

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

OFFICER-INVOLVED SHOOTING – 024-24

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

Olympic	5/2/24		
---------	--------	--	--

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

Officer A	6 years, 10 months
-----------	--------------------

Reason for Police Contact

Los Angeles County Department of Mental Health (DMH) personnel responded to a residence to conduct a crisis evaluation of the Subject. The Subject became violent, and DMH personnel called 911 and requested police assistance. Officers responded to the radio call. They met with the DMH personnel, who advised that they were placing the Subject on a 72-hour mental health hold because he was a danger to others. Through a door, the officers spoke to the Subject and attempted to have him submit to the hold, but he refused. When officers ultimately entered the apartment, the Subject was armed with a knife. Officers gave the Subject multiple commands, but he advanced toward them, resulting in an Officer-Involved Shooting (OIS).

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

Male, 40 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 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 investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC. The following incident was adjudicated by the BOPC on April 8, 2025.

Incident Summary

On May 1, 2024, Witness A contacted the LAPD Communications Division (CD) and reported that the Subject was at her residence, acting erratically. During the 911 call, Witness A mentioned that the Subject was diagnosed with mental health conditions and possibly under the influence of narcotics. Additionally, she advised CD that the Subject was not violent, had no weapons, and was not a danger to anyone.

In response to her call, CD dispatched an Unarmed Model of Crisis Response (UMCR) team to Witness A and Witness B's residence. The UMCR team spoke with Witness A telephonically, who advised that the Subject was declining services, and she requested information on who to contact for an involuntary hold. The UMCR team provided contact information for the LAPD System-wide Mental Assessment Response Team (SMART) and the Los Angeles County DMH Psychiatric Emergency Team (PET).

According to DMH Medical Caseworker, Witness C, on May 2, 2024, she and her partner, Psychiatric Social Worker, Witness D, received a "crisis evaluation" call.

According to Witness D, prior to arriving at Witness A and B's apartment building, he contacted Witness A telephonically to obtain additional information. Witness D explained that according to Witness A, the Subject had been suffering from mental health issues for 15 years. The Subject had visited their home the previous evening during which time his symptoms had deteriorated. The Subject became aggressive and kicked Witnesses A and B out of their apartment causing them to sleep in their car. In the morning, when Witness A tried to get back into her apartment, the Subject got upset and threatened to kill her if she tried to re-enter her home.

According to Witness D, during the phone call, Witness A additionally stated that the Subject had stopped taking his medication since the pandemic. Witness A believed the Subject had been taking narcotics for the last month, which were affecting his symptoms, and making him more aggressive.

At the apartment building, Witness D met with Witness B, who accompanied him and Witness C to his apartment. Witness B asked the Subject to open the door, but he refused.

According to Witness D, he introduced himself to the Subject and asked if he could help the Subject. To which the Subject replied, that if he [Witness D] came into the apartment he would shoot him. Witness B reassured Witness D that there was no gun in the apartment. When interviewed by Force Investigation Division (FID) investigators, Witness D stated that based on Witness B's assurance that there were no weapons inside the residence; he did not take the threat seriously. When Witness B unlocked the door and entered the apartment, Witness D followed.

The Subject yelled aggressively at Witness D and approached him with his arm raised ready to punch him. Witness D backed away, and Witness B grabbed and hugged the Subject. Witness D exited the apartment and called 911.

According to Witness D, a couple of minutes later, Witness B joined him on the driveway of the apartment and advised him that a physical altercation had occurred, but the Subject did not strike him [Witness B]. Witness C arranged for a private ambulance to transport the Subject to a hospital. Both Witnesses C and D stated that during their interaction with the Subject, they did not observe him with any weapons.

In response to Witness D's 911 call, CD broadcast, "Any Olympic unit with SMART, violent male with mental illness, [...], inside location with the LA County PET Team. Subject is client male Asian, 40 years, wearing black shirt and pants. Becoming aggressive toward the PET team members, it's Code Three."

Olympic Patrol Officers A and B accepted the radio call. Additionally, CD requested an Olympic supervisor to respond. Sergeant A advised he/she would respond. Officers A and B arrived at scene and placed themselves Code Six.

