

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

OFFICER-INVOLVED SHOOTING – 034-22

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

West Los Angeles 7/7/22

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

Sergeant A 19 years, 2 months

Reason for Police Contact

Officers responded to an “ambulance attempted suicide involving a knife” radio call. The comments of the call indicated that the Subject was armed with a knife, cutting himself, and threatening bystanders. As officers responded to the incident, a lone sergeant arrived at the scene. The Subject, armed with a knife, charged toward the sergeant, resulting in an officer-involved shooting (OIS).

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

Male, 36 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; 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 13, 2023.

Incident Summary

The incident began on Thursday, July 7, 2022, when the Subject was brandishing a knife.

Victim A and her boyfriend were visiting a friend who lived in a homeless encampment. Throughout Victim A's visit, she observed the Subject standing on the sidewalk and believed that he appeared unstable.

At approximately 1640 hours, the Subject was standing on the sidewalk when, according to Victim A, the Subject approached her and brandished a knife. The Subject told Victim A, *"I'm a cut you if you don't call the cops."* As Victim A watched, the Subject used a kitchen knife to cut his own wrist. Victim A opined that the Subject wanted someone to talk to and was cutting himself for attention.

A security guard, Witness A, who was standing by his guard shack, also observed the Subject cutting his right wrist and poking his chest area. When Witness A observed this, he left the guard shack area and walked toward the sidewalk. As Witness A walked, Victim A walked by him and yelled, *"He - - he cut - - he cut himself pretty bad. He's going to bleed out and die."*

At approximately 1646 hours, Witness A used his cellular telephone to contact 911. Witness A was connected to the Los Angeles Fire Department (LAFD) operator. Witness A stated that he observed the Subject with cuts on his arms and believed that he was possibly under the influence of drugs. Witness A explained that the Subject appeared to be hostile and was bleeding a lot. Furthermore, Witness A stated that he observed a knife in the Subject's hand.

While Witness A was on the phone with the LAFD operator, he continued to watch the Subject. At this time, Witness B walked west on the south sidewalk and observed the Subject sitting on top of a three-foot wall. The Subject had a sharp object in his hand, which Witness B described as a possible box cutter or knife. According to Witness B, she observed the Subject rocking his body back and forth and moving his arms. Witness B noticed that the Subject had blood all over his face and left hand and arm.

Witness B continued to walk toward the parking lot and observed the Subject start to walk toward her. Witness B said, *"And as he kept walking towards me, he said, 'I'm going to hurt you. Call the police. I'm going to hurt you.' And he just kept walking towards me. And it was at my stomach, where my stomach was, the blade."* In fear, Witness B ran toward the street to get away from the Subject.

While Witness A was providing information to the LAFD operator, he observed the Subject aggressively approach Witness B. Witness A explained, *"Then when I seen an employee pass from the building, she pass and he kind of stood up angry like he wanted to charge her. So that's when I stood up and I made sure she got here safe and"*

radioed the building to hold all employees because he looks pretty aggressive.”

The LAFD operator connected Witness A to Los Angeles Police Department (LAPD) Communications Division (CD) and provided a synopsis to the Emergency Board Operator (EBO). The EBO received the information for police response and verified that LAFD would also be responding to the location. Witness A spoke to the EBO and reiterated the information he provided to LAFD. At 1655:49 hours, CD broadcast the call.

At 1656:29 hours, CD assigned the call to Officers A and B, who responded to the call Code Three (with their vehicle's emergency equipment activated). While en route, Officers A and B discussed tactics. Officer B stated that he/she would be the contact officer and assigned Officer A as the cover officer. Officer B also told Officer A to deploy the 40mm less-lethal launcher (LLL).

Multiple units broadcast that they were responding to the incident. When CD generated the incident, they did not assign a supervisor to respond. However, Sergeant A indicated that he/she was aware that the call involved a knife and volunteered to be the responding supervisor.

At 1657:49 hours, LAFD broadcast over West Los Angeles Division frequency, *“LAPD Dispatch can you secure, tell us if the scene is secure.... Is it safe to enter?”* In response, CD advised LAFD to stand by because the units were still en route.

