

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

**OFFICER-INVOLVED SHOOTING – 044-22**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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West Valley	8/17/22		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	25 years, 10 months
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**Reason for Police Contact**

On August 17, 2022, at approximately 0745 hours, officers responded to a radio call of a man (the Subject) using narcotics and armed with a machete. When officers contacted the Subject, he refused to comply with their orders to drop the machete and ultimately fled on a bicycle. The officers broadcast a request for a back-up unit and followed the Subject into an alley, where he abruptly dismounted his bicycle and confronted one of the officers with the machete, resulting in an officer-involved shooting (OIS).

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 24 years of age.

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (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 July 25, 2023.

## **Incident Summary**

On Wednesday August 17, 2022, at approximately 0500 hours, Witness A left her residence and observed a man (the Subject) armed with a machete, using narcotics in her rear alley. At approximately 0702 hours, Witness A received a call from her mother advising that the Subject was now shaking the rear gate to their property. Witness A called 911 and reported the incident. Communications Division (CD) generated a radio call of a "415 man with a knife" and assigned it to Officers B and C. Officer B was the driver and Officer C was the passenger.

Due to the Subject being armed with a machete, CD initiated the edged weapons protocol. Officer C confirmed that he/she was equipped with a less-lethal beanbag shotgun. Sergeant A was also dispatched to the call by CD.

Officers B and C arrived in the rear alley and placed themselves Code Six (on scene) via their mobile data computer (MDC). According to Officer B, the Subject noticed the officers and began riding his bicycle east, away from them. Officers B and C had delayed activations on their BWV and DICV; therefore, their initial interaction with the Subject was captured on the camera buffer without audio.

According to Officer B, he/she ordered the Subject to get off the bicycle. After traveling a short distance within the alley, the Subject complied. Officer B noticed the Subject had a machete on the handlebars of the bicycle and ordered him to leave the machete where it was. Despite Officer B's orders, the Subject grabbed and held the machete with his left hand.

While at the front bumper of their vehicle, Officer C ordered the Subject to drop the machete from approximately 45 feet away.

The Subject continued to pace around his bicycle with the machete in his left hand while yelling incoherently. Twenty seconds later, Officer D arrived and positioned his/her motorcycle on the north side of the alley behind Officer B's vehicle.

Simultaneously, Officer B moved from the driver's door to the front bumper of their vehicle. Officer C then asked Officer B to pull their vehicle forward so they could utilize it as cover. Seconds later, Officer D asked Officer C if they needed a backup, and Officer C indicated it was not necessary at the moment.

On the morning of the OIS, Officer D had observed the Subject three times in the alley, as Officer D had used the alley to return to his/her traffic enforcement area. When a resident expressed concerns about the Subject, Officer D asked the Subject to leave the alley. When Officer D observed the Subject a third time, he/she again asked him to leave. It was at that time when Officer D noticed that the Subject had a machete on the handlebars of his bicycle. Officer D determined that the possession of the machete was not illegal and no crime had been committed, so Officer D consequently returned to

his/her traffic enforcement duties. Officer D did not broadcast that Code Six (on scene) or activate his/her BWV during his/her contacts with the Subject or community member.

When the Subject began walking toward the officers with the machete down at his side, Officer C unholstered his/her pistol, activated his/her BWV camera, and told the Subject, "Hey, hey, hey. Don't come at me with the machete man," at which point the Subject stopped. After having moved their vehicle approximately three feet, Officer B briefly unholstered his/her pistol while behind his/her ballistic door.

The Subject told the officers that he did not want to talk to them and began walking away toward his bicycle. Officer C then asked Officer D to put out a back-up unit request. Officer D was already in the process of making the back-up unit request. As this occurred, Officer B holstered his/her pistol, retrieved their beanbag shotgun, and joined Officer C on the passenger side of their vehicle. The Subject then got on his bicycle and fled east through the alley.