The officers met with Witnesses B and D, who were waiting on the sidewalk in front of the apartment building. Witness D advised the officers that when he attempted to speak to the Subject, he reacted aggressively and attempted to strike him. The Subject then had a physical altercation with Witness B as Witness D stepped away. Witness D told the officers that he was placing the Subject on a 72-hour hold and that a private ambulance was en route. Witness B advised the officers that the Subject was alone inside the apartment. When asked by Officer B if there were any weapons in the apartment, Witness B replied that he didn't believe there were. Officer B then asked if the Subject had made any threats to harm himself. Witness B replied that the Subject believed he was God or the devil and had said, that if he [Witness B] came into the apartment he would be, "out of this world."

Witness B then directed the officers to the interior stairway to Witnesses A and B's apartment, which was on the second-floor, and provided them with a key to the apartment's front door.

Based on the information they had received from Witnesses B and D, the officers planned to speak with the Subject and encourage him to leave with the private ambulance.

Officers A and B ascended the stairs and knocked on the front door of the apartment. Officer B identified themselves as police officers and requested that the Subject open the door. The Subject refused, then hit the door and stated that the officers could not enter the apartment as they were not invited. When Officer B stated that there were people outside that were concerned about him, the Subject replied, that Buddha stated that they were not officers and that if anyone came in Buddha said that he [the Subject] will kill them.

Officers A and B redeployed outside the apartment building and requested an additional unit. As they waited for the additional unit and supervisor, Officers A and B spoke with Witness B, who confirmed that the Subject did not reside with them at the apartment. Witness B disclosed to Officer B that the Subject had previously been placed on a 72-hour mental evaluation hold approximately five years earlier. Witness B advised that the Subject lived alone, was not taking his medication, and was using narcotics. While Witness B provided the information to Officer B, Officer A called MEU, and spoke with Police Officer C, assigned to the MEU triage desk. Officer C told Officer A that the Subject had five previous contacts with MEU, with the most recent occurring in 2019. Officer A did not receive details regarding the contacts and was advised that a MEU SMART unit was en route to their location.

Olympic Patrol Division Police Officers D and E, responded to the additional unit request and joined Officer B who briefed them as to the ongoing situation. Officers D and E asked Witness B if the Subject would answer his phone, and Witness B indicated that the Subject would not. Officer B asked Witness B if the Subject had fought with police in the past and Witness B indicated no.

Sergeant A arrived and was also briefed by Officer B as to the ongoing situation and the intention to place the Subject on a 72-hour hold. Sergeant A then spoke to both Witnesses C and D and verified they were placing the Subject on a hold and that a private ambulance was arriving shortly to take the Subject to hospital. Sergeant A told Witnesses C and D that he/she wanted to wait for the ambulance to arrive before approaching the Subject to avoid agitating him.

Sergeant A indicated he/she called the Olympic Patrol Division Watch Commander to advise him/her of the situation; however, there was no answer in the Watch Commander's Office. Sergeant A then called Olympic Patrol Division, Sergeant B, advised him/her on the situation, and sought advice.

Sergeant A then spoke to Witness B, who was at the front of the apartment building with Officers A, B, D, and E. Sergeant A asked Witness B if he would be willing to sign a private person's arrest form to have the Subject arrested for trespassing but informed him that doing so would prevent the Subject from going on a 72-hour hold. Witness B indicated that he wanted the Subject to be taken to a hospital. Sergeant A also warned Witness B that if the Subject refused to leave the apartment and they had to make entry to remove him forcibly, he may get hurt. Witness B stated that he understood.

According to Sergeant A, he/she hoped that he/she would be able to convince the Subject to come out of the apartment. He/she told the officers that they would approach and verbally contact the Subject and that his/her intent was not to open the apartment door until the private ambulance arrived. Sergeant A then assigned tactical roles. He/she reiterated that he/she would try to talk to the Subject and attempt to convince him to open the door.

Sergeant A, Officer D, and the rest of the team went to the front door. Sergeant A knocked on the door, identified himself/herself, and asked if he/she could speak to the Subject.

The Subject did not want to speak with Sergeant A and made comments that he had been killed multiple times and that he would not be killed again. Sergeant A attempted to reason with the Subject further, however, the Subject said, "Goodbye!" and a loud bang was heard at the door.

Sergeant A turned toward the officers and said that he/she believed that they would have a use of force with the Subject. Sergeant A explained that he/she wanted the officers to understand that they may need to "put hands on" when detaining the Subject. Sergeant A confirmed with the officers that the Subject did not live at the apartment and was advised that the parents had slept in their car the previous night. Sergeant A concluded that they would have to remove the Subject from the apartment, but they would wait until the ambulance arrived before doing so.

