

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

OFFICER-INVOLVED SHOOTING – 008-22

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Mission	4/6/22	.	
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Officer(s) Involved in Use of Force	Length of Service
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Officer E	26 years, 7 months
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Officer B	3 years, 5 months
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Reason for Police Contact

Officers responded to a radio call for an Assault with a Deadly Weapon (ADW) suspect (the Subject) armed with a knife. Upon the officers' arrival, they were confronted by the Subject who was armed with a knife. The Subject refused to drop the knife and advanced toward the officers, resulting in a Taser deployment and an Officer-Involved Shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 33 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 recommendations; 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 February 28, 2023.

Incident Summary

On Wednesday, April 6, 2022, at 1411 hours, Communications Division (CD) received an emergency call for service from a male stating there was a domestic dispute at an apartment. Additionally, the caller described the suspect as a [...] male wearing black clothing, yelling, throwing and breaking items in front of the apartment.

At 1417:14 hours, CD received a second emergency call for service from a female. The caller described the suspect as a male wearing a gray sweater and black pants, armed with a knife breaking windows. Additionally, the caller advised that the male was a neighbor and threatened to kill her if she called the police.

At 1418:07 hours, CD received a third emergency call for service from Witness A, who advised that there was a male, wearing a black shirt, armed with a stick. Witness A also advised the male was walking around breaking windows to the apartments.

At 1419:47, CD received a fourth emergency call for service from Witness B, who described the suspect as a male wearing a gray sweater and black pants, armed with a metal pole and breaking windows to the apartments.

Note: The fourth 911 call from Witness B was combined with the second 911 call as one incident.

Note: Force Investigation Division (FID) investigators located two surveillance videos of the Subject breaking windows.

The ADW radio call was assigned to Police Officers A and B, who were in a marked black-and-white police vehicle. Officers A and B were equipped with Body Worn Video (BWV) and their patrol vehicle was equipped with a Digital In-Car Video (DICV). Officers A and B had worked as partners on six prior occasions.

According to Officers A and B, at the start of watch that day and while en route to the ADW call, they discussed tactics, which included lethal & less-lethal use-of-force options and contact & cover roles for the day. At approximately 1421 hours, the officers activated their BWV and responded Code Three (with vehicle emergency lights and siren activated) to the multiple calls for service generated.

According to CD recordings, Officer B advised that they would respond Code Three. CD initiated the Department protocols for Weapons Other Than Firearms, verified that Officers A and B were equipped with a beanbag shotgun or 40 millimeter Less-Lethal Launcher (40mm LLL), and dispatched a supervisor to the radio call.

Sergeant A advised CD that he/she would respond to the radio call. Additionally, Police Officers C, D, E, and F advised CD that they would also respond to the radio call.

Arriving in three marked black-and-white police vehicles were Sergeant A, Officers C, D, E, and F. All these officers were equipped with BWV and their vehicles were equipped with DICV.

According to Officers E and F, they had previously worked together in the past and discussed tactics, lethal and less-lethal use-of-force options, and contact and cover

roles for the day. While enroute to the ADW call, they discussed the comments of the call. Officer F removed the 40mm LLL from the rack located between the driver and passenger seat.

Note: Officer F did not load the 40mm LLL and he slung it in front of him/her while en route to the call.

According to Officers C and D, at the start of watch that day and while en route to the ADW call, they discussed tactics, lethal & less-lethal use-of-force options, and contact & cover roles for the day. Officer C is assigned as Officer D's Field Training Officer (FTO) and they had been working together for one 28-day deployment period.

At 1423:18 hours, CD broadcast additional information, "*[A]dditional on your ADW suspect there now [...], additional PR advised the suspect is to the rear [of the address], male [...], gray shirt, black pants also, also is armed with a metal pole.*"

At 1424:18 hours, Sergeant B advised CD that he/she was responding to the radio call Code Three from Mission Station.

