

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

LETHAL USE OF FORCE – 006-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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North Hollywood	2/8/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer B	5 years, 9 months
Officer F	1 year, 4 months
Officer G	26 years, 7 months
Officer H	24 years, 3 months
Officer L	1 year, 2 months

Reason for Police Contact

Officers responded to a radio call for an Assault With a Deadly Weapon (ADW), indicating that the Subject was armed with a knife and under the influence of alcohol and narcotics. Officers gave verbal commands to the Subject to drop the knife. The Subject did not comply with the officers' commands and moved toward them, resulting in the deployment of a Beanbag Shotgun and Taser. These less-lethal munitions were ineffective, and the Subject ran from the officers. As officers followed the Subject, additional deployments of the Beanbag Shotgun and Taser were also ineffective. Ultimately, an officer intentionally struck the Subject with a police vehicle to stop his actions. The Subject was subsequently disarmed, taken into custody, and transported to the hospital for treatment.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 31 years of age.			
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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 1/30/24.

Incident Summary

On February 8, 2023, Witness A was employed at a sober-living residential facility. Witness A told investigators at approximately 0200 hours that the Subject, a resident of the facility, appeared to be under the influence of drugs or alcohol and was walking from room to room disturbing the other residents of the facility. According to Witness A, the Subject was violating the rule prohibiting intoxication and the curfew rule that requires residents be in their rooms between 2300 hours and 0500 hours. At 0441 hours, Witness A called another employee, Witness B, and reported the violations.

According to Witness B, he went to the men's residence and observed that the Subject was violating house rules. Witness B later told investigators that according to facility protocol, if the Subject refused to be transported to a hospital by ambulance for treatment, he would possibly be ousted for three days for violating the rules. Witness B further stated that he called his supervisor and was directed to call 911 to request the response of paramedics.

On February 8, 2023, at 0500 hours, Witness B called 911 and reported that the Subject was vomiting, appeared to be disoriented, paranoid, having illusions; and he requested the response of paramedics. Witness B told the Radio Telephone Operator (RTO) that the Subject had a knife in his pocket. The call was transferred to the Los Angeles Fire Department (LAFD), Metropolitan Fire Communications, and the RTO remained on the line. The LAFD Operator answered the call.

The LAFD Operator requested the response of officers because the Subject was threatening suicide and he was armed with a knife. Investigators' review of the 911 call recording determined that Witness B did not report that the Subject was suicidal, nor did he report that he had armed himself with the knife. Witness B stated the knife was in the Subject's pocket.

At 0500 hours, Communications Division (CD) generated a meet the Fire Department radio call.

At 0504 hours, the RTO called Witness B to request additional information, asking if the Subject had a mental illness. Witness B advised that he was not sure, indicating that his behavior could be due to drug use. Witness B stated that the Subject did not threaten to harm himself or anyone else. During the call, Witness B informed the RTO that the Subject's behavior was escalating; he had armed himself with the knife and was making cutting motions in the air, like he was seeing something.

As the officers were responding, CD updated the call and broadcast that the meet the Fire Department call was now a possible ADW suspect, armed with a knife.

Investigators' review of the 911 call recording determined that Witness B did not report an assault with a deadly weapon.

Witness B told investigators that the Subject made cutting motions two or three inches away from his ankle. Witness B told investigators, "I wasn't really particularly scared. And there's a few moments where I could see inside of him that he's - - he doesn't know what he's gonna do. So those are the few moments where I feel a little bit of fear. If he doesn't know what he's gonna do - - But other than that, I did not feel fearful of him attacking me. Nothing was really directed at me."

At approximately 0508:30 hours, Officers A and B responded Code Three to the call. According to the officers, they discussed their tactical roles; and Officer A was the contact officer and Officer B was the cover officer.

At 0512:30 hours, the Watch Commander broadcast a request for a System-Wide Mental Assessment Response Team (SMART) Unit to respond to the call.

Officers A and B arrived at 0513:36 hours, broadcast they were Code Six (i.e., had arrived on scene to investigate) and approached the location on foot.

Officers C and D responded Code Three, arrived at 0513:38 hours, and parked south of Officers A and B's vehicle.

According to Officer B, because he/she was cover role and his/her partner was contact role, he/she asked the arriving officers to provide less-lethal force cover.

Officers E and F responded Code Three and arrived at 0513:38 hours. Officer F broadcast that they were Code Six and retrieved a Beanbag Shotgun from the vehicle rack.

Officers G and H responded Code Three and arrived at 0513:42 hours.

According to Officer H, he/she broadcast "Code Six" upon arrival to the location. Officers G and H's BWV were recording in buffer mode and depicts their arrival time as 0513:42 hours.

On Officer B's BWV at 0514:14 hours, the Subject was walking south in front of the driveway holding a beer can in his right hand, with his left hand was in his jacket pocket, and Witness B was standing in the driveway. Simultaneously, as officers approached, the RTO broadcast that Witness B and the Subject were heading to the front door and the Subject was still armed with a knife.

Officer A told the Subject to stop and put the beer can down. Officer B told the Subject that they were there to help him, and he wasn't in any trouble. The Subject looked at the officers, turned his back to them, removed his left hand from his jacket pocket, and knelt down on one knee on the sidewalk. The Subject transitioned the beer can to his left hand, took a drink of the beer, and placed the can on the sidewalk. Officer A is heard repeatedly telling the Subject to put the knife down.

Officer A's BWV was not activated at that time and the knife was not visible on Officer B's BWV. According to Officer A, the light cast a shadow of what he/she believed to be a knife in the Subject's left hand.

Officer A unholstered his/her pistol and held it with a flashlight in his/her left hand and the pistol in his/her right hand, commonly known as a Harries Flashlight Technique, at a low-ready position with his/her trigger finger along the frame.

Officer F stood south of Officer A with the Beanbag Shotgun shouldered in a low-ready position. As Officer A repeated the command to put the knife down, the Subject placed the knife on the sidewalk to his left. The Subject looked in the direction of the officers but did not respond to or attempt to communicate with the officers.

As Officers D, E, F, and G arrived on scene, they took a position along the west sidewalk south of the Subject's location. Officers C and F stood in the street east of the Subject and south of Officer A.

According to Officer H, "There were other officers that were on the scene. We were kind of like in a U-shape or a - - or a horseshoe-shape, like, pattern. I could not see the primary unit because they were standing behind some - - cover behind vehicles. And they were verbalizing with the suspect, as well as the PR of the call. I stood on the sidewalk next to Officer G and Officer E in order to block the southbound traffic or in - - in case if the Subject decided to flee on foot. At that time I did not see a knife on the Subject."

Officers I and J responded Code Three and arrived at 0513:44 hours. Officer J went Code Six on the Mobile Data Computer (MDC).

Officer J directed the other officers to back up, advising that the knife was still near the Subject.

