

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

**OFFICER-INVOLVED SHOOTING 027-23**

**Division**                      **Date**                      **Duty-On (X) Off ( )**      **Uniform-Yes (X) No()**

Central                      6/25/23

**Officer(s) Involved in Use of Force**                      **Length of Service**

Officer A                      9 months

**Reason for Police Contact**

Officers responded to a “415 Man with a knife” radio call at a hotel. Officers arrived at the scene and entered the hotel lobby through the front entrance. Once inside, officers contacted the Subject, who removed a fixed-blade knife from his sweatshirt pocket. Officers ordered the Subject to drop the knife, but he did not comply. The Subject advanced toward an officer, while holding the knife in his hand, resulting in an Officer-Involved Shooting (OIS)

**Suspect**                      **Deceased ( )**      **Wounded (X)**      **Non-Hit ( )**

Male, 39 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 suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; 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 May 6, 2024.

## **Incident Summary**

On Sunday, June 25, 2023, at approximately 0325 hours, Witness A was working as a parking valet at a hotel located in the city of Los Angeles. He observed the Subject, enter the hotel's valet parking area.

Witness A approached the Subject and informed him that he was not allowed to be in the parking area and needed to leave the premises. Witness A described the Subject's demeanor as weird and noted that he was sweating profusely and grasping an unknown object that was concealed in his sweatshirt pocket. Witness A walked into the lobby and contacted the hotel manager, Witness B, who was working behind the front desk. As he did so, the Subject followed him into the lobby. Witness A directed Witness B to call the hotel security guard. Witness A repeated his request for the Subject to leave the premises, but he refused.

Witness B requested the hotel security officer, Witness C, over the hotel handheld radio, and he responded to the lobby. Witnesses B and C both stated that the Subject appeared to be under the influence of an unknown substance. According to Witness C, he was standing approximately four feet away from the Subject when he removed a knife from his pocket. Witness C then called 911 and reported the incident.

At approximately 0336:34 hours, Communications Division (CD) broadcast, "Central Units, ADW Suspect there now, [...] hotel front desk. Suspect, Male, White, armed with a long black knife, threatened staff. Code Three, Incident 701, RD 128. Central Unit to handle identify."

Officers A and B, advised CD that they would handle the call and responded to the location Code-Three.

While en route to the hotel, Officers A and B discussed various tactics and how they would handle the radio call. Their tactics would be based on whether the Subject was still at the location or if he had fled. As captured on BWV, the officers discussed the possibility that all three radio calls were related and whether the Subject may meet the criteria for Welfare and Institutions Code (WIC) 5150. As they neared the location, Officer A reviewed the comments of the radio call via his/her Mobile Digital Computer (MDC) and read them to Officer B.

At the time of this incident, Officer B was Officer A's Field Training Officer (FTO) and they were assigned as partners for approximately three weeks. According to the officers, they have debriefed radio calls assigned to them and had prior discussions about tactics including contact/cover responsibilities, command and control, de-escalation, radio calls involving persons with mental illness, and lethal/less-lethal options.

As Officers A and B arrived at the location, they observed Witness C standing on the sidewalk in front of the hotel. Witness C advised the officers that the Subject was inside

the hotel and was armed with a knife. As the officers exited their vehicle, Officer A asked Officer B if he/she wanted the "40" (40mm less-lethal launcher). Officer B replied, "No, get your gun."

According to Officer B, he/she was very familiar with the hotel and had concerns with the deployment of the 40mm less-lethal launcher (LLL).

Officer B planned to arrive at the scene and request additional units if necessary. He/she would then request the additional officers to carry non-lethal options, such as a 40mm LLL.

According to Officer A, as he was exiting his/her vehicle he/she could see a hotel member of staff behind the front desk looking at him/her and pointing in the direction of the Subject. At that point he/she felt the need for urgency.

As Officers A and B approached the front entrance of the hotel, their Digital In-Car Video (DICV) captured both officers unholster their pistols. Both officers explained that they unholstered because they believed that the situation could escalate to the point where deadly force may be required

Witness C entered the hotel lobby, followed by Officers A and B. Both officers observed a hotel employee (Witness B) standing behind the front desk and feared for his/her safety. Officer B said he/she was very familiar with the hotel and knew it was currently open for business. He/she believed there was a possibility that hotel guests could encounter the Subject. He/she was focused on the safety of the citizens inside the lobby as well as the guests inside the hotel.

