

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

OFFICER-INVOLVED SHOOTING – 023-22

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	6/12/22		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	21 years, 2 months
Officer B	2 years, 1 month
Officer C	5 years, 1 month

Reason for Police Contact

Officers responded to a “robbery in progress” radio call. As officers arrived at the radio call, they observed the Subject exit a business with a knife in his hand. Officers followed the Subject into a fenced parking lot and waited for backup units to arrive. The Subject paced back and forth as additional patrol officers arrived on scene. The Subject suddenly advanced on the officers’ position, resulting in the use of 40-millimeter less-lethal launchers (40mm LLLs) and an officer-involved shooting (OIS). The Subject discarded the knife and officers ultimately took him into custody without further incident.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 21 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on 5/2/23.

Incident Summary

On Sunday, June 12, 2022, at 0245:19 hours, Officers A and B were driving out of the parking lot of the 77th Regional Jail. The officers had finished booking an arrestee from a previous incident when, at 0245:45 hours, Communications Division (CD) broadcast that a robbery was in progress and the suspect (the Subject) was armed with a knife.

Officer A instructed Officer B to advise CD that they would handle the radio call. Officer A directed Officer B to obtain the 40-millimeter less-lethal launcher (40mm LLL) from the center rack and get it ready to be deployed.

Officer A drove toward the location of the robbery. At 0246:45 hours, Officers A and B arrived at the location and CD broadcast that the Subject, armed with a knife, was breaking the business window with a female employee inside. Officer A conducted a northbound turn into the driveway of the parking lot. He/she observed the Subject exit the front door of the location and begin to walk westbound on the north sidewalk of the street.

Officer A stopped the police vehicle approximately 37 feet from the Subject as Officer B advised CD they were Code Six (i.e., had arrived on scene). Officer A directed Officer B to get the 40mm LLL as he/she began to step out of the driver-side door. He/she partially sat back in the vehicle and gave the Subject commands to stop.

The Subject ignored the commands and continued walking westbound on the north sidewalk and then north in the alley rear of the location. Officer A got back in the police vehicle and drove to the mouth of the alley. Officer B loaded the 40mm LLL as Officer A drove toward the alley.

Officer A advised CD that the Subject had walked northbound in the north/south alley just west of the location and asked CD to relay this information to responding units. Officer A exited the police vehicle and remained near the driver-side door as Officer B exited the passenger side with the 40mm LLL. The officers then reentered their police vehicle and began to follow the Subject. Officers A and B visually monitored the Subject from a distance of approximately 50 feet as he walked northbound in the alley. Officer A was concerned because the alley was narrow and a pickup truck was parked north of their location that could potentially limit their movement. Officer A did not want to be caught in the alley with no way to escape in the event the Subject were to turn around and charge at him/her and Officer B. The officers continued to follow the Subject north through the alley and then east on as he turned onto the street. The Subject turned south and continued until he eventually walked back into the parking lot. He walked to the northwest corner of the parking lot which was fenced in and did not have an exit. Officer A told Officer B that they would not allow the Subject to reenter the store. Officer A drove into the parking lot and positioned their vehicle to prevent the Subject from making his way to the front door of the location or exiting the parking lot. Officer A broadcast that they were now in the parking lot with the Subject.

As observed on Officer A's body-worn video (BWV), at 0249:01 hours, he/she exited his/her police vehicle and positioned himself/herself between the driver-side door and wall of the store as Officer B exited the passenger-side door with a 40mm LLL. Officer A unholstered his/her pistol and held it at a two-hand low-ready position with his/her finger along the frame. Officer B held his/her 40mm LLL in the Subject's direction as he/she updated their location to CD via his/her police radio.

Officer A immediately communicated with the Subject in both English and Spanish and repeatedly asked him to drop the knife and assured him that the officers were not going to hurt him. Officers A and B's BWV captured the Subject pace back and forth while holding a knife in his right hand. Officer A continued to communicate with the Subject.

Officer B advised the Subject that the 40mm LLL would be used if he did not cooperate and that it would hurt and might cause an injury. Officer A then instructed Officer B to move back and take cover as they contained the Subject in the parking lot.

At 0249:57 hours, 77th Patrol Division uniformed Police Officers C and D arrived at scene. Officer D positioned their police vehicle to the right of Officers A and B's police vehicle in a westerly direction. Officer D's BWV showed him/her remove the shotgun from the center rack as he/she took cover behind the driver-side door. Officer C simultaneously exited the front passenger door and removed the 40mm LLL from the center rack. According to Officer D, he/she observed the Subject pacing back and forth with a shiny object which he (Officer D) believed to be a knife. Officer D chambered a buckshot shell believing the situation may escalate to where he/she would have to use lethal force.