Officers B, C, and D followed the Subject south. When Officers B and C returned to their vehicle, Officer B passed the beanbag shotgun to Officer C. Officer C took the beanbag shotgun and positioned it next to him/her with the muzzle down toward the floorboard. According to Officer C, he/she did not place the beanbag shotgun back in the rack because he/she wanted to have it readily available in case he/she needed to deploy it.

Officers B and C were in their patrol vehicle, and Officer D followed behind on his/her police motorcycle. As they traveled west, Officer C broadcast their updated location and utilized their vehicle's public address (PA) system to order the Subject to "Get off the bike and drop the machete" multiple times. According to Officer B, he/she drove five to ten miles per hour as he/she followed the Subject with approximately three car lengths between them.

According to Officer B, as the Subject traveled west on the north sidewalk, he refused to follow commands. Officer B stated that the Subject was yelling incoherently and acting erratically.

Officer A responded to the backup request and joined the other officers. According to Officer A, he/she considered the fact that Officer D had limited cover on his/her motorcycle, so he/she positioned his/her vehicle behind Officer B's vehicle as they continued following the Subject.

The Subject then turned and rode north on the east sidewalk. According to Officers B and C, they knew the Subject was approaching a school and were concerned for the safety of children in the area. In an attempt to prevent the Subject from reaching the school, Officer B pulled ahead of the Subject and positioned the front of their vehicle against the east curb.

According to Officer A, he/she observed the officers turn and stop close to the east curb and open their vehicle doors. Officer A planned to position himself/herself next to Officer B's vehicle to prepare for a "felony stop." Officer A then observed the Subject pick up speed and ride east into the alley. This was the west entrance to the same alley where this incident began.

According to Officer A, he/she had driven through the alley multiple times earlier that morning and observed residents leaving their homes and taking out the trash. Officer A believed that waiting for Officers B and C to reposition could result in a dangerous situation for the residents, so he/she followed the Subject into the alley.

After traveling approximately 80 feet into the alley, the Subject got off his/her bicycle with the machete and walked toward the driver's side of Officer A's police vehicle. When later interviewed, Officer A stated that he/she observed the machete after the Subject suddenly jumped off his bicycle and began charging at his/her police vehicle.

As the Subject closed the distance, Officer A shifted his/her vehicle into reverse. According to Officer A, he/she intended to back up but saw that Officer B's vehicle was positioned approximately 10 feet behind him/her, so he/she was "boxed in." Officer A stated that the Subject was in front of his/her vehicle, so he/she could not move forward. According to Officer A, as he/she remained seated in his/her vehicle, the Subject approached within two feet of him/her and raised his right arm with the machete in an upward motion. Officer A believed that the Subject was going to kill him/her, so he/she rapidly fired two rounds at the Subject through his/her open driver's side window. Officer A stopped firing after seeing that the Subject was no longer advancing towards him/her. As the Subject ran east in the alley, Officer A broadcast a help call.

Officers B and C had driven into the alley behind Officer A, with Officer D immediately behind them. Officers B and C were exiting their vehicle when the OIS occurred. Officer B mistakenly believed that the Subject raised the machete above his head and swung it in a circular motion while at Officer A's driver's side window.

As the Subject ran in the alley, Officer C unholstered his/her pistol, moved to the front of Officer A's vehicle, and ordered the Subject to drop the machete. The Subject collapsed approximately 60 feet farther down the alley with the machete. Officers B and D also unholstered their pistols. Officer B joined Officer C at the front of the vehicle, and Officer D joined Officer A who was now standing outside his/her driver's door.

Officer C ordered the Subject to drop the machete, as he/she and Officer B approached to take the Subject into custody and render aid. According to Officer C, the Subject was lying on the ground motionless, and Officer C used his/her foot to drag the machete away from the Subject's right palm. Officer C grabbed the Subject's left forearm and rolled him onto his stomach. Officer B then handcuffed the Subject. As that occurred, Officer A requested a rescue ambulance (RA) for the Subject. Officer D, who had joined Officers B and C prior to handcuffing the Subject, cut off his backpack. According to Officer D, he/she cut the backpack to remove potential weapons and

provide better medical aid. Officer C then placed the Subject into a recovery position on his right side, as Officer B searched the Subject.