Officers A and B located the Subject who was standing near the west side of the lobby. Both officers observed a knife handle protruding from the Subject's right sweatshirt pocket. Officer B sought cover behind a wall just west of the entrance and began communicating with the Subject. As captured on BWV, Officer B told the Subject, "Hey, put the knife down." Officer A then ordered the Subject to "Drop the knife. Take the knife out of your pocket and drop it on the floor."

According to Officer A, he/she gave that command to the Subject because he/she wanted to disarm him and de-escalate the situation, so he could be taken into custody without incident.

According to Officer A, he/she assessed the area for cover and explained, "The only thing that was available to cover on the right side was a wall, but even then, you wouldn't be able to have a good visual being behind that wall because of the angle of the wall, and then just east of being behind me, there was like a little desk, but the desk only had one way to get into. So, you're kind of just cornering yourself in there."

According to Officer B, he/she did not want the Subject to reach for the knife because he/she feared it could escalate the situation. Therefore, Officer B interjected and yelled

to the Subject, "No, no, no. Face the wall." Officer B simultaneously pointed in the Subject's direction with his/her left index finger and made a circular motion with his/her finger, motioning for him to turn around. The Subject did not comply with either officer's commands.

Officer B positioned himself/herself near the café wall between him/her and the Subject. Officer A positioned himself/herself near the front counter just to the left of Officer B's location. Witnesses A and C walked to the rear of the officers as the Subject paced back and forth near the café area.

Officer B continued giving commands to the Subject and ordered him to face the wall multiple times, but he did not comply. Instead, the Subject replied, "You don't have guns. You got flashlights." According to Officer B, the Subject had a blank stare and appeared as if he was not listening to his/her commands. The Subject's demeanor caused Officer B to form the opinion that he was either under the influence of narcotics or had a mental illness.

The Subject told Officers A and B that they were not "Cops" and reached into his right sweatshirt pocket with his right hand. As he did so, the Subject was still holding his cellular phone in his left hand. Officer B began giving commands to the Subject, Officer B directed Officer A to request a backup.

Officer A retrieved his/her radio with his/her left hand and requested a backup. Unbeknownst to Officer A, CD did not hear his/her transmission due to radio traffic. Simultaneously, the Subject began sidestepping in a southerly direction and stated, "You're not cops." As he did so, the Subject started moving his right hand, which remained in his sweatshirt pocket.

Officer B continued verbalizing with the Subject and ordered him not to reach for the knife. As captured on BWV, the Subject removed a knife from his sweatshirt pocket and flicked it to his side as he looked in Officer B's direction. The Subject held the knife in his right hand and began walking in an easterly direction toward the officers. Officer B backed away from the Subject in a northeasterly direction and ordered the Subject not to reach for the knife multiple times. The Subject then walked toward Officer B while holding the knife in his right hand.

Nearly simultaneously, Officer A backed up in an easterly direction and placed his/her radio into its holster. He/she then transitioned his/her pistol back into a two-hand shooting position with the muzzle pointed toward the Subject. Officer A ordered the Subject to "Drop the knife right now!"

The Subject replied, "Do it! It ain't a real damn gun!" and began looking back and forth between Officers A and B.

According to Officer B, "In that time, the suspect did walk towards me. I knew I had enough space behind me. So, I stepped back. He was not charging at me. So that's the reason why I didn't initially shoot. He moved back closer -- no, he moved back

towards the glass doors away from me, and during that time, I noticed that he was looking back and forth between my partner and me, and I had the suspicion that he was possibly thinking of charging one of us.”

Although Officer B directed Officer A to request a backup, he/she did not hear Officer A’s broadcast over Central Frequency. Officer B retrieved his/her radio with his/her left hand and requested a backup for a “415 man with a knife.”

As Officer B was broadcasting the backup request, the Subject directed his attention toward Officer A. Officer A ordered the Subject to drop the knife, but he did not comply. According to Officer A, “And he started taking a couple steps towards my partner, and I put out a backup call which was stepped on. It ended - - it didn’t go through, and my partner then, I guess, noticed that the backup call didn’t go through so he/she put out a backup call himself/herself. At that point, the suspect focused on me, and he started - - with a blank stare started staring at me and closing the distance towards me. I was telling him to stop as I was trying to redeploy to get some type of cover or redeploy to get me some time or some distance. I was telling him to take the knife out continuously, drop it on the ground, and he didn’t.”

Officer A knew there was a desk behind him but did not think it was sufficient for cover. Officer A was concerned that if he/she continued redeploying backward, he/she could potentially trip and fall over an object and be overtaken by the Subject. He/she also feared running out of space and being cornered with his/her back against a wall.

