

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

**OFFICER-INVOLVED SHOOTING – 027-24**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Southeast	5/19/24		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	1 year, 8 months
Officer B	1 year, 7 months

**Reason for Police Contact**

Southeast Patrol Division officers responded to a radio call of an Assault with a Deadly Weapon (ADW) Subject reported to be armed with a knife. Upon arrival, the officers located the Subject, who was brandishing a knife in his right hand. The officers exited, stood behind their respective vehicle doors, and ordered him to drop the knife. The Subject, while still armed with the knife, ran toward the passenger officer, resulting in an Officer-Involved Shooting (OIS). The Subject was struck by gunfire, collapsed in the roadway, and was taken into custody without further incident. The Los Angeles Fire Department (LAFD) transported the Subject to a local hospital, where he was pronounced deceased.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 42 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 (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 April 15, 2025.

## **Incident Summary**

On May 19, 2024, Witness C observed the Subject running outside on the street and remove a pocketknife from his pants as he ran to a brown vehicle to hide. Witness C saw another individual pass by and turned toward the Subject and saw him hiding and became scared. The individual tried to walk away, but the Subject went after him, and Witness C feared the other individual might get attacked.

Based on her observations of the Subject, Witness C called Witness E and asked him to call the police. According to Witness E, he stated that Witness C was scared and informed him that the Subject had a knife and was running around hiding behind cars while holding the knife. Witness E stated Witness C informed him that the Subject went behind an individual and she was scared that the Subject might kill him.

Witness E then called 911 and relayed the information to the operator. At 1839 hours, Communications Division (CD) broadcast to Southeast units that there was an ADW (Assault with a Deadly Weapon) suspect armed with a knife and provided the location and description of the Subject.

Southeast Patrol Division Officers A and B were enroute to an unrelated radio call when they were assigned this call. Officer B acknowledged the call and advised CD that they were responding with emergency lights and sirens (Code Three). As part of the Department's edged weapons protocol, CD then broadcast for a Southeast Supervisor, Sergeant A, to respond with Officers A and B. Additionally, as part of the protocol, Officer B advised CD that the officers were equipped with a 40-millimeter Less-Lethal Launcher (40mm LLL).

Unless otherwise noted, all officers mentioned in this report were in full police uniform and operating out of marked black and white police vehicles equipped with a Digital In-Car Video System (DICVS).

While enroute to the radio call, Officer B read the comments of the call to his/her partner, but based on the limited information available, he/she requested additional information regarding the Subject's description from CD and the response of an Air Unit.

An Air Support Division Air Unit (Air 3) acknowledged the request and asked for the Subject's information from CD. Unless otherwise attributed, all subsequent times and quotations were derived from BWV and DICVS footage. Air 3 was staffed by Police Officers C (Pilot) and D (Tactical Flight Officer, TFO). Communications Division broadcast the Subject's description, that he was armed with a knife, his location, and that he was possibly under the influence of narcotics, chasing another individual.

Officers A and B arrived at the location approximately two minutes and 45 seconds after being assigned the call. As Officer A turned, he/she deactivated the lights and siren to avoid alerting the Subject to their presence. According to Officer A, he/she slowly drove, canvassing for the Subject and victims. As Officer A did so, CD broadcast

additional information from the 911 call, including an updated description of the Subject. Officer B broadcast the officers' status and location (Code Six) immediately after CD completed the broadcast.

Communications Division completed the broadcast with the Subject's updated description as the officers spotted him standing near the bumper of a parked vehicle brandishing a knife. Simultaneously, Air 3 arrived overhead. Officer A stopped the police vehicle approximately 32 feet away from the Subject. Officer A immediately reversed approximately six feet and placed the vehicle in park.

Officer A stated that he/she initially did not see the Subject, but once he/she did make visual observation, he/she quickly put the car in reverse and pointed out the Subject to his/her partner and then placed the car in park. When describing the repositioning of his/her vehicle, Officer A stated that he/she wanted to have as much distance as possible to ensure that he/she and his/her partner were safe in the event the Subject charged at them. According to Officer B, he/she did not see the Subject until they were approximately 20 to 25 feet away from him. Officer B then used the vehicle's radio to broadcast the officers' Code Six status.

Officer B stated the Subject was facing the officers and had his back against a parked vehicle. Officer B stated that the Subject was armed with a knife and was gripping it aggressively in his right hand near his midsection and acting erratically while waving his hands and jumping back and forth.

Officer A observed that the Subject was acting erratically and looking around with a crazy look on his face and his eyes wide open. Officer A stated the Subject appeared to be possibly under the influence of an unknown narcotic or possibly having a psychotic episode or agitated delirium.