For the next three minutes, Officer D remained with the Subject, as Officers B and C returned to their vehicle to disinfect their hands of the Subject' blood and retrieve protective latex gloves. While at his/her vehicle, Officer C broadcast that it was clear for the Los Angeles Fire Department (LAFD) personnel to enter the scene, and he/she directed arriving officers where to set up to protect the scene. Officer C then returned to the Subject and applied direct pressure to his chest for approximately three minutes.

Sergeant A arrived approximately seven minutes after the OIS and directed Officer C to start chest compressions. Officer C briefly performed chest compressions but was relieved shortly thereafter upon the arrival of LAFD personnel.

Approximately 10 minutes after the OIS, LAFD Firefighter/Paramedics (FFPMs) arrived and began treating the Subject. They determined that the Subject had sustained a gunshot wound to his chest; and approximately three minutes later, they transported him to a nearby hospital where he was pronounced deceased.

**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
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	No	Yes	Yes	No	Yes
Officer C	No	Yes	Yes	No	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 D's tactics to warrant a finding of Tactical Debrief; and Officers A, B, and C's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

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

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

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

### **Basis for Findings**

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

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

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

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation."

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

**Use of De-Escalation Techniques:** It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a 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 Subject;

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

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

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

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

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

**Note:** Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable



officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

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

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

- To the extent of the Officers training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

**Warning Shots:** It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

**Shooting at or From Moving Vehicles:** It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an Officers use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

**Note:** It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case-by-case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

**Requirement to Report Potential Excessive Force:** An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the

officer, shall report such force to a superior officer.

**Requirement to Intercede When Excessive Force is Observed:** An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a Subject.

## Definitions

**Deadly Force:** Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

**Feasible:** Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Imminent:** Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

**Necessary:** In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

**Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

**Serious Bodily Injury:** Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

**Totality of the Circumstances:** All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the Subject leading up to the use of force.

**Vulnerable Population:** Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

**Warning Shots:** The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

## A. Tactics

### Tactical De-Escalation

#### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

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

**Planning** – Officers B and C had been partners for approximately two years and regularly discussed contact and cover roles and lethal and less-lethal force responsibilities. Upon the Subject riding away on his bicycle, Officers B and C planned to follow him at a distance and wait for the arrival of back-up units, while continuing to give the Subject commands to stop and drop the machete. When the Subject got close to the school, Officers B and C planned to use their police vehicle as a barrier to prevent the Subject from crossing the street. Following the OIS,

Officer B and C planned to approach the Subject, who was lying in the alley, to take him into custody and render aid.

When Officer D heard the radio call broadcast, he/she was aware of the Subject from an earlier encounter and planned to assist Officers B and C. Officer A also planned to assist Officers B and C when he/she heard the back-up request broadcast. Upon seeing Officers B and C angle their police vehicle toward the Subject, Officer A planned to drive around them and position his/her vehicle next to theirs to assist with a felony stop. The Subject did not stop and continued riding his bicycle into the alley, at which point Officer A planned to follow the Subject into the alley. When the Subject got off his bicycle and approached Officer A's vehicle, Officer A planned to drive in reverse to create distance; however, Officers B and C had positioned their vehicle directly behind Officer A's.

The BOPC noted that the UOFRB assessed Officers A, B, C, and D's planning during the incident. They noted that Officers A and D discussed the Subject's location and that he was in possession of a machete prior to the radio call being generated. The UOFRB also noted that Officers B and C had worked together for two years, predetermined contact and cover roles, and discussed a plan to prevent the Subject from potentially going toward a school in the area. Following the OIS, the UOFRB noted that despite not communicating their intentions, Officers B and C planned to approach the Subject so they could take him into custody and render aid. Although the UOFRB Majority would have preferred that Officers A, B, C, and D had collectively planned how best to handle this incident, they opined that the officers did the best they could, given the circumstances, and that their actions did not substantially or unjustifiably deviate from Department-approved tactical training.