According to Officer F's BWV, at 1424:30 hours, as the officers drove south on toward the radio call, they communicated with each other and attempted to identify the location. The officers continued to drive south until they realized that they were now directly in front of the address.

Officers A, B, C, D, E, and F arrived almost simultaneously to the location. Officers E and F were the first vehicle; Officers A and B parked directly behind them; Officers C and D parked directly behind them.

According to Officer E's BWV, at 1425:30 hours, Officer E observed the Subject in the driveway. The Subject was approximately 75 feet away, holding an unknown object behind his back.

Officer E informed Officer F of his/her observations. Officer E stopped and positioned his/her police vehicle in front of the driveway. Officers E and F exited their vehicle, made verbal contact with the Subject, and began issuing commands as they both approached the driveway.

Officer F stated, "*Show me your hands! Show me your hands! Show me your hands!*" The Subject ignored his/her commands and started walking toward Officers E and F. The Subject had both hands concealed behind his back and shouted, "*Shoot me! shoot me!*" Officer F unholstered his/her firearm and walked toward a wall for cover and gave the Subject additional commands, "*Show me your hands, stop walking toward me!*"

Officers A and B initially positioned themselves at the entrance of the driveway. While at the driveway, Officer B heard commands being given and advised Officer A, "*Oh, they got him over here.*" Officer A unholstered his/her firearm and both Officers A and B started running toward Officers E and F's direction.

Officer E unholstered his/her firearm and shouted to Officers A and B, "*Get ready to tase this guy, get ready to tase this guy.*"

At the time Officer E said, *“Get ready to tase this guy,”* Officers B and A were running toward Officers E & F and were still several feet away. Officer F was standing next to Officer E, with his/her pistol drawn. Officer F then holstered his/her pistol and drew his/her Taser. Officers A and B also drew their Tasers. According to Officer F, after drawing his/her own Taser, he/she noticed, *“somebody else had their Taser simply by the laser on the body, there was two sets of lasers, mine and somebody else’s.”*

Officer F continued, *“As I was processing that, I said okay, well, we have lethal. We have Taser. And through my head, I was like okay, well, I’m going to get my 40. And my partner even said, ‘Hey, let’s get the 40 ready,’ or, ‘Let’s get the 40,’ something. So I said, okay, to myself, and began to put my Taser away. These new holsters are God awful and didn’t allow me to do it quickly so I can transition quickly to the 40. But by the time I was able to get it away and get a round loaded in the 40, that’s when the [subject] was already approaching us with the knife in his hand.”*

Officer E began giving the Subject orders. The Subject continued to advance with both hands concealed behind his back and stated, *“I got a knife dawg! I got a knife! Shoot me! Shoot me cause I’m going to hit it!”* The Subject momentarily stopped and refused to follow commands.

The Subject initially advanced toward the officers from the rear of the apartment building. He then stopped advancing for approximately 25 seconds before beginning his final advance toward the officers. FID investigators determined that the Subject was approximately 15 feet from the officers when he initially stopped walking.

Police Officers G and H arrived at the location. Both officers immediately started running toward the officers that were standing at the mouth of the driveway and heard commands being given.

Almost simultaneously, Officers A and B joined Officers E and F at the entrance of the driveway, followed by Officers C and D. Officer A holstered his/her firearm and both Officers A and B and A removed their Tasers.

Simultaneously, Officer F holstered his/her firearm and transitioned to his/her Taser.

Officer E began issuing verbal commands and gave the Subject a warning that he would be tased.

Moments later, Officer F observed the Subject briefly produce an unknown object twice from his right hand and stated, *“He’s got something in his hands!”*

Officer E broadcast a request for ‘back-up.’ During his/her broadcast, Officer E observed the Subject move his right hand exposing a knife. Officer E informed the other officers, *“He’s got a knife.”*

Officer B warned the Subject, *“Back up! Back up! Back up! You’re going to get tased! Show me your hand bro! Show me your hands you’re going to get tased right now! Back up!”* The Subject immediately responded, *“No!”*

According to Officer D’s BWV, at 1426:06 hours, he/she joined the officers at the entrance of the driveway and positioned him/herself behind Officers A and B.

