/she observed the Subject armed with two knives. Believing the situation could escalate to a point where deadly force may be justified, Officer C unholstered his/her service pistol.

**Second Occurrence** – Officer C and his/her team went into the backyard to contain the west side of the residence. Because Officer C did not know if there were additional suspects or vicious animals in the backyard that could harm him/her or his/her partners, Officer C unholstered his/her service pistol.

The BOPC noted that the UOFRB assessed Officers C, P, and Q’s drawing and exhibiting of their service pistols. The UOFRB noted that the officers responded to an ADW radio call involving a suspect armed with knives. Arriving at the scene, officers found a chaotic situation where family members were forced to flee the residence through windows as the Subject yelled and banged on a bedroom door. As the incident progressed, officers observed the Subject armed with two knives. The Subject refused to surrender. During the ensuing standoff, officers contained the residence and cleared the backyard, ensuring there were no additional threats. The Subject subsequently exited the residence and ran toward the officers while still armed. Based on the totality of the circumstances, the UOFRB opined that it was reasonable for the officers to believe that the situation may escalate to the point where deadly force may necessary.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officers C, P, and Q would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officers C, P, and Q's drawing and exhibiting a firearm to be In Policy.

### **C. Less-Lethal Use of Force**

**Officer C** – One 40mm LLL eXact iMPact Sponge Round from approximately 14 feet.

While positioned on the property west of Victim A's residence as part of containment, Officer C observed the Subject exit the west door of his residence armed with two knives. Officer C observed the Subject "sprint" toward Officer I and the officers near him/her. Believing that the Subject was attempting to jump the wall and stab one of the officers, Officer C targeted the Subject's navel area and discharged one round from his/her 40mm LLL from approximately 14 feet.

**Officer O** – Three Beanbag Super Sock Rounds from a decreasing distance of 30 to 15 feet.

**First round** – Officer O was in front of the residence on the east side. Officer O was equipped with a beanbag shotgun and positioned behind a cinderblock wall and mailbox that he/she was using for cover. According to Officer O, he/she observed the Subject running toward him/her from the gate on the southwest corner of the residence. The Subject ran between two parked vehicles and the residence as he tucked his fists to his chest while holding a knife in his right hand. In response, Officer O fired one beanbag round at the Subject from an approximate distance of 30 feet. Officer O believed the Subject could have stabbed and hurt him/her.

**Second round** – The Subject continued running toward Officer O while still armed with the knife. In response, Officer O fired a second beanbag round at the Subject from an approximate distance of 25 feet.

**Third round** – The Subject continued running with the knife toward Officer O and the officers positioned near the police vehicle. In response, Officer O fired a final beanbag round at the Subject from an approximate distance of 15 feet.

The BOPC noted that the UOFRB assessed Officers C and O's less-lethal use of force. The UOFRB noted that despite repeated requests during a protracted standoff, the Subject refused to surrender. As the incident progressed, the Subject exited the residence and, according to Officer C, "sprinted" toward officers while armed with two knives. Based on the Subject's actions, Officer C believed he was going to try to stab an officer. In response, Officer C, from a position of cover, discharged one sponge round, ostensibly striking the Subject. Based on the

available evidence, the UOFRB opined that the Subject posed an immediate threat of physical harm and that Officer C correctly applied less-lethal force.

As it pertains to Officer O, the UOFRB noted that after Officer C discharged his/her sponge round, the Subject ran to the front of the house and then toward officers while still armed with a knife. In response, Officer O discharged three rounds from his/her beanbag shotgun, ostensibly striking the Subject. Despite this, the Subject continued to run toward officers, resulting in the OIS. According to Officer O, he/she believed that the Subject may have stabbed him/her had he been allowed to continue to run toward officers. Based on the available evidence, the UOFRB opined that the Subject posed an immediate threat of physical harm during all three beanbag rounds and that Officer O correctly applied less-lethal force.

As it related to the distance for Officer O's first round, the UOFRB noted that while he/she estimated that he/she discharged this round from 35 feet, per FID, the distance was approximately 30 feet, which is within the department's recommended range. As such, the UOFRB opined that Officer O did not deviate from policy.

Regarding a less-lethal use of force warning, the UOFRB noted that although Officers C and O did not provide a warning before discharging their less-lethal rounds, warnings had been provided during the standoff. Additionally, when Officers C and O used less-lethal force, they were responding to the Subject's assault and a warning was not feasible.

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

#### **D. Lethal Use of Force**

**Officer P** – Pistol, four rounds, fired from a decreasing distance of 10 to 7 feet.

**Background** – The investigation determined that Officer P's background consisted of an empty residence, unoccupied vehicles, and the driveway/planter area.