Officer J told investigators, "I'm going to slow them down, because that's what I'm thinking. You know, man with a knife, we want to take our time, create distance, thinking of the PATROL acronym. As I'm approaching the location, I see, I believe, three officers on the street - - in the middle of the street and then there's officers on the west curb just south of the location. I don't know how many officers are there, because at that point I'm concerned because they're approximately ten feet of - - from who I believe to be the Subject. As I approached, I believe I asked, "Where's the knife?" And they say that he's still near it. So at that point I asked them to pull

back because I want to create distance because just based off of my training and experience, I know that people with knives can close distances rapidly. And just because, let's say, we were to shoot him doesn't mean it's going to stop him from stabbing an officer from a close distance. So at that point I just want to create distance, give us enough time to basically come up with a plan..."

Officer A directed Witness B to "move away and go inside!" The Subject suddenly stood up and stepped toward Witness B.

As officers told the Subject to stop, he stopped moving toward Witness B, turned to his left, took several steps south and moved in a semi-circle motion, as he held the knife in his left hand down beside his leg. The Subject glanced north and south as he moved about the sidewalk and did not attempt to communicate with the officers.

Officers had been on scene and in contact with the Subject for approximately 1 minute and 18 seconds at that point.

At approximately that time, Officers C, D, and H unholstered their pistols.

Officer G unholstered his/her Taser and announced to the other officers that he/she had a Taser. Officer F shouldered the Beanbag Shotgun and held it at a low-ready position pointed toward the Subject with his/her trigger finger on the safety.

Officer D unholstered his/her pistol with his/her right hand and a flashlight in his/her left hand in the Harries Technique at a low-ready position. Officer D is heard shouting "He's picking it up, he's picking it up! He's got it in his left hand!" and gave the command of "Put the knife down."

Officer D stated, "Officer H was to my left. I could hear him/her on my left side and I think he/she was designated as Taser. So I knew he/she needed DCO (Designated Cover Officer), so I withdrew my weapon due to the situation could escalate to the use of deadly force based on the comments of the call and the fact that I did observe the Subject crouched down with a knife behind his back."

A review of BWV determined Officer G was to the left of Officer D equipped with a TASER.

Officer G unholstered his/her Taser and announced that he/she had a Taser.

Witness B walked toward the house out of view of the officers' BWV as Officers A and J called out for a 40mm Less-Lethal Launcher (40mm LLL). Officer A repeated the commands to the Subject to drop the knife. The Subject began walking south on the sidewalk toward Officers D, E, G, and H.

Officer F announced, "Beanbag Ready!" Officers A and J both announced, "Forty up."

At 0515:00 hours, Officer F fired one Beanbag Shotgun round in a westerly direction from approximately 13 to 15 feet. The round struck the Subject on the lower left side of the abdomen area. The Subject flinched and bent forward as he continued to move south on the sidewalk, holding the knife in his left hand and beer in his right hand.

Officers did not give the Subject a use of force warning prior to deploying the less lethal munitions.

Officer F stated that he/she used a parked vehicle for cover when he/she fired the shot.

As the Subject moved south on the sidewalk, the distance between him and the officers decreased from 25 to 6 feet.

As the Subject moved south, Officer E unholstered his/her pistol and held it in a single hand grip pointed toward the ground.

Officers D and G moved east off of the grass parkway, between the parked vehicles, along the west curb. Officers E and H moved back off of the sidewalk onto the grass parkway as the Subject moved south.

At 0515:02 hours, Officer G fired the Taser in probe mode from approximately 6 feet.

One probe struck the leather jacket the Subject was wearing and did not make contact with the skin. The second probe struck the fence. As the Subject ran south on the sidewalk, Officer D yelled a warning.

At 0515:03 hours, Officer G fired the Taser in probe mode from approximately 6 feet. Officer G activated the Taser trigger for a full five-second cycle, as the Subject continued to move south on the sidewalk.

The Taser probes attached to the left front side of the Subject's jacket and did not cause a Neuro-Muscular Incapacitation (NMI) effect.

Officer G told investigators that he/she aimed at the Subject's abdomen area the first and second shot. Officer G told investigators that he/she did not give the Subject a use-of-force warning.

On Officer G's BWV at time stamp 0515:06 hours, Officer H is depicted with his/her pistol holstered as the Subject ran past the officers.

Officer I's BWV at 0515:09 hours, depicts Officer H with his/her pistol holstered and his/her right hand empty. Officer H was depicted holding a flashlight in his/her left hand as he/she moved from the sidewalk between the parked vehicles into the street, following the Subject south. Investigators review of multiple BWVs determined Officer H unholstered his/her TASER as he/she followed the Subject south on the west side walk.

As the Subject continued moving south on the west sidewalk, the officers followed him in the street. On Officer C's BWV at 0515:15 hours, Officer A is depicted holding his/her pistol in a single-hand grip with the barrel pointed toward the ground and his/her trigger finger along the frame, as he/she followed the Subject.

Officer A told investigators that he/she did not holster his/her pistol as he/she followed the Subject.

At 0515:22 hours, Officer I broadcast that the Subject was running southbound.

At that time Officer J announced to the officers to wait, get back-up, and get a supervisor. Officer J directed Officer H to be the Designated Cover Officer (DCO). Officer J directed Officer F to move up with the Beanbag Shotgun. Officer J then told Officer E to be the Communications Officer.

For approximately 20 seconds, as the Subject walked down the sidewalk, Officer H followed directly behind him. Officer J advised to "slow it down" and "create distance."

The LAFD, Rescue Ambulance (RA) was staffed by Emergency Medical Technicians (EMTs) parked south of the police vehicles.

In the interim, Officer G got into his/her vehicle. Officer G did not inform anyone that he/she intended to follow the suspect in his/her vehicle.

At 0515:52 hours, multiple BWVs depict Officer H with his/her Taser unholstered and holding it in a single hand grip pointed at a low-ready as he/she followed the Subject south on the west sidewalk. As the Subject approached the cross street, Officer J told the officers to slow it down and told Officer H to create distance between himself/herself and the Subject.

Officer I announced aloud that he/she was the communications officer as the Subject crossed to the northeast corner and continued to walk east. Officer I broadcast that the Subject was heading eastbound and was uncooperative.

Officer J assigned Officer A to be a DCO and assigned Officers C and D to be the arrest team.

According to Officer C, he/she holstered his/her pistol as he/she followed the Subject south. Officer I's BWV at 0515:37 hours, depicts Officer C holding his/her pistol in a single hand grip pointed toward the ground as he/she moved south. Investigators' review of multiple BWV cameras and Officer C's BWV determined that he/she had his/her pistol unholstered until 0518:04 hours, when the BWV captured sounds consistent with the pistol being holstered.

As the officers followed the Subject, he looked back over his shoulder at the officers several times. The Subject moved from the north sidewalk into the roadway. Officers A and J gave the command to stop as he continued to walk east. The Subject raised the knife above his shoulder and Officer J commanded him to drop it.

