

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

LAW ENFORCEMENT-RELATED INJURY – F033-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
77 TH Street	7/26/23		

Officer(s) Involved in Use of Force	Length of Service
Officer A	10 years, 9 months
Officer B	11 years, 8 months
Officer C	16 years, 6 months
Officer D	11 years, 2 months

Reason for Police Contact

On July 26, 2023, officers responded to a radio call of an Assault with a Deadly Weapon (ADW) suspect, armed with a machete. Officers identified the Subject and observed the handle of a machete visible in the Subject’s rear waistband. The Subject ignored the officers’ commands and produced the machete. An officer fired one 40-millimeter Less-Lethal Launcher (40mm LLL) projectile at the Subject, which struck her on the abdomen. The Subject was taken into custody without further incident. A Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) responded and transported the Subject to a hospital where she was admitted to the hospital for a Law Enforcement-Related Injury (LERI).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Female: 49 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this categorical use of force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police (Chief); 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 18, 2024.

Incident Summary

On July 26, 2023, at approximately 0734 hours, the Subject entered a business acting aggressive toward customers. The Subject became upset after an employee asked her to leave. Due to the Subject's demeanor, the employee obtained a baseball bat and confronted her. The Subject exited the store. For the next several minutes, the Subject moved around the parking lot and approached various customers. At approximately 0745 hours, the Subject re-entered the store. An employee directed the Subject to leave. The Subject approached and threatened to kill several employees. The Subject walked to the coffee bar and poured herself a beverage. An employee once again directed the Subject to leave. Prior to exiting the location, the Subject threatened to kill the employees for a second time and exited the store without paying for the merchandise. At approximately 0746 hours, an employee called 911 and reported the incident. Meanwhile, the Subject had retrieved a machete from an unknown location in the parking lot area. While still on the phone with the 911 operator, the employee stated, *"He has a big machete. He has a weapon. Has a machete. We need someone to come here. He's threatening people and trying to fight everybody right now."*

Due to the Subject's appearance, she was initially perceived to be a male by the witnesses and the officers who responded to this incident.

In response to the 911 call, Communications Division broadcast an ADW suspect there now, provided a suspect description and indicated the suspect was armed with a machete. Officers A and B responded to the radio call. Sergeant A was also assigned the radio call and indicated he/she would respond.

At approximately 0759 hours, Officers A and B arrived at scene and advised Communications Division of their location. As the officers' vehicle came to a stop, a citizen directed the officers to the Subject's location. Officers A and B observed the Subject, who matched the description of the suspect in the radio call, standing on the east sidewalk. Officer B sounded their emergency siren multiple times as he/she repositioned their vehicle in the north lanes of traffic and faced the Subject as she continued along the east sidewalk.

Both officers immediately exited their vehicle. Officer A stood behind the front passenger's door with the 40mm LLL and shouted toward the Subject, *"Hey yo. Police Department. Hey stop."* The Subject stopped and faced the officers. Officer A observed a dark-colored handle of a machete, protruding from the left side of her rear waistband. Officer A gave the Subject continuous commands to stop, to get on the ground, and to get on her knees; however, she did not comply.

Simultaneously, Officer B exited the driver's seat and observed what he/she believed to be the handle to a machete on the Subject's left side or back area. Officer B unholstered his/her pistol and stood behind his/her open door. Officer B ordered the Subject to, *"Let me see your hands."* multiple times. The Subject initially raised both hands before she lowered them and refused to comply with the officers' commands.

At 0800:14 hours, Officer B broadcast a back-up request. In response to the back-up request, multiple units subsequently responded to the location.

