

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

OFFICER-INVOLVED SHOOTING – 017-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Rampart	5/2/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	3 years 8 months
Officer B	2 years 7 months

Reason for Police Contact

On May 2, 2023, Transit Services Division (TSD) uniformed officers were approached by a victim (Victim A) reporting a suspect (the Subject) armed with a knife. The victim directed the officers to the mezzanine level of the subway station. The officers observed the Subject armed with a knife in his hand and ordered him to drop the knife. The Subject ignored the officers' commands and fled toward the station exit. As he ran away from the officers, he approached an elderly woman (Victim B), stabbed her on the head, and continued to run. When the Subject reached the street level, he encountered an elderly male pedestrian (Victim C), stabbed him in the upper torso, and continued to flee with the officers chasing after him.

The Subject ran into a nearby parking lot and attempted to hide behind a parked vehicle. The officers ordered him to surrender. The Subject suddenly stood-up, screamed, and charged directly toward one of the officers while holding the knife in his hand, resulting in an officer-involved shooting (OIS).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 23 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this incident, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent suspect 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 March 12, 2024.

Investigative Summary

On Tuesday, May 2, 2023, at approximately 0937 hours, Victim A was at the mezzanine level of a Metropolitan Transit Authority (MTA) subway station, when he observed an adult male (the Subject) armed with a knife in his hand. The Subject was wearing a black beanie, black shirt, grey jeans, and white shoes; and he was carrying a black backpack on his shoulders. According to Victim A and substantiated by surveillance video, the Subject was seen speaking to himself, pacing around, and making stabbing motions with the knife; as men, women, and children walked by. At one point, Victim A indicated that the Subject questioned him in a threatening manner with the knife, which made him concerned for his safety and for the people around him. Victim A discreetly took a photograph of the Subject with his phone to report the incident. He then remembered that he had observed two uniformed police officers on the lower level of the subway station known as the platform area and went to search for them.

At approximately 0941 hours, Victim A arrived at the platform level and met with uniformed Officers A and B, who were working an overtime detail for TSD. The officers were specifically assigned to the MTA subway station. This was the first time that the officers had worked with each other. Their duties included monitoring both platforms with high visibility foot patrols and conducting Tap Card inspections of the MTA riders. During their shift, they discussed general tactics, such as cover and contact roles.

Victim A showed the officers the Subject's photograph and advised them that the Subject was upstairs on the mezzanine level waving a knife around. Officer B stated in his/her interview that as this knife waving was occurring, he/she heard someone yelling upstairs. Victim A then took the escalator up to the mezzanine level with Officers A and B following approximately 21 seconds behind. Officer A's body-worn video (BWV) depicts him/her walking past the escalator, because he/she assumed that the Subject was located on the platform. He/she was then redirected by his/her partner to the mezzanine level.

As Officer A approached the escalators, he/she unholstered his/her pistol and pointed it in a downward position. At 0942:24 hours, Officer B broadcast their call. Officers A and B continued to walk up the escalator and stopped on the mezzanine level.

At 0942:40 hours, Officer A observed the Subject standing near a wall with the knife in his hand. Officer A's BWV depicts the Subject looking in the officers' direction as Officer A from a distance ordered him to put the knife away. The Subject ignored the

officer's orders and walked away heading toward the turnstile. As the officers continued to walk toward the Subject, Officer B also directed him to leave. The Subject stopped, then turned and faced the officers, as he took a few quick steps toward them.

Believing that the Subject was charging them, Officer A stated, "*Suspect is not listening to commands, just pacing back and forth, and at some time he decides to charge at us. That's when I point my gun at him.*" Officer B also believed the Subject was lunging at them and broadcast a request for backup for a man with a knife.