Officer D unholstered his/her pistol and held it in a Harries grip, at a low-ready position.

Officer D told investigators he/she had his/her pistol unholstered as he/she followed the Subject south and east, where he/she briefly holstered to transition to a TASER. Investigators' review of Officers I and E's BWV at 0515:24 determined Officer D had his/her pistol holstered as he/she walked south and east.

Officer D is depicted on Officer I's BWV at 0516:38 hours, unholstering his/her pistol as the Subject stopped walking east and turned to face the officers. Investigators' review of multiple BWVs did not observe Officer D unholster his/her TASER during the incident.

Officer B took a position in the street to control traffic and used his/her flashlight to warn approaching vehicles. Officer B broadcast a request for additional units to respond for traffic control.

Simultaneously, Officer C stepped into the street and used his/her flashlight to warn approaching vehicles.

As Officer J advised Officer F that they may have to deploy less-lethal munitions again, the Subject stopped walking and turned back to face the officers while holding the knife raised to waist level. Officer J gave Officer F a command to deploy the Beanbag Shotgun.

As Officer F raised the Beanbag Shotgun on target, the Subject turned to the east and continued to walk away. The Subject turned to the south, and Officer J gave Officer F a command to "Hit him with the 40..."

At 0516:48 hours, Officer F fired a second round from the Beanbag Shotgun from approximately 20 feet, striking the Subject on the back of the right shoulder area.

After the beanbag round struck the Subject, he walked southeast to the south side of the street; then he turned and began walking west.

As the second beanbag round was fired, Sergeant A arrived and exited his/her vehicle. Sergeant A asked if the Subject was still armed, and Officers J and H advised that he was armed with the knife.

At 0516:59 hours, Officer J is depicted on various officers' BWVs with his/her pistol unholstered and holding it in a single hand grip, with his/her trigger finger along the frame and the barrel pointed toward the ground. Officer J repeated the command to drop the knife as the Subject walked west on the south sidewalk.

Sergeant A directed the officers to get cover as Officer J directed officers to create distance.

Officer H decreased the distance and moved south to the north side of a parked vehicle, as the Subject walked west on the sidewalk.

At 0516:56 hours, Sergeant A told the officers to get cover and back up

Sergeant A asked who had a 40mm LLL and, if they had one, to use it on the Subject.

Officer J directed Officer H to deploy the Taser.

In the interim, Officer G drove his/her vehicle southeast, stopped the vehicle, and illuminated the Subject with the spotlight.

As the Subject continued to walk west away from the officers, he took another drink from the beer can he was still holding. Multiple BWVs depict Officer H close the distance and raise the Taser. The Taser's laser sights were visible on the back of the Subject's jacket.

At 0517:15 hours, Officer H fired the Taser in probe mode from approximately 12 feet. The probes attached to the back of the Subject's jacket. As the probes made contact, the Subject stumbled forward and looked back over his right shoulder toward Officer H as he continued walking west. Officer H activated the Taser trigger for a five-second cycle and the Subject did not appear to experience an NMI reaction to the Taser.

As the Taser was deployed, Sergeant A commanded the Subject to drop the knife and directed officers to keep talking to him.

Officer D took a position to the right of Officer H and held his/her pistol in a Harries grip with a flashlight in his/her left hand and the pistol pointed in a low-ready position.

After the Taser was deployed, the Subject closed the distance between himself and Officer G's vehicle. Officer G backed the vehicle up and stopped facing east in the east traffic lanes.

At 0517:20 hours, Officer H fired the Taser in probe mode from approximately of 12 feet. The probes struck the back of the Subject's jacket. The Taser trigger was activated for a five-second cycle and the Subject did not appear to experience an NMI reaction to the Taser.

According to Officer H, "So I used the second shot. I hit him in the back again, and it was still ineffective. The Subject still has the knife in his left hand the whole time, drinking his beer.

According to Officer H, at the beginning of his shift he/she checked the TASER and activated the trigger for a five second cycle to make sure it was working.

According to Officer H, the second TASER activation was still ineffective.

Simultaneously at 0517:20 hours, Officer F fired a third round from the Beanbag Shotgun from approximately 15 feet. The round struck the Subject on the right side of the torso and hip area. The impact of beanbag round caused the Subject to flinch and stumble forward. The Subject then looked back over his right shoulder toward Officer H and walked into the street. As the Subject continued to walk, he closed the distance between himself and Officer G's vehicle.

As the Taser and Beanbag Shotgun were deployed, Officer G backed the vehicle up and stopped facing east in the traffic lanes.

The Subject walked northwest into the street toward Officer G's vehicle.

At 0517:25 hours, as the Subject walked toward Officer G's vehicle Officer H activated the Taser trigger a third time, with a 3.67 second cycle. The Subject did not appear to experience an NMI reaction to the Taser.

The officers' BWV at 0517:28 hours captured Officer G drive forward and the Subject taking two steps backward.

Simultaneously, while stepping backward, the Subject leaned slightly forward and placed his forearms on the hood of the vehicle, as the vehicle rapidly decelerated to a stop.

As the front of the vehicle contacted the Subject's forearms, he fell backward onto the ground. The Subject continued to grip the knife in his left hand and held the beer can in his right hand.

Sergeant A had been on scene approximately 40 seconds at the time the vehicle struck the Subject.

Immediately after the impact, Officer G placed the vehicle in park, exited, and went to the rear trunk hatch. According to Officer G, he/she went there to retrieve a Beanbag Shotgun.

While on the ground, the Subject continued to hold the knife in his left hand and the beer can in his right hand. As the Subject lay on the ground, the officers moved toward him closing the distance.

At 0517:31 hours, the Subject began to raise his torso and Officer H activated the Taser trigger a fourth time. The trigger was activated for a five-second cycle. The Subject did not appear to experience an NMI reaction to the Taser.

Officer H's BWV depicts the Subject yelling and holding the knife with the blade positioned up while lying on his side. As the sound of the Taser trigger cycle is heard on BWV, the Subject is depicted moving to a seated position. At the same time, Officer E unholstered his/her pistol and held it in a single hand grip pointed toward the ground.

At 0517:36 hours, Officer H activated the Taser trigger a fifth time. While the trigger was activated, the Subject spun around to face south and took another drink from the beer can. The trigger was activated for a five-second cycle. The Subject did not appear to experience an NMI reaction to the Taser.

Sergeant A announced that there was crossfire and directed the officers to back up and reposition. Officer J repeated the crossfire warning, as multiple officers yelled the command to the Subject to drop the knife. The officers' BWV depicts the officers moving to the south and east of the Subject. Officer J holstered his/her pistol and asked for one officer to give commands.

At 0517:44 hours, Officer H activated the Taser trigger a sixth time. As the trigger was activated, the Subject stood up and ran northwest toward the rear of Officer G's vehicle. The Taser trigger was activated for a five-second cycle. The Subject did not appear to experience an NMI reaction to the Taser as he ran along the passenger side of the vehicle

After the vehicle impact the Subject was on the ground approximately 18 seconds until he stood up.