Officer C obtained the 40mm LLL and exited the passenger door as he/she advised CD that they were Code Six. Officer C observed the Subject pacing back and forth as Officer A continued to give him commands to drop the knife. Officer C then moved to Officer A's side.

According to Officer C, when he/she reached Officer A's position, he/she advised Officer A that he/she was going to deploy his/her 40mm LLL. Officer C stood to the left of Officer A and felt he/she could utilize the open police car door or wall as cover if needed.

The Subject suddenly turned in Officers A and C's direction and began walking toward them at an accelerated pace. At 0250:57 hours, Officer C fired one round from his/her 40mm LLL approximately 32 feet away from the Subject.

As observed on Officer C's BWV, after being struck by the 40mm LLL sponge round, the Subject continued to advance on Officers A and C's position.

Officer B observed the Subject move toward Officers A and C, and Officer B was aware that Officer C had fired the 40mm LLL. After observing that Officer C's 40mm LLL sponge round had no effect on the Subject, Officer B also fired one 40mm LLL sponge round at the Subject.

Officer B estimated that he/she was approximately 15 to 20 feet from the Subject when he/she fired one 40mm LLL sponge round aimed at his navel area. He/she believed that the Subject was approximately five to six feet from his/her partner when he/she fired. According to Officer B, the Subject was holding the knife side to side, and he/she believed that he was going to stab his/her partner. The investigation determined that Officer B was approximately 36 feet from the Subject when he/she fired.

After being struck by two 40mm LLL sponge rounds, the Subject charged toward Officers A and C and appeared to increase his pace. The Officers' BWVs and an exterior security camera captured the Subject run toward Officers A and C while he was still holding the knife in his right hand.

Officer A observed the Subject sprinting toward him/her with the knife blade pointed up, ready to attack, and he/she feared the Subject would cause great bodily injury. He/she heard the 40mm LLL and observed that it had no effect. In fear for his/her own life and the lives of the citizens in the store, Officer A fired one bullet round from his/her pistol at 0251:01 hours. According to Officer A, he/she was approximately 10 to 15 feet from the Subject at the time he/she fired. Immediately after Officer A fired his/her pistol, the Subject flinched and dropped his cell phone to the ground but maintained control of the knife.

Officer A advised that he/she was moving backward as the Subject advanced on his/her position. He/she did not seek cover behind the open police car door due to his/her main goal of not allowing the Subject access to the store employees. According to Officer A, he/she used an isosceles shooting stance (i.e., both arms fully extended, with elbows locked) and aimed at the Subject's center-mass area. After he/she fired, Officer A returned to a low-ready position with his/her finger on the frame. The investigation determined that Officer A was approximately 18 feet from the Subject when he/she fired.

Officer C then broadcast a "shots fired, officer needs help" call. Officer C then picked up his/her 40mm LLL and placed it on the driver seat of Officer A's police vehicle. Officer C responded to the front of the store and holstered his/her pistol as he/she opened the entrance door. Officer C advised the employees to not exit and secure the front door. Officer C unholstered his/her pistol once more as he/she returned to Officer A's position because the Subject still had the knife, but quickly holstered when he/she noticed that lethal cover was already provided. He/she then retrieved the 40mm LLL and provided less-lethal cover until the Subject was taken into custody.

At approximately 0253 hours, Officers E, F, G, H, I, J, K, L, M, and N arrived at scene.

As officers arrived, they established containment around the Subject, which included less-lethal resources positioned east and south of his position in the parking lot. Officer A directed officers to move and cover the alley to prevent the Subject from escaping.

Officer N exited the driver door of his/her police vehicle as Officer M exited via the passenger side. Officer N moved to the rear of his/her police vehicle and retrieved a beanbag shotgun from the rear compartment because he/she believed that the Subject was a threat to him/her and other personnel. He/she initially moved to Officer B's position but observed an officer holding a 40mm LLL. As a result, he/she quickly transitioned to Officer A's position because he/she did not have less-lethal coverage. Officer N indicated that he/she could utilize the wall or driver door of Officer A's police vehicle for cover if necessary. He/she held the beanbag shotgun in a low-ready position with his/her finger on the safety and remained in a low-ready position until the Subject was taken into custody.