The officers deployed behind the ballistic panels of their respective doors, and Officer A unholstered his/her duty pistol. As he/she exited the vehicle, Officer B broadcast a backup request for a "415 man with a knife." Officer B then lowered his/her window and unholstered his/her duty pistol. Both officers ordered the Subject multiple times to drop his knife. Simultaneously, Officer D advised responding units to only approach from a single direction.

The Subject did not comply with the officers' commands, turned his back to them, and climbed onto the rear bumper of the parked vehicle. While maintaining the knife in his right hand, he repeatedly slashed at the area under the bumper for approximately 10 seconds. While still gripping the knife in his right hand, the Subject then stepped off the bumper, bent over at the waist, and ran in a crouched position in Officer B's direction. As he ran, the Subject alternated the knife's position between knee level, with his right arm straight, and hip level, with his right arm bent. The Subject took four steps toward the officers, covering approximately 10 feet before they began firing. The officers continued firing as the Subject took four additional steps. The Subject then collapsed to his knees and onto his left side before rolling on his back.

Approximately 20 seconds elapsed from the time the officers exited their vehicle and began giving commands to the point that the Subject advanced in the direction of Officer B. Both officers indicated they did not hear the Subject say anything during the incident, and he was not heard saying anything on the officers' BWV and DICVS.

Officer A fired five rounds and Officer B fired six rounds. The investigation determined that all 11 rounds were fired in approximately two seconds.

Immediately after the OIS, Officer B broadcast a "shots fired; officer needs help" call. Officers A and B observed that the Subject remained armed with the knife and Officer B ordered the Subject to drop the knife so they could provide medical aid to him. Officer A stated they also noted that the Subject was still armed with the knife in his right hand which made him dangerous to approach at that time, so they decided to wait for additional resources.

Approximately one minute and 20 seconds after the OIS, Officer A requested a Rescue Ambulance (RA) to respond and stage nearby. Simultaneously, Officers I and J arrived at the scene. Moments later, Sergeant A arrived and declared him/herself the Incident Commander. Officer A then requested a unit equipped with a shield to respond. While still positioned behind the passenger door, Officer A advised Sergeant A that the Subject was still armed with the knife in his right hand. The Subject remained on his back, and at the direction of Sergeant A, the officers continued ordering him to drop the knife.

As additional units arrived, Sergeant A assembled an arrest team with the assistance of Officer J. Approximately three minutes after the OIS, once the team was assembled and Sergeant A confirmed that the Subject no longer had the knife in his hands, he/she directed the arrest team to move forward.

The team moved forward behind Officer F, who was equipped with the shield. Officer A was positioned immediately behind him/her as the Designated Cover Officer (DCO), while Officer L was equipped with a 40mm LLL. At this point, Officer K holstered his/her pistol and joined the team. As they approached, Sergeant A directed the officers to get the knife out of the way as soon as possible. The knife lay on the apron of the driveway, approximately four inches from the Subject's right shoulder. The Subject's hands were out to his sides, level with his belt line. As Officer A provided cover with his/her pistol, Officer I picked up the knife with his/her gloved right hand and slid it approximately two feet away.

Officer I grabbed the Subject's right wrist and elbow, and Officer J grabbed the Subject's left wrist. Officer B then grabbed the Subject's right forearm, and together, the officers rolled the Subject onto his stomach. Officer A holstered his/her pistol and positioned him/herself between the officers and the knife. When Officers I and J moved the Subject's arms behind his back to handcuff him, Sergeant A directed them not to handcuff him, but rather first search the Subject and apply pressure on his wounds.

Officers I and J maintained firm grips on the Subject's wrists as Officer B searched his waistband. The officers then rolled the Subject onto his back, and Officer I checked the left side of the Subject's neck for a pulse. Officer I then used his/her right hand to apply pressure on the gunshot wound on the Subject's lower abdomen. Sergeant A directed Officer A to move the knife further away from the Subject to prevent him from lunging for it in the event he regained consciousness. With his/her right foot, Officer A slid the knife even further away, approximately nine feet. Officer K then used his/her right foot to slide the knife two feet further north, placing it near the fence separating two residences, where it was later collected by the Firearms Analysis Unit.

Officer K joined Officer I and donned gloves as Officer I continued to apply pressure to the Subject's abdominal wound. According to Officer K, he/she observed that the Subject was not conscious and did not appear to be breathing, so he/she initiated cardiopulmonary resuscitation (CPR) approximately two minutes after the Subject was taken into custody.

Approximately two minutes after Officer K initiated CPR, LAFD personnel, including Firefighters (FFs) A and B, along with Firefighter Paramedics (FFPMs) C and D arrived at the scene and treated the Subject for his gunshot wounds. At approximately 1856 hours, LAFD transported the Subject to a nearby hospital. At 1917 hours, the Subject was pronounced deceased by Doctor A.