According to Officer F’s BWV, at 1426:10 hours, he/she began holstering his/her Taser as Officer E stated, *“Get ready to 40 man.”* Officer F attempted to holster his/her Taser for approximately six seconds before transitioning to the 40mm LLL.

The Subject stepped back approximately three feet before stopping and stated, *“On my mom and everything dawg, [expletive] that!”* Officer B stated, *“Drop whatever you have man, it’s not worth it!”*

The Subject responded, *“You know what, I’m going to go down like a [expletive] G homie! What’s up, What’s up homie!”* The Subject lifted his arms from behind his back while holding a knife in his right hand above his waist and his left hand was clenched into a fist as he moved toward the officers.

Officer A attempted to fire his/her Taser but it failed to discharge. Officer A attempted to fire the Taser again, but it failed to discharge a second time.

BWV captured Officer A attempting to discharge his/her Taser twice. Officer A can be seen pressing the trigger. The investigation determined that Officer A’s Taser most likely experienced an unexpected power loss that was likely due to the battery losing a stable connection with the device.

According to Officer B’s BWV, at 1426:17 hours, Officer B yelled, *“Nah, Nah, Nah!”* as he/she stepped back and attempted to redeploy. The Subject continued advancing toward the officers. Officer B discharged his/her Taser in “probe” mode from an approximate distance of seven feet, with only one dart striking the Subject in the upper chest. The secondary dart appeared to bounce off the Subject. The investigation determined that Officer B activated his/her Taser once for a five-second cycle.

According to Officer D’s BWV, at 1426:18 hours, he/she held the beanbag shotgun in a left-handed low-ready position. The Subject advanced toward the officers, and Officer D pointed the beanbag shotgun at the Subject. Officer D pressed the action release with his/her left index finger, racked the beanbag shotgun, causing a live round to eject from the ejection port.

According to Officer D, he/she believed he/she fired one round from the beanbag shotgun.

Officer E’s BWV captured the Subject moving toward him/her while holding a knife in his right hand and his left hand clenched into a fist.

Officer E’s BWV captured him/her firing a single pistol shot from an approximate distance of seven feet, striking the Subject in the chest. Officer E stated he/she aimed at the center of the Subject chest when he/she fired.

Officer E's BWV captured the Subject fall back and drop the knife on the ground.

Simultaneous to the Subject moving toward the officers with the knife, Officer F loaded a foam projectile into the 40mm LLL, closed the action, and raised the 40mm LLL --as Officer E fired his/her pistol. Officer F did not fire the 40mm LLL during this incident.

The investigation determined that 47 seconds passed from the first time the Subject was observed until the time Officer E fired his/her pistol.

Officer E continued holding his/her pistol with a two-handed grip covering down on the Subject.

After firing, Officer E covered the Subject with his/her pistol for approximately 10 seconds before lowering his/her pistol to a low-ready position.

Of the approximately 10-second period of time for which Officer E covered the Subject, Officer F's BWV footage shows that Officer E's finger was on the trigger of his/her pistol for the last approximately four seconds. Officer F's BWV did not capture the position of Officer E's trigger finger for the period of approximately six seconds immediately following Officer E's gunshot. None of the other officers' BWVs captured the position of Officer E's trigger finger during that time.

Once the Subject was handcuffed, Officer F placed the Subject in a left-lateral recovery position, assessed the Subject's injuries, and placed direct pressure on his chest wound. A Rescue Ambulance was requested and responded. The Subject died as a result of the gunshot wound he sustained.

BWV and DICV Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	No	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' 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:

Tactics – The BOPC found Officers A, B, C, D, E, and F’s tactics to warrant a Tactical Debrief.

Drawing/Exhibiting – The BOPC found Officers A, E, and F’s drawing and exhibiting of a firearm to be In Policy.