While waiting for the private ambulance, Sergeant A obtained a diagram of the apartment from Witness B and confirmed officers had the keys to the front door of the apartment. Officers F and G joined the officers at the scene and Sergeant A briefed them on the incident.

As the private ambulance arrived Sergeant A formulated a plan to make entry to the rear of the apartment. The plan was to enter and secure the kitchen first while Officer B contacted the Subject. The concern for Sergeant A was that the Subject may have access to potential weapons in the kitchen which was located toward the rear of the apartment.

Sergeant A allocated the following roles to the entry team: Officer B would be the Contact Officer; Officer A would be the Cover Officer/Arrest; Officer E would be 40 mm Less-Lethal Launcher; Officer D would be part of the arrest team; Officers F and G would be Containment; and Sergeant A would serve as Team Leader/Communications.

According to Officer A, he/she was initially designated as the cover officer; however, as they walked up the stairway, he/she believed that he/she told the team that he/she would be the contact officer, and that Officer B agreed to be cover. According to Officer B, he/she was the contact officer, had the apartment keys, and was going to open the door with Officer A remaining as cover officer. A review of BWV determined that there was no specific discussion regarding a change in roles.

Witness B provided Officer B with the keys to the rear door of the apartment while Officer F obtained the keys to the front door. Sergeant A and the team of officers then moved to the rear entrance on the east side of the apartment building, with Officers F and G maintaining a containment position on the middle landing of the stairway to the front door of the apartment.

Upon walking up the rear stairway and positioning themselves at the rear door, Officer A observed that the door appeared to be bolted from the inside. As this occurred, Police Officers H and I arrived at the front stairway and joined Officers F and G. Realizing there was no way to enter the apartment through the rear door, Sergeant A and the officers repositioned to the front stairway as Officers F, G, and I redeployed to the rear parking lot for containment.

The team positioned themselves on the stairway and landings leading to the front door. Officers A and B were in the lead on the top landing in front of the door, followed by Officer E, who was on the stairway leading to the top landing. Officer D and Sergeant A were positioned on the middle landing. Officer H joined as an additional officer for the arrest team and was positioned on the lower stairs below the middle landing. The stairway and landing to the front door was very narrow and cluttered.

Officer B used the key and unlocked both door locks. As he/she did so, Officer A announced their presence. As Officer B attempted to open the door, the Subject pushed the door closed. Officers A and B together, overcame the resistance and pushed the door open. As Officer A assisted Officer B in pushing the door open, Officers D and E moved up the stairs to the top landing, and Sergeant A moved up the stairs behind Officer D.

Upon pushing the door open, Officer A began unholstering his/her pistol and stepped into the apartment. As Officer A did so, he/she seated the pistol within the holster and secured the hood while stating, "Hey, hey, you're going to get shot." Simultaneously, the Subject took three shuffle steps back away from the door with his body bladed and his right hand extended toward the officers. The Subject was armed with a kitchen knife in his left hand, which he held in a reverse grip. The Subject then shuffled to his right (Officer A's left) as Officer A simultaneously backed up to the threshold of the door and unholstered his/her pistol.

As Officer A backed up, he/she told the Subject, "Hey, hey, hey, Drop it! Drop it!" Simultaneously, the Subject advanced toward Officer A with the knife still held in a reverse grip in his left hand. As the Subject continued to advance, he raised the knife to shoulder height with the blade pointed downward. Simultaneously, Officer A stepped back from the threshold of the door and ordered the Subject to drop the knife. Officer A fired his/her first round from an approximate distance of five feet, as he/she continued moving backward. After Officer A fired the first round, the Subject did not take another step forward; however, he remained armed with the knife in his left hand, bringing his left hand and arm across the front of his chest. Officer A continued backing up and fired a second round from an approximate distance of six feet. After the second round was fired, the Subject began to fall backward and rotate in a clockwise direction while holding the knife across his torso at rib level. Officer A stopped his/her rearward movement and fired his/her third and final round from an approximate distance of eight feet. After the Subject was struck by all three rounds, he fell back onto a couch and let go of the knife.