Officer A was cognizant that the doors to the valet entrance were also behind him/her but did not want to exit through the doors. Officer A was concerned about the safety of passersby and feared that if he/she backed up through the valet doors, his/her back could be exposed to other possible dangers.

At 0343:25 hours, as captured on BWV, the Subject began running toward Officer A while holding a knife in his right hand.

In fear for his/her safety, Officer A fired two rounds at the Subject in a westerly direction from an approximate decreasing distance of 15 feet to 13 feet. The Subject was struck by the gunfire and fell forward onto the floor. He landed on his hands and knees, with his head facing in a southeasterly direction. During the fall, the Subject dropped his knife, which landed on the floor southeast of his body.

According to Officer A, he/she assessed after firing his/her first shot and determined that the Subject was not down and still armed with the knife; therefore, he/she fired one additional round. Officer A stated that he/she was aiming at the Subject’s center mass when he/she fired both rounds

When asked if he/she considered less-lethal options, Officer A stated that he/she did not believe his/her collapsible baton, OC Spray, or the TASER were feasible options. According to Officer A, he/she would have to get too close to the Subject to utilize

his/her collapsible baton, and he/she felt he/she was too far away from the Subject for the OC Spray to be effective. Additionally, due to the Subject's "altered mental state" and the fact that the Subject was wearing a sweatshirt, Officer A believed the TASER would also be ineffective.

As captured on BWV, the Subject placed his cellular phone onto the floor and raised his upper body. While sitting on both knees, the Subject placed both of his hands near his abdomen area. Officer B then ordered the Subject to get on the ground. The Subject placed both of his hands on the floor in front of him; however, remained on his hands and knees and began moaning. Officer B retrieved his/her radio with his/her left hand. As he/she did so, Officer B held his/her pistol in his/her right hand with the muzzle pointed toward the Subject.

Officer B broadcast, "1A29, shots fired, officer needs help." Officers A and B both repeated their commands for the Subject to get onto the ground. The Subject placed both of his elbows/forearms onto the floor but remained on his knees. Officers A and B held the Subject at gunpoint and continued to verbalize with him as they waited for additional resources to arrive.

Multiple units responded to the incident, including the following Central Patrol Division uniformed personnel: Officers C, D, E, F, G, H, I, J, K, L and Sergeants A, B and C. As they waited for additional resources to arrive at the scene, Officers A and B communicated with one another. Officer B verified that Officer A was okay and directed him/her to continue giving commands to the Subject. Officer B broadcast to CD and advised the responding units that the Subject was down, but not in custody.

Officer A ordered the Subject to lay on his stomach and put his arms out to his sides multiple times, but he remained non-compliant.

Officers C, D, E, and F arrived at the scene, followed by Officers G and H. The officers established containment around the Subject, which included intermediate force options. As officers arrived at the scene, Officer B directed them to don protective gloves and began forming an arrest team. The arrest team consisted of Officers A (lethal), Officer E (TASER), Officer F, Officers C and D (handcuffing). Officer B advised the arrest team that he/she would kick the knife away from the Subject's position.

Officer B directed the arrest team to approach the Subject. Officer F handcuffed the Subject, then placed him onto his left side, into the recovery position, and immediately began rendering medical aid to him. Officer C lifted the Subject's shirt and identified a gunshot wound on the Subject's torso. Officer C applied direct pressure to the wound, while Officer D retrieved a medical kit from his/her vehicle.

Officer B continued implementing command and control over the scene and directed arriving officers to secure the crime. Officer I requested an RA via his/her police radio.

A Los Angeles Fire Department (LAFD) RA, Firefighter/Paramedics (FF/PP) arrived at scene and treated the Subject. The Subject was placed onto a gurney by officers and paramedics and transported to hospital.

**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	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes

**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 Officers A and B’s tactics to warrant a finding of Tactical Debrief.

**B. Drawing/Exhibiting**

The BOPC found Officers A and B’s Drawing/Exhibiting 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** – At the time of the incident, Officer B was Officer A's Field Training Officer (FTO) and they had been assigned partners for approximately three weeks. They had discussions regarding their tactics, contact/cover roles, command and control, de-escalation, radio calls involving persons with mental illness and lethal/less-lethal options. In addition, they debriefed every radio call they had together. While enroute to the hotel, Officers A and B discussed various tactics and how they would handle the radio call. Their tactics would be based on whether the Subject was still at the location or if he had fled. Officer B advised A that if he was still at scene, they would place the Subject in a position of disadvantage and immediately detain him. They would then speak with the witnesses to determine if a crime had occurred or if the Subject met the criteria for a 5150 hold. They also discussed the probability of the Subject being the source of two previous radio calls where they were unable to locate the Person Reporting (PR).