Less-Lethal Use of Force – The BOPC found Officer B’s less-lethal use of force to be In Policy.

Lethal Use of Force – The BOPC found Officer E’s lethal use of force to be In Policy.

Basis for Findings

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

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

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

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

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

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a 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, 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

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

Tactical De-Escalation Techniques

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

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

Planning – According to Officers E and F, they had previously worked together and discussed tactics, lethal & less-lethal use-of-force options, and contact & cover roles. While responding to the radio call, they discussed the comments of the call. As they responded, Officer E directed his/her partner to deploy the 40mm LLL; Officer F removed the 40mm LLL from the rack. According to Officers A and B, at the start of their watch and while responding to the radio call, they discussed tactics, contact & cover roles, and lethal & less-lethal use-of-force options. According to Officers C and D, at the start of their watch and while responding to the radio call, they also discussed tactics, contact & cover roles, and lethal & less-lethal use-of-force options.

After locating the Subject, Officer E assumed the role of designated cover officer (DCO). During prior tactical planning, Officer E and F had determined Officer E was going to be the DCO. Based on his/her assessment of the Subject's distance, which he/she described as fairly close, Officer F elected to deploy his/her Taser first. Once he/she realized that Officers A and B had their Tasers deployed, he/she transitioned to the 40mm LLL.

Assessment – Observing the Subject in the driveway, Officer E opined that he was concealing something behind his back. Assessing the Subject’s demeanor, Officer E believed he had a “look of rage” on his face. Because he/she believed the Subject was going to kill them or cause great bodily injury, Officer E felt he/she could not let the Subject get any closer. Assessing the situation, Officer E identified the need for less-lethal use-of-force options and told Officers A and B to prepare their Tasers. He also told Officer F to prepare his/her 40mm LLL. Although lethal force was used, Officer E’s ongoing assessment allowed him/her to determine that a second round was not required.

As the Subject advanced toward officers with the knife, Officer A assessed the need to use less-lethal force and attempted to discharge his/her Taser; however, it failed to discharge. Officer B also assessed the need to use less-lethal force and discharged his/her Taser. Unfortunately, both darts failed to attach to the Subject.

Assessing that the Taser failed to stop the Subject, Officer D attempted to discharge his/her beanbag shotgun but inadvertently ejected a live round instead. Assessing the need to use a 40mm LLL sponge round, Officer F transitioned from his/her Taser. As Officer F raised his/her 40mm LLL and placed his/her finger on the trigger, the OIS occurred. Officer F assessed that his/her partner’s round had stopped the Subject, and he/she immediately removed his/her finger from the 40mm LLL’s trigger.

Time and Redeployment/Containment – The FID investigation determined that 47 seconds passed from the first time the Subject was observed until the OIS. When officers first located the Subject, he was approximately 75 feet away but closed the distance to within approximately seven feet of the officers. While the officers’ use of cover is discussed in Debriefing Point No. 2, the Subject’s actions limited the officers’ ability to contain him and to use time as a de-escalation technique.

Other Resources – Officers A, B, C, D, E, and F responded to this incident and arrived simultaneously at the incident location. Although Officer F initially unholstered his/her service pistol, he/she transitioned to his/her Taser when Officer E assumed the role of DCO. Joining Officers E and F, Officers A and B deployed their Tasers, increasing the number of less-lethal use-of-force options. Joining his/her partners, Officer D deployed a beanbag shotgun, furthering the number of less-lethal use-of-force options. Although officers attempted to de-escalate the situation using less-lethal devices, they were unable to do so. While Officer F subsequently transitioned to his/her 40mm LLL, the BOPC would have preferred that he/she had transitioned to the device sooner. The BOPC did, however, note the dynamic nature of this incident and the issue with Officer F’s Taser holster. The BOPC also noted that before the OIS, Officer E had the presence of mind to broadcast a backup. While there were six officers at the scene, the broadcast alerted other officers and the responding supervisors to the situation.