In the interim, Officer G attempted to unlock the rear vehicle hatch. As he/she placed the key in the lock, the key broke off and he/she was unable to open the trunk.

As the Subject approached the rear of the vehicle, he was still holding the knife in his left hand and the beer in his right hand.

According to Officer G, "And all the sudden, I just look to my right, and I just saw the Subject just coming right up on me. And so that kind of, like, startled me. And more like startled and scared at the same time because I wasn't expecting him to be there. And it just happened so quickly. I just extended my foot out and just, like, swept his legs."

Officer G extended his/her right leg and swept the legs of the Subject causing both of them to fall to the ground. Officer G quickly stood back up. The Subject remained on the ground, still holding the knife in his left hand and the beer in his right hand.

At 0517:49 hours, Officers K and L arrived at scene, exited their vehicle, and approached as the officers detained the Subject.

Officer G gave the command to stay on the ground. Officers H and C moved closer to the Subject, as he took another drink from the beer can and then placed it on the ground.

Officer D held his/her pistol at a low-ready position, with his/her trigger finger along the frame pointed toward the ground and announced that he/she had cover.

Officer H transitioned the Taser from his/her right hand to his/her left hand. Officer H took a firm grip of the Subject's left wrist with his/her right hand and pressed the Subject's left hand toward the ground. Officer H placed a knee on the Subject's left hip, as he/she dropped the Taser to the ground and held the Subject's left forearm with his/her left hand.

Simultaneously, Officer L took a firm grip of the Subject's ankles with both of his/her hands and used body weight to control the Subject's legs. As the officers held the Subject, he dropped the knife on the ground.

According to Officer G, he/she placed a hand on the Subject's left shoulder and used body weight to assist with controlling him.

Investigators review of Officer D's BWV at time stamp 0518:03 hours, observed that Officer G had his/her left hand on the left side of the Subject's head. Investigators noted that Officer G removed his/her hand at 0518:06 hours, he/she stepped away and had no further physical contact with the Subject. According to Officer G, he/she did not contact the Subject's neck during the arrest.

According to Officer D's BWV, Officer G positioned himself/herself near the Subject's upper body area at approximately 05:17:58. Officer G's hand placement was not visible until approximately 05:18:02, when his/her right hand was visible on the left side of the Subject's face and neck area. At approximately 05:18:07, Officer G removed his/her hand and stood up.

According to Officer G's BWV, at approximately 05:17:58, he/she bent down and put his/her hand on the Subject, however, the placement of the hand cannot be seen. Officer G stood up at approximately 05:18:08.

According to Officer A's BWV, Officer G's hand was on the left side of the Subject's face and neck area at approximately 05:18:00. Officer G's hand remained in that position until approximately 05:18:03, when Officer A moved away.

While Officer G still had his/her hands on the Subject, Officer B approached and took a firm grip of his right arm. At that moment, Officer G removed his/her hands and stepped away. Officer B pulled the Subject's right arm out from under his body and positioned it behind the Subject's back. As Officer B assisted with handcuffing, Officer G took

his/her hand off of the Subject's shoulder and stepped away. Officer H handcuffed the Subject with no additional force used. Upon securing handcuffs, Officer H stood up and initiated a search of the Subject's clothing for additional weapons. Officer J directed Officer L to use a Hobble Restraint Device (HRD) to secure the Subject's ankles. Officer L placed the HRD around the Subject's legs and moved him to a recovery position.

The Subject was in custody three minutes and 46 seconds after the officers' arrival and initial contact.

At 0518:07 hours, Sergeant A broadcast that they were taking the Subject into custody.

Officer D stepped around the officers and used his/her foot to kick the knife west away from the Subject. Officer D holstered his/her pistol. Simultaneously, Sergeant A picked up Officer H's Taser from the ground. Officer A kicked the knife farther west and then used a latex glove to pick the knife up from the ground.

Sergeant A approached Officer G and asked if he/she was injured. Officer G stated that he/she hit his/her knee; however, he/she did not indicate that he/she needed medical attention.

At 0520:12 hours, Officer L placed the Subject to a seated position and maintained a hold of his shoulder to keep him in a seated position.

At 0520:39 hours, the LAFD EMT assessed the Subject and placed him on a gurney for transportation. Officers B and L repositioned the handcuffs, cuffing each of the Subject's wrists to the handrails of the gurney. The Subject was transported to the hospital for evaluation. Officer B rode in the RA with the Subject and Officer A followed in their police vehicle.

BWV and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer B	Yes	Yes	Yes	N/A	N/A
Officer F	Yes	Yes	Yes	Yes	Yes

Officer G	Yes	Yes	Yes	No	No
Officer H	Yes	Yes	Yes	No	No
Officer J	Yes	Yes	Yes	N/A	N/A
Officer L	No	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners’ Findings

The BOPC reviews each 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 this CUOF incident, the BOPC made the following findings:

A. Tactics

The BOPC found Officers F and H’s tactics to warrant Administrative Disapproval; and Officers B, G, J, L, and Sergeant A’s tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers H and J’s drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers B, G, H, and L’s non-lethal use of force to be In Policy.

D. Less-Lethal Use of Force

The BOPC found Officers F, G, and H’s less-lethal use of force to be in policy.

E. Lethal Use of Force

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

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

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

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

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

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

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

- To the extent of the officer's training and experience in first aid/CPR/AED; and

- To the level of equipment available to the officer at the time assistance is needed.

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

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

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

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

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

Definitions

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

Feasible: Feasible means reasonably capable of being done or carried out under the

circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

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

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

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

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

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

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the 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 Techniques

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

Tactical de-escalation does not require that an officer compromise his/her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers A and B discussed their plan while responding to the radio call; Officer B was designated as the cover officer and Officer A as the contact officer. During the incident, Officer G spontaneously elected to retrieve his/her police vehicle as other officers followed the Subject. Although the intent of deploying the police vehicle was to use it to illuminate the Subject and provide cover and containment, Officer G ultimately used it to strike the Subject in order to stop his actions.

The BOPC noted that the UOFRB assessed Officer G's actions as it pertains to planning. The UOFRB noted Officer G retrieved his/her police vehicle without advising his/her partner or other officers on scene what his/her plan or intention was with the police vehicle. The UOFRB would have preferred that Officer G had communicated his/her plan to his/her partner and the other officers at scene.

Assessment and Time – As officers contacted the Subject, they continually assessed his actions. Officer E erroneously stated that the Subject put the knife in his pocket. Simultaneously, Officer G stated, "He has the knife," and Officer D said, "He's got it. He's got it in his left hand." Officer J reinforced the use of time by directing officers to create distance as they followed the Subject when he attempted to flee. Sergeant A assessed the incident and recognized that they had time to continue to de-escalate; and he/she directed officers to create distance and voiced to the officers to use time. Sergeant A assessed the resources at scene and requested a 40mm LLL to be deployed.