Simultaneous to the above-described actions, Officer B moved forward behind Officer A, who at that point had stepped into the apartment. Officer B stated, "Back up, Let me see your, turn around, turn around, turn around!" As Officer A began to back out of the apartment, Officer B backed away from the threshold and announced, that the Subject had a knife, and instructed the Subject to put the knife down. The OIS then occurred.

Round No. 1: According to Officer A, as the Subject advanced toward him/her, the Subject raised the knife to shoulder height, and he/she believed that if the Subject had lunged quickly, he could have reached him/her with the knife. The Subject was approximately four feet away and continued to advance toward him/her while armed with the knife in his left hand. Officer A did not believe he/she could move back any farther and, in fear for his/her life, fired a round.

The investigation determined that Officer A fired his/her first round from an approximate distance of five feet while moving backward.

Round No. 2: According to Officer A, as the Subject continued to advance toward him/her with the knife, he/she was still in fear of his/her life and fired his/her second round from a stationary position of approximately four feet.

The investigation determined that Officer A fired his/her second round from an approximate distance of six feet while moving backward.

Round No. 3: According to Officer A, after firing his/her second round, he/she assessed and determined the Subject was still holding the knife, the knife was still pointed at him/her, and the Subject remained a threat. Officer A fired his/her third and final round from a stationary position of approximately four to five feet.

A review of Officer A's BWV determined that the Subject began falling back after Officer A's second round. The investigation determined that Officer A fired his/her third round from an approximate distance of eight feet.

When asked by FID investigators if he/she had any other force options, Officer A stated, that he/she had no time to transition to other force options and that he/she met lethal force from the Subject with lethal force. Officer A believed he/she had no other options.

According to Officer B, upon pushing the door open, he/she observed the Subject in the living room armed with a knife approximately 6 to 10 feet from them. Officer B believed that the Subject was holding a large kitchen knife with an 8-inch blade in his left hand. Officer A then stepped in front of him/her, blocking his/her view as Officer B yelled that the Subject had a knife. As the officers then attempted to back up, Officer B initially believed he/she heard two gunshots.

Immediately after the OIS, the Subject remained on the couch. His left arm dropped to his side, and he released the knife. Officer A and the team of officers held their positions on the landing. Sergeant A broadcast, "Shots fired officer needs help." Then

immediately broadcast a request for an Rescue Ambulance (RA). Officers A and B formulated a plan to approach the Subject, secure the knife, and provide medical aid.

Officer A remained unholstered and moved into the apartment with the other officers. Officer B reached forward, removed the knife from the couch, and placed it on the dining room table. Officer D grabbed the Subject's left arm, lowered him onto the floor, and maintained him on his right side. Officers E and H then grabbed the Subject's right arm and assisted Officer D with handcuffing him.

The Subject remained in a right lateral recovery position, and Officers D and I searched him. Officers D, H, and I assessed the Subject for injuries and located three gunshot wounds to his torso. The officers monitored the Subject's pulse and breathing as Officer H obtained a piece of cloth from the couch and used it to apply direct pressure on the Subject's chest wounds.

LAFD firefighters/Emergency Medical Technicians (EMTs) arrived at the apartment and assumed medical care of the Subject. They determined that the Subject did not have a pulse and was not breathing, and they began CPR. Approximately three and a half minutes later, an additional LAFD RA arrived. These additional LAFD Firefighter/Paramedics (FF/PM) assumed care of the Subject, and assessed the Subject. These Firefighter/Paramedics determined the Subject to be deceased at the scene.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	No	Yes	Yes
Officer B	Yes	Yes	No	Yes	Yes
Sergeant A	Yes	Yes	Yes	N/a	N/a

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

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

B. Drawing/Exhibiting

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

C. 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 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/Assessment – Officers A and B met with DMH personnel to obtain information about the Subject and formulate a plan of approach. After the officers' first attempt to contact the Subject, they requested an additional unit and a supervisor and contacted MEU for the Subject's previous history. During the officers' conversations with Witness B, he provided them with information about the Subject's behavior during previous police contacts and added that the Subject was not currently armed.

When Sergeant A arrived, he/she was briefed by Officer B and DMH personnel. Sergeant A formulated a plan, assigned tactical roles, and ensured a private ambulance was responding. Sergeant A and his/her team approached the apartment door to speak with the Subject and have him exit the apartment peacefully. The Subject still refused to open the door prompting the officers to redeploy to the outside of the apartment building. Sergeant A received a description of the apartment's layout from Witness B, along with keys to the apartment and decided not to enter the apartment until the private ambulance arrived. Additional officers arrived, and Sergeant A formulated a plan to contain the apartment and enter from the rear door, which was adjacent to the kitchen, to prevent the Subject from accessing a kitchen knife. Officers attempted to enter the rear door but were unable to gain access forcing them to modify their previous plan and enter through the front door.