Officer A advised the Subject he/she was aware she had a weapon and again directed her to get on the ground. The Subject ignored Officer A's commands. Officer A stated, *"If you don't do that, we might use less lethal on you. It will hurt. We are going to use this 40-millimeter on you or a TASER."* As Officer A issued the less-lethal warning, the Subject turned away from the officers and walked south along the east sidewalk. The Subject replied to Officer A in Spanish, *"No habla, no habla."* Officer A attempted to communicate with the Subject in Spanish. The Subject replied, *"Sign language, American sign language."* Officer A stated to the Subject, *"Stop playing around, you're armed and I'm not going to approach you."*

Officer A asked the Subject, *"Can you put the weapon on the floor for me?"* The Subject replied, *"It's not a weapon. So, when I get a weapon, I'll put it on the floor for you."* Officer A stated, *"You have it in your back. I can see it from here."* The Subject replied, *"It's not a weapon."*

While attempting to establish a line of communication with the Subject, Officer A asked the Subject for her name. The Subject replied with a name and, at one point, she advised the officers she was recently stabbed and beat up by a gang. The Subject shouted, *"It hurts."* Officer A offered to help the Subject and to get her an ambulance. Officer A ordered the Subject once again to go down to the *"floor."* The Subject replied, *"No, I refuse."* Officer A again ordered the Subject to put the weapon down. The Subject ignored Officer A's commands. As Officer A attempted to gain the Subject's compliance, the Subject shouted, *"Shoot me."* Officer A replied, *"I'm not going to shoot you, but I will hit you with this 40-millimeter. You will get hurt, or you will be TASED."*

At 0802 hours, Officers C and D arrived at scene. Officer D parked their vehicle facing east on the roadway, blocking the north lanes of traffic, south of Officer A and B's position. Officer D advised Officer C he/she observed the Subject in possession of a machete. Officer C opened the vehicle trunk and obtained the 40mm LLL and made it ready, loading a projectile into the chamber.

While Officer A continued to verbalize, the Subject moved several feet south, along the sidewalk and stood in front of a four feet high block wall.

Simultaneously, as Officer C loaded the 40mm LLL, Officer D moved to the driver's side of their vehicle, unholstered his/her pistol, and initially took a position behind the open door. After momentarily standing on the driver's side, Officer D redeployed to the rear of their vehicle and advised Officer C that the Subject was moving in their direction. Officer D continued around their vehicle and stood on the roadway, south of the Subject. Officer C propped the 40mm LLL on top of the door frame. Officer D stood to the right of Officer C and provided lethal cover.

At 0802:54 hours, Sergeant A arrived at scene and positioned his/her vehicle facing east, just south of Officer C and D's vehicle. Sergeant A exited his/her vehicle and took cover behind the driver's side of Officer C and D's vehicle. Sergeant A asked the officers, *"Hey it's behind his back? Is it behind his back?"* referring to the machete.

While the Subject ignored the officers' commands, she took a step in their direction. Officer A shouted toward the Subject, *"Don't come up. I'm going to hit you with a 40 mm. You're going to be hit with a beanbag and it's going to hurt."* The Subject replied, *"And I'm going to slap your face."* Officer A offered to help the Subject multiple times. The Subject replied, *"Don't help me."*

Following Officer A's less-lethal warning, Officer C stated to the Subject, *"It's going to hurt if you get hit with this."* The Subject faced Officer C and D's direction and replied, *"Do it."*

Seconds later, the Subject placed the white cup she was holding on top of the wall and moved her hands behind her back. The Subject then brought both hands forward and pounded her lower torso.

At 0803:58 hours, the Subject reached behind her back with both hands for a second time. With her left hand, the Subject began to lift the machete out of her rear waistband. Officer C, who was standing behind his/her passenger's door, aimed at the center of the Subject's navel area, and fired one round from his/her 40mm LLL, from an approximate distance of 25 feet. The projectile struck the Subject on the abdomen, which caused her to drop the machete onto the sidewalk. The Subject bent forward at the waist and brought her hands to her stomach as she momentarily crouched down to the ground.

After firing the 40mm LLL, Officer C removed the spent casing and reloaded a second projectile. Once again, Officer C pointed the 40mm LLL at the Subject and directed her to get on the ground and move away from the knife.

Officer A warned the Subject not to pick up the machete or she would get hit with the 40mm LLL again. Officer C also gave the Subject commands to get on her stomach or he/she would *"hit"* her again, referring to the 40mm LLL.