The UOFRB Minority disagreed with the Majority's assessment of the officers' tactics as it pertained to planning. The Minority opined that any one of the officers at the scene, but specifically Officer C as the more tenured officer in the primary unit and the person with the most situational awareness, should have established command and control and formulated a tactical plan based upon the assessment at the scene. This tactical plan should have included assigning the roles of contact officer, designated cover officer, and less-lethal force cover officers; and directing responding resources to contain the Subject, who was now armed and fleeing from the officers. The Minority opined that a lack of planning contributed to Officer A being placed in a tactically disadvantageous position with limited options. Based on the totality of the circumstances, the Minority opined that Officers C's lack of planning substantially and unjustifiably deviated from Department-approved tactical training.

**Assessment** – Arriving at scene, Officers B and C observed the Subject armed with a machete. While following the Subject in their police vehicle, Officers B and C considered the nearby school and took steps to prevent the Subject from reaching the school. Officer A knew that community members utilized the alley to access detached garages behind their respective residences. Officer A decided to follow

the Subject into the alley in the event that he gained access to a residence or resident.

**Time and Redeployment/Containment** – Officers B and C attempted to de-escalate through verbalization by maintaining their distance when contacting the Subject. Once the Subject fled on his bicycle, Officers B and C followed the Subject in their police vehicle, updating CD with their current location. Officers B and C attempted to contain the Subject by positioning their police vehicle in front of him.

After the Subject entered the alley followed by Officer A, the Subject quickly dismounted his bicycle and approached Officer A with a machete in his hand. Officer A attempted to reverse his/her vehicle away from the Subject but was unable to do so due to Officers B and C's vehicle being directly behind his/her vehicle. Therefore, Officer A was not able to use time or redeployment immediately before the OIS.

**Other Resources** – Upon initial contact with the Subject, Officers B and C observed that the Subject was uncooperative and in possession of a machete. Officer D offered to request a back-up unit, but Officer C advised that it was not necessary at that time. Moments later, and unbeknownst to Officers B and C, Officer D requested a back-up unit. The Subject began walking away from the officers before Officer B retrieved a beanbag shotgun from the police vehicle and asked Officer D to request a back-up unit.

**Lines of Communication** – Officer C communicated with the Subject and attempted to gain his compliance, with negative results. While following the Subject, Officer C utilized the police vehicle's public address (PA) system to communicate with the Subject to gain compliance. As the Subject got closer to the school, Officer C communicated a plan to stop or divert him with Officer B by stating, "Alright, pull up on him." Following the OIS, Officer C told Officer A to move his/her police vehicle forward. Apparently not understanding his/her intent, Officer A told Officer C that the vehicle was fine where it was.

The BOPC considered that the UOFRB noted that Officers A, B, C, and D did not communicate with each other to establish a tactical plan while following the Subject. The UOFRB Majority noted that the officers were operating on different radio frequencies, which contributed to their lack of communication. Although they would have preferred better communication among the officers, the Majority opined that the officers did the best they could under the circumstances, and that the communication deficiencies did not substantially contribute to the outcome of the incident.

The UOFRB Minority disagreed with the Majority's assessment. The Minority opined that Officers A, B, C, and D had sufficient time and the responsibility to communicate with each other regarding tactical planning, establishing containment, continually assessing the Subject's behavior, and use of force options. The Minority was

particularly critical of the lack of communication among the officers while the Subject was riding his bicycle throughout the neighborhood. The Minority noted that Officers A and D could have switched to West Valley Area's base frequency, or Officers B and C could have switched to Valley Traffic Division's base frequency, to effectively communicate a plan while they were following the Subject. This communications deficiency created confusion when Officers B and C angled their vehicle toward the Subject in an attempt to stop him before he reached the school. The Minority opined that Officer A's decision to drive around Officer B and C's vehicle was based on his/her misunderstanding of their intent, which ultimately led to Officer A being in a tactically disadvantageous position. This could have been avoided with better communications. The Minority opined that Officer A, B, C, and D's lack of communication substantially and unjustifiably deviated from Department-approved tactical training.