Officer C was in the first unit to arrive in the area. He/she indicated that he/she observed transients on the south sidewalk pointing east. Officer C indicated that he/she did not initially broadcast that he/she was Code Six (on scene to investigate) when he/she arrived because he/she forgot.

Meanwhile, at 1701:58 hours, Officer B broadcast that they were Code Six in the area.

At 1702:05 hours, Officer C's digital in-car video (DICV) captured Sergeant A's police vehicle positioned perpendicular in the middle of the road as if he/she was preparing to negotiate a U-turn.

As that occurred, Sergeant A completed the U-turn and positioned his/her police vehicle behind Officer C's, which was stopped in the middle lane. Sergeant A did not broadcast that he/she was Code Six when he/she arrived in the area.

According to Officer C, he/she was flagged down by Witness A who provided him/her with a description of the Subject and said, *“It's that guy right there with the hoodie. He has a knife. Be careful.”*

According to Sergeant A, he/she was unaware that the police vehicle in front of him/her was a single-officer unit, because all the units deployed on Watch 2 were two-officer units.

Officer C advised that he/she observed the Subject armed with a knife in his hand, held in a downward position, approximately 100 to 150 feet away from his/her police vehicle. At that point, he/she decided to drive past the Subject to conduct a U-turn in order to triangulate on him with Sergeant A.

According to Sergeant A, he/she was confused when Officer C drove away because he/she observed Witness A gesturing toward the Subject's direction. Additionally, he/she stated that the Subject was acting so casual as he stood on the sidewalk looking toward their direction. At that time, Sergeant A could not see if the Subject had a knife in his possession or any lacerations.

Sergeant A's DICV captured him/her drive his/her police vehicle to the south sidewalk toward Witness A. Sergeant A pointed with his/her right hand east toward the Subject and asked Witness A if that was the suspect. Witness A replied, *"Yeah, he has a knife."*

At 1702:38 hours, Sergeant A's BWV captured him/her place his/her police vehicle in park and exit. Sergeant A held his/her police radio in his/her right hand and stood behind the driver door, which was ajar. He/she shouted, *"Hey!"* Nearly simultaneously, Officer C broadcast that he/she was Code Six.

Sergeant A indicated that the comment he/she made was directed at the police vehicle in front of him. He/she explained, *"'Hey,' to the black and white. I'm like, 'Hey, it's - - it's this guy.' You know, 'Where you going?' Like, 'What's going on? What are you guys doing?' Right? And then - - but that black and white kept on going. I'm like, oh, I guess I got the wrong guy. He must be further down the street."*

FID investigators determined that the distance between the Subject and Sergeant A was approximately 65 feet.

Meanwhile, Officer C attempted to conduct a U-turn. According to Officer C, due to traffic, he/she had to wait to complete the turn. Once the path was clear, he/she began to turn and observed another police vehicle travelling west.

Simultaneously, Witness A was standing by the entrance of the parking lot, south of Sergeant A's police vehicle. According to Witness A, he wanted to capture the Subject's actions and began to use his cellular telephone to record. Witness A believed that there was a possibility the Subject might charge at Sergeant A with a knife, and Witness A wanted to capture his actions (by video recording) in the event that Sergeant A had to utilize his/her pistol.

At 1702:53 hours, at the end of Sergeant A's broadcast to CD, his/her DIVC captured the Subject facing west toward him/her. At that moment, while walking toward Sergeant A, the Subject moved his arms toward the front of his torso and back to his sides. Simultaneously, Sergeant A's BWV captured the flow of eastbound traffic and the Subject. Sergeant A held his/her police radio in his/her right hand and vehicle keys in his/her left hand. He/she used his/her right hand to put his/her police radio back onto

his/her duty belt and shouted, *"Hey stay right there, stay right there, stay right there!"* to the Subject.

Sergeant A began to walk backward toward the rear of his/her police vehicle. Sergeant A said, *"At some point I'm starting to back up and I see the knife, and I see this - - he's got the knife in - - in a - - holding the knife in a way that he - - he can stab me."*

Nearly simultaneously, Sergeant A's BWV captured a truck travelling east in the number two lane. The driver of the truck was Witness C. According to Witness C, he first noticed the Subject standing on the sidewalk and run/chase toward Sergeant A. Witness C said that the Subject was holding a seven to eight-inch knife in his hand above his shoulders, threatening the officer.