Sergeant A, who was standing near Officer C and D's vehicle, directed Officers E and F to his/her position and designated them as the arrest team. Sergeant A then verified Officer C was equipped with the 40 mm LLL and Officer D was the designated cover officer (DCO).

Officer A continued to give the Subject commands to get away from the weapon. From a squatted position, with both hands touching the ground, the Subject moved away from the machete. As the Subject moved away from the machete, Officer D shouted *"standby"* and moved from the passenger's side of his/her vehicle and recovered the machete from the sidewalk. Officer D secured the machete inside his/her vehicle.

At 08:05:41 hours, Sergeant A directed the officers to move up and follow the Subject into the parking lot she had entered. Sergeant A broadcast a situational update and requested the responding units to block traffic. Sergeant A also designated officers as the arrest team.

As the Subject stood in the parking lot and faced the team of officers, she yelled and struck her chest with clenched fists. Sergeant A directed the arrest team to move forward and take the Subject into custody. The Subject was then taken into custody without further incident.

At 08:08:47 hours, an RA was requested for the Subject. At 0824 hours, the RA arrived at scene and transported the Subject to a hospital.

At 1225 hours, Sergeant B was notified by Officers A and B that the Subject was being held overnight for observation due to an injury to her liver. The medical staff determined the Subject's injury was caused by the use of force. As a result, the incident was elevated to the level of a Categorical Use of Force LERI.

BWV and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' (BOPC) Findings

The BOPC reviews each categorical use of force (CUOF) incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: tactics of the involved officer(s), drawing/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 Tactical Debrief.

B. Drawing and Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officer C's less-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 suspected offense;
- The level of threat or resistance presented by the suspect;
- 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 suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances

surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, Subjects, persons in custody, subjects 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 fired 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 fired 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 firing 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 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*
(*Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques*)

Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning and Assessment – Officers A and B had worked together approximately 30 times over the course of seven years and had many tactical discussions during that time, as well as debriefing their incidents after handling radio calls. At their start of watch, they discussed tactics including, contact/cover roles, backup requests and driver/passenger duties. While en route to the radio call, they discuss the comments of the radio call, cover, lethal and less-lethal force, requesting a backup and additional resources, background concerns and de-escalation techniques. Officer A stated he/she would deploy the 40mm LLL and Officer B agreed to be the DCO.

Officers C and D were not regular partners, but had worked together on several previous occasions, having tactical discussions including, foot pursuits, traffic stops, contact/cover roles, less-lethal and lethal force.

Officers A and B arrived at scene and Officer A immediately began giving commands to the Subject to de-escalate the situation. Officer A assessed the Subject understood the commands, based on her responses. Officer A assessed the Subject was armed with a machete and tried building a rapport with the Subject to gain her compliance. Officer B assessed the Subject's actions to be erratic and aggressive, as if mentally ill or under the influence of unknown substances, and requested a backup as the Subject was not complying with commands.

Upon arrival, Officers C and D deployed their police vehicle south of both the Subject and Officers A and B's vehicle, in effort to triangulate on the Subject and contain her between both police vehicles. Officer C observed the Subject had a machete tucked into the left side of her pants and deployed their 40mm LLL.

Time and Redeployment and/or Containment – Officers A, B, C and D attempted to establish containment by positioning their respective police vehicles in a way that allowed them to use their vehicle doors as cover, while maintaining distance from the Subject. The vehicles provided cover and afforded officers more time to communicate with the Subject and assess the situation. As the Subject began walking southbound, Officer B redeployed from the driver side of his/her police vehicle to the passenger side to provide lethal cover to his/her partner, who was armed with a 40mm LLL. Officer D also redeployed from the driver side of his/her vehicle to the passenger side to provide lethal cover for his/her partner, who was also armed with a 40mm LLL.

Other Resources and Lines of Communication – Officers A and B observed the Subject had a machete in her left waistband area. Officer B immediately requested a backup and both officers communicated to responding units that the Subject had a machete in her waistband. During the incident, Officer A had continuous communication with the Subject, which included issuing verbal commands to stop and drop the machete and providing multiple use of force warnings. Both Officers A and C gave clear less-lethal warnings informing the Subject they would fire the 40mm LLL and it would hurt. Additionally, officers communicated with each other clearly and effectively, discussing identification of the machete, the need for less-lethal weapons to be available and to coordinate containment of the Subject.