**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 and Exhibiting**

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

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

The BOPC found Officers A and B's lethal use of force 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 Subject 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 Subjected 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 Subjected offense;
- The level of threat or resistance presented by the Subject;
- Whether the Subject was posing an immediate threat to the officers or a danger to the community;

- The potential for injury to citizens, officers or Subjects;
- The risk or apparent attempt by the Subject to escape;
- The conduct of the Subject 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 Subject;
- Officer versus Subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus Subjects;
- 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 Officers use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

**Rendering Aid:** After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the Officers 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 Officers 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 Subject.

## 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 Subject 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 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** – According to Officer A, he/she and Officer B had been partners for a month and regularly discussed tactics. Officer A stated that as the driver he/she would take the contact role while the passenger would handle communications and take on the cover role. Officer A also stated that when responding to edged weapon calls, if a weapon was observed, the officers planned to request a backup while communicating with the Subject to drop the weapon. While driving to the call, Officer B requested additional information regarding the description of the Subject and requested an Air Unit.

**Assessment, Redeployment and/or Containment** – While slowly driving and canvassing for the Subject, Officer A located him and stopped approximately 32 feet away from him. Wanting to have distance from the Subject and ensure that he/she and his/her partner were safe in case the Subject charged at them, Officer A reversed and redeployed his/her police vehicle approximately six feet. Officers A and B assessed the scene and actions of the Subject. Officer B observed the Subject gripping a knife aggressively in his right hand and acting erratically. Officer A assessed that the Subject was acting erratically, looking around with a crazy look on his face with eyes wide open, and appeared to be possibly under the influence of narcotics.

Just prior to the OIS, as the Subject charged toward Officer B, Officer A noted the Subject's back was almost parallel to the street and assessed that he was making himself a smaller target for officers or was doing so to enable himself to get additional upwards momentum if he did intend to stab Officer B. When the Subject advanced on the officers, the BOPC concluded the officers appropriately remained behind cover as redeployment was not feasible or practical. During the OIS, Officers A and B assessed between each round and stopped firing when they no longer perceived the Subject to be a threat.

**Time** – The officers deployed their vehicle approximately 38 feet away from the Subject and maintained positions of cover behind their ballistic door panels. The distance and cover used by Officers A and B provided them time to verbalize with the Subject and attempt to de-escalate the situation. When the Subject charged toward Officer B, the officers were not afforded any additional time or reasonable ability to utilize additional de-escalation techniques or other force options.

**Other Resources** – Based on the limited information provided in the initial radio call, Officer B requested additional information regarding the Subject's description from CD. Also prior to their arrival, Officer B requested the response of an Air Unit. Upon seeing the Subject armed with a knife, Officer B requested a backup.

Simultaneously, the Air Unit arrived overhead and began coordinating the arrival of the responding units and provided a description of the Subject. After the OIS, Officer B broadcast a help call and Officer A requested an RA.

**Lines of Communication** – While enroute to the call, Officer B read the comments of the call to Officer A. Upon locating the Subject, Officer A communicated his/her observation to Officer B. Both officers gave commands to the Subject to drop the knife. The Subject refused and charged at them, resulting in an OIS. After the OIS, Officers A and B continued to give commands to the Subject to let go of the knife. After the OIS, the officers communicated their observations to responding units and Sergeant A communicated a tactical plan to take the Subject into custody.

- During its review of this incident, the BOPC noted the following tactical considerations:
- **Simultaneous, Non-Conflicting Commands** – The BOPC noted the communication efforts between Officers A and B before and throughout the incident. However, instead of both officers giving simultaneous, non-conflicting commands to the Subject to drop the knife, the BOPC would have preferred that one officer communicate with the Subject.
- **Preservation of Evidence** – When the arrest team approached the Subject, Sergeant A directed officers to move the knife away from the Subject to prevent him from re-arming himself. Officer I picked up the knife with his/her gloved right hand and slid it approximately two feet away from the Subject. As officers provided medical aid to the Subject, Sergeant A directed Officer A to move the knife further away from the Subject to prevent him from lunging for it should he regain consciousness. Officer A slid the knife approximately nine feet further away, then Officer K used his/her right foot to slide the knife two feet more away.

The BOPC noted it was reasonable for the knife to be moved away from the Subject for the safety of the officers upon their initial approach; however, further movement of the knife by Officer A (at the direction of Sergeant A) and again by Officer K was not needed. The BOPC would have preferred to have had an officer monitor the knife instead of having it moved unnecessarily.

- **Cell Phone Usage** – Officer B had his/her Department-issued cellphone in his/her hand as he/she exited the police vehicle. The BOPC would have preferred for Officer B to have had his/her hands free prior to exiting the police vehicle, especially considering that he/she was canvassing for an armed Subject.