Based on the totality of the circumstances, the BOPC determined that the lack of planning and communication by Officers B and C was a substantial deviation, without justification, from Department-approved tactical training. Additionally, the BOPC determined that Officers A and D's de-escalation efforts did not substantially deviate from Department-approved tactical training.

During the review of the incident, the following Debriefing Topics were noted:

#### **Debriefing Point No. 1: Back-up Unit Request**

Upon arrival at the location, Officers B and C located and identified an armed and potentially violent Subject, as described in the comments of the radio call. Officer D, who arrived seconds later, observed the Subject armed with a machete and asked Officers B and C if they needed a back-up unit. Officer C said, "We're good for right now." Despite Officer C declining Officer D's offer to call for a back-up unit, Officer D broadcast a back-up unit request when the Subject began to approach Officer C with the machete. It was not until the Subject got back on his bicycle and began riding away that Officer B asked Officer D to call for a back-up unit.

The BOPC noted that the UOFRB assessed Officers B and C's delay in recognizing the need for back-up units. Although the Majority would have preferred that Officers B and C had recognized the need for a back-up unit sooner, they opined that Officer D appropriately assessed the situation and called for back-up unit in a timely manner. The UOFRB Majority also noted that Officer B quickly reassessed and requested that Officer D call for a back-up unit.

The UOFRB Minority opined that Officers B and C's delay in requesting a back-up unit substantially and unjustifiably deviated from Department-approved tactical training. The Minority noted that the Subject was armed with a machete, non-compliant, and posed a threat to the officers as he closed the distance between himself and the officers; and the officers would have benefited from having additional resources and a supervisor at scene sooner.

The BOPC determined that Officers B and C improperly assessed the danger the Subject posed, and that they demonstrated a level of complacency that put themselves at a tactical disadvantage. Although officers are given discretion regarding the appropriate time to request additional resources, it was clear that the Subject was armed and uncooperative, and additional resources were needed immediately. The BOPC commended Officer D for recognizing that back-up units were needed and broadcasting the request despite Officer C advising that it was unnecessary.

Based on the totality of the circumstances, the BOPC determined that Officers B and C's actions were a substantial deviation, without justification, from Department-approved tactical training.

### **Debriefing Point No. 2: Cover and Concealment**

After locating the Subject in the alley, Officers B and C exited their police vehicle and stood in front of it while speaking with him. When the Subject refused to comply with the officers' commands and began walking toward them, Officer C remained in front of the police vehicle without the benefit of cover. Officer B returned to the police vehicle, moved it a few feet forward, and then stood behind his/her ballistic door panel. After the OIS, Officers B and C briefly stood outside of cover before moving forward to apprehend the Subject.

The BOPC noted that the UOFRB assessed Officers B and C's actions and noted that, upon initially contacting the Subject, they did not see him with a weapon. Both officers were standing near their police vehicle and had access to cover, if needed. The UOFRB Majority also considered that the Subject was armed with an edged weapon and not a firearm, making the ballistic protection of the police vehicle's doors less important. Instead, Officers B and C maintained a safe distance from the Subject and had the option of redeploying to cover had that become necessary. The Majority would have preferred that Officers B and C had utilized Officer A's police vehicle as cover to take the Subject into custody after the OIS, but the Majority determined that their actions did not substantially deviate from Department-approved tactical training.

The UOFRB Minority disagreed with the Majority's opinion. The Minority opined that Officers B and C's decision to leave the cover provided by their police vehicle's ballistic doors and walk to the front of their police vehicle when they initially contacted the Subject violated one of the fundamental tenets of tactics, "Distance + Cover = Time." Additionally, repositioning away from cover provided neither officer with a tactical advantage. The Minority was also critical of Officers B and C's decision to leave cover without the benefit of a tactical plan when they approached the Subject after the OIS. As such, the Minority opined that Officers B and C's decision to leave cover upon initially contacting the Subject and after the OIS substantially and unjustifiably deviated from Department-approved tactical training.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers B and C were not a substantial deviation from Department-approved tactical training.