Officer M positioned himself/ herself to the right of Officer B and unholstered his/her pistol. He/she observed the Subject holding a knife in his hand, felt the tactical situation could escalate to lethal use of force, and was aware that an OIS had occurred. Officer M's BWV captured him/her holding his/her pistol in a two-handed low-ready grip with his/her finger along the frame. He/she explained that he/she stood in front of the police vehicle's passenger door, so he/she was not behind Officer B. He/she felt that he/she could move back and utilize the door as cover if necessary. Officer M holstered his/her pistol once the arrest team moved forward to take the Subject into custody.

Officer J positioned himself/herself behind the driver door of Officers C and D's police vehicle. He/she unholstered his/her pistol and held it in a one-handed low-ready with his/her finger on the frame as he/she attempted to give commands with the vehicle's public announcement (PA) system. The PA system was not working properly. Officer J then focused on the Subject and observed him holding a knife in his hand. Officer J believed that the incident could rise to lethal use of force if the Subject lunged at the officers. Officer J remained behind the car door and holstered his/her pistol as soon as the arrest team began to move forward.

Upon arrival, Officer E positioned himself/herself to the left of officers on the driver side of Officer A's police vehicle. He/she observed the Subject holding a knife and pacing back and forth. Officer E unholstered his/her pistol and held it in a one-handed low-ready position with his/her finger along the frame. According to Officer E, he/she drew his/her pistol because the incident may escalate to the point that he/she would need to use his/her pistol. He/she quickly holstered his/her pistol after being told that there were too many firearms on the line. He/she was then instructed by Officer G that he/she was going to be part of the arrest team.

Officer H took cover behind the driver door of Officer A's police vehicle and unholstered his/her pistol to a two-handed low-ready position with his/her finger along the slide. He/she observed the Subject armed with a knife that he was holding by its handle and felt the circumstances could escalate to the use of lethal force. There were no officers in front of him/her and he/she had a clear line of sight on the Subject. Officer H holstered his/her pistol when Officer G instructed him/her to be part of the arrest team.

Officer G formed an arrest team consisting of Officers C, E, H, and himself/herself. He/she formulated a plan and assigned handcuffing roles to Officers E and H, 40mm LLL cover role to Officer C, and himself/herself to be the lethal cover officer.

The Subject continued to pace back and forth for several minutes. The Subject threw the knife he was holding to the ground and picked it up on two separate occasions. Throughout the incident, Officer A constantly communicated with the Subject and attempted to convince him to drop the knife.

At 0253:33 hours, Sergeant A arrived at the parking lot. He/she walked to a group of officers standing on the driver side of Officer A's police vehicle. He/she immediately directed officers to take cover and requested an additional 40mm LLL. His/her BWV depicted him/her declare himself the Incident Commander (IC) over the radio, but the broadcast was not acknowledged by CD.

At 0255:03 hours, the Subject threw the knife to the ground a third time and came down to his knees. He unexpectedly reached down and picked up his cellphone. Officer A quickly announced to the surrounding officers that the Subject was picking up a cellphone. The Subject then laid on the ground with his arms stretched out in front of him and his head faced away from officers.

At 0255:33 hours, Sergeant B arrived at the parking lot. Shortly thereafter, at 0255:42 hours, Sergeant C arrived at the location and declared himself/herself the IC.

At 0256:22 hours, Officer G announced to surrounding officers that the arrest team would be moving forward. Officer G said that this was done to minimize the possibility of crossfire. As the arrest team moved forward, Officer G unholstered his/her pistol and held it at a low-ready position with his/her finger on the frame as he/she was the designated lethal cover officer and team leader.

As the arrest team was moving forward to take the Subject into custody, Sergeant C quickly followed behind to monitor the arrest. Sergeant B also followed the arrest team behind Sergeant C.

Officers E and H approached the Subject's left and right side, respectively. The Subject did not attempt to pull away from the officers as they acquired a firm grip of his arms. Officer H took a firm grip of the Subject's right wrist with both hands. He/she held the Subject's right hand and pushed up on his sleeve to allow for handcuffing. Officer E assisted in controlling the Subject's left arm by gripping the Subject's wrist with both hands while simultaneously pushing up on his other sleeve. Officer E guided the Subject's left arm behind his back and handcuffed his wrist. Officer E then transitioned to handcuffing the Subject's right wrist as Officer H guided the Subject's right arm behind his back. Officers E and H searched the Subject for additional weapons and assisted him into a standing position after no additional weapons were located.

Sergeant C monitored the arrest team and ensured that a minimum number of officers were in contact with the Subject throughout the handcuffing process. Sergeant B also monitored the

arrest of the Subject and directed officers to hold the Subject's legs as they appeared to be flailing around. Sergeant C instructed officers to hobble the Subject's legs to address the issue, but the officers immediately stood him up.