Lines of Communication – Arriving at the incident location, Officer E observed the Subject in the driveway. The Subject was approximately 75 feet away, holding an unknown object behind his back. Officer E informed F of his/her observations.

Officer E and F exited their vehicle and ordered the Subject to show his hands and back up. The Subject ignored the commands and shouted, *"Shoot me! shoot me!"* Officer F responded, *"Show me your hands. Stop walking toward me!"*

As Officers A and B joined Officers E and F, Officer E shouted, *"Get ready to tase this guy, get ready to tase this guy."* The Subject continued to advance with both hands concealed behind his back and stated, *"I got a knife dawg! I got a knife! Shoot me! Shoot me cause I'm going to hit it!"* Officer E told the Subject, *"Stop! Stop! Stop! You're going to get tased! It's going to hurt!"* Moments later, Officer F observed the Subject briefly produce an unknown object twice from his right hand and stated, *"He's got something in his hands!"* Officer E broadcast, *"[W]e're Code-6 on the suspect, get me a backup, suspect's armed with a knife."* During his/her broadcast, Officer E observed the Subject move his right hand exposing a knife, and stated, *"He's got a knife!"*

Officer B warned the Subject, *"Back up! Back up! Back up! You're going to get tased! Show me your hand bro! Show me your hands you're going to get tased right now! Back up!"* the Subject responded, *"No!"* As he/she joined his/her partners, Officer D stated, *"I got a beanbag!"* As Officer F attempted to holster his/her Taser, Officer E stated, *"Get ready to 40 man!"* Officer F responded, *"Yeah I got you!"*

The Subject shouted, *"[Expletive] that,"* while verbal commands continued. the Subject stepped back approximately three feet before stopping and stating, *"On my mom and everything dawg, [expletive] that!"* Officer B stated, *"Drop whatever you have man, it's not worth it!"* The Subject responded, *"You know what, I'm going to go down like a [expletive] G homie! What's up, What's up homie!"* As the Subject advanced toward the officers, Officer B yelled, *"Nah, Nah, Nah!"* and Officer E shouted, *"Stop, stop!"* The Subject's actions limited the officers' ability to use lines of communication as a de-escalation technique.

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

Debriefing Point No. 1 - Tactical Vehicle Deployment

Driving south toward the radio call, Officers E and F attempted to locate the address of the incident. As the officers continued south, they realized they were directly in front of the location. Observing the Subject in the driveway, approaching from approximately 75 feet away and holding an unknown object behind his back, Officer E positioned his/her police vehicle in front of the driveway.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers E and F were a substantial deviation, with justification, from Department-approved tactical training.

Debriefing Point No. 2 - Cover/Concealment

While confronting the Subject, Officers A, B, D, E, and F had limited or no cover.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officers B, C, D, E, and F were a substantial deviation, with justification, from Department-approved tactical training. The BOPC also determined that the tactics employed by Officer A did not deviate from Department-approved tactical training.

Debriefing Point No. 3 - Taser Protocols

The Subject stated, "*You know what, I'm going to go down like a [expletive deleted] G homie! What's up, What's up homie!*" The Subject then lifted his arms from behind his back. Holding a knife in his raised right hand and his left hand clenched into a fist, he rapidly moved toward the officers. In response, Officer A attempted to discharge his/her Taser, but it failed to fire.

Based on the available evidence, the BOPC opined that Officer A's decision to discharge the Taser conformed to the Department's Taser protocols and determined that that the tactics employed by Officer A did not deviate from Department-approved tactical training.

Debriefing Point No. 4 - Beanbag Shotgun Protocols

Joining his/her partners, Officer D announced, "*I got a beanbag.*" According to Officer D, the Subject pulled out his knife and advanced toward the officers. Believing the Taser deployment had failed to stop the Subject, Officer D attempted to discharge his/her beanbag shotgun to stop him. According to Officer D, he/she believed he/she fired one round from the beanbag shotgun. However, according to the FID investigation, Officer D pressed the action release on the beanbag shotgun, racked the beanbag shotgun, and ejected a beanbag round, rather than disengage the safety and press the trigger. After reviewing his/her BWV footage, Officer D realized that he/she had ejected a round instead of firing the beanbag shotgun.