After the Subject turned, he ran through the emergency exit gate and proceeded up the ascending escalator. Officers A and B followed him at a distance as they took the stairs. Based on surveillance video, when the Subject reached the landing, he approached an elderly woman (Victim B) and stabbed her on the top of her head. According to Victim B, the Subject approached her, "poked" her with a hard object on the top of her head, and ran away. She then discovered that she was bleeding from the top of her head.

Officers A and B did not observe the assault on Victim B as they were still walking up the stairs.

At 0943:24 hours, Officer A walked past Victim B with Officer B right behind him/her. According to Officer A, as he/she was walking toward the street level, he/she heard an unidentified female tell him/her that the Subject had hit a kid. The officers continued to follow the Subject to the street level.

Officer A's BWV recorded an unidentified female on the descending escalator state, "*He just hit that old lady. He hit her on the head.*"

At 0943:56 hours, the Subject continued walking north on the west sidewalk. An elderly male (Victim C) was walking south, when the Subject approached him and stabbed his left shoulder. Officers A and B both observed the Subject assault Victim C. According to both officers and based on this observation, they transitioned from containment into apprehension mode.

At 0944:04 hours, Officer B broadcast they were in foot pursuit. Seconds later, Officer B broadcast that the suspect just stabbed a citizen. The Subject crossed the street in a northeasterly direction and ran east.

Officer A continued to order the Subject to drop the knife. The Subject ignored his/her commands and went through the driveway toward a parking lot located behind the building.

The distance from the subway station to the parking lot was approximately 340 feet.

At 0944:29 hours, Officer A observed the Subject attempting to hide behind the front bumper of a white vehicle parked on the southeast corner of the parking lot. The

Subject was sitting on the ground with the knife next to his right hand. Officers A and B were several feet behind the rear bumper of the vehicle as Officer A repeatedly ordered the Subject to move away from the knife and lay down on the ground.

At 0944:52 hours, the Subject slowly stood up, grabbed the knife with his right hand, and moved further toward the middle of the front bumper. Officer A directed Officer B to redeploy to the passenger side to triangulate and contain him.

At 0945:00 hours, an Air Support Division helicopter was overhead and began broadcasting [from the helicopter] the officers' exact location to responding units.

At 0945:21 hours, the Subject stood up with the knife in his right hand and ran directly toward Officer B, who was approximately 38 feet away. The Subject was yelling as he rapidly closed the distance to Officer B. Fearing for his/her life, Officer B quickly moved backwards to gain distance.

At 0945:23 hours, an OIS occurred. Officer A used a two-handed grip, aimed at the Subject's torso, and fired his/her first round in a southwesterly direction from approximately 20 feet.

The investigation determined that the first round fired by Officer A did not strike the Subject.

The Subject continued to run toward Officer B with the knife in his right hand. Officer A fired two additional rounds at the Subject from approximately 27 feet.

Immediately after Officer A fired his/her second round, Officer B used a two-handed grip, aimed at the Subject's torso, and fired one round at the Subject from approximately 19 feet. Officer B stopped shooting when the Subject fell to the ground.

Immediately after the shooting, at 0945:28 hours, Officer B broadcast that shots had been fired. CD acknowledged the broadcast. The officers maintained their positions and continued to verbalize with the Subject as they waited for backup units to arrive.

At approximately 0945 hours, Officers C and D were the first backup units to arrive on scene. Officer C drove his/her vehicle into the driveway of the parking lot and stopped near Officer B. Officers E and F were the secondary unit on scene. Officer E then directed Officer A to redeploy behind the police vehicle, which he/she did.

When additional officers arrived, Sergeant A and Officer C formed an arrest team. Officer F was assigned to the shield. Officers G and H were assigned as the handcuffing officers. Officer D was assigned the 40mm Less-Lethal Launcher (LLL) as a less-lethal force officer. Lastly, Officer E was assigned as the designated cover officer (DCO).

At 0946:14 hours, Air 3 requested a Rescue Ambulance (RA) to respond and stage.