These topics were to be discussed during the Tactical Debrief.

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

## **B. Drawing and Exhibiting**

- **Officer A**

According to Officer A, he/she unholstered his/her service pistol after observing the Subject armed with a knife and it being possible that he/she would have to use deadly force.

- **Officer B**

According to Officer B, he/she unholstered his/her service pistol after observing that the Subject was armed with a knife and believing that he/she may have use his/her firearm.

The BOPC assessed Officers A and B's drawing and exhibiting of their service pistols. The BOPC noted that both officers unholstered their service pistols after observing the Subject armed with a knife. The BOPC opined it was objectively reasonable to believe the situation could escalate to one involving the use of deadly force.

Based on the totality of the circumstances, the BOPC determined 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 the point where deadly force may be justified.

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

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

- **Officer A** – Pistol, five rounds fired from a decreasing distance of approximately 30 to 21 feet

**Background** – The investigation determined that Officer A's background consisted of an unoccupied parked vehicle on the north curb, a metal fence separating the property and the sidewalk, and the south and east sides of a residence.

#### **Rounds One Through Five**

According to Officer A, he/she observed the Subject step off the bumper of the parked vehicle and rapidly advance toward Officer B in a crouched position while armed with the knife. As the Subject closed the distance, Officer A believed that Officer B was in immediate threat of death or serious bodily injury and discharged five rounds from his/her service pistol. Officer A assessed between each round and continued firing as he/she observed no change in the Subject's actions as he continued charging toward Officer B while armed with a knife. After discharging his/her fifth and final round, Officer A observed the Subject fall to the ground. Using video evidence, the FID investigation determined that Officer A discharged his/her final two rounds as the Subject fell onto his left side.

- **Officer B** – Pistol, six rounds discharged from a decreasing distance of approximately 28 to 18 feet

**Background** – The investigation determined Officer B’s background consisted of an unoccupied parked vehicle on the north curb, a metal fence separating the property and the sidewalk, and the south and east sides of a residence.

### **Round One**

According to Officer B, after giving the Subject commands to drop the knife, the Subject made direct eye contact with him/her before charging toward him/her. Officer B discharged his/her first round because Officer B believed that he/she was in immediate danger and the Subject was trying to kill him/her.

### **Rounds Two Through Six**

According to Officer B, he/she assessed after discharging the first round and noted that the Subject seemed stunned but continued to make eye contact while aggressively running toward him/her with the knife in his hand. Officer B estimated that he/she discharged the remaining five rounds when the Subject was four feet from him/her and described that the Subject remained on his feet, running toward him/her with the knife. Officer B believed that around the time he/she discharged his/her fourth round, the Subject put his head down as a result of being shot but continued to advance toward him/her. Officer B indicated the Subject began to collapse backward as he/she discharged his/her sixth and final round. Using video evidence, the investigation determined that as Officer B discharged his/her fourth round, the Subject fell to his knees. Officer B’s final two rounds were discharged as the Subject fell onto his left side

The BOPC assessed Officers A’s and B’s use of lethal force. The BOPC noted the facts and circumstances surrounding the incident, including only 20 seconds elapsed from the moment officers exited their police vehicle to when the Subject charged toward Officer B. This short time frame significantly reduced the opportunity for officers to employ further de-escalation techniques or other force options. During those 20 seconds, officers were giving the Subject commands, and a backup unit had been requested. Regarding the possibility of using intermediate force, the BOPC relied upon the Department’s Subject Matter Expert, Sergeant B, who explained that officers are trained such that the first officers on scene should have their service pistols drawn and intermediate force options will generally be deployed after the arrival of additional units. The BOPC also considered how fast the Subject closed the distance on Officer B and got within 12 feet of him/her, even traversing 10 feet after Officer B discharged his/her first round. The BOPC found the officers’ belief that the Subject posed an imminent deadly threat to be objectively reasonable.

The BOPC noted that all eleven rounds were fired in less than two seconds, which the BOPC opined indicated both officers perceived the same threat at the same time. Regarding Officer B's last three rounds and Officer A's last two rounds, the BOPC acknowledged that although the Subject was falling to the ground, the officers' perception was that he was still charging toward Officer B.

The BOPC considered the officers' reaction time were within the limits of human performance. The BOPC also opined that the officers' perceptions that the Subject continued to pose an imminent threat when Officer B fired his/her final three rounds, and Officer A fired his/her final two rounds, were objectively reasonable.

The BOPC also acknowledged that the Subject was shot in the back and attributed this to the Subject running in a crouched position toward Officer B, exposing his back to the officers. As such, the BOPC opined that Officers A's and B's use of lethal force was objectively reasonable, proportional, and necessary to defend themselves.

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

Therefore, the BOPC found Officers A's and B's use of lethal force to be In Policy.