

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

**OFFICER-INVOLVED SHOOTING – 031-23**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No( )</b>
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Newton	7/20/23		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer B	1 year 9 months
Officer C	1 year 9 months
Officer D	13 years 2 months

**Reason for Police Contact**

Officers responded to a radio call of an Assault with a Deadly Weapon (ADW). Upon arrival, officers met with Victim B and were advised that the Subject was located on the sixth floor of the apartment building. The officers entered an elevator, ascended to the sixth floor, and encountered the Subject just outside the elevator door armed with a knife. The Subject raised the knife above his head and advanced toward the officers, resulting in an Officer-Involved Shooting (OIS) and the deployment of one 40mm less-lethal projectile.

<b>Subject</b>	<b>Deceased (X) Wounded ( ) Non-Hit ( )</b>
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Male, 56 years of age	
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**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 June 24, 2024.

## **Incident Summary**

On Thursday, July 20, 2023, at approximately 1123 hours, Victim A was working at a Single Room Occupancy (SRO) Housing Corporation apartment complex. He intended to go to the sixth floor to clean out the trash. According to Victim A, he exited the elevator and ran into the Subject who was holding a beer. Victim A believed there was going to be trouble because the Subject had caused problems in the past. Victim A observed trash strewn about the hallway. He returned downstairs to report his observations to the manager, Witness A.

Victim A returned to the sixth floor to clean the trash and walked toward the Subject who was standing near the trash. The Subject reached down into the trash and pulled out a bottle. Victim A believed the Subject was going to attack him. Victim A stated, "For real?" and the Subject retrieved a knife from his pocket. Victim A stated he was approximately 3-4 feet from the Subject when he showed him, he had a knife.

According to Witness A, security for the SRO Housing Corporation is not on-site and patrols multiple properties. She called a line specifically for security. At 1132:06 hours, Witness A called 911 and reported that the Subject had threatened staff with a large butcher knife. She described the Subject as a male Black wearing dark black shorts and no shirt. She further stated the facility was a Department of Mental Health location, housing tenants with mental health issues.

After Witness A called 911, she went to the sixth floor and observed the Subject holding a knife as he entered his unit. She then returned to the management office on the first floor.

At 1136:34 hours, Communications Division (CD) broadcast on Newton Division's frequency, "Newton Units, with SMART, ADW suspect there now, [...]. Suspect male, Black, no shirt, dark shorts, armed with a large butcher knife, threatening janitors at the location. It's Code-Three."

According to Sergeant A, he/she checked for SMART units to respond but none were available.

At 1138:28 hours, no patrol units had acknowledged the call, so CD assigned it to Sergeants B and C.

At 1139:14 hours, Officers A and B, Unit 13X45, canceled Sergeants B and C and broadcast they were responding Code-Three from "4<sup>th</sup> and Central." Approximately 29 seconds after, Officers C and D, broadcast they were backing Unit 13X45. Officers A, B, C and D's start of watch was 1030 hours on this day.

Officer B's BWV shows him/her waiting at a cafe, approximately 0.9 mile from the location of the call, then walking back to his Police Vehicle with a drink and getting into the vehicle at 1144:20 hours.

According to Officer C, they did not respond Code-Three, because they were a couple streets down from the address. They waited and let the primary unit arrive at the venue first as they did not want to “jump” on their call.

According to Officer D, they heard the Code-Three call go out, they had just started their shift and were planning on going for coffee with Officers A and B. Officers A and B cancelled the supervisors and took the call so they (Officers C and D) decided they would back them up. They parked up nearby and waited for Officers A and B to arrive at the call so they could assist them with whatever they needed.

At approximately 1140 hours, SRO security guard, Victim B arrived and responded to the sixth floor. At 1142:20 hours, Victim B was observed on security video walking from the elevator vestibule area into the sixth floor hallway. According to Victim B, when he met with the Subject, he was upset about the trash being smelly, he did not initially see a knife. Victim B told the Subject the trash was going to be picked up. Victim A picked up the trash as Victim B stood approximately three to five feet from the Subject, between Victim A and the Subject.