During review of this incident, no debriefing points were identified.

Command and Control

Sergeant A arrived at scene and positioned his/her vehicle facing east, just south of Officer D's vehicle, and took cover behind the driver side door of Officer D's vehicle. As Sergeant A was attempting to gain situational awareness and ascertain if the Subject was armed, Officer C deployed the 40mm LLL at the Subject causing the Subject to drop the machete. After the 40mm LLL was deployed, Sergeant A directed Officers E and F to act as an arrest team. Sergeant A also verified Officer C was equipped with the 40mm LLL and Officer D was the DCO. As the Subject walked northbound away from the machete, he/she then directed Officers D and C to move north and triangulate on her. After numerous verbal commands to place the Subject in a position of disadvantage, Sergeant A directed the officers to take the Subject into custody. The Subject was handcuffed without further issue. Sergeant A requested an additional supervisor to conduct a use of force investigation, as at the time he/she believed the incident would be a non-categorical use of force.

Sergeant B arrived at scene and initiated a non-categorical use of force investigation. At 1225 hours, Sergeant B was notified by Officers A and B that the Subject was being held overnight at the hospital for observation due to an injury to her liver. The medical staff determined the Subject's injury was caused by the use of force.

At 1241 hours, Sergeant B notified the 77th Street Patrol Division, Watch Commander, that the Subject would be held overnight at the hospital and then contacted Force Investigation Division (FID) and advised of the situation. FID personnel responded to the hospital, confirmed the Subject would be admitted due to the use of force related injury and would be investigated as a CUOF.

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

B. Drawing/Exhibiting

• Officer D

- According to Officer D, he/she was responding to an ADW radio call of a suspect armed with a machete. Upon arrival, he/she observed the handle of a possible machete on the left hip area of the Subject. He/She also heard Officers A and C talking about where the machete was on the Subject. Officer D moved to the driver side of his/her vehicle, unholstered his/her service pistol and took a position behind the open door. He/She held his/her pistol at a low ready position in case the Subject rushed the officers and closed the distance on them.

• Officer B

- According to Officer B, he/she was responding to an ADW radio call of a suspect armed with a machete. Upon arrival, he/she exited the driver seat and observed what he/she believed to be the handle of a machete on the Subject's left side or back area. Believing the situation could escalate to deadly force, Officer B unholstered his/her pistol and stood behind his/her open door.

The BOPC noted that the UOFRB assessed Officers B and D's drawing and exhibiting of their service pistols. The UOFRB noted the officers were responding to an ADW radio call of a suspect armed with a machete. Upon arrival, officers located the Subject and noted the handle of a possible machete on her waist. Officers B and D stated they unholstered their service pistol based on their belief the situation had the potential to escalate where deadly force may be justified. The UOFRB assessed the tactical situation and concurred with the officers' belief the situation could escalate to where deadly force may be justified.

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

Less-Lethal Use of Force

Officer C - 40mm LLL. One round from approximately 25 feet, in an easterly direction.

According to Officer C, he/she believed the Subject was arming herself with a machete to cause serious bodily injury or harm to citizens in the area or to his/her fellow officers. Officer C aimed at the center of the Subject's navel area and fired one round from his/her 40mm LLL from an approximate distance of 25 feet in an easterly direction. The round struck the Subject on the abdomen, causing her to drop the machete.

The BOPC noted that the UOFRB evaluated the one 40mm round fired by Officer C. The UOFRB noted Officer C fired the 40mm LLL when the Subject reached for the handle of the machete and was bringing it out from her waistband. The UOFRB opined the Subject's actions constituted an immediate threat to the safety of the officers and the use of the 40mm LLL was reasonable. The UOFRB opined the incident could have easily escalated into an Officer-Involved Shooting; however, the officer's decision to immediately deploy the 40mm LLL de-escalated the situation, as the Subject dropped the machete after being struck by the 40mm projectile.

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