At that moment, Witness A's cellular phone video recording captured the Subject sprinting toward Sergeant A and Witness A shouting, *"Careful, Careful, Careful!"* According to Witness A, he observed the Subject holding a knife. Witness A shouted, *"careful"* to Sergeant A because he believed that Sergeant A did not notice Subject sprinting toward him.

The Subject continued sprinting toward Sergeant A and stepped off the sidewalk onto the street. Sergeant A did not hear the Subject say anything as he sprinted toward him/her.

Sergeant A continued to walk backward and shouted, *"Get Back,"* while he/she was positioned near the left rear fender of his/her police vehicle. At that moment, the Subject was near the front of Sergeant A's police vehicle.

Sergeant A remained facing the Subject and unholstered his/her pistol with his/her right hand. His/her muzzle was pointed toward the pavement. At that moment, Sergeant A believed that the Subject was focused and determined to kill him/her.

Sergeant A raised his/her muzzle and pointed it at the Subject while quickly transitioning to a two-handed grip and still holding his/her vehicle keys in his/her left hand. Sergeant A again shouted, *"Get back!"*

Sergeant A was now positioned to the rear of his/her police vehicle and his/her muzzle remained pointed northeast at the Subject. The Subject continued to sprint toward him and had his right arm above his head, and Sergeant A shouted, *"I'll shoot you!"*

The Subject was now positioned near the left rear fender of Sergeant A's police vehicle. As that occurred, Sergeant A moved backward (south) from his/her police vehicle, onto the apron/sidewalk area. Sergeant A then shouted, *"I'll shoot!"*

At 1702:57 hours, Sergeant A continued stepping backward and fired his/her pistol northeast toward the Subject from approximately 6 feet. The Subject continued running toward Sergeant A. FID investigators determined that the distance from the point the

Subject was near the driver door to the point Sergeant A fired his/her pistol for the first time was approximately 16 feet. The distance between Sergeant A and the Subject was approximately 6 feet when Sergeant A fired the first shot.

Witness A's cellular phone video recording captured Sergeant A at the back of his/her police vehicle on the south sidewalk. He/she had his/her pistol pointed northeast toward the Subject. At that moment, Sergeant A's background consisted of vehicle traffic.

Witness A's cellular phone video recording captured the Subject's right arm above his shoulders as he ran toward Sergeant A, who was on the south sidewalk. At 1702:58 hours, Sergeant A fired two additional rounds at the Subject.

As captured on BWV, the Subject continued to advance and Sergeant A continued to move backward and fired a fourth round at the Subject. In response, the Subject's upper torso abruptly began to move backward; however, his legs continued to move forward. Sergeant A then transitioned to a one-handed grip of his/her pistol with his/her right hand. The Subject continued advancing toward Sergeant A while holding the knife.

Witness A's cellular phone video recording captured the Subject continue to close the distance and get within approximately one foot of Sergeant A.

Sergeant A's BWV captured him/her fire a fifth round at the Subject. In response, the Subject stopped and fell to the pavement.

During Sergeant A's FID interview, investigators asked him/her about his/her assessment while firing the five rounds. Sergeant A stated, *"Well, I - - I shot them very quickly, so - - but my - - my only assessment was that he's still coming at me. And so I had to keep on firing to stop him."*

Sergeant A indicated that he/she stopped firing his/her pistol, *"when he [the Subject] diverted off to the side and no longer came straight at me."*

Nearly simultaneously, Sergeant A and the Subject fell to the pavement.

At 1703:00 hours, Officer A's BWV captured him/her stop the police vehicle in the number one lane under the I-405 overpass facing west. Officer C approached the I-405 overpass behind Officers A and B. Officer C's BWV captured him/her broadcast, *"Shots fired. Officer needs help..."*

As they exited their police vehicle, Officers A and B's BWVs captured each of them unholster his/her pistol and hold it in a low-ready position with his/her index finger along the frame.