According to Victim B, the Subject had a beer in his left hand, then went to his pocket, and took out a kitchen knife. The Subject appeared normal, and then he just all of sudden switched and began threatening him with the knife. Victim B stated he was in fear because he did not know if he was just acting up or was going to attack him with the knife.

Victim B estimated he was between 3 and 4 feet away from the Subject as he held the knife over his head in a stabbing motion and moved toward him. Victim B feared for his life and attempted to calm the Subject down.

Victim A stated that the Subject continued to act erratically as he attempted to pick up the trash and at one point lunged at him with the knife. Victim B was closest and backed away after the Subject lunged at him. Victim A estimated the Subject was approximately 2 feet away from Victim B as he held the knife in a stabbing motion.

Both Victims A and B returned to the first floor and informed Witness A what had occurred.

While en route, Officer B read the comments of the call. The comments stated the Subject was a tenant at the location. A male Black, [first name given], wearing black shorts and no shirt, suffering from mental illness and armed with a butcher knife, threatening janitors at the location on the sixth floor. Officer A told Officer B to get the 40mm LLL.

At 1146:11 hours, Officer B broadcast that they were Code-Six and he/she removed the 40mm LLL from the rack before they approached the location. They exited their vehicle and walked toward the entrance as Officer B loaded the 40mm LLL.

Officers C and D arrived almost simultaneously with Officers A and B

Officers met with Victim B in the building's courtyard. Victim B told the officers that the Subject had a knife. He advised that he went upstairs to help with the trash when the Subject threatened him with a knife, he demonstrated how the Subject held the knife overhead while moving forward and told the officers he would press charges. Victim B informed the officers the Subject was on the sixth floor in the hallway by the trash.

Officer D asked if the Subject was in his unit on the sixth floor. Victim B replied that he was in the hallway. Officer D asked, "Should we go up the fifth and take the stairs up the sixth?"

According to Officer A, he/she received the recommendation from "one of the officers" to take the stairs. Officer A believed Victim B was going to direct them, he believed the Subject was located closer to the stairs and not the elevator.

Officer C stated that Victim B advised that they shouldn't go up the stairs as they were barricaded with trash.

According to Officer D, it didn't appear that there was a right or wrong way to get up to the sixth floor. If they were to go up the stairs the Subject could be hiding in the stairwell throwing trash down at them with the knife or he could be in his room.

According to Officer A, they were investigating criminal threats/ADW and all four officers heard the information from Victim B. Officer A stated he/she was the contact officer and assigned the officers their roles. Officer A was lethal, Officer B was less-lethal, and Officers C and D were the arrest team and communications.

According to Officer A, there was an exigency to get onto the sixth floor to ensure that no one was getting hurt. The officers entered the elevator on the first floor with Victim B.

According to Officer D, the comments of the radio call referred to a prior incident where the officers tactically disengaged because the Subject hid in his room.

Officer D stated he/she allowed Victim B to go with them to the sixth floor to identify the Subject. The officers and Victim B reached the sixth floor. As the elevator doors opened, the Subject was standing in the elevator vestibule. He reached inside his right front short's pocket and brandished a knife while stepping toward them. Victim B commanded, the Subject to stop and almost simultaneously Officer A ordered the Subject to, "put it down."

Officer A, who was positioned on the far-left side of the elevator, unholstered his/her duty pistol and held it at a low ready with his/her finger on the frame when he/she observed the knife. According to Officer A, he/she observed the Subject with the knife

in his hand and redeployed backward causing him/her to not have a sight picture of the Subject.

According to Officer B, the Subject was standing directly in front of the elevator door when it opened. The Subject took two steps forward, armed with the knife while holding it in an overhead position, toward the officers and Victim B, who were still inside the elevator.