Based on the available evidence, the BOPC opined that Officer D's decision to discharge the beanbag shotgun conformed to the Department's beanbag shotgun protocols and that the tactics employed by Officer D did not deviate from Department-approved tactical training.

Debriefing Point No. 5 - Basic Firearm Safety Rules

Believing that the Subject was going to either cause serious bodily injury or death to him/her or his/her partners, Officer E disengaged the safety, placed his/her finger on the trigger, and discharged his/her service pistol. The Subject fell to the ground but continued to move around. Based on Officer F's BWV footage, Officer E's finger remained on the trigger as he/she assessed. Officer E then came down to a low-ready with his/her finger alongside the frame and re-engaged the safety. According to Officer E, after he/she shot and the Subject went down, he/she (Officer E) went to the low ready position with his/her finger went alongside the frame, and he/she engaged his/her safety.

Based on the available evidence, the BOPC determined that Officer E feared for his/her and his/her partners' safety and reasonably believed the Subject may rearm himself, posing an imminent deadly threat to the officers.

Based on Officer E's statements, the BWV footage, and a subject matter expert's testimony, the BOPC opined that it was appropriate for Officer E to keep his/her finger on the trigger of his/her service pistol until it appeared the Subject no longer posed an imminent deadly threat. Thus, the BOPC opined that Officer E's actions did not violate the Basic Firearm Safety Rules. Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer E did not deviate from Department-approved tactical training.

Additional Tactical Debrief Topics

- **Non-Conflicting Simultaneous Commands** – Upon arrival, Officers A, B, E, and F provided multiple non-conflicting simultaneous commands to the Subject.
- **Less-Lethal Weapon Selection** – When Officer E assumed the position of designated cover officer (DCO), Officer F initially deployed his/her Taser instead of his/her 40mm LLL.
- **Making Physical Contact with a Slung Weapon** – Officer F approached the Subject to handcuff him while keeping the 40mm LLL slung across the front of his/her body, exposing the weapon system to the Subject and potentially interfering in the handcuffing process.
- **Handcuffing Protocols** – Officers A and F handcuffed the Subject and placed him in a left-lateral recovery position; however, neither officer conducted a pat-down search of the Subject's waistband.
- **Preservation of Evidence** – Despite believing he/she had discharged a round from the beanbag shotgun, Officer D downloaded the weapon and returned it to patrol-ready condition.
- **Unauthorized Uniform Attire** – Officer E was wearing a baseball cap with "Los Angeles Police" embroidered on the front.
- **Warrantless Search** – After the OIS, Sergeant B directed a team of officers to ensure there were no additional suspects or victims to the rear of the address. While doing so, officers entered an apartment and conducted a brief/limited search of the premises to locate any potential victims and to protect the safety of the officers on the scene.

B. Drawing/Exhibiting of a Firearm

Officer E

Observing that the Subject was hiding an unknown item behind his back, Officer E had a heightened sense of awareness. Officer E considered the possibility that the

Subject may be armed with a gun. Officer F had directed the Subject to show his hands, but he refused. Believing that the situation could lead to the point where deadly force may be necessary, Officer E unholstered his/her service pistol.

Officer F

According to Officer F, the comments of the radio call described the Subject as being armed with a stick or a knife, which could cause serious bodily injury or death to him/herself, his/her partner, and the community. Exiting his/her police vehicle, Officer F observed the Subject holding a metal or shiny object in his hand. Officer F believed the object to be the knife or metal pole as described in the radio call. As the Subject walked toward the officers, he refused to comply with commands and display his hands. In response, Officer F unholstered his/her service pistol.

Officer A

According to Officer A, while responding, he/she heard multiple calls being broadcast regarding a man with a pipe or a knife at the location. Exiting his/her police vehicle, Officer B heard Officer F giving commands to the Subject. Concerned for his/her safety and the safety of his/her partners and believing that the situation could escalate to deadly force, Officer A unholstered his/her service pistol.