At 0257:42 hours, Officer N requested a rescue ambulance (RA) to treat the Subject for his injuries.

At 0305:00 hours, Los Angeles Fire Department (LAFD) RA firefighter/paramedics (FF/PM) treated the Subject. The Subject was transported to the hospital. Officer L rode in the RA and Officer K followed behind. The Subject was treated for lacerations to his left hand and released for booking.

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	No	No
Officer B	Yes	Yes	Yes	No	No
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	Yes	Yes	Yes
Sergeant A	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 and/exhibiting of a firearm by any involved officer(s); and the use of force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

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

B. Drawing and Exhibiting

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

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officer A'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, subjects, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

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

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

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

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

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

Definitions

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

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

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

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

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

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

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

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his/her 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 – Officers A and B had been partners for approximately two weeks. During that time, they had discussed tactics and how roles can change depending on the incident. As it concerns this incident, they had agreed that Officer A would be the lethal contact officer and Officer B would be the less-lethal cover officer with the 40mm LLL. As they responded to this incident, Officer A drove in a controlled manner to allow CD time to obtain and broadcast additional information. Officer A also advised Officer B to deploy the 40mm LLL.

Assessment – Based on their assessment, Officers A and B contained the Subject in the parking lot and waited for additional units. As the incident progressed, the Subject advanced on Officers A and C. Assessing an immediate threat to the officers' safety,

Officer C discharged one sponge round from his/her 40mm LLL. Although the round struck the Subject, it failed to stop him. Observing that the Subject was continuing to advance on the officers and that the sponge round had failed to stop him, Officer B assessed an immediate threat to the officers' safety and also discharged a sponge round from his/her 40mm LLL. Although his/her sponge round struck the Subject, it also failed to stop him. The Subject's subsequent actions limited the officers' ability to further de-escalate this incident before the OIS.

Time and Redeployment/Containment – As Officers A and B followed the Subject in the alley, they monitored him from approximately 50 feet. Officer A maintained this distance because the alley was narrow, and he/she wanted to have an avenue of escape if the Subject turned and charged at them. The Subject subsequently returned to the store and proceeded to the northwest corner of the parking lot which was fenced in and did not have an exit. Per Officer A, he/she intended to contain the Subject, wait for additional units, and then safely apprehend him. Officer A relayed this information to his/her partner. To contain and prevent the Subject from reentering the store, Officer A positioned their vehicle in the parking lot east of the Subject and store. Officer A exited his/her police vehicle and positioned himself/herself between the driver-side door and store's wall. Officer B exited his/her police vehicle and positioned himself/herself at the front of the vehicle. Despite their efforts to contain the Subject, he advanced on the officers while holding the knife, resulting in the OIS. After the OIS, officers continued their efforts to contain the Subject, subsequently convincing him to surrender without the need for additional force.

Officers A, B, C, and D's use of cover is discussed further in Debriefing Point No. 1.

Other Resources – When the Subject refused to stop, Officer A broadcast the direction of travel and requested that a unit respond. Sergeant D soon upgraded the call to a backup and requested an airship (helicopter). Returning to the parking lot, Officer B broadcast their updated location for responding units; Officers C and D were the first to arrive. When they arrived, Officer A asked Officers C and D to deploy a beanbag shotgun. According to Officer A, he/she requested a beanbag shotgun because it can be reloaded and discharged faster than the 40mm LLL, which requires a "lengthy" reloading process between rounds. While Officers C and D were not equipped with a beanbag shotgun, Officer C did deploy a 40mm LLL, increasing the number of less-lethal options. Unfortunately, the Subject's subsequent actions limited the officers' ability to de-escalate this incident before the OIS. After the OIS, responding units deployed additional less-lethal options. With the help of additional resources, officers were able to apprehend the Subject without the need for additional force.

Lines of Communication – Arriving at the scene, Officer A told the Subject to stop but he refused to comply. As the Subject walked back to the store, Officer A advised Officer B that they would not allow him to reenter the store. As the Subject paced back and forth in the parking lot, Officer A communicated with him in both English and Spanish. Officer A repeatedly asked the Subject to drop the knife and assured him that the officers were not going to hurt him. The Subject refused to comply. Hoping that it

would prompt the Subject to drop the knife, Officer B provided him with a use of force (UOF) warning. The Subject still refused to comply.