Redeployment and/or Containment – Upon arriving at scene, Officer J recognized that the Subject was armed with a knife and directed officers to back up to create

distance. While following the Subject, Officer J advised Officer H to create distance from the Subject. Officer B requested additional resources to respond and block east and westbound traffic. After the Subject was struck by the police vehicle, Officer J and Sergeant A recognized potential crossfire and directed the officers to redeploy.

Other Resources – Officers at scene were equipped with Tasers and Officer F deployed the Beanbag Shotgun. Arriving at scene, Sergeant A requested the 40mm LLL and, although it was available in the officers' police vehicles, it was not deployed. The BOPC noted that the UOFRB would have preferred that officers had used the 40mm LLL after multiple ineffective deployments of the Taser and Beanbag Shotgun.

Lines of Communication – Officers A and B gave verbal commands to the Subject to stop, put his beer can down, and drop the knife. Officer B told the Subject that they were there to help him, but he did not respond. Throughout the incident, multiple officers and Sergeant A issued commands to the Subject to stop and drop the knife until the moment when the Subject was no longer armed.

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

Debriefing Point No. 1: Cover/Concealment and Approaching an Armed Suspect

Upon arriving at scene, Officer H stood on the sidewalk south of the Subject without the benefit of cover. When the Subject began to flee southbound on the sidewalk toward Officer H, he/she remained on the sidewalk. According to Officer H, he/she attempted to seek cover as the Subject closed the distance on him/her but was unable to because he/she was near a parked vehicle's door and was unable to get behind the vehicle. As officers followed the Subject, Officer H followed and ultimately closed the distance to deploy the Taser as the Subject began walking toward Officer G, who was sitting in the police vehicle. During the incident, there was minimal to no cover available to Officer H as he/she followed the Subject.

The BOPC noted that the UOFRB Majority assessed Officer H's tactics as it pertains to the use of cover and approaching an armed suspect. The Majority opined that Officer H did not attempt to redeploy to cover as the Subject ran past him/her on the sidewalk while armed with a knife. The UOFRB Majority further noted that Officer H continued to closely follow the Subject, even after being directed to create distance. The UOFRB Majority determined that Officer H's decision to close the distance to use the Taser on the Subject, who was armed, was not consistent with the concept of utilizing cover; and the UOFRB Majority considered it a substantial deviation, without justification. The UOFRB Majority also noted that after the Subject fell to the ground by Officer G's kick, Officer H approached the Subject and "went hands on," with his/her Taser and flashlight in his/her hands while the Subject was still armed with a knife. The UOFRB Majority noted that it was an unsafe tactic of "going hands on" with an armed suspect, and it detracted from his/her pre-determined role when

an arrest team had already been established. As such, the UOFRB Majority opined that Officer H's tactics were a substantial deviation, without justification, from approved Department tactical training.

The UOFRB Minority had a dissenting opinion as it relates to the use of cover and approaching an armed suspect for Officer H. The UOFRB Minority discussed that Officer H was using the parked vehicles as cover as he/she followed the Subject; and when he suddenly stopped, it resulted in Officer H being closer to the Subject. Furthermore, when Officer J directed him/her to create distance, Officer H did so. The UOFRB Minority opined that Officer H had sufficient distance and used the available parked vehicles as cover when they were available. As it pertains to approaching an armed suspect, when Officer H went to grab the Subject as he was on the ground, the UOFRB Minority considered that Officer G was on the ground by himself/herself near the Subject. The UOFRB Minority also considered that all previous applications of less-lethal munitions proved to be ineffective. The UOFRB Minority opined that it was objectively reasonable for Officer H to "go hands on" with the Subject in an attempt to de-escalate the incident by gaining control of him, rather than leave his/her partner on the ground by himself/herself near the Subject, which would have potentially led to further uses of less-lethal force, or even lethal force.

Based on the totality of the circumstances, the BOPC determined that the tactics utilized by Officer H were a substantial deviation with justification from Department approved training.

Debriefing Point No. 2: Separation

The BOPC noted that the UOFRB assessed Officer G's actions as it pertains to retrieving his/her police vehicle as his/her partner and other officers initiated a foot pursuit of the Subject. When he/she did so, Officer G did not advise his/her partner or the other officers at scene what his/her plan or intention was with the police vehicle. The UOFRB would have preferred that Officer G had communicated his/her plan to his/her partner and other officers at scene.

The UOFRB Majority noted that Officer G elected to separate from his/her partner when he/she retrieved his/her police vehicle as his/her partner continued to pursue the Subject on foot. The Majority opined that the independent decision by Officer G to retrieve his/her police vehicle, along with the lack of communication, contributed to confusion amongst the officers, and that this constituted separation from his/her partner because he/she was not able to render immediate aid if needed.

The UOFRB Minority noted that Officer G's decision to retrieve the police vehicle did not result in separation, as his/her partner was with other officers who were following the Subject, any of whom could have rendered immediate aid to his/her partner if needed. Because the Subject fled from Officer G's location, it was not possible for the Subject to confront Officer G while he/she was alone. Furthermore, the UOFRB Minority noted that Officer G had the benefit of cover within the police vehicle.

Additionally, the UOFRB Minority recognized that Officer G's vehicle could provide cover for the other officers as they moved further away from their respective police vehicles. The UOFRB Minority also noted that Officer J requested a police vehicle as officers continued to follow the Subject. The UOFRB Minority noted that Officer G's decision to deploy his/her police vehicle to illuminate the Subject and to provide cover and concealment was a sound tactical decision.

Based on the totality of the circumstances, the BOPC determined that the tactics utilized by Officer G did not deviate from Department approved training.

Debriefing Point No. 3: Use of Force Warning

The BOPC noted that the UOFRB assessed the lack of a verbal warnings by Officers F (Beanbag Shotgun), G (Taser), and H (Taser) prior to deploying less-lethal force. The Majority noted that each of the officers had ample time and multiple opportunities to provide a warning to the Subject. The UOFRB was critical of Officers G and H's lack of a warning because of their amount of service time and experience. The UOFRB Majority recognized that the Subject had the knife throughout the entire incident, but they also opined that a verbal warning could have de-escalated the incident had it been provided. The UOFRB Majority opined that the lack of a verbal warning was a substantial deviation, without justification, from Department tactical training.

The UOFRB Minority disagreed with the Majority's assessment of Officers F and G's lack of a verbal warning. The UOFRB Minority considered that Officer F was a probationary officer at the time of the incident and was being guided by Officer J, a field training officer (FTO). The UOFRB Minority opined that Officer F's limited experience contributed to him/her not having sufficient time to provide a verbal warning because he/she was assessing the ongoing tactical incident and reacting to the Subject's actions. When Officer F fired the first beanbag round, the UOFRB Minority noted that the Subject compressed the time frame in which a verbal warning could have been issued, as he was armed with the knife and within the vicinity of Witness B and other officers, and then he attempted to flee.