At approximately 0948 hours, Sergeant A was notified by Officer A of his/her involvement in the OIS. Sergeant A directed him/her to holster up and stand down from the tactical situation. Officer A then directed Officer B to join him/her on the sidewalk while they waited for the tactical situation to be rendered safe.

At 0949:45 hours, at the direction of Sergeant A, the arrest team approached the Subject as he laid on his stomach. The Subject's knife was on the ground next to his hand. When the arrest team was near the Subject, Officer E kicked the knife away. Officers G and H then handcuffed him. Officer H conducted a pat-down search and assessed him for injuries, while they waited for the RA to arrive. Officer H did not know that the Subject had been struck by gunfire and initially placed him in the seated position. Officers then removed his backpack by cutting the straps. Once officers learned that the Subject sustained a gunshot wound to his back, they positioned him in the right lateral recovery position.

Once the Subject was taken into custody, Lieutenant A assisted Sergeant A in managing the scene. He/she directed officers to establish a crime scene to preserve evidence and a command post was established.

Sergeant A obtained a public safety statement (PSS) from Officer A. Sergeant B obtained a PSS from Officer B. The officers were separated and monitored by supervisors until interviewed by Force Investigation Division (FID).

At 1002:40 hours, Los Angeles Fire Department (LAFD) RA arrived at scene. The Subject was transported by RA 52 to a hospital for treatment.

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 A	Yes	Yes	Yes	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A

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. For every incident, the BOPC makes specific findings in three areas: tactics of the involved officer(s), drawing/exhibiting of a firearm by any involved officer(s), and the use of force by any involved officer(s). Based on the BOPC's review of the incident, the BOPC made the following

findings:

A. Tactics

The BOPC found Officers A and B's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers A and B's lethal use of force 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 RA 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 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 – While Officers A and B had not previously worked together, they both attended roll call in which tactical de-escalation and command & control were reviewed and discussed. Prior to working together on the day of the incident, both officers had each worked numerous TSD overtime shifts and had experience in the specific work duties and environment encountered in MTA stations. Additionally, Officers A and B discussed contact and cover, and tactics related to the MTA location and de-escalation prior to and during their shift. The UOFRB noted that during the incident, the officers assumed and maintained appropriate contact and cover roles without additional need to verbalize those roles. While the UOFRB would have been preferred that they had discussed more specific plans prior to approaching the Subject, the UOFRB noted that a man with a knife in a populated transit station posed a significant public safety concern and necessitated an immediate response from the officers, which limited their time and ability to communicate with each other.

Assessment – As Officers A and B located the Subject, they recognized him from the photograph that Victim A had shown them, and they observed that he was armed with a knife. Although they observed the Subject pacing back and forth with the knife, the officers assessed that those actions were not an immediate threat to them. Both officers noticed that the Subject was in an altered state of mind as he talked to himself and did not respond to commands. Based on their training and experience, Officers A and B believed that the Subject was under the influence of narcotics. Officers A and B continuously assessed the Subject's actions.

When officers observed the Subject assault Victim C, they determined that the Subject posed an immediate threat of serious bodily injury or death to the public and needed to be apprehended. They closed the distance and followed the Subject into the parking lot, where they found that he did not have immediate access to any additional victims. Officers A and B then attempted to contain the Subject in the parking lot until additional resources arrived. When the Subject ran toward Officer B while holding a knife pointed toward him/her, Officers A and B assessed that the Subject posed an imminent lethal threat to Officer B, resulting in the OIS. During the OIS, both officers assessed that the Subject had fallen and stopped firing once he ceased being a lethal threat to Officer B.

Time – When Officers A and B located the Subject, they gave him commands while keeping their distance from him. As the Subject fled from the officers, they followed him from a distance while attempting to watch him. After Officers A and B observed the Subject stab Victim C, they made the decision to close the distance on the Subject and pursue him into the parking lot to prevent him from accessing additional victims. Once in the parking lot, there were limited options for cover. The officers kept a parked vehicle between the Subject and themselves as a barrier to provide them additional time as they contained him and waited for additional resources.