Officer A stood outside the driver door of their police vehicle and said, “*Let’s go.*” He/she walked west, past the front of his/her vehicle, with his/her muzzle pointed to the pavement. Officer B remained by the passenger door of their police vehicle.

Officer B told Officer A to return to the police vehicle and drive closer to the incident. Both Officers A and B holstered their pistols prior to re-entering their police vehicle. Officer B believed that they might be in a potential crossfire situation and wanted to redeploy.

Simultaneously, Officer C stopped his/her police vehicle west in the number one lane. He/she exited his/her vehicle and stood by the driver door.

Meanwhile, at 1703:01 hours, Sergeant A’s BWV captured him/her roll to his/her left side and place his/her left hand on the pavement to support himself/herself. As that occurred, he/she maintained a one-handed grip of his/her pistol with his/her right hand. Sergeant A’s muzzle was pointed to the pavement and his/her index finger remained along the frame. According to Sergeant A, he/she stood up quickly because he/she did not want to be on the pavement with the Subject due to the fact that he tried to attack him/her with a knife.

At 1703:08 hours, CD broadcast the “*Officer Needs Help*” call.

Sergeant A pointed his/her pistol in the direction of the Subject and yelled multiple commands for him to drop the knife. The Subject remained on the ground and appeared to be wincing.

Sergeant A stated that he/she kept his/her pistol pointed in the Subject’s direction at a low-ready position with his/her index finger along the frame.

Officer A drove their police vehicle west past Sergeant A and his/her police vehicle. Officer A made a left turn and positioned the police vehicle facing southeast. Officer C entered his/her police vehicle and drove southwest. Officer C stopped his/her police vehicle facing southwest, near Sergeant A’s police vehicle.

As a result of Sergeant A’s transmission being covered, CD broadcast, “*Unit requesting RA re-identify.*”

At 1703:33 hours, LAFD broadcast they were staged nearby.

Officer C exited his/her police vehicle, lowered the driver’s window, and stood behind the door. According to Officer C, he/she was approximately 15 feet away from the Subject and could not see his hands or if he was armed with a weapon. He/she said that he/she used the driver door as cover.

Officer C unholstered his/her pistol with his/her index finger along the frame and pointed it in the Subject’s direction.

Officer A exited his/her police vehicle, stood in front of the driver door, and unholstered his/her pistol with his/her index finger along the frame. His/her muzzle was pointed in the Subject's direction.

When Officer B exited his/her police vehicle, he/she unholstered his/her pistol with his/her index finger along the frame and stood near the passenger door.

Sergeant A shouted to Officers A and B to grab a shield; however, they told him/her that they did not have one. Officer B broadcast for a unit with a shield to respond to the scene.

At 1703:58 hours, Officers D and E arrived at the scene. Officer D exited their vehicle and began to unholster his/her pistol as he/she walked toward the scene. He/she positioned him/herself on the north side of Sergeant A's vehicle, slightly off set from Officer C's position. His/her muzzle was pointed in the Subject's direction, with his/her index finger along the frame. A few moments later, Officer D redeployed to the north side of Officer C's police vehicle to obtain a better view of the Subject. As he/she did so, his/her pistol was still unholstered and his/her muzzle pointed to the pavement. He/she took cover behind Officer C's police vehicle.

Officer E's BWV captured him/her loading the 40mm LLL while en route to the radio call prior to the OIS. He/she exited his/her police vehicle with the 40mm LLL, loaded with one sponge round in the chamber. As he/she approached the scene, he/she slung the 40mm LLL over his/her right shoulder and stood behind Officer C with his/her pistol unholstered. Officer E had a one-handed grip on his/her pistol with the muzzle pointed to the pavement.

Using BWV, FID investigators determined that Officer E's index finger was along the frame when he/she unholstered his/her pistol.

At 1704:27 hours, Officers F and G arrived at the scene. As they exited their police vehicle, Officer F instructed Officer G to obtain the shield. As Officer F approached the scene, Sergeant A was simultaneously requesting a shield. Officer F advised him/her that he/she had a shield and unholstered his/her pistol. Officer F had a one-handed grip on his/her pistol with his/her index finger along the frame and the muzzle pointed toward the pavement. Officer F stood near Officer C's open driver door.