### **Debriefing Point No. 3: Tactical Vehicle Deployment**

While fleeing from the officers, the Subject maintained possession of his machete as he rode his bicycle westbound on the north curb. Officers B and C paralleled the Subject in their police vehicle, with Officer D following on his/her police motorcycle a short distance behind them. Officer A responded to the back-up request and followed Officers B and C as they travelled westbound.

Shortly after the Subject turned northbound on the east sidewalk, Officers B and C pulled ahead of him and positioned the front of their police vehicle against the east curb in an attempt to prevent the Subject from reaching a nearby school. Officer B placed the police vehicle's transmission in park, and Officers B and C opened the vehicle's doors to confront the Subject. However, the Subject continued to ride his bicycle northbound on the sidewalk, past the police vehicle, and then eastbound into a nearby alley. Officer A drove past Officers B and C's parked police vehicle and planned to position himself/herself next to them in preparation for a "felony stop." Seeing the Subject continue riding his bicycle into the alley, Officer A followed him and appeared to close some distance. After travelling approximately 80 feet into the alley, the Subject dismounted his bicycle with the machete in his hand and walked toward the driver side of Officer A's police vehicle. Officer A placed his/her police vehicle's transmission in reverse to redeploy his/her vehicle rearward but observed that Officer B had parked his/her police vehicle directly behind him/her, blocking his/her path.

The BOPC assessed Officers A and B's initial positioning of their police vehicles as they followed the Subject. The BOPC noted that the officers' effort to contain the Subject by following him in their police vehicle, as opposed to following him on foot, was a sound tactical decision, as it afforded them better cover. However, by following the Subject so closely, Officers B and C placed themselves at a significant tactical disadvantage. The BOPC would have preferred that Officer B had not paralleled the Subject as he rode his bicycle on the sidewalk but slowed the police vehicle and followed the Subject at a safe distance. This would have allowed the officers to maintain a better tactical position and coordinate containment with the additional officers at scene.

Regarding their decision to pass the Subject and use their vehicle to block him from reaching the nearby schools, the BOPC opined that Officers B and C unnecessarily placed themselves in a tactically disadvantageous position. Had the Subject decided to attack the officers rather than continue riding toward the alley, the police vehicle's positioning would have provided Officer C with no cover and no avenue of escape. Additionally, by redeploying their police vehicle in that manner without



communicating their intention to Officers A and D, Officers B and C created confusion that ultimately led to Officer A making a series of decisions that placed him/her at a tactical disadvantage.

In the BOPC's assessment of Officer A's tactical vehicle deployment, the BOPC noted that once the Subject continued riding past Officers B and C, Officer A decided to drive around the other police vehicle rather than allow Officers B and C to reengage as the primary unit. In the absence of communication among the officers, this act of "leap frogging" to the primary position caused confusion and put Officer A, a single officer unit, at a tactical disadvantage. Additionally, while the BOPC understood Officer A's rationale for following the Subject into the alley, by over-penetrating the driveway and entering the alley directly behind the Subject, he/she placed himself/herself at a significant tactical disadvantage and limited his/her options to react to the Subject lethal actions. It would have been preferred that Officer A had either waited for Officers B and C to reengage as the primary unit or had stopped at the mouth of the alley and monitored the Subject before proceeding further. This would have allowed Officer A greater distance from the Subject and provided him/her more options.

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

#### **Debriefing Point No. 4: Rendering Aid**

After the OIS, Officer C handcuffed the Subject and placed him in a recovery position, while Officer A requested an RA. For the next three minutes, Officer D remained with the Subject as Officers B and C returned to their police vehicle to disinfect their hands of the Subject's blood and retrieve protective latex gloves. Officer D unbuttoned the Subject's shirt and monitored his breathing until Officers B and C returned. Officer C assessed the Subject's injuries and applied direct pressure to the Subject's gunshot wound on his chest. Officer A returned to the Subject after donning latex gloves and observed that he was breathing and being attended to. Sergeant A arrived approximately seven minutes after the OIS and directed Officer C to perform chest compressions. Without removing the handcuffs from the Subject's wrist, Officer C performed chest compressions briefly before being relieved by LAFD personnel.