Arriving at the scene, Officers C and D assumed lethal and less-lethal roles. Before crossing in front of Officer D to join Officer A, Officer C advised his/her partner. After crossing, Officer C advised Officer A that he/she had deployed his/her 40mm LLL, as he/she did not have a beanbag shotgun.

After the OIS, Officer C broadcast a help call. While officers were attempting to obtain the Subject's surrender, Sergeant A approached officers on either side of the police vehicles and reminded them to be mindful of contagious fire. To minimize the possibility of crossfire, when the arrest team was preparing to approach the Subject, Officer G announced that they would be moving forward.

During the review of the incident, the following debriefing topics were noted:

Debriefing Point No. 1 Cover and Concealment

Officer A exited his/her police vehicle and positioned himself/herself between the closed driver-side door and wall. According to Officer A, he/she left the cover of his/her ballistic door panel so that he/she could continuously observe the Subject. Officer A wanted to prevent the Subject from making his way toward the store and felt that he/she could step back behind his/her ballistic panel if needed.

Officer B left the cover of his/her ballistic door panel and positioned himself/herself at the front of the police vehicle. According to Officer B, he/she did so for the protection of the employees in the store. Officer B indicated that if the Subject were to attempt to enter the store, he/she would lose sight of him as he/she was too short to see over the top of his/her police vehicle. Officer B stated that by being in front of the police vehicle door, he/she could also easily maneuver the 40mm LLL and still see the Subject.

Deploying from the passenger side of his/her police vehicle to the driver's side, Officer C walked around the vehicle's front end. Officer C then walked around the rear of Officer B's police vehicle as he/she moved to Officer A's position to provide him/her with a less-lethal option. Officer C stood to Officer A's left; however, he/she felt he/she could use the ballistic door panel or store's wall as cover if needed.

Officer D left the cover of his/her ballistic door panel, retrieved Officer B's 40mm LLL from the ground, and deployed it. Officer D remained to Officer B's right for less than a minute before returning to his/her door for cover.

The BOPC noted that the UOFRB assessed Officers A, B, C, and D's use of cover. During the UOFRB meeting, a subject matter expert (SME) from Training Division testified that during both recruit and in-service training regarding edged weapons, students are encouraged to use cover when available. Per the SME, in certain circumstances, it is permissible for officers to step away from cover to improve their

view and/or angle while deploying either lethal or less-lethal options. The SME also testified that there are no Department documents that require an officer to remain behind cover during ongoing tactical situations. Rather, tactics should remain fluid, and in cases where a suspect is continuing to move, officers should adjust as needed to maintain the advantage.

The UOFRB considered the officers' explanations for moving away from cover as the Subject continued to pace back and forth. The UOFRB opined that Officers A, B, C, and D maintained a reasonable distance from the Subject and had options for redeployment if necessary. Furthermore, the UOFRB considered that the Subject was armed with a knife and not a firearm; therefore, the ballistic protection afforded to the officers by the police vehicle's doors was not as critical to their safety as their ability to redeploy. While the UOFRB would have preferred that Officers A, B, C, and D had better utilized their options for cover, it was noted they worked in coordination as a team, assessed their positions, and adjusted throughout this incident. The UOFRB also noted that each officer was near an available cover option and opined that they could have moved to it if needed.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A, B, C, and D were not a deviation from Department-approved tactical training. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Basic Firearm Safety Rules

Based on the FID investigation, Officer B placed his/her finger on the trigger of both his/her 40mm LLL and pistol on several occasions, where it remained from three seconds to one minute and 18 seconds, depending on the occurrence. According to Officer B, each time he/she placed his/her finger on the trigger of the 40mm LLL and pistol he/she intended to shoot. While he/she did discharge one 40mm LLL sponge round, he/she did not discharge a pistol bullet round.

The BOPC noted that the UOFRB assessed Officer B's adherence to the basic firearm safety rules. In this case, the FID investigation noted at least four instances in which Officer B appeared to have his/her finger on the trigger of the 40mm LLL and three instances in which he/she appeared to have his/her finger on the trigger of the pistol. When interviewed, Officer B stated his/her intent every time was to shoot. Investigators also observed a possible violation when Officer B exited his/her police vehicle with the 40mm LLL at the alley. In that instance, Officer B advised that his/her finger was in the trigger guard area of the 40mm LLL but not on the trigger.