Officer G retrieved the shield from the trunk of their police vehicle. He/she approached the scene and stood north of Sergeant A's police vehicle, south of Officer F's position.

Officer F directed Officers A, B, and Sergeant A to redeploy to his/her position to formulate a plan. As they repositioned themselves, Sergeant A and Officer B walked in front of Officer A. As Officer F began to assign roles for the arrest team, Officers H and I arrived and positioned themselves near Officer F.

Officer F formulated an arrest team consisting of Officer G (shield), Officer F & Sergeant A (pistols), Officer E (40mm LLL), Officer I (Taser), and Officers A & D (handcuffing).

At 1706:09 hours, the arrest team approached the Subject. Officer A grasped the Subject's left arm and partially lifted him. Officers D and F assisted Officer A with turning the Subject over.

As the officers were turning the Subject over, a knife was exposed underneath him, and Officer I used his/her right foot to step on the knife.

Officer I and Sergeant A told Officer H to monitor the knife. The Subject was placed in a prone position and handcuffed.

Simultaneously, Sergeant A broadcast for the LAFD rescue ambulance (RA) to approach. Officer A searched the Subject's waistband area. Sergeant A then ordered Officers A and D to position the Subject in a recovery position.

Officer F retrieved from his/her police vehicle a medical kit with scissors to cut the Subject's shirt. Officer F identified three gunshot wounds to the Subject's chest and abdomen area. At 1708:32 hours, LAFD arrived at scene and rendered medical aid to the Subject.

At 1721:15 hours, LAFD transported the Subject to the hospital where he received additional treatment for the gunshot wounds to his torso and was subsequently pronounced dead.

At approximately 1757 hours, the Department Operations Center (DOC) was notified of the categorical use of force (CUOF).

BWV and DICV Policy Compliance

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

Los Angeles Board of Police Commissioners' (BOPC) Findings

The BOPC reviews each 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 this incident, the BOPC made the following findings:

A. Tactics

The BOPC found Sergeant A's tactics to warrant a Tactical Debrief. The BOPC found Officer C's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Sergeant A's lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20

vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;

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

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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

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

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

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on

the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

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

Rendering Aid: After any use of force, officers shall immediately request a 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, 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.

Detention

- Officers responded to an ambulance attempt suicide radio call. The comments of the call indicated that the suspect was armed with a knife, cutting himself, and threatening bystanders. When officers arrived at the scene, they were directed to the suspect (the Subject) by an eyewitness. Despite orders to the contrary, the Subject charged toward a uniformed Police Sergeant while holding a knife. Based on the totality of the circumstances, officers had reasonable suspicion to detain the Subject.

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/her/hers 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** – Hearing CD broadcast an “ambulance - attempted suicide involving a knife” call, Sergeant A assessed the need for a supervisor to respond and advised CD that he/she would do so. The Use of Force Review Board (UOFRB) noted that by volunteering to respond to this incident, Sergeant A satisfied the requirement that CD personnel dispatch a supervisor to calls involving edged weapons.

After speaking with Witness A, Officer C assessed the tactical situation. According to Officer C, he/she observed the Subject standing on the sidewalk holding a knife. He/she also observed Sergeant A conduct a U-turn behind him/her. Officer C planned to conduct a U-turn and triangulate on the Subject with Sergeant A; however, he/she did not advise him/her of his/her plan.

Arriving at the scene, Sergeant A stopped behind Officer C. According to Sergeant A, he/she was unaware that the police vehicle in front of him/her was a single-officer unit. When Officer C drove forward, past the Subject, Sergeant A became confused. Sergeant A saw both Victim A and Witness A gesturing toward the Subject’s direction and believed that he was the suspect. According to Sergeant A, the Subject was acting casually, and he/she could not see if the Subject had a knife in his possession. Sergeant A then spoke with Witness A and verified that the Subject was indeed the suspect. Witness A also advised Sergeant A that the Subject was armed with a knife. Sergeant A assessed the situation, parked his/her police vehicle, and exited. Observing the Subject’s actions, Sergeant A assessed that he posed an imminent lethal threat. Sergeant A attempted to redeploy, but the Subject’s actions limited his ability to de-escalate the situation before the OIS occurred.