The UOFRB Minority also recognized that upon initial contact with the Subject, Officer G was positioned south of other officers as they contacted the Subject and issued him commands. The Subject suddenly fled southbound toward Officer G, which resulted in him/her deploying the Taser. The UOFRB Minority considered several factors as it pertains to Officer G not providing a less-lethal-force verbal warning, such as he/she was not the contact officer and therefore did not have the responsibility to issue a verbal warning prior to the Subject running at him. Once Officer G armed himself/herself with the Taser, he/she had approximately three seconds to act when the Subject began running toward his/her direction armed with a knife. The UOFRB Minority opined that Officer G neither had sufficient time nor was it feasible for him/her to provide a verbal warning as the Subject ran in his/her direction.

In the case of Officer g, due to due to the Subject's rapid movement along the sidewalk at the time he/she used less-lethal force, the evidence does not support that Officer G had sufficient time to feasibly provide a verbal warning prior to discharging the TASER. As such, the BOPC concurred with the Chief's finding that Officer Ge's performance in this regard was not an unjustified and substantial deviation from Department training.

As it pertains to Officer H's lack of a verbal warning, the investigation determined that before Officer H conducted his/her first Taser deployment, the Subject had already been struck twice with the beanbag rounds and had two Taser applications utilized against him. At this point, the Subject was aware of the officers' willingness to utilize less-lethal munitions against him and, having been struck twice by the beanbag rounds, knew how the impacts felt. The purpose of the less-lethal-force warning is to advise the suspect that less lethal munitions will be used and of their potential consequences if the suspect does not comply with the officers' commands. In this circumstance, the Subject had already been given several commands to drop the knife. With less-lethal munitions having already been deployed, the issuance of a verbal warning would have been futile.

With regard to Officers F and H, the BOPC concurred with the analysis of the UOFRB Majority, which noted that the officers had ample time and had multiple opportunities to provide a warning to the Subject.

The only specified exceptions to the requirement that officers provide a verbal warning "when feasible" are 1) when an officer is attacked and must respond to the suspect's actions, and 2) if a tactical plan requires the element of surprise to stabilize the situation. Neither of these exceptions applied in this case, and the available evidence does not support that it was infeasible for Officers F or H to provide the required warnings.

Based on the totality of the circumstances, the BOPC determined that Officer G's lack of a verbal warning was a substantial deviation, with justification, from Department approved training, and that Officer F and H's lack of a verbal warning was a substantial deviation, without justification, from Department approved training.

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

Additional Tactical Debriefing Topics

Simultaneous Non-Conflicting Commands – Throughout the incident, multiple officers can be heard giving simultaneous, non-conflicting commands to the Subject.

Profanity – After conducting the leg sweep and getting off the ground, Officer G used profanity toward the Subject when ordering him to get on the ground.

Retention of Equipment – While taking the Subject into custody, Officer H placed his/her Taser and flashlight on the ground behind him/her rather than securing them in their holsters. According to Officer H, there were officers behind him/her and he/she was between the Subject and his/her equipment.

Command and Control

Upon arriving at scene, Officer J assumed the role of Incident Commander (IC) and provided direction to officers at scene. Officer J directed officers to create distance when he/she approached Officers A and B. After the Subject fled southbound, Officer J assigned Officer H as the DCO, Officer A as the secondary DCO, Officers B and C as the arrest team, Officer E as communications, and Officer F as less-lethal force; and Officer J requested a police vehicle. Throughout the incident, Officer J directed officers to create distance to allow for time to develop and refine their plan.

Sergeant A arrived on scene as officers were following the Subject eastbound just as the second beanbag round was fired. After being informed that the Subject was still armed, Sergeant A directed officers to seek cover and use time to continue to de-escalate. Sergeant A asked who had a 40mm LLL and directed an officer to use the “40.” After the Subject was struck by the police vehicle, Sergeant A recognized that there was a cross-fire concern and immediately redeployed the officers. After the Subject was taken into custody, Sergeant A contacted Sergeant B to seek advice as to whether or not the incident was a CUOF. After confirming with Officer G that the vehicle strike was intentional, Sergeant A directed Officer G not to discuss the incident and requested Sergeant C to respond to assist with the separation and monitoring of involved and witnessing officers. Sergeant C arrived on scene after the use of force and was directed by Sergeant A to monitor Officer G and to obtain a Public Safety Statement (PSS).

The BOPC noted that the UOFRB Majority was critical of Sergeant A's actions as it pertained to command and control. The UOFRB Majority opined that Sergeant A did not establish continuous active leadership upon his/her arrival to the scene. The UOFRB Majority considered that although Sergeant A arrived approximately 40 seconds prior to the lethal use of force, he/she could have gained better control in that time. The UOFRB Majority considered that Sergeant A inquired whether a 40mm LLL was deployed; however, he/she could have ensured that one was deployed. The UOFRB Majority noted that Sergeant A provided verbal commands to the Subject which hindered his/her ability to provide supervisory oversight. The UOFRB Majority would have preferred that Sergeant A had gained a broader perspective of the incident by not issuing commands to the Subject and by taking over command and control responsibilities from Officer J.

The UOFRB Minority disagreed with the UOFRB Majority's assessment of Sergeant A's response. The UOFRB Minority noted that the short period of time Sergeant A was at scene prior to the lethal use of force and did not have the opportunity to gain sufficient situational awareness of the incident. As it pertains to not declaring himself/herself as the IC, the UOFRB Minority considered that as soon as Sergeant A arrived on scene, he/she assumed the role of IC and began giving direction to the officers. The UOFRB Minority opined that broadcasting himself as the IC would have taken Sergeant A away from performing the duties of the IC as the incident was ongoing. During the incident, Sergeant A requested a 40mm LLL and reinforced using time and distance. Although Sergeant A briefly provided commands to the Subject, the UOFRB Minority opined that this was not a substantial deviation. Based on the totality of the circumstances, the Minority opined that Sergeant A's actions did not rise to the level of a substantial deviation.

The BOPC noted UOFRB commended the actions of Officer J and his/her leadership. The UOFRB recognized that Officer J took an active leadership role even though he/she was not the most senior officer at scene. The UOFRB noted that Officer J designated roles to other officers, continually assessed the situation, and used active leadership to resolve the incident. The UOFRB opined that Officer J did a great job in providing command and control prior to the arrival of a supervisor.

Based on the totality of the circumstances, the BOPC determined that the overall actions of Sergeant A were not a deviation from Department training.

B Drawing and Exhibiting

Officer H

As officers gave the command "Stop, don't move!" the Subject stopped moving toward Witness B, turned to his left, took several steps south, and moved in a semi-circle motion, as he held the knife in his left hand down beside his leg. The Subject glanced north and south as he moved about the sidewalk and did not attempt to communicate with the officers. Officer H then drew his/her pistol.