In the UOFRB's deliberations, their members noted Officer B's statement that he/she intended to shoot each time he/she placed his/her finger on the trigger of either the 40mm LLL or pistol. The UOFRB opined, however, that Officer B's actions were not consistent with his/her stated intent. Based on all available evidence, the UOFRB concluded that Officer B assessed as he/she had his/her finger on the trigger for

extended periods and had not developed the intent to shoot. The UOFRB further noted that by placing his/her finger on the trigger for extended periods, Officer B risked unintentionally discharging both the pistol and 40mm LLL, especially in a high-intensity situation such as this. Officer B's actions increased his/her chances of an unintentional discharge and violated the basic firearm safety rules.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer B were a substantial deviation, without justification, from Department-approved tactical training.

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

Additional Tactical Debrief Topics

- **Backup Request** - Officer A advised that he/she was Code Six on the Subject and requested that a unit respond. Because the Subject was non-compliant, it would have been tactically advantageous for Officer A to request a backup instead.
- **Equipment Retention** - Officer B inadvertently dropped his/her 40mm LLL as he/she transitioned to his/her pistol. Officer C intentionally grounded his/her 40mm LLL as he/she transitioned to his/her pistol. Alternatively, Officers B and C should have slung their respective 40mm LLLs before/as they transitioned.
- **Preservation of Evidence** - After the OIS, Officer D picked up a 40mm sponge round from the ground, unloaded Officer B's 40mm LLL, and directed Officer C to unload his/her 40mm LLL; Officer C complied. Alternatively, Officers C and D should have secured the 40mm LLLs in their current conditions and left the 40mm sponge round on the ground.

Command and Control

- Officer G arrived at the scene shortly before Sergeant A. Officer G directed officers to move to cover. He/she formed a tactical plan and an arrest team, designating Officers E and H as the handcuffing officers, Officer C as the less-lethal officer, and himself/herself as the lethal cover officer. Officer G requested additional less-lethal options and gathered intelligence regarding weapons that the Subject may have in his possession. After the Subject was handcuffed, Officer G directed Officers E and H to place the Subject on his side.

At approximately 0253 hours, Sergeant A arrived at the scene. When Sergeant A arrived, the Subject was still armed with the knife. Sergeant A directed officers to take cover, requested an additional 40mm LLL, reduced the number of lethal options, and reminded officers to be mindful of contagious fire. He/she declared himself/herself as the Incident Commander (IC), but his/her broadcast was not acknowledged by CD.

At approximately 0255 hours, Sergeant B, arrived at the scene, followed by Sergeant C; Sergeant C declared himself/herself as the IC. After gaining sufficient situational awareness from Sergeant A, Sergeant B secured the scene, directed officers to cover the alley, and closed streets to traffic and pedestrians.

At approximately 0256 hours, Officer G announced that the arrest team would be moving forward. Before the officers approached the Subject, Officer G ensured that they knew their roles. Sergeants B and C followed the team and oversaw the Subject's arrest. After handcuffing the Subject, Officers E and H searched him for additional weapons but none were located. Officers E and H immediately assisted the Subject to a standing position.

After the Subject was apprehended, Officer C told Sergeant A that he/she had fired the 40mm LLL during the incident. Sergeant A advised Officer C that Sergeant C was the primary supervisor and then began securing the scene and canvassing for witnesses and involved officers. After speaking with Sergeant A, Officer C advised Sergeant B that he/she had fired the 40mm LLL. Sergeant B told Officer C to "stand by" and went to ensure that Sergeant A was canvassing and securing the scene. While canvassing, Sergeant A learned that Officer D was Officer C's partner. Sergeant A then ordered Officers C and D to remain separated and not discuss the incident. Approximately two minutes later, Sergeant E began monitoring Officer C and obtained his/her Public Safety Statement (PSS).

Although there were some concerns regarding the separation and monitoring of Officer C, the supervisors at scene were attempting to secure the scene and obtain situational awareness at that time. However, the Chief directed that Sergeants A and B would benefit from attending the Tactical Debrief to discuss Protocols Subsequent to a CUOF.

After ensuring that an RA had been requested for the Subject, Sergeant C began the separation and monitoring of Officers A and B. He/she obtained their PSSs and directed other supervisors to canvass for witnesses and involved officers. He/she then had the officers monitored until FID detectives arrived.

Sergeant D notified the Department Operations Center (DOC) of the Categorical Use of Force (CUOF).

The BOPC determined that the overall actions of Sergeants A, B, C, D, E, and Officer G were consistent with Department training and expectations of senior officers and supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that Officer B's actions were a substantial deviation, without justification, from

Department-approved tactical training. The BOPC also determined that Officers A, C, D, G, and Sergeant A's actions were not a deviation from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

Although it was determined that he/she would not receive formal findings, it was determined that Sergeant B would benefit from attending the Tactical Debrief.