Redeployment and/or Containment – Officers A and B contained the Subject in the parking lot and prevented him from accessing additional victims. As the Subject moved around the parked vehicle, Officers A and B redeployed and triangulated on him to keep him contained on the far side of that vehicle. When the Subject ran at Officer B, Officers A and B both redeployed backward in attempt to maintain distance from the Subject.

Other Resources – The Subject’s actions rapidly escalated the incident. Consequently, throughout the incident, Officer B had broadcast a backup request, foot pursuit, and help call, all which generated the response of additional resources. Air 3 responded and directed ground units to the officers’ location. With the arrival of additional resources to the scene, Sergeant A ensured that a ballistic shield and 40 mm LLL were utilized while taking the Subject into custody.

Lines of Communication – As officers contacted the Subject, they observed him holding a knife in his hand. Officers A and B gave commands to the Subject, directing him to put away the knife and leave the subway station. At different times throughout the incident, both officers gave the Subject commands to drop the knife. Officer B requested resources through CD; and once the air unit was overhead, he/she requested that they take over coordinating responding units. Officer A communicated with Officer B as they tried to contain the Subject. When Sergeant A arrived on scene and assumed the role of incident commander (IC), he/she communicated the roles of the contact team with each officer and coordinated the team’s response.

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

Debriefing Point No. 1 Apprehension v. Containment

As the Subject fled the subway station, Officers A and B followed him while maintaining a safe distance and watching him. Officer B continued to broadcast and update CD of the Subject’s location while in containment mode. After they observed the Subject stab Victim C, Officers A and B foot pursued the Subject in apprehension mode. The officers were cognizant that they needed to prevent the Subject from accessing additional victims and escaping. Once the Subject reached the parking lot and went behind the parked vehicle, Officers A and B returned to containment mode. Officers A and B stopped and triangulated on the Subject, using the parked vehicle as cover. According to Officers A and B, they continued to give commands to the Subject from a distance and attempted to contain him until additional resources arrived.

The UOFRB assessed Officers A and B’s tactics during the foot pursuit. The UOFRB noted that the Department’s tactical training states that officers generally should not pursue an armed suspect in apprehension mode. The UOFRB noted that when the officers first contacted the Subject, they observed that the Subject was armed with a knife and followed the Subject in containment mode, consistent with

the Department's tactical training. The UOFRB noted that the officers transitioned to apprehension mode when they observed the Subject stab an innocent bystander on the street level. The UOFRB opined that at that point the Subject posed a grave threat to public safety, and Officers A and B's transition to apprehension mode was necessary to prevent him from accessing additional victims and to preserve the lives and safety of the public. The UOFRB further noted that when the Subject entered the parking lot and there were no victims immediately available to him, Officers A and B did not attempt to overtake or apprehend the Subject, even when he stopped running and sat on the ground. Instead, Officers A and B returned to containment mode to keep the Subject from escaping the parking lot, gave him commands, and awaited for additional resources. The UOFRB opined that when transitioning to containment mode, their tactics did not substantially deviate from the Department's tactical training or policy.

The UOFRB also opined that the portion of the foot pursuit in which Officers A and B were in apprehension mode, while a substantial deviation, was justified to protect the public from the Subject's dangerous actions.

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

Debriefing Point No. 2 Cover

When Officers A and B first contacted the Subject on the mezzanine level, they maintained their distance from the Subject as cover was unavailable in this section of the station. Officers A and B observed the Subject near a wall holding a knife and directed him to put the knife away and leave. The Subject disregarded the officers' commands, then took a few quick steps toward the officers. In response, Officer A pointed his/her pistol at the Subject, who then ran from officers. Officers A and B followed the Subject while maintaining distance.