Time/Redeployment and/or Containment – Throughout the incident, officers utilized time as they made multiple attempts to verbally contact the Subject and gain voluntary compliance in an effort to resolve the incident without an application of force. Officers redeployed away from the apartment door after two unsuccessful attempts to gain the Subject's compliance. Upon the Subject's refusal to submit to the mental evaluation, officers contained the apartment and formulated a tactical plan with designated roles. When the determination was made to open the apartment door, they discovered the Subject armed with a kitchen knife. The Subject's body was bladed as he held the knife in a reverse grip and advanced toward the officers. Officers A and B redeployed backward, away from the Subject, who did not drop the knife, and an OIS occurred.

Other Resources – Upon the officers' arrival, DMH personnel were at scene and requested officers' help to facilitate a 72-hour hold. Officer A contacted the MEU triage desk, obtained a history of the Subject's contacts with MEU and was informed a SMART unit was en route. Shortly thereafter, the SMART unit arrived and stood by to lend assistance to the officers if their help was requested. Officers contacted Witness B as a resource for information on the Subject, the apartment's layout, and to obtain keys to the apartment. Additional units were requested at the onset of the incident to assist with the investigation as well as units which responded as a result of the help call. An LAFD RA responded after the OIS to provide medical aid.

Lines of Communication – Throughout this incident, Officers A and B and Sergeant A made multiple attempts to communicate with the Subject to gain voluntary compliance; however, he dismissed them and refused to engage in conversation. While at scene, Sergeant A communicated with Witness B in order to gain more situational awareness and continued to communicate with the officers regarding the tactical plan as the incident evolved.

Upon entering the apartment, Officers A and B assessed the Subject was armed with a kitchen knife and was within approximately eight feet of them causing them to redeploy in order to create distance. Officer A issued a warning to the Subject that he was going to get shot as he/she unholstered his/her service pistol and issued commands for the Subject to drop the knife. Officer A assessed the Subject held the knife in a reverse grip, at shoulder height, as he closed the distance toward Officer A, resulting in an OIS.

During the review of the incident, the following Debriefing Topic was noted:

Contact and Cover

Officers A and B were the primary unit assigned to assist the Los Angeles County DMH PET with the Subject, who was believed to be having a mental health crisis. Witnesses A and B had slept the previous night in their car because they did not feel safe in the apartment with the Subject. When the Psychiatric Social Worker, Witness D, entered the apartment to conduct an evaluation, the Subject approached Witness D with his arm raised and his hand clenched, ready to punch him. When Officers A and B first contacted the Subject, he stated, "If anybody comes in Buddha, I kill them, Buddha says."

When formalizing the plan to enter the apartment and detain the Subject, consideration was given to the fact that the Subject would have access to knives from the kitchen. The Subject had already shown a propensity for violence, and it was anticipated that it may require a use of force to detain him. As the officers initially moved forward to open the door to the apartment and contact the Subject, Officer B was appointed the contact officer, and Officer A the cover officer.

According to Officer A, he/she was initially designated as the cover officer; however, as they walked up the stairway, he/she stated that he/she believed he/she told the team that he/she [Officer A] would be contact, and Officer B agreed to be cover. A review of BWV determined that no such discussion took place. According to Officer B, he/she was the contact officer, had the keys, and was going to open the door with Officer A remaining as cover officer.

As the door opened, Officer B immediately observed the Subject in possession of the knife. With no communication to his/her partner as to his/her intentions, Officer A left cover, stepped in front of Officer B, and crossed the threshold of the front door into the apartment as he/she contacted the Subject. According to Officer A, after he/she had committed himself/herself into the apartment, he/she observed the Subject with the knife, who was now directly in front of him/her.