After the OIS, Officer F assisted Sergeant A by forming a tactical plan to apprehend the Subject and render medical aid. The Subject was then apprehended without further incident and treated for his injuries; however, he did not survive.

- **Time and Redeployment/Containment** – Observing the Subject armed with a knife, Officer C drove past him, intending to triangulate on him with Sergeant A.

After parking his/her police vehicle, Sergeant A exited and stood behind his/her ballistic door panel as he/she attempted to communicate with the Subject. As the Subject sprinted toward him, Sergeant A attempted to create distance by redeploying toward the back of his/her police vehicle. As the Subject continued to rapidly advance, Sergeant A continued to redeploy back to the sidewalk, attempting

to create distance. The Subject's continuing actions limited Sergeant A's ability to de-escalate the situation before the OIS.

After the OIS, responding officers maintained their distance from the Subject, using their police vehicles and a ballistic shield as cover while Officer F formed a tactical plan to safely apprehend the Subject and render medical aid. During their approach, members of the arrest team used the ballistic shield as portable cover.

The BOPC considered that the UOFRB noted that after the OIS, Sergeant A had limited cover. While the UOFRB understood that the Subject's actions limited his/her options before and during the OIS, after the OIS, they would have preferred that he/she had redeployed sooner.

- **Other Resources and Lines of Communication** – Arriving at the scene, Officer C spoke with Witness A, who directed him/her to the Subject and advised that he was armed with a knife. Officer C recalled seeing the knife in the Subject's hand. While Officer C intended to triangulate on the Subject with Sergeant A, as stated above, he/she did not communicate his/her plan to him/her. Before the OIS, Sergeant A tried to communicate with the Subject; however, he failed to comply with the Sergeant's directions and the OIS occurred.

During the OIS, Sergeant A fell to the pavement as he/she attempted to create distance from the Subject. After the OIS, Sergeant A stood up and ordered the Subject to drop the knife. He/she requested backup units and a rescue ambulance (RA); LAFD personnel were already staged nearby.

Arriving at Sergeant A's location, Officers A and B positioned their police vehicle facing southeast as Officer C re-positioned his/her police vehicle to the rear of Sergeant A's vehicle. Officer C exited his/her police vehicle and used his/her ballistic door panel as cover. While approaching the scene (post OIS), Officer C had broadcast an officer help call, advising that shots had been fired. Several units responded, including Officer F. After forming a tactical plan, Officer F communicated it to the arrest team and designated their roles.

The BOPC noted that the UOFRB was critical of Officer C's lack of planning and communication. The UOFRB noted that when Officer C met with Witness A, he directed him/her to the Subject, whom he advised was armed with a knife. Officer C then observed the Subject holding the knife and decided to redeploy. Although Officer C was aware that a police vehicle was behind him/her, he/she did not communicate Witness A's information, his/her (Officer C's) observations, or his/her plan to triangulate on the Subject. The UOFRB noted that Officer C's failure to communicate this information confused Sergeant A and felt that it negatively impacted his/her situational awareness, placing him/her at a tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer C were a substantial deviation, without justification, from Department-approved tactical training.

- During its review of this incident, the BOPC noted the following tactical considerations:

Code Six

Officer C was the first unit to arrive at this call. Unable to locate other police units, he/she turned onto the area and observed Victim A pointing east. Officer C continued driving east until he/she was flagged down by Witness A. Speaking with Witness A, Officer C confirmed that the Subject was indeed the suspect and armed with a knife. Officer C estimated that the Subject was approximately 100 to 150 feet east of his/her location. Officer C then drove past the Subject, paused, and advised CD that he/she was at the scene. According to the FID investigation, approximately 45 seconds lapsed from the time Officer C arrived at the location of the radio call to the time he/she broadcast his/her Code Six location.

As Sergeant A responded, he/she observed Victim A standing on the south sidewalk pointing east and a police vehicle approaching in the opposite direction. Before conducting a U-turn to drive east, Sergeant A allowed the police vehicle to pass him/her. Sergeant A believed that the police vehicle was a two-officer unit. After speaking with Witness A, Sergeant A exited his/her police vehicle and advised CD that he/she was at the scene. According to Sergeant A, at this point, he/she believed that the Subject was approximately 30 yards away from him/her, but FID investigators determined the distance to be approximately 65 feet.