Officer B fired one 40millimeter round from his/her 40mm LLL, while standing inside the elevator, striking the Subject in the torso from an approximate distance of 9 feet 7 inches.

According to Officer B, he/she did not give the Subject a verbal warning because the Subject had the knife and was close to the officers and Victim B. Officer B fired one 40mm LLL round at the Subject.

Officer B slung the 40mm LLL and unholstered his/her duty pistol after he/she fired one round from the 40mm LLL, concerned that the Subject may re-arm himself and he/she didn't have time to reload the 40mm LLL. Officer B stated he/she held his pistol at a low ready with his/her finger along the frame until he/she holstered to help with handcuffing.

According to Officer D, when the elevator door opened, he/she observed the Subject holding a knife as he walked towards them. Officer D believed that the Subject was going to stab him/her and that he/she did not have time to give him commands as they were in an elevator and could not redeploy.

Officer D unholstered his/her duty pistol after the Subject armed himself with the knife, and fired two consecutive rounds from his/her duty pistol. Both rounds were fired from an approximate distance of 8 feet 7 inches.

According to Officer C, when they got to the sixth floor, the Subject was standing right outside of the door of the elevator. As soon as it opened, Officer C saw the Subject reach into his pocket, grab a knife, and hold it up in a stabbing motion.

Officer C unholstered his/her duty pistol when he/she observed the Subject holding the knife in a stabbing motion and moving forward. Officer C believed that the Subject was going to enter the elevator and feared for his/her life because there was nowhere for him/her to redeploy or get cover.

While holding his/her pistol in a two-hand grip, he/she placed his/her finger on the trigger and fired one round at the Subject. Officer C fired his/her pistol from an approximate distance of 8 feet 9 inches.

After the last round was fired, the Subject fell backward onto two trash cans, still holding onto the knife. As the Subject fell to the ground, he released the knife, which fell on to the floor. The Subject fell into a seated position in front of the trash cans, facing the

elevator.

At 1151:14 hours, Officer C broadcast officer needs help as Officer A holstered his/her pistol, retrieved his/her hand-held radio and almost simultaneously broadcast, "Shots fired. Shots fired. Officer needs help."

Officer D stepped forward to the elevator doorsill while holding his/her pistol at a low ready and ordered the Subject, not to go for the knife. Officer D then side stepped to the left side of the doorsill and Officer C stepped to the right of Officer D, holding his/her pistol at a low ready in the Subject's direction and told Officer A to get a Rescue Ambulance (RA).

Officer B holstered his/her pistol as he/she stood behind Officer D inside the elevator. Officer D told the officers to handcuff the Subject while he/she secured the knife.

According to Officer D, he/she remained unholstered at a low ready as the cover officer because it was still a fluid situation, and the Subject was not secured. Officer D kicked the knife away from the Subject when he/she exited the elevator before securing it.

Officer A broadcast a request for an RA as Officer C holstered his/her pistol and approached the Subject. Officers B and C handcuffed the Subject and held him on his right side in the recovery position.

Officers placed the Subject in the elevator as Officer D also broadcast a request for an RA. Officer B searched the Subject in the elevator. Officer C returned the Subject to his right side while transporting him to the first floor.

Officer D recovered the knife from the floor. According to Officer D, he/she wanted to secure the evidence and prevent any residents from taking the involved weapon.

Officers E and F arrived at the apartments. As they entered the building, Officer E asked a security guard where the officers were located. She replied they were on the sixth floor and the officers headed to the elevator.

Almost simultaneously, Officers G and H, arrived at the apartments, entered the building, and responded to the elevator, where they waited with Officers E and F.

Officer D broadcast for responding units to respond to the first-floor lobby as they were bringing the Subject down in the elevator to receive medical aid. Additionally, Officer D broadcast a request for one unit to go to the sixth floor to secure the crime scene.

Officers A, B and C carried the Subject off the elevator and placed him on the ground west of the elevator. Officers B and C held the Subject in a position of recovery until paramedics arrived. Officer C held the Subject's head to keep his airway open.