Therefore, Officers A, B, C, D, G, Sergeants A and B were directed to attend the Tactical Debrief and that the identified topics be discussed.

B. Drawing and Exhibiting of a Firearm

- **Officer A**

Based on the Subject's "aggressive nature" and because it seemed that he was running toward the store, Officer A believed the situation was going to escalate to lethal use of force. In response, Officer A exited his/her police vehicle, positioned himself/herself between the driver-side door and store, and unholstered his/her pistol.

- **Officer B**

Officer B observed that his/her 40mm LLL sponge round was ineffective and the Subject was running toward his/her partner. Believing that the Subject may stab Officers A or C, Officer B transitioned to his/her pistol.

- **Officer C - First Occurrence**

Officer C heard what sounded like a gunshot but did not see the Subject "go down." Because the Subject was still armed with the knife, Officer C felt that he was an imminent threat to him/her and his/her partners. In response, Officer C transitioned from the 40mm LLL to his/her pistol.

- **Officer C - Second Occurrence**

Officer C holstered his/her pistol as he/she opened store's front door. He/she advised the employees to secure the door and stay inside. Because the Subject was still standing, Officer C unholstered his/her pistol as he/she returned to Officer A's position. Officer C soon holstered his/her pistol after noticing that officers were already providing lethal cover.

- **Officer D – First Occurrence**

According to Officer D, he/she observed the Subject pacing back and forth with a shiny object in his hand, which appeared to be a knife. Believing the situation may escalate to the point where he/she would have to use lethal force, Officer D deployed a shotgun.

- **Officer D – Second Occurrence**

Observing that the Subject was still pacing back and forth with what appeared to be a knife, Officer D believed that there was the potential for lethal force to be used. Believing that the buckshot shotgun was not the best option given his/her position near Officer B, Officer D placed the shotgun on the driver's seat of the police vehicle and transitioned to his/her pistol.

- **Officer G**

Officer G, the designated cover officer, unholstered his/her pistol as the arrest team moved forward. Officer G unholstered his/her pistol because he/she was unsure if the Subject was armed with another object.

The BOPC noted that the UOFRB assessed Officers A, B, C, D, and G's drawing and exhibiting of their firearms. Regarding Officer A, the UOFRB noted that he/she was the designated cover officer, while his/her partner, Officer B, was the designated less-lethal officer. At that time, the Subject was refusing to comply while armed with a knife. As such, the UOFRB opined that it was appropriate for him/her to draw and exhibit his/her pistol.

As it pertains to Officer D, the UOFRB noted that upon arriving at the scene, he/she initially exhibited a shotgun; however, when he/she assessed that his/her proximity to Officer B made the shotgun a less-than-ideal option, he/she transitioned to his/her pistol. The UOFRB opined that Officer D's initial deployment of the buckshot shotgun and transition to his/her pistol was appropriate and within Department guidelines.

As it concerns Officers B and C's decision to unholster their pistols after their respective less-lethal deployments were ineffective, the UOFRB noted that the Subject had increased his pace, running toward Officers A and C, while still armed with the knife. As such, the UOFRB opined that their decision to unholster was prudent, based on the Subject's actions.

The UOFRB also considered Officer C's decision to unholster his/her pistol after warning the employees to remain inside and to lock the door for their safety. The tactical situation had not been rendered safe at the point when Officer C unholstered a second time, and the UOFRB opined there was still a possibility the situation may escalate to the point where lethal force may be justified. The UOFRB did note that

Officer C quickly assessed there were multiple lethal cover officers and appropriately holstered his/her pistol.

Lastly, the UOFRB considered Officer G's unholstering as part of the arrest team and designated cover officer. Although the Subject was complying at that moment, he had yet to be searched for additional weapons and had remained non-compliant up to that point. Arrest team configurations, as trained by the Department, include a lethal cover officer, less-lethal officer, and handcuffing officer(s). The UOFRB opined that Officer G's actions conformed to Department-approved tactical training.

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

C. Less-Lethal Use of Force – 40mm LLL

- **Officer C** – One 40mm LLL sponge round from approximately 32 feet.

Officer C observed that the Subject was walking toward him/her and Officer A with what appeared to be a knife in his hand. Based on the Subject's actions, Officer C believed that he posed an immediate threat to the officers' safety. To prevent the Subject from harming them with the knife, Officer C discharged one sponge round from his/her 40mm LLL at the Subject's center mass; however, the Subject did not go down or drop the knife. According to the FID investigation, after being struck with Officer C's round, the Subject continued to advance toward Officers A and C.