After Officers A and B observed the Subject stab Victim C, they began to pursue the Subject in apprehension mode, closing the distance between them. The Subject ran into a parking lot and attempted to hide behind a parked vehicle where there was limited cover available to the officers. According to Officers A and B, they triangulated on the Subject, using the parked vehicle as cover and contained him around the vehicle. Shortly after, the Subject ran toward Officer B with the knife. According to Officer B, he/she redeployed backwards in attempt to gain distance. The Subject continued to close the distance on Officer B, resulting in an OIS. At the time of the OIS, Officers A and B were without cover or concealment. After the Subject fell to the ground, Officers A and B momentarily continued to be without cover until additional officers arrived with a police vehicle. Officers A and B then redeployed behind the police vehicle, using the doors as cover.

The UOFRB noted that upon entering the parking lot where the Subject attempted to hide, Officers A and B had limited cover. The UOFRB opined that because of the Subject's actions and the immediate threat he posed to the public, Officers A and B had no other option except to follow him into the parking lot to ensure that there were no additional victims available to him. The UOFRB noted that once in the parking lot, there was limited availability of cover. The officers triangulated on the Subject, using distance and the parked vehicle as cover. Once the Subject started running at Officer B, both Officers A and B redeployed back to gain distance, which resulted in them being forced to lose their only cover. The UOFRB noted that the Subject's actions and the layout of the parking lot left the officers with limited options. The UOFRB opined that the officers' deployment and triangulation on the Subject allowed them to use the cover available to them while also containing the Subject and keeping him from accessing other victims. Additionally, the UOFRB opined that when the Subject ran at Officer B and both officers redeployed backward, they were attempting to de-escalate and avoid the use of lethal force. Had the officers redeployed around the parked vehicle, rather than backwards, they would have allowed the Subject to break their containment and escape the parking lot, allowing him to once again access victims and increase the danger to the public.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's use of cover and redeployment was not a substantial deviation from Department-approved tactical training.

Additional Tactical Debrief Topics

Running with a Pistol Drawn – As Officers A and B pursued the Subject on foot, Officer A held his/her pistol in his/her hand. Alternatively, he/she could have kept his/her pistol holstered as he/she ran, reducing the risk of an unintentional discharge.

Investigative Procedures – When Victim A reported a man with a knife to Officers A and B, they were unaware of his actions or if a crime had occurred. The officers quickly responded to address the potential threat to public safety. The officers could have asked follow-up questions of Victim A, which would have allowed them to assess the initial situation more thoroughly.

Tactical Communication – Officer E was the secondary backup unit on scene after the OIS. As the Subject was lying prone on the ground with the knife in his hand, Officer E gave the command for the Subject to throw the knife away from him. Alternatively, Officer E could have given the command for the Subject to move away from the knife to reduce the possible risk of an additional OIS occurring.

Preservation of Evidence – As the contact team approached the Subject to take him into custody, Officer E kicked the knife away from the Subject. When possible, officers should avoid kicking weapons and moving evidence during a CUOF.

B. Drawing/Exhibiting

Officer A

According to Officer A, based on the information provided by Victim A, the Subject was armed with a knife, so he/she drew his/her pistol as he/she searched for the Subject. According to Officer A, he/she unholstered his/her pistol because he/she believed that the Subject was armed with a knife and the situation could escalate to lethal use of force.

Officer B

According to Officer B, he/she observed the Subject armed with a knife as he/she and Officer A approached the mezzanine level. Officer B unholstered his/her pistol because the Subject was armed and led him to believe the situation could escalate to lethal use of force.

The UOFRB assessed Officers A and B's drawing and exhibiting of their pistols and noted that both were aware that the Subject was likely armed with a knife based on Victim A's reporting. The officers were unaware of the Subject's exact location but were advised by Victim A that he was last seen on the mezzanine level. Upon locating the Subject, Officers A and B observed him holding a knife in his hand. As the Subject fled from the officers, they observed him stab Victim C. From the time Officers A and B first contacted the Subject until the time of the OIS, the Subject was either in possession of or within arm's reach of the knife. The UOFRB opined that although the location and time at which Officer B recalled drawing his/her pistol were different than what BWV footage supports, the circumstances articulated by Officer B that caused him/her to draw and exhibit were consistent and ongoing.