On arrival Sergeant B broadcast he/she was Code-Six and was the Incident Commander.

Los Angeles Fire Department (LAFD) arrived at the scene. As Fire Fighter Paramedics (FF/PMs) approached the Subject, Officer E could not feel a pulse. FF/PMs took over rendering aid from the officers and provided emergency medical treatment to the Subject for gunshot wounds to his front torso.

Sergeant C arrived. Sergeant B directed him to take two officers and conduct the Public Safety Statement (PSS). Sergeant B conducted Officers B and C's PSS. Sergeant C conducted Officers D and A's PSS.

An LAFD RA transported the Subject to hospital where he was later pronounced deceased.

### **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
Officer C	Yes	Yes	Yes	No	Yes
Officer D	Yes	Yes	Yes	No	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, B, C, and D's tactics to warrant a finding of a Tactical Debrief.

#### **B. Drawing/Exhibiting**

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

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

The BOPC found, Officer B's Less-Lethal Use of Force to be In Policy.

### **D. Lethal Use of Force**

The BOPC found Officers C and D'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** – Officers C and D worked together on approximately four to eight prior occasions. They had discussions regarding tactics, including contact and cover roles and how those roles can change during an incident, different use of force options and their respective weapon systems. While en route to the call, Officer D

read the comments of the call to Officer C, including comments that informed officers of past incidents where officers tactically disengaged from the Subject.

While Officers A and B had not previously worked together, they discussed contact and cover, tactical plans in certain situations and communications at the start of watch. Officer B read the comments of the call to Officer A, which stated the Subject suffered from mental illness. Officers discussed taking the 40mm LLL and, once at scene, Officer B retrieved and made ready the 40mm LLL.

**Note:** Communications Division (CD) requested a Systemwide Mental Assessment Response Team (SMART) unit to respond to the radio call. No SMART units were available at the time of the incident per Sergeant A Assistant Watch Commander (AWC), Mental Evaluation Unit (MEU).

The tactical planning of Officers A, B, C, and D done at scene will be further addressed under Additional Tactical Debrief Topics.

**Assessment** – While en route, officers assessed the possibility of the Subject being armed based on the comments of the call. After speaking with Victim B at scene and verifying he had been the victim of a crime, Officers A, B, C, and D assessed the situation. Their assessment caused them to determine there was a need for them to quickly respond to the sixth floor to ensure the safety of the residents from an armed person. They also assessed the four officers present were adequate to take the Subject into custody. Part of that assessment was the fact no unit had initially taken the radio call and CD had initially assigned the call to supervisors. This led the officers to believe there were no other available units and any request for additional units would take a prohibitive amount of time. When the officers encountered the Subject, they assessed his actions and reacted.

**Time, Redeployment and/or Containment** – As officers arrived on scene, Victim B stated the Subject was in the hallway on the sixth floor and offered to go in the elevator with them. The officers made the decision to ascend to the sixth floor on the elevator with Victim B. When the elevator doors opened, the officers encountered the Subject who was just outside of the elevator doors. The officers' position inside the elevator did not allow for them to redeploy and the close proximity in which they encountered the Subject did not provide time for them to respond to his actions. Officer A attempted to redeploy the limited amount he/she was able to by stepping back when he/she observed the Subject armed with the knife.

**Other Resources** – Upon arrival to the scene, Officer B ensured that he/she made ready the 40mm LLL as a less-lethal option. Having the most situational awareness of the layout of the apartments and the Subject's location, the officers opted to use Victim B as a guide to direct them to the Subject's location. After the OIS, Officers A and C broadcasted a help call, leading to the response of additional resources. Officer A requested the response of (LAFD) personnel to provide medical attention to the Subject.

**Lines of Communication** – As officers encountered the Subject, they observed him arm himself with a knife. Officer A gave commands to the Subject directing him to put the knife down. Following the OIS, Officer D advised the other officers he/she would handle communications. Officer D communicated a plan to take the Subject into custody and then broadcast the Subject was in custody. Additionally, Officer D directed responding units to the sixth floor to secure the scene.