The BOPC noted that the UOFRB assessed Sergeant A and Officer C's adherence to the Department's Code Six policy. Regarding Officer C, the UOFRB would have preferred that he/she had broadcast his/her Code Six status when he/she arrived at the original call location. The UOFRB opined that had that occurred, Sergeant A may have realized that Officer C was in a single-officer unit, as a two-officer unit had already advised CD that they were Code Six. The UOFRB noted that Officer C also chose to approach the Subject before advising CD that he/she was at the scene. The UOFRB saw no reason why Officer C could not have advised CD of his/her Code Six status before approaching him. The UOFRB opined that by not doing so, he/she placed him/herself at a significant tactical disadvantage and failed to adhere to the Department's Code Six policy.

As it concerns Sergeant A, the UOFRB was not unanimous in its findings. The Minority felt that Sergeant A should have advised CD that he/she was at the scene when he/she arrived under the I-405 overpass and saw no reason why he/she could not do so. The Minority opined that this would have alerted other units that a supervisor was at the scene and allowed him/her to implement command and control. The Minority also opined that Sergeant A's lack of command and control

created a chaotic tactical situation in which a lack of instruction and communication caused a lack of a coordinated response.

The UOFRB Majority disagreed with the Minority. The Majority noted that after Officer C drove past the Subject, Sergeant A was confused as to whether he was the suspect. At the time, Sergeant A was under the I-405 overpass, east of the original call location. Sergeant A then spoke to Witness A and confirmed that the Subject was indeed the suspect. After speaking to Witness A, Sergeant A parked his/her vehicle, exited, and advised CD that he/she was at the scene. While the Majority would have preferred that Sergeant A had broadcast his/her Code Six status sooner, they felt the delay was reasonable, as he/she was still assessing the call. The Majority also noted that, unlike Officer C, Sergeant A did not approach the Subject before advising CD that he/she was at the scene.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer C were a substantial deviation, without justification, from Department-approved tactical training. Additionally, the BOPC determined that the tactics employed by Sergeant A, were not a substantial deviation from Department-approved tactical training.

The BOPC also considered the following additional debriefing topics:

- **Ballistic Shield Deployment** – As the arrest team approached the Subject, Officer G carried the ballistic shield while Officer F provided lethal-force cover as the rest of the team fanned out during the approach.
- **Incident Commander Declaration** – After the OIS, Sergeant A was the lone sergeant at the scene. Although he/she implemented command and control, he/she did not advise CD that he/she was the incident commander.
- **Non-Medical Face Coverings** – Sergeant A and Officer C were not wearing non-medical face coverings at the scene, as directed by the Chief in May 2020.

Command and Control

- When CD generated this incident, they did not assign a supervisor to respond; however, Sergeant A indicated he/she was aware that the call involved a knife and “volunteered” to be the responding supervisor. Sergeant A was also aware that he/she was the only West Los Angeles Division patrol supervisor in the field. Shortly after he/she arrived at the scene, the OIS occurred.

After the OIS, Sergeant A requested an RA, backup units, and a ballistic shield. As officers arrived on the scene, Sergeant A expressed his/her desire to approach the Subject and render aid. After apprehending the Subject, Sergeant A directed officers to place him in a recovery position. Sergeant A also directed officers to secure the scene and obtain witness statements.

Officer F arrived at the scene after the OIS; he/she was the senior officer at the scene. He/she slowed the incident and formulated a tactical plan to approach and apprehend the Subject. Officer F designated roles and ensured that a ballistic shield was used. He/she also ensured that members of the arrest team were wearing latex gloves. Under Officer F's guidance, the arrest team approached the Subject and turned him over, exposing a knife lying under him. Then the Subject was handcuffed and placed in a prone position. During the approach, Officer F ensured that the team moved in a controlled manner. After apprehending the Subject, Officer F ensured that medical aid was rendered and advised Sergeant A to request an additional supervisor.