The BOPC assessed Officers A, E, and F's drawing and exhibiting of their service pistols. The BOPC noted that the officers responded to a radio call involving a suspect armed with a knife. Arriving at the location, officers located the Subject, who was hiding an object behind his back and refused to comply with the officers' commands. Although all three officers initially unholstered their service pistols, Officers A and F soon transitioned to less-lethal use-of-force options while Officer E remained as the DCO, which limited the number of lethal options and increased the number of less-lethal options. Based on the available evidence, the BOPC opined that the officers' actions conformed to the Department's drawing and exhibiting policy.

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

C. Less-Lethal Use of Force

Officer B

According to Officer B, he/she responded to a radio call of an ADW suspect armed with a knife and/or metal object, who was breaking windows and threatening a neighbor. The Subject was approximately 20 feet away when he raised his right hand, which held a sharp object, and "lunged" at the officers. Officer B took one to two steps back and discharged his/her Taser one time in "probe" mode for a five-

second cycle from approximately seven feet. One of the Taser's darts struck the Subject in the upper chest while the second dart appeared to bounce off him.

The BOPC assessed Officer B's less-lethal use of force. The BOPC noted that despite repeated commands, the Subject refused to comply, produced a knife from behind his back, and advanced toward the officers. The BOPC noted that when Officer B discharged his/her Taser, the Subject was rapidly moving toward the officers while holding the knife in his raised right hand. The Subject's body was bladed, and he had made statements that indicated he was an immediate threat to the officers' safety. The BOPC also noted that the Subject was within the recommended deployment range and a use-of-force warning had been given by Officer E as well as a partial warning by Officer B. The BOPC further noted that the Subject had closed the distance to within approximately seven feet of the officers at the time Officer B discharged his/her Taser. Based on the Subject's actions, the BOPC opined that the Subject posed an immediate threat to the officers' safety.

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

D. Lethal Use of Force

Officer E – Pistol, one round in a westerly direction from approximately seven feet.

Background – Officer E stated his/her background was a brick wall at the end of the apartment complex and that no one was in his/her background at the time he/she fired his/her service pistol.

According to Officer E, the Subject had a "look of rage" on his face. Officer E believed that the Subject had heard the police siren and "came out to hunt" the officers. Officer E believed he/she could not let the Subject get any closer because he/she believed that the Subject was going to kill them or cause great bodily injury. The Subject then stated, "*I'm going to go out like a G!*" brought a "large steak knife" out from behind his back, raised it, and charged at the officers. Fearing for his/her safety, as well as the safety of the other officers and the community, Officer E aimed at the center of the Subject's chest and fired one round from his/her service pistol from approximately seven feet.

The BOPC assessed Officer E's lethal use of force. The BOPC noted that during this incident, the Subject had both hands behind his back and refused to follow commands. The BOPC also noted that according to Officer E, as officers were attempting to obtain the Subject's surrender, he/she observed the Subject produce a knife from behind his back, raise it above his head, and then charge at the officers. Based on his/her observations, Officer E feared for his/her safety, as well as the safety of the other officers and the community. In response, Officer E discharged one round from his/her service pistol. Additionally, the BOPC noted the Subject's proximity to the officers when the OIS occurred. Based on the Subject's actions, the

BOPC opined that it was reasonable for Officer E to believe the Subject posed an imminent deadly threat.

During their review, the BOPC noted that Officer E discharged his/her service pistol almost simultaneously with Officer B's use of the Taser. While it is generally preferred that in situations involving suspects armed with weapons other than firearms, officers allow time to see if less-lethal force is effective before resorting to lethal force, the BOPC noted that the Taser failed to stop the Subject, likely because the second dart did not attach to him. As such, the BOPC opined that had Officer E not acted when he/she did, the Subject may have injured or killed one or more of the officers.

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