### **Additional Tactical Debrief Topics**

**Tactical Planning** – After entering the apartment building, the officers met with Victim B and confirmed he had been the victim of an ADW. The officers obtained additional information from Victim B about the Subject's actions and location within the building. Victim B advised the officers the Subject was last seen on the sixth floor and had been in the hallway near his residence. Officer D asked if they should take the elevator up to the fifth floor and then the stairs to the sixth floor. Victim B told the officers the Subject was closer to the stairs than the elevator and the stairway may have been blocked with trash.

While waiting for the elevator, Officer A assigned roles to the officers, assigning himself/herself as the Designated Cover Officer (DCO), Officer B as less-lethal with the 40mm LLL, and Officers C and D as the arrest team and communications.

The officers allowed Victim B to accompany them on the elevator up to the sixth floor. Based upon the information provided by Victim B, the officers believed the Subject would not be near the elevator and they would need Victim B to help direct them to the Subject's location. They also wanted Victim B nearby so they could have him identify the Subject after he was taken into custody.

As the elevator doors closed, Officer B asked if they were going up to the fifth floor and then taking the stairs to the sixth floor. Officer D replied and, for a second time, suggested to Officer A they take the elevator to the fifth floor and then the stairs. Victim B reassured the officers the Subject would act "cool" once they located him. The officers believed both methods of getting to the sixth floor had disadvantages; however, because Victim B had the most situational awareness, they followed his advice and proceeded directly to the sixth floor via the elevator.

The UOFRB assessed the tactical planning of Officers A, B, C, and D as well as their decision to take the elevator to the sixth floor and allow Victim B to accompany them in the elevator. The UOFRB noted the officers discussed the comments of the radio call and met with Victim B prior to attempting to locate the Subject to gain additional situational awareness. The UOFRB agreed with the officers' assessment that they needed to respond to the sixth floor quickly to ensure the safety of the residents from an armed and erratic person. The UOFRB also noted there is no established Department policy or tactical training that specifically addresses when officers should take the stairs versus an elevator. Additionally, there is no

Department policy or tactical training that addresses when a community member should accompany and direct officers in a given situation. In this case, the decision to take the elevator directly to the sixth floor rather than use the stairs was based upon the situational awareness provided to the officers by Victim B. The UOFRB opined it was reasonable for the officers to heed the advice of Victim B, who had more current situational awareness than any of the officers and who had been reliable in past interactions with Officer D in his role as a security guard. While there is no Department policy or tactical training when a community member should accompany and direct officers, and although the officers made their decision to allow Victim B in the elevator with them based upon the information he provided, it would have been preferred Victim B remained downstairs and not allowed into the elevator. The officers could have cleared the hallway, located and took the Subject into custody without Victim B, sending officers back to the lobby to retrieve him in the event they were unable to locate the Subject or needed to identify him after taking him into custody.

**Preservation of Evidence** – After the OIS occurred, Officer D moved out of the elevator while acting as DCO and kicked the knife away from the Subject. Officers B and C took the Subject into custody. Once the Subject was in custody, the officers decided to transport the Subject in the elevator down to the lobby to facilitate LAFD personnel being able to provide medical treatment quicker. In doing so, the officers left the crime scene unsecured. As Officers B and C brought the Subject onto the elevator, Officer D recovered the Subject's knife from the ground and stored it in the left sap pocket of his pants. According to Officer D, he/she wanted to secure the evidence and prevent any residents from taking the involved weapon. As they took the elevator down, Officer D broadcast a request for responding officers to respond to the sixth floor and secure the crime scene. When the officers arrived at the lobby and met with responding officers, Officer D again directed officers to respond to the sixth floor and secure the crime scene.