By leaving the cover of the door, stepping in front of Officer B, and entering the apartment, Officer A placed himself/herself at a tactical disadvantage and limited his/her and Officer B's options and ability to de-escalate the situation. Officer B, as the contact officer, opened the door and immediately saw the Subject with the knife before Officer A stepped in front of him/her and entered the apartment. Had Officer A not committed into the apartment and held at the threshold of the door as the cover officer, he/she could have given himself/herself and Officer B more time to de-escalate the situation and more options, at the least, to close the apartment door, redeploy, and call for Special Weapons and Tactics (SWAT), which has a specially trained Crisis Negotiations Team (CNT) as part of their regular deployment capabilities.

Based on the totality of the circumstances the BOPC determined that Officer A's actions were a substantial deviation from Department approved tactical training without justification. Therefore, the BOPC found Officer A's tactics to warrant a finding of Administrative Disapproval.

Command and Control

- Sergeant A arrived at scene and was briefed by Officer B. Officer B advised Sergeant A that the Subject was refusing to let anyone inside the apartment and had threatened to hurt anyone who tried to enter. Sergeant A interpreted this statement to mean that the Subject was not going to comply with their commands, which, based on his/her experience, would likely result in the officers having to use force. Sergeant A then spoke with DMH, verified they were placing the Subject on a hold, and that a private ambulance was on the way. Sergeant A advised he/she wanted to wait for the ambulance to arrive before approaching the Subject to avoid agitating him. Sergeant A, who was in his/her first Deployment Period as a Sergeant, indicated he/she then attempted to call the Olympic Patrol Division Watch Commander, Sergeant C, to advise him/her of the situation; however, there was no answer. He/she then called Olympic Patrol Division Sergeant B, to notify him/her of the situation and seek advice.

Sergeant A spoke with Witness B and explained the possibility of force being used in the attempt to get the Subject out of the apartment and asked if he would be willing to sign a private person's arrest form to have the Subject arrested for trespassing. Sergeant A informed Witness B that doing so would prevent the Subject from being placed on a 72-hour hold. Witness B indicated he did not want the Subject arrested but rather taken to hospital for an evaluation.

Sergeant A informed officers they would approach the apartment and verbally contact the Subject, and the intent was not to open the apartment door until the private ambulance arrived. He/she then assigned tactical roles, and the team made their approach. Sergeant A knocked on the apartment door, identified himself/herself, and asked if he/she could speak with the Subject. The Subject refused and began to talk to himself through the door. Sergeant A then turned toward the officers and acknowledged force would be a likely outcome in order to prepare them for contingencies. Sergeant A and the officers then redeployed outside the apartment building and proceeded to inspect the rear entrance door of the apartment. Sergeant A proceeded to speak with Witness B and was able to obtain additional information regarding the layout of the apartment.

Sergeant A called Sergeant B again and advised Sergeant B they were going to enter the apartment because he/she had attempted to speak with the Subject, he was hearing things, and he did not reside in the apartment subsequently causing Witnesses A and B to sleep in their car as the Subject occupied the apartment. Sergeant A additionally advised a 72-hour hold was written and they had a tactical plan. After this conversation, Sergeant A stated he/she believed this information was being relayed to the Watch Commander; however, Sergeant B stated he/she never advised the Watch Commander nor was it part of his/her conversation with Sergeant A that he/she would make such a notification.

When officers made entry and subsequently became involved in the OIS, Sergeant A broadcast that shots had been fired and the officers needed help. After the officers took the Subject into custody, Sergeant A advised Officers A and E to conduct a protective sweep of the apartment.

Sergeant B responded to the scene, began to monitor Officer A, and obtained a Public Safety Statement (PSS) from Officers A and B.

Sergeant C responded to the scene, assumed the role of Incident Commander (IC), and began delegating tasks. Sergeant C ensured all involved officers were separated and monitored, the PSSs were being conducted and established a Command Post (CP).

Regarding Sergeant A's comment about the officers having to use force, the UOFRB noted they felt this was a reasonable statement based on Sergeant A's training and experience. The UOFRB opined this statement was simply him/her verbalizing

his/her thoughts and preparing the officers for the possibility they might have to use force when they open the apartment door and take the Subject into custody.

The UOFRB noted there was a consideration to tactically disengage but agreed the incident did not meet the requirements for a tactical disengagement because the Subject did not reside at the apartment, became aggressive with Witnesses A and B, kicked them out of the apartment, displaced them and was therefore a danger to others and trespassing. The UOFRB acknowledged Sergeant A was thoughtful, immensely patient, flexible, and awaited all necessary resources prior to opening the apartment door.