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

C. Lethal Use of Force

Officer A – Smith & Wesson, Model M&P 2.0, Pro C.O.R.E., 9mm caliber, fired a total of three rounds. Officer A fired the first round in a southwesterly direction from approximately 20 feet, and he/she fired two additional rounds in a westerly direction from approximately 27 feet.

According to Officer A, he/she observed the Subject holding a knife in his hand with the blade facing outward. Officer A described the knife as a pocketknife. Officer A stated that he/she observed the Subject stab Victim C as he ran from them and feared that the Subject would victimize additional citizens, so he/she foot pursued

the Subject. Officer A gave multiple commands to the Subject to drop the knife throughout the incident. Additionally, he/she warned the Subject that if he did not drop the knife, he/she would shoot him.

According to Officer A's BWV, at 0945:21 hours, the Subject stood up with the knife in his right hand and ran directly toward Officer B, who was approximately 38 feet away. The Subject was yelling as he rapidly closed the distance on Officer B. As the Subject ran toward Officer B, Officers A and B redeployed by stepping back from the Subject to gain distance and maintain triangulation. Officer A fired three rounds causing the Subject to fall to the ground.

Round One

The investigation determined that Officer A fired his/her first round from an approximately 20 feet. According to Officer A, he/she fired his/her pistol to prevent the Subject from stabbing Officer B when he/she observed the Subject sprint toward Officer A while armed with the knife. Officer A feared for Officer B's safety.

Rounds Two and Three

According to Officer A, the Subject was still armed with the knife and continued to close the distance on Officer B. Believing the Subject was still a threat to Officer B's safety, Officer A fired two additional rounds, assessing between each round. Officer A stated that he/she was cognizant of Officer B's location as he/she fired each round and knew that he/she only had a window of time before the Subject would reach Officer B. Officer A stopped firing when the Subject fell to the ground and was no longer a threat to Officer B's safety.

Officer B – Smith & Wesson, Model M&P 9, 9mm caliber, fired one round from an approximately 19 feet.

According to Officer B, he/she observed the Subject run toward him/her with the knife in his hand. Officer B observed the Subject closing the distance on him/her rapidly. Officer B attempted to gain distance and redeploy by backpedaling; however, the Subject continued to run at him/her with the knife. Believing that the Subject was going to stab him/her, Officer B fired one round from his/her pistol at the Subject to protect himself/herself from the threat of serious bodily injury or death.

The UOFRB assessed Officers A and B's lethal use of lethal force. The UOFRB noted that the Subject was armed with a knife and acting erratically. Officers A and B attempted to communicate with the Subject to have him put the knife away. The UOFRB opined that the Subject quickly escalated the situation and showed his willingness to commit violence upon others when he ignored the officers' commands, fled from them, and stabbed an uninvolved community member. Officers A and B continued de-escalation attempts by verbalizing with the Subject while utilizing cover to keep him contained in the parking lot. When the Subject ran at Officer B, both

officers redeployed back, in a last effort to avoid using lethal force. As the Subject closed the distance on Officer B, both Officers A and B resorted to lethal force. The UOFRB opined that Officers A and B showed significant restraint and respect for human life in their attempts to avoid using lethal force. The UOFRB opined that Officers A and B's lethal use of force was objectively reasonable and necessary, as neither of the officers fired a round at the Subject until he charged directly toward Officer B, while holding the knife in his hand. The UOFRB also noted that all four rounds were fired as the Subject closed the distance on Officer B, despite Officer B redeploying back. The UOFRB opined that the lethal use of force was proportional, as both officers stopped firing immediately upon the Subject falling to the ground and the imminent threat ending.

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