As Officers A and B exited their vehicle, Officer A asked Officer B if he/she wanted the "40" (40mm LLL). Officer B told him/her not to deploy the 40mm LLL. Officer B articulated his/her reasoning for this decision explaining he/she was familiar with the layout of the hotel lobby from past radio calls at the location. Officer B was aware the hotel lobby had limited cover options and space to work, which would be challenging with an armed suspect. Despite these limitations, he/she believed they needed to immediately enter the hotel lobby to ensure the safety of hotel employees and guests from the danger of an armed suspect. Officer B knew the lack of cover and space would limit the time available to them to react, should the Subject attack them. Officers A and B believed deploying the 40mm LLL would impede their ability

to defend themselves should it become necessary. Additionally, Officer B stated should they have attempted to take the Subject into custody with the 40mm LLL slung on their person, the weapon would have been an encumbrance and could have provided an opportunity for the Subject to access a weapon system, should he have chosen to resist at that time.

Officer B also stated he/she and Officer A had a previously discussed a plan regarding deploying the 40mm LLL when they had no additional resources at scene. he/she stated they had other intermediate force options with them if needed, such as the TASER, and they would assign an additional unit to deploy a 40mm LLL if needed.

The UOFRB assessed Officers A and B's reasoning and decision not to deploy a 40mm LLL. In their assessment, The UOFRB considered the goal of Communications Divisional Order No. 2, Edged Weapon Protocol, which is to pre-position resources at calls for service, so officers have a wide tactical choice of less-lethal options when arriving on scene. The UOFRB noted there is no Department policy requiring officers deploy a 40mm LLL. Instead, the decision is left to the responding officers based upon their assessment of the situation. The UOFRB discussed the Department's de-escalation policy does not require officers place themselves at a tactical disadvantage or in increased danger to attempt de-escalation efforts. The UOFRB found Officers A and B's assessment that the deployment of the 40mm LLL could have caused them to be at more of a disadvantage in this situation to be reasonable. The UOFRB also noted Officers A and B had other intermediate force options available to them but were unable to use them because of the Subject's actions. The UOFRB opined Officer A and B's decision not to deploy the 40mm LLL was reasonable in this situation; however, the BOPC would have preferred that Officer A or B brought the 40mm LLL with them into the hotel lobby. The weapon system could have been slung on the officer's person, adding to their available less-lethal options, while still being able to access their service pistols.

**Assessment** – Officer B began his/her assessment while responding to the radio call. Being familiar with the hotel lobby, Officer B was aware of the layout and knew it was a confined space with limited cover. As such, Officer B assessed both he/she and his/her partner would have lethal options and less lethal would be designated to a responding unit. As Officers A and B arrived, they assessed the layout of the hotel lobby, the location of hotel employees and the accessibility of the lobby to hotel guests. The assessment led Officer B to determine the Subject had unrestricted access to possible victims and the need to take immediate action outweighed waiting for additional resources. They observed a knife handle protruding from the Subject's right sweatshirt pocket and maintained their distance from him as they gave him commands. Officers A and B continued to assess as the Subject ignored their commands and noted he had a blank stare. The Subject made statements telling the officers they had flashlights and not guns and were not cops. Their

assessment led them to believe the Subject was either under the influence of narcotics or had a mental illness.

**Time, Redeployment and/or Containment** – As Officers A and B arrived at scene, hotel staff directed them to the Subject. The officers made the decision to enter the lobby to take the Subject into custody, as he was armed with a knife in a hotel lobby and wanted to protect hotel employees and guests. Both Officers A and B utilized the limited cover and distance available to them to provide themselves with as much time as possible to react to the Subject's movements. Officers A and B triangulated on the Subject to contain him to one portion of the lobby and keep him away from the hotel employees. Officer B redeployed by stepping back as the Subject walked towards him/her. Officer A began redeploying by stepping back; however, he/she was concerned he/she would run out of space and be cornered against a wall.

**Other Resources** – Officers A and B broadcast a backup for a "415 man with a knife," as the Subject was not complying with their commands. The UOFRB noted Officers A and B had limited time to broadcast a request for resources due to the Subject's actions; however, the UOFRB opined their backup requests could have included a request for a beanbag shotgun or a 40mm LLL. Doing so would have allowed those resources to be more readily available had the Subject's actions allowed time for their use.

After the OIS, Officer B broadcast a help call and coordinated responding units to form an arrest team.