The UOFRB assessed the officers' decision to leave the crime scene unsecured and Officer D's decision to move the Subject's knife. The UOFRB opined it was clear the officers made their decision based upon their desire to expedite medical treatment for the Subject. The UOFRB noted the Department's guiding principle is reverence for human life and, although important to maintain the integrity of the investigation, preservation of the crime scene is a concern secondary to the life of a community member. In this case, the UOFRB opined the officers' decision to leave the crime scene unsecured was reasonable so every effort could be made to provide the Subject with the best chance for treatment. The UOFRB did note the officers could have considered leaving two officers to secure the crime scene while two officers transported the Subject to the lobby. This could have achieved the goals of getting the Subject to paramedics quickly while simultaneously securing the crime scene. When possible, officers should avoid storing unsecured weapons on their person and minimize moving evidence during a Categorical Use of Force.



**Making Physical Contact with a Slung Weapon** – As Officer B approached the Subject to take him into custody, he/she kept the 40mm LLL slung across the front of his/her body. Once the Subject was handcuffed, Officer B slung the 40mm LLL to his/her back. Although the weapon system was not loaded at the time, Officer B is reminded to transition his/her slung less-lethal weapon system to his/her back, prior to initiating contact, to reduce a suspect's access to the weapon system.

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

## **Command and Control**

Prior to a supervisor arriving on scene, Officer D took command and control of the incident. When the Subject fell to the ground after being struck by gunfire, Officer D stepped forward to the elevator doorsill, preventing the elevator door from closing and established a contact team to take the Subject into custody. Once the Subject was taken into custody, Officer D advised officers on scene he/she had communications and broadcast a help call and a request for resources. Officer D directed officers to place the Subject in the elevator and transport him to the first floor so the RA could have quicker access and render aid to the Subject. Officer D broadcast the Subject was in custody and advised responding units they would be in the lobby and needed additional units to secure the crime scene on the sixth floor.

Sergeant B had been responding to the initial radio call but arrived shortly after the OIS had occurred. Upon arrival, Sergeant B broadcast he/she was the Incident Commander (IC) and proceeded to identify the involved officers. Sergeant B separated Officers A, B, C and D and directed uninvolved officers to continue monitoring the Subject until the RA arrived.

During the incident, Sergeant B performed multiple supervisory tasks such as requesting street closures, he/she separated and monitored the involved officers, directed officers to set up an inner and outer crime scene, canvass for witnesses and established a Command Post.

Sergeant B obtained a Public Safety Statement (PSS) from Officers B and C. Sergeant C, obtained a PSS from Officers A and D. After the officers gave their PSS, they were each monitored and separated by supervisors until interviewed.

Sergeant D made notifications to the Department Operations Center (DOC) of the OIS.

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

## **B. Drawing/Exhibiting**

### **Officer A**

According to Officer A, as they encountered the Subject, he/she observed him holding a knife. Officer A drew his/her service pistol and attempted to redeploy by stepping back. Officer A unholstered his/her service pistol because the Subject was armed with a knife and led him/her to believe the situation could escalate to the use of deadly force.

### **Officer B**

According to Officer B, after he/she fired one round from the 40mm LLL, the Subject still remained standing and armed with a knife. Believing he/she did not have enough time to reload the 40mm LLL, Officer B transitioned to his/her service pistol. Officer B unholstered because the Subject posed an imminent threat as he/she continued to be armed with the knife and led him/her to believe the situation could escalate to the use of deadly force.

### **Officer C**

According to Officer C, as the elevator door opened, he/she observed the Subject arm himself with a knife. As the Subject moved toward the elevator, Officer C drew his/her service pistol. Officer C unholstered his/her service pistol because the Subject was armed with a knife and led him/her to believe the situation could escalate to the use of deadly force.

### **Officer D**

According to Officer D, he/she observed a male who matched the description of the ADW Subject, who armed himself with a knife as the elevator door opened. Believing it was a deadly force situation, Officer D unholstered his/her service pistol.