**First Round** – Officer P observed the Subject exit the gate at the southwest corner of the residence and run "at a full sprint" toward him/her from behind vehicles parked in front of the residence. The Subject was leaning forward with arms tucked into his torso while holding the knife with the blade pointed toward Officers O and P, who were next to each other. Officer P feared for his/her life and his/her partner's life. To prevent the Subject from stabbing him/her and Officer O, Officer P fired his/her first round from approximately ten feet.

**Second Round** – After discharging his/her first round, Officer P observed that the Subject was still moving toward officers, armed with a knife. In response, Officer P fired a second round.

**Third Round** – After discharging his/her second round, Officer P observed that the Subject was still running toward officers with his arms tucked in front of him. In response, he/she fired a third round.

**Fourth Round** – After discharging his/her third round, Officer P observed that the Subject was still sprinting in his/her direction, so he/she fired a fourth round.

The BOPC noted that the UOFRB assessed Officer P's lethal use of force. The UOFRB noted that Officer P was the designated cover officer for Officer O. Despite the less-lethal use of force, the Subject continued to run toward officers armed with a knife. Based on the Subject's actions, the UOFRB opined that he posed an imminent deadly threat and that Officer P had no choice but to use lethal force to protect himself/herself and his/her partners from the Subject, who was rapidly running toward them with a knife. The UOFRB noted that Officer P ceased firing when he/she observed the Subject fall to the ground; according to Officer P he/she did not think the Subject would be able to continue to move toward officers at that point. Additionally, the UOFRB opined that had the Subject passed Officer P, he would have breached containment, accessed the street, and continued his assault behavior.

Based on the totality of the circumstances the BOPC found that an officer with similar training and experience as Officer P, in the same situation, would reasonably believe that lethal use of force was proportional, objectively reasonable, and necessary. Therefore, the BOPC found Officer P's lethal use of force (all rounds) to be In Policy.

**Officer Q** – Pistol, three rounds, fired from a decreasing distance of 5 to 3 feet.

**Background** – The investigation determined that Officer Q's background consisted of an empty residence, unoccupied vehicles, and the driveway/planter area.

**Round One** – Officer Q observed the Subject in front of the police vehicle running toward officers with his hands held against his chest and a knife in his right hand. Believing that the Subject posed an imminent threat of serious bodily injury to officers, Officer Q discharged one round at the Subject from approximately 5 feet.

**Round Two** – After Officer Q discharged his/her first round, the Subject continued running toward him/her with the knife in his right hand. In response, Officer Q fired a second round. Officer Q stated that the Subject was still approaching and he/she was not even able to push out of his/her stance.



**Round Three** – After firing his/her second round, Officer Q stepped back as he/she observed the Subject fall to the ground approximately three feet in front of him/her. Observing the Subject turning toward him/her, Officer Q redeployed back. Having observed the Subject continue to run toward officers after being struck by beanbag rounds and observing the Subject now rolling toward him/her, Officer Q believed he would get back up and try to stab him/her. In response, Officer Q discharged his/her third round.

The BOPC noted that the UOFRB assessed Officer Q's lethal use of force. As it pertains to rounds one and two, the UOFRB noted that when the OIS occurred, Officer Q was using the police vehicle's PA system to establish a line of communication with the Subject to obtain his surrender. Officer Q continued his/her de-escalation efforts until the Subject ran to the front of the house. Despite the less-lethal use of force, the Subject continued to run toward officers armed with a knife. The UOFRB noted that while Officer Q was using the police vehicle's door for cover, they opined that the Subject could have simply run around it, trapping Officer Q between the vehicle's door and frame. Based on the Subject's actions, the UOFRB opined that he posed an imminent deadly threat to Officer Q and his/her partners.

As it pertains to Officer Q's third round, the UOFRB noted that the Subject had fallen to the ground before Officer Q fired. Based on the BWV footage, after discharging his/her second round, Officer Q had managed to move back, creating space between himself/herself and the Subject. The UOFRB also noted that per Officer Q, he/she discharged his/her third round because he/she believed the Subject was going to get back up, not that he was trying to get back up. Based on the available evidence, the UOFRB opined that there was no indication the Subject was trying to get back up when Officer Q discharged his/her third round. As such, the UOFRB opined that Officer Q was responding to a perceived threat not an imminent threat of death or serious bodily injury.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officer Q, in the same situation, would reasonably believe that the lethal use of force for rounds one and two were proportional, objectively reasonable, and necessary. The BOPC also found that an officer with similar training and experience as Officer Q, in the same situation, would not reasonably believe that the lethal use of force for round three was proportional, objectively reasonable, and necessary. Therefore, the BOPC determined Officer Q's lethal use of force to be In Policy for rounds one & two and Out of Policy for round three.