**Lines of Communication** – Both Officers A and B attempted to communicate with the Subject. They each gave clear, concise commands to gain compliance from the Subject. When their commands were ineffective, Officer A requested a backup. Due to radio traffic, CD did not receive Officer A's broadcast. Officer B realized the broadcast was not received and broadcast a backup request. Officer B clearly communicated with responding officers and delegated tasks to the arrest team.

### **Additional Tactical Debrief Topics**

**Tactical Communication** – Officer A initially gave the Subject commands to take the knife out of his pocket and drop it on the floor. Alternatively, Officer A should have ordered the Subject to turn away from them and place his hands on his head, as Officer B ordered him to do; preventing the Subject from taking the knife into his hand.

**Preservation of Evidence** – As the arrest team approached the Subject, Officer B kicked the knife away from the Subject in a southerly direction. Officer B kicked the knife to prevent the Subject from rearming himself to avoid an additional OIS.

## **Command and Control**

Prior to a supervisor arriving on scene, Officer B took command and control of the incident. He/she directed Officer A to continue giving commands to the Subject. When additional officers arrived, Officer B directed them to don protective gloves and began assigning roles for an arrest team. Once the arrest team was formed, Officer B acted as team leader and moved the team forward, taking the Subject into custody without further incident. Officer B then immediately ensured an RA was responding and began directing officers to secure the scene and contact witnesses.

At 0345:53 hours, Sergeant A was the first supervisor to arrive at scene. He/she gathered initial incident information and verified an RA had been requested. Sergeant A instructed officers to secure the crime scene and ensured the involved officers were separated and monitored. Public Safety Statements were gathered by Sergeant B. Sergeant D, Central Patrol Division Watch Commander, arrived at scene and declared himself/herself IC. Captain A, Central Area, notified the Department Operations Center (DOC) of the OIS.

The UOFRB assessed Sergeant A's command and control. The UOFRB noted Sergeant A was the first supervisor to arrive at scene; however, he/she did not declare himself/herself as the IC.

The BOPC determined the overall actions of Sergeants A, B and D were consistent with Department training.

## **B. Drawing/Exhibiting**

### **Officer A**

As Officer A was entering the lobby, he/she unholstered his/her service pistol. Officer A believed the situation may escalate to where deadly force might be needed because the Subject was armed with a knife.

### **Officer B**

The hotel staff directed Officer B to the Subject. The radio call stated the Subject was armed with a knife. Believing the situation could rise where deadly force could be justified, Officer B unholstered his/her service pistol.

The UOFRB assessed Officers A and B's drawing and exhibiting of their service pistols. Regarding Officer B's unholstering of his/her pistol, he/she believed the Subject was armed with a knife after hearing the comments of the radio call. The UOFRB opined it was reasonable for Officer B to believe the situation may escalate to deadly force.



Regarding Officer A's unholstering of his/her pistol, he/she believed that deadly force may have been needed as the Subject was armed with a knife. The UOFRB opined it was reasonable for Officer A to believe the situation may escalate to deadly force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe there was a substantial risk the situation may escalate to where deadly force may be justified.

Therefore, the BOPC found Officers A and B's Drawing/Exhibiting to be In Policy.

### **C. Lethal Use of Force**

**Officer A** – Fabrique Nationale, Model 509, 9mm caliber, two rounds from an approximate decreasing distance of 15 to 13 feet in a westerly direction.

**Round One** – According to Officer A, he/she gave the Subject multiple commands to drop the knife. The Subject ignored his/her commands and began charging towards Officer A with a 5.5-inch knife in his right hand. Officer A attempted to redeploy backwards; however, the Subject continued to advance on him/her and, in fear of being stabbed by the Subject, Officer A fired his/her first round from approximately 15 feet away.

**Round Two** – After firing his/her first round, Officer A observed the Subject was still moving towards him/her armed with a knife. In response, Officer A fired a second round from approximately 13 feet away.

The UOFRB assessed Officer A's use of lethal force. The UOFRB noted the officers were responding to a radio call of an ADW suspect with a knife, threatening hotel staff. The UOFRB noted Officers A and B gave the Subject numerous commands to drop the knife and turn around, which were ignored. The UOFRB opined Officer A attempted to avoid using deadly force by backing away from the Subject as the Subject ran toward him/her and only fired once the Subject was within 15 feet of him/her. The UOFRB also noted Officer A assessed between rounds and stopped firing as soon as the Subject began to fall to the ground and no longer posed a threat. Based on the Subject's actions, the UOFRB opined Officer A reasonably believed he posed an imminent deadly threat.

Based on the totality of the circumstances, the BOPC determined 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.