Sergeant B arrived at the scene after the Subject was in custody. He/she separated and monitored Sergeant A and obtained his/her public safety statement.

The BOPC noted that the UOFRB assessed Officer F and Sergeant A's command and control. Regarding Officer F, the UOFRB commended him/her for his/her use of active leadership. The UOFRB determined that this allowed him/her to direct others while using available resources to coordinate a response and accomplish tasks.

Concerning Sergeant A, the UOFRB was not unanimous in its findings. The Minority felt that Sergeant A should have initiated command and control while responding to the call or after he/she arrived in the area. The Minority determined that his/her lack of command and control created a chaotic tactical situation in which a lack of instruction and communication caused a lack of coordinated response. The Minority believed that had responding officers been aware of who was in charge or what the plan was, there would have been a greater opportunity for redeployment and situational awareness among responding units. As such, the Minority determined that Sergeant A's actions were a substantial deviation, without justification, from Department-approved tactical training.

The Majority disagreed with the Minority's opinion. The Majority noted that the Department's training bulletin on Command and Control states in relevant part that "the senior officer or any person on scene who has gained sufficient situational awareness, shall establish command and control and begin the process to develop a plan of action." Here, the Majority noted that Sergeant A had just arrived at the scene and was still gaining situational awareness when the OIS occurred. As such, the Majority opined that he/she did not have sufficient time to implement command and control before the OIS. Additionally, the Majority believed that it was unrealistic to expect Sergeant A to initiate command and control before arriving at the scene and assessing the incident. Regarding his/her post-OIS command and control, the Majority noted that Sergeant A relied on Officer F to handle the tactics involved in the Subject's apprehension. Based on the dynamic nature of this incident, the Majority believed that Sergeant A was still processing what had occurred and that it was reasonable for him/her to rely on Officer F's assistance. As such, the Majority

determined that Sergeant A's actions were not a substantial deviation from Department-approved tactical training.

Based on the totality of the circumstances, the BOPC determined that the overall actions of Officer F and Sergeant B were consistent with Department training and expectations of senior officers and supervisors during a critical incident. Additionally, the BOPC determined that the overall actions of Sergeant A were not a substantial deviation from Department-approved tactical training.

B. Drawing and Exhibiting

Sergeant A

- Sergeant A was aware that the comments of the radio call stated that the Subject was armed with a knife. Sergeant A also spoke with Witness A who confirmed that the Subject was armed. After exiting his/her police vehicle, Sergeant A observed the Subject running at him/her with the knife. In response, Sergeant A unholstered his/her pistol.

Officer C

- After negotiating a U-turn to drive west, Officer C heard gunshots west of his/her location. After exiting his/her police vehicle, he/she observed the Subject laying on the sidewalk. Unsure if the Subject was still armed or had additional weapons, Officer C unholstered his/her pistol.

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

C. Lethal Use of Force

Sergeant A – pistol, five rounds

- **Background** – Sergeant A observed the Subject sprinting toward him/her with the knife. To create distance between him/herself and the Subject, Sergeant A redeployed to the driver's side rear bumper area of the police vehicle. The Subject continued to close the distance from 16 feet to 6 feet while wielding a knife above his head in a stabbing motion. Sergeant A ordered the Subject to "*get back*" before advising the Subject that he/she was going to shoot him. The Subject continued charging toward Sergeant A. In response, Sergeant A discharged five rounds toward the Subject. Nearly simultaneously, Sergeant A and the Subject fell to the pavement and landed in a supine position.

The BOPC noted that the UOFRB assessed Sergeant A's lethal use of force. The UOFRB noted that within approximately four seconds of exiting his/her police vehicle, Sergeant A observed the Subject sprinting toward him with a knife. Sergeant A attempted to de-escalate the situation by redeploying, while telling the Subject to get back and warning him that he/she would shoot; however, the Subject continued to advance. Based on the Subject's actions, Sergeant A believed that the Subject was going to "*strike*" him/her with the knife and that his/her only option was to use lethal force. The UOFRB opined that the Subject's actions forced Sergeant A to make a split-second decision to defend him/herself against an imminent threat of death or serious bodily injury and that lethal use of force was necessary, proportional, and objectively reasonable.

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