The UOFRB determined, and the BOPC concurred, the overall actions of Sergeants A, B, and C were consistent with Department training and the BOPC's expectations of supervisors during a critical incident.

B. Drawing/Exhibiting

Officer A (Service Pistol)

First Occurrence

Upon entering the apartment, Officer A observed the Subject was armed with a kitchen knife in his left hand, which he held in a reverse grip. Officer A warned the Subject that he would be shot and gave him commands to drop the knife. Simultaneously, Officer A backed up to the threshold of the door and unholstered his/her service pistol. According to Officer A, he/she unholstered his/her service pistol because the Subject was armed with a knife, which could cause serious bodily injury or death.

Second Occurrence

Once the Subject was handcuffed, Officer A holstered his/her service pistol. Sergeant A then directed officers to conduct a protective sweep of the apartment. Officer A unholstered his/her service pistol and cleared the apartment with Officer E. According to Officer A, he/she unholstered his/her service pistol a second time because there could be an additional person armed with a knife.

The UOFRB assessed Officer A's drawing of his/her service pistol. The UOFRB noted when Officer A opened the door to the apartment, he/she observed the Subject armed with a knife within approximately eight feet of him/her. Officer A issued a warning to the Subject that he/she was going to get shot and ordered him to drop the knife; however, he continued to hold the knife in a reverse grip. Based on the Subject's actions, the UOFRB felt it was reasonable for Officer A to believe the situation had escalated to where deadly force may be necessary.

Regarding Officer A's second drawing of his/her service pistol, the UOFRB noted after the Subject was handcuffed, Officer A unholstered a second time when he/she was directed by Sergeant A to conduct a protective sweep of the apartment. Based on Officer A's belief that there could have been another person in the apartment who could have posed a deadly threat, the UOFRB felt it was reasonable for Officer A to believe the situation could have escalated to where deadly force may be necessary.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, an officer with similar training and experience as Officer A would reasonably believe the situation had escalated to where deadly force may be justified. Therefore, the BOPC found both instances of Officer A's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

- **Officer A** – Semiautomatic pistol, three rounds in an easterly direction from an approximate increasing distance of five to eight feet.

Round One: According to Officer A, upon entering the apartment, he/she observed the Subject armed with a knife in his left hand, which was held in a reverse grip. Officer A warned the Subject that he was going to be shot and ordered him to drop the knife while backing out of the apartment to create distance. The Subject began moving toward him/her and Officer A felt he/she could not maneuver further due to the limited space on the stairwell landing. As the Subject advanced toward Officer A, he raised the knife to shoulder height and Officer A believed that if the Subject had lunged quickly, he could have reached him/her with the knife. Officer A believed the Subject to be approximately four feet away and the Subject continued to advance toward him/her while armed with a knife in his left hand. In response to the Subject's actions, Officer A discharged one round from his/her service pistol from an approximate distance of five feet while moving backward. According to Officer A, he/she was in fear for his/her life and believed he/she could not move back any further.

Round Two: According to Officer A, as the Subject continued to advance toward him/her with the knife, he/she discharged a second round from his/her service pistol from an approximate distance of six feet while moving backward. Officer A stated the Subject still maintained possession of the knife, which caused him/her to fear for his/her life.

Round Three: According to Officer A, after discharging his/her second round, he/she assessed and recognized the Subject was still holding the knife pointed at him/her and remained a threat. Officer A discharged a third round from an approximate distance of eight feet.

The UOFRB assessed Officer A's use of lethal force. The UOFRB noted that upon entering the apartment, Officer A observed the Subject armed with a knife. Officer A then warned the Subject that he was going to get shot and issued commands for him to drop the knife; however, he did not comply. The UOFRB noted the Subject began to walk toward Officer A as he/she tried to redeploy. Due to the stairwell landing measuring approximately 2 ½ feet by 7 feet, Officer A was unable to deploy any further and was therefore forced to defend himself/herself from an imminent threat in a confined space.

The UOFRB additionally recognized the distance of five feet is uncomfortably close and leaves an officer vulnerable to a deadly attack from an edged weapon. The UOFRB opined the Subject had the present ability to close the distance between himself and Officer A quickly, causing Officer A to react by discharging three rounds. Therefore, based upon the Subject's actions, it was reasonable for Officer A to believe the Subject posed an imminent deadly threat to Officer A and his/her lethal force was objectively reasonable, proportional, and necessary in defense of his/her life.

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