- **Officer B** – One 40mm LLL sponge round from approximately 36 feet.

Officer B had observed the Subject pacing back and forth with a knife in his hand. Hoping that it would cause the Subject to drop the knife, Officer B gave him a UOF warning; however, he maintained possession of his weapon. Officer B subsequently observed the Subject running toward Officers A and C. He/she had observed that Officer C's 40mm LLL sponge round had failed to stop the Subject and was worried that he would stab Officer A. In response, he/she discharged one 40mm LLL sponge round at the Subject's navel area. Officer B estimated that the Subject was approximately five to six feet from Officers A and C when he/she discharged his/her round. Officer B observed that his/her round was ineffective.

The BOPC noted that the UOFRB assessed Officers B and C's less-lethal use of force. The UOFRB noted that despite repeated commands, reassurance that no harm would come to him, and warnings that force would be used if he did not comply, the Subject retained the knife in his right hand with the blade pointed forward and advanced toward Officers A and C. As it pertains to Officer C, the UOFRB noted that when he/she

discharged his/her 40mm LLL, the Subject was focused on and moving toward him/her (Officer C) and Officer A at a rapid pace. The UOFRB opined that the Subject's refusal to stop advancing while still holding the knife indicated he was an immediate threat to the officers' safety. Additionally, the Subject was within the recommended deployment range of the 40mm LLL when Officer C discharged the sponge round.

Regarding Officer B, the UOFRB noted that he/she discharged her 40mm LLL after assessing that Officer C's sponge round was ineffective and the Subject was rapidly advancing on Officers A and C. The UOFRB noted Officer B's statement that he/she feared for the safety of the officers and recognized the immediate threat the Subject posed to them. Based on the Subject's actions, the UOFRB opined that he posed an immediate threat to Officers A and C's safety. The UOFRB also noted that the Subject was within the recommended deployment range of the 40mm LLL when Officer B discharged his/her round.

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

D. Lethal Use of Force

Background – According to Officer A, he/she was cognizant of his/her background, which consisted of an unoccupied vehicle, wrought iron fence, and building with windows at the top. Per Officer A, he/she did not see any pedestrians in his/her background.

- **Officer A** – one pistol round from approximately 18 feet, in a north-westerly direction.

Observing the Subject sprinting toward Officer C and him/her with the knife blade pointed up, Officer A believed that he was committed to inflicting great bodily injury. As the Subject advanced on his/her position, Officer A moved back. Officer A had observed that the 40mm LLL sponge rounds were ineffective and believed that officers would not be able to discharge subsequent sponge rounds before the Subject closed the distance. In defense of his/her life, his/her partners' lives, and the people in the store, Officer A aimed at the Subject's center mass and discharged one round from his/her pistol from what he/she estimated was 10 to 15 feet. In response, the Subject flinched and dropped his cell phone, but maintained control of the knife. According to the FID investigation, the Subject had turned to his right approximately 90 degrees, exposing the left side of his body to Officer A when the OIS occurred.

The BOPC noted that the UOFRB assessed Officer A's lethal use of force. The UOFRB noted that during this incident, the Subject retained the knife and refused to follow commands despite being directed to do so in both English and Spanish. Officers A and

B also warned the Subject that force may be used that could result in his injury. The UOFRB also noted that according to Officer A, he/she believed that the Subject held a possible weapon in his left hand as well, which was later determined to be a cell phone. Despite Officer A's continued efforts to de-escalate the situation and obtain the Subject's surrender, the Subject chose to advance on Officers A and C. The Subject continued to charge at Officers A and C when two sponge rounds proved to be ineffective, coming to within 18 feet of them. Fearing for his/her safety, as well as the safety of the other officers and the community, Officer A discharged one bullet round from his/her pistol. Based on the totality of the circumstances, the UOFRB opined that it was reasonable for Officer A to believe the Subject posed an imminent deadly threat and that all reasonable efforts had been exhausted.

The BOPC noted that while articulating his/her justification for lethal use of force, Officer A stated that when he/she discharged his/her pistol, his/her perception was that the Subject was sprinting toward him/her. The BOPC also noted that based on the BWV footage, just before Officer A discharged his/her pistol, the Subject paused his forward momentum and turned to his right approximately 90 degrees, exposing the left side of his body to the officer. Based on the BOPC's assessment, the BOPC believed that in the time it took Officer A to perceive and react to the Subject's actions, his movement changed. As such, the BOPC believed that it was reasonable for Officer A to perceive that the Subject was still sprinting toward him/her and posed an imminent deadly threat when the OIS occurred.

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