Officer J

According to Officer J, the Subject was walking on the street armed with a knife. When the Subject turned toward his/her direction armed with a knife, Officer J unholstered his/her pistol because he/she believed the situation could escalate to the use of lethal force.

The BOPC noted that the UOFRB assessed Officers H and J's drawing of their pistols. The UOFRB noted that the Subject was walking with a knife and given the proximity of the officers, the Subject was clearly a threat. The UOFRB opined that the officers' decisions to unholster their pistols were within Department policy.

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

C. Non-Lethal Use of Force

Officer G (Kick, Bodyweight)

After falling from being struck by the police vehicle, the Subject continued to hold the knife and beer can. The Subject stood up and ran along the passenger side of the police vehicle toward the rear where Officer G was standing by the trunk. As the Subject closed the distance, Officer G extended his/her right leg, kicking the Subject and causing him to fall to the ground. According to Officer G, he/she was "startled" when he/she saw the Subject coming toward him/her and thought that he was "coming after" him/her. Afterward, in an effort to assist in controlling the Subject as officers attempted to handcuff him, Officer G applied bodyweight with his/her hand on the side of the Subject's head.

Officer H (Firm Grip, Bodyweight)

Officer H transitioned the Taser from his/her right hand to his/her left hand. Officer H took a firm grip of the Subject's left wrist with his/her right hand and pressed the Subject's left hand toward the ground. Officer H placed a knee on the Subject's left hip, as he/she dropped the Taser to the ground and held the Subject's left forearm with his/her left hand. In an effort to prevent the Subject from getting back up off the ground, Officer H grabbed the Subject's left hand and used bodyweight on his torso to keep him from getting back up.

Officer B (Firm Grip, Bodyweight)

While Officer G still had his/her hands on the Subject, Officer B approached and took a firm grip of the Subject's right arm. At that moment, Officer G removed his/her hands and stepped away. Officer B pulled the Subject's right arm out from under the Subject's body and positioned it behind the Subject's back. At this time, Officer H handcuffed the Subject while Officer B applied bodyweight to control him. According to Officer B, he/she grabbed the Subject's right arm and pulled it out from underneath him to place it behind the Subject's back to assist with handcuffing.

Officer L (Firm Grip, Bodyweight)

Officer L observed officers attempting to take the Subject into custody, and he/she assisted by using a firm grip and bodyweight to the Subject's ankles. According to Officer L, he/she felt the Subject resisting by "pressing up" on his bodyweight

application. Officer L continued to maintain bodyweight to prevent the Subject from kicking him/her or other officers.

The BOPC noted that UOFRB assessed Officers G, H, B and L's applications of non-lethal force during their efforts to control the Subject. The UOFRB assessed Officer G's use of a kick as the Subject ran toward his/her direction. The UOFRB noted that Officer G redeployed to the rear of his/her police vehicle to retrieve a Beanbag Shotgun when the Subject ran toward his/her direction. It was noted in the investigation that Officer G was unaware that the Subject was still armed with a knife as he ran toward him/her. The UOFRB opined that it was objectively reasonable for Officer G to kick the Subject as he ran toward him/her to prevent escape and to defend himself/herself. The UOFRB further assessed the bodyweight and firm grips used to take the Subject into custody. The UOFRB opined the non-lethal force used was reasonable to overcome his resistance and to effect an arrest as he was still armed with a knife and all other previous efforts to stop his actions were ineffective.

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

D. Less-Lethal Use of Force

Officer F – (First Occurrence) Beanbag Shotgun, first round, in a westerly direction from approximately 3 to 15 feet.

Background – According to Officer F, his/her background consisted of a solid fence and was clear of pedestrians.

After Witness B walked toward the house and out of view of the officers' BWV, Officers A and J called out for a 40mm LLL. Officer A repeated the commands for the Subject to drop the knife. The Subject began walking south on the sidewalk toward Officers D, E, G, and H. According to Officer F, he/she believed that the Subject posed an immediate threat to the officers, who were south of the Subject, because he was approaching them as he was armed with a knife. In response, Officer F fired one round from the beanbag shotgun, striking the Subject.

Officer F – (Second Occurrence) Beanbag Shotgun, second round, in an easterly direction from approximately 20 feet.

Background – According to FID investigators, the BWV depicts an empty street as the background during the firing of the second round.

As Officer J advised Officer F that they may have to deploy less-lethal force again, the Subject stopped walking and turned back to face the officers while holding the

knife raised to waist level. Officer J gave Officer F a command to deploy less-lethal force. As Officer F raised the Beanbag Shotgun and pointed it at the Subject, he turned to the east and continued to walk away. The Subject turned to the south and Officer J gave Officer Perez the command to fire. At 0516:48 hours, Officer F fired a second round from the Beanbag Shotgun from approximately 20 feet, striking the Subject on the back of the right shoulder area.

Officer F – (Third Occurrence) Beanbag Shotgun, third round, in a southwesterly direction from approximately 15 feet.

Background – According to FID investigators, the BWV depicts the fence line of the closed business at the time that the third round was fired.

After Officer H's second Taser deployment, the Subject closed the distance between himself and Officer G's vehicle. Officer G backed the vehicle up and stopped facing east in the east traffic lanes. Simultaneously, at 0517:20 hours, Officer F fired a third round from the Beanbag Shotgun from approximately 15 feet. The round struck the Subject on the right side of the torso and hip area.

The UOFRB assessed Officer F's use of the Beanbag Shotgun during the incident. The UOFRB noted that the Subject was armed with a knife and presented an immediate threat to the officers when he began walking toward their direction, which prompted Officer F to fire the first round. The UOFRB also considered that during Officer F's second round, the Subject turned in their direction while armed with a knife. The UOFRB considered that although the second beanbag round was fired as the Subject was turned and away, the officer's perception and lag time could be taken into account. The UOFRB noted that during the third round, Officer F believed that the Subject posed an immediate threat to Officer G, as he closed the distance on his/her police vehicle. The UOFRB opined that all three rounds from the Beanbag Shotgun fired by Officer F were objectively reasonable as the Subject was armed with a knife and posed a threat to officers.

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

Officer G (Taser 1st occurrence)

As the Subject moved south, the distance between him and the officers decreased from 25 feet to 6 feet. According to Officer G, he/she observed the Subject closing the distance to him/her while armed with a knife. Officer G believed the Subject to be an ADW suspect and to prevent him from escaping, he/she discharged the Taser at the Subject.

Officer G (Taser 2nd occurrence)

Immediately after discharging Bay No. 1 of his/her Taser, Officer G discharged Bay No. 2 from his/her Taser. Recognizing that the first Taser did not have the desired effect due to the Subject's clothing, Officer G reacquired a new target area attempting to target an area under the Subject's jacket in his abdomen area. At the time Officer G discharged the Taser for the second time, the Subject was still walking in the officers' direction armed with a knife.