The UOFRB assessed Officers A, B, C, and D's drawing and exhibiting of their service pistols. The UOFRB noted all officers were aware the Subject was likely armed with a knife as they responded to the radio call based on the comments of the call and Victim B's reporting. The officers were unaware of the Subject's exact location but were advised by Victim B that he was last seen on the sixth floor by the trash cans. Upon encountering the Subject, Officers A, B, C, and D observed him arm himself with a knife.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, and D 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, B, C, and D's Drawing/Exhibiting to be In Policy.

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

**Officer B** – 40mm LLL, fired one 40-millimeter round, while standing inside the elevator, striking the Subject in the torso from an approximate distance of nine feet and seven inches.

According to Officer B, he/she observed the Subject armed with a knife standing directly in front of the elevator door when it opened, moving toward his/her partner officers and Victim B. Officer B described the weapon as a knife with a four-to-five-inch blade with a black plastic handle. Victim B and Officer A attempted to give the Subject commands to stop and put down the knife. Fearing for the safety of his/her partner officers, Victim B and himself/herself, Officer B discharged one round from the 40mm LLL at the Subject to protect them from the immediate threat of serious bodily injury.

The UOFRB assessed Officer B's use of less-lethal force. The UOFRB noted the Subject was armed with a knife, posing an immediate threat. Despite the expeditious attempt to communicate with the Subject to drop the knife, the Subject did not comply. The UOFRB opined the Subject's abrupt actions eliminated Officer B's opportunity to provide a warning prior to the application of force; therefore, a Use of Force Warning was not feasible. The UOFRB noted Officer B discharged one round from the 40mm LLL in response to the Subject closing the distance on the officers and posed an immediate threat to the safety of the officers and victim inside the elevator.

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

Therefore, the BOPC found Officer B's Less-Lethal Use of Force to be In Policy.

### **D. Lethal Use of Force**

**Officer C** – Smith & Wesson, Model M&P 9, 9mm caliber, fired one round from an approximate distance of eight feet nine inches.

According to Officer C, he/she observed the Subject arm himself with a knife. Officer C observed the Subject holding the knife in a stabbing motion and closing the distance on his/her partner officers, Victim B and him/her. Officer C, fearing for his/her life and believing the Subject was going to stab them, discharged one round from his/her service pistol to protect himself/herself and others from the imminent threat of serious bodily injury or death.

**Officer D** – Smith & Wesson, Model 4563 TSW, semiautomatic pistol, .45 caliber, fired a total of two rounds from an approximate distance of 8 feet and 7 inches.

According to Officer D, when the elevator door opened, he/she observed the Subject holding the knife. The Subject raised the knife over his head and lunged toward them. Believing the Subject was attempting to attack him/her, Officer D discharged two rounds from his/her service pistol at the Subject to protect himself/herself from the imminent threat of serious bodily injury or death. Officer D stopped firing after the second round when he/she observed the Subject was falling to the floor.

Officer D stated he/she fired a first round and then fired a second round and saw his/her rounds had stopped the Subject's actions, so he/she stopped firing.

The UOFRB assessed Officers C and D's use of lethal force. As the elevator door opened, Officer A and Victim B attempted to communicate with the Subject to drop the knife and stop. The UOFRB opined the Subject quickly escalated the situation and showed his willingness to commit violence upon others when he ignored the commands and moved toward the officers and Victim B. The UOFRB further noted the Subject was armed with a knife and held it over his head as he moved toward the officers. The UOFRB opined the Subject posed an imminent threat to the officers, as they were inside the elevator without the option to redeploy and the Subject was in close proximity to them. The UOFRB noted the officers were in a situation that lacked alternative options and therefore opined Officers C and D's use of lethal force was objectively reasonable, proportional and necessary based upon the Subject's actions. Officers C and D stopped firing upon the Subject falling to the ground and the imminent threat ended.

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

Therefore, the BOPC found Officers C and D's Use of Lethal Force to be In Policy.