The BOPC noted that the UOFRB assessed Officer G's use of the Taser in this incident. The investigation revealed that the Subject, while armed with a knife, closed the distance within six feet of Officer G at the time he/she deployed the Taser. The UOFRB noted that the Subject posed an immediate threat to officers as he ran toward their direction while armed with a knife. The UOFRB opined the use of the Taser was objectively reasonable.

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

Officer H (Taser 1st occurrence)

Officers continued to follow the Subject as he proceeded westbound on the south sidewalk. Officer H approached the Subject, closing the distance, in order to discharge the Taser. As the Subject continued to walk west away from the officers, he took another drink from the beer he was still holding. Multiple BWVs depict Officer H close the distance and raise the Taser. The Taser's laser sights were visible on the back of the Subject's jacket. At 0517:15 hours, Officer H fired the Taser in Probe Mode, discharging the Bay No. 1 probes from approximately 12 feet.

The UOFRB Majority evaluated Officer H's first use of the Taser. The Majority considered that the prior less-lethal uses of force proved to be ineffective on the Subject, who remained armed with a knife. The Majority noted that the first use of the Taser occurred when the Subject was turned away from Officer H; however, the Subject posed an immediate threat to officers who were in the vicinity. The Majority opined that the first Taser application was objectively reasonable.

The UOFRB Minority opined that there was not an immediate threat posed by the Subject during Officer H's first Taser deployment. The Minority's assessment was based on the evidence presented to the UOFRB, which showed that at the time Officer H deployed the Taser, the Subject was walking away from the officers while drinking from a can of beer. The Minority noted that the incident occurred during the early morning hours and there were no other people present to whom the Subject would pose an immediate threat to. As such, the Minority opined that the first Taser application by Officer H was not objectively reasonable.

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

Officer H (Taser 2nd occurrence)

After Officer H' first Taser deployment, the Subject closed the distance on Officer G's police vehicle. Officer G backed the vehicle up and stopped, facing east in the east traffic lanes. At 0517:20 hours, Officer H fired the Taser in Probe Mode, discharging the Bay No. 2 probes from approximately 12 feet.

Officer H (Taser 3rd occurrence)

As the Subject continued to close the distance to Officer G's police vehicle, with Officer G still seating in the driver's seat, Officer H reactivated the Taser for the third application.

The UOFRB assessed Officer H's second and third applications of the Taser. The UOFRB noted that during the second and third applications of the Taser, the Subject was walking toward Officer G while still armed with a knife, refusing to comply with commands, and officers believed he was wanted for a felony crime. Furthermore, previous attempts of less-lethal-force options proved to be ineffective. The UOFRB also noted that the officers in the immediate vicinity were in immediate danger. Therefore, the UOFRB determined that the second and third applications of the Taser by Officer H were objectively reasonable.

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

Officer H (Taser 4th – 6th occurrence)

After being struck by the police vehicle and falling to the ground, the Subject was still armed with the knife in his hand. The Subject began to raise his torso and Officer H reactivated his/her Taser again for the fourth application. The Subject yelled while still holding the knife with the blade positioned upward. The Subject then moved into a seated position and Officer H reactivated his/her Taser for the fifth application. After the fifth Taser application, the Subject spun around facing south and took a drink from his beer can. Officer H then reactivated the Taser for the sixth application.

The UOFRB Majority assessed Officer H's fourth, fifth, and sixth Taser applications. The UOFRB noted that the aforementioned Taser applications occurred after the Subject had been struck by the police vehicle and was on the ground. The Majority did consider that, although still armed with a knife, the Subject was on the ground and did not pose an immediate threat to the officers. The Majority also noted that officers have an obligation to assess the repeated ineffective use of the Taser and other force options should have been considered. The Majority determined that the Subject did not meet the criteria of posing an immediate threat to officers or the public and, as such, the fourth, fifth, and sixth Taser applications were not objectively reasonable.

The UOFRB Minority also assessed Officer H's fourth, fifth, and sixth Taser applications. The Minority noted that the first three applications of the Taser and Beanbag Shotgun were ineffective, but the Subject was still armed with a knife and refusing to comply with commands. The Minority considered the Majority's opinion that the Subject was laying on the ground armed with a knife, but the Minority noted that this position did not negate his ability to quickly and easily close the distance on the officers and present a lethal threat situation. As such, the Minority opined that the Subject remained an immediate threat to the officers and that the use of the final three Taser applications were an attempt to try and bring the incident to a close as the first three applications were ineffective. The Minority agreed with the use of the last three Taser applications in order to mitigate the need to escalate the incident to a potential lethal force situation, and as such, were objectively reasonable.

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

E. Lethal Use of Force

Officer G – Officer G used his/her police vehicle's front bumper/hood, as an impact weapon with the intention to stop the Subject's advance toward him/her and to knock the knife out of his hands in doing so.

The impact of the less-lethal force used caused the Subject to flinch and stumble forward. The Subject then looked back over his right shoulder toward Officer H and walked into the street. As the Subject continued to walk, he closed the distance between himself and Officer G's vehicle. Officer G was sitting in his/her vehicle and was in fear that he/she would be trapped in the vehicle if the Subject were to approach him/her armed with a knife. In an effort to stop the Subject's advancement on him/her, Officer G used his/her vehicle to "bump" the Subject causing him to fall down.

The UOFRB assessed Officer G's use of the police vehicle to strike the Subject as lethal force. The UOFRB noted that Officer G was sitting in his/her police vehicle with the windows rolled up, protected by the ballistic panels. The UOFRB also considered that Officer G could have redeployed by reversing the police vehicle to create distance. The UOFRB noted that the Department does not train officers to use the police vehicle as an impact weapon and that there was no imminent threat to Officer G or any other person to justify the use of the police vehicle in that manner.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer G in the same situation, would not reasonably believe that the lethal use of force was objectively reasonable, proportional, or necessary. Therefore, the BOPC found Officer G's lethal use of force to be Out of Policy.

Rendering Aid

LAFD EMTs were already on scene prior to the use of force. Immediately after the Subject was taken into custody, he was searched and placed into a recovery position and within one minute was placed on LAFD's gurney. At approximately 0541 hours, the Subject arrived at the hospital for assessment. The Subject admitted to hospital staff that he used alcohol and methamphetamine. The Subject was treated for dehydration and a minor abrasion on the left palm.

Officer G sustained minor abrasions to the left knee and left index finger and declined medical treatment for the injuries.

Requirement to Intercede

Based on their review of this incident, the BOPC determined that Officer J and Sergeant A attempted to intercede when Officer G drove toward the Subject with the police vehicle. Officer J yelled, "Wait, wait, wait, stop, stop, stop! What are you doing?" and Sergeant A yelled, "No, No, No!" The BOPC determined that the attempts by Officer J and Sergeant A to intercede were not successful based on the following factors: the use of the police vehicle to stop the Subject was a spontaneous and independent decision made by Officer G, who failed to communicate his/her plan to anyone and he/she was unable to hear the shouts to stop because the vehicle's windows were rolled up.