The BOPC noted that the UOFRB assessed Officers A, B, C, and D's rendering of medical aid to the Subject. The UOFRB Majority noted that an RA was requested without delay and the Subject was placed in a right lateral recovery position immediately. While it would have been preferred that there had been more communication among the officers to ensure aid was rendered in a consistent manner, the Majority noted that Officer D monitored the Subject's breathing before Officer C returned to apply direct pressure to the Subject's wounds. Based on the

totality of the circumstances, the Majority opined that Officers A, B, C, and D rendered aid in accordance with Department policy and training.

The UOFRB Minority disagreed with the Majority's assessment of Officers A and D's adherence to the rendering-aid policy. The Minority noted that after Officers B and C went to retrieve latex gloves, Officers A and D remained with the Subject for three minutes but failed to render basic medical assistance. The Minority opined that simply monitoring the Subject's breathing was not sufficient. Once Officers B and C returned with latex gloves, they assessed the Subject's injuries and Officer C applied direct pressure to the Subject's chest. When Sergeant A arrived, he/she directed Officer C to begin chest compressions. While it would have been preferable that Officer C had removed the handcuffs from the Subject's wrist before beginning chest compressions, the Minority did not believe that the overall actions of Officers B and C substantially or unjustifiably deviated from Department-approved tactical training. The Minority opined, however, that Officers A and D's rendering of aid to the Subject was insufficient and substantially and unjustifiably deviated from Department-approved tactical training.

In the BOPC's assessment of Officers A and D's adherence to the rendering-aid policy, the BOPC considered the totality of the circumstances, including the availability of personal protective equipment. The BOPC noted that after Officers B and C went to their police vehicle to clean their hands and don latex gloves, Officer D appeared to monitor the Subject's breathing and, at one point, removed obstructions near the Subject's neck to enhance his ability to breathe. The BOPC also noted that Officer D was not wearing latex gloves to protect him/her from bloodborne pathogens and his/her actions suggested that he/she was concerned with that. While it would have been preferred that Officer D had donned latex gloves to provide more aid, the BOPC would not have expected him/her to walk away from the Subject, leaving him alone and unguarded, to do so.

As it relates to Officer A, the BOPC noted that he/she retrieved latex gloves from his/her police vehicle and returned to where the Subject was lying in the alley. Despite having latex gloves, Officer A did not make any attempt to render aid. Officer A should have rendered basic medical assistance to the Subject, while waiting for Officers B and C to return.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers B and C did not deviate from Department-approved tactical training. Additionally, the BOPC determined that the tactics employed by Officer D did not substantially deviate from Department-approved tactical training. Finally, the BOPC determined that the tactics employed by Officer A were a substantial deviation, without justification, from Department-approved tactical training.

During the review of this incident, the following Additional Debriefing Topics were noted:

## **Additional Tactical Debrief Topics**

**Radio Communications** – After CD mistakenly advised Sergeant A that he/she would be notified if he/she was needed at the radio call, neither Officers B nor C corrected the erroneous broadcast. Sergeant A stated he/she was aware of the edged weapon protocol that requires a supervisor to respond to the radio call location with the primary patrol unit.

**Personal Protective Equipment** – Officers B and C did not don protective latex gloves prior to approaching the Subject, who was visibly bleeding as a result of the OIS. Alternatively, Officers B and C could have donned latex gloves prior to approaching the Subject.

**Transportation of Injured Suspect** – When the Subject was transported to the hospital for medical treatment following the OIS, no officer rode in the RA with him. According to LAFD FF/PMs there was no room in the back of the RA because of the medical personnel required to assist with the Subject. Alternatively, an officer should have ridden in the front of the RA during the Subject's transportation to the hospital.

## **Command and Control**

Sergeant B, was the first supervisor to arrive on the scene, followed by Sergeant A. Although neither Sergeants A or B declared themselves as the incident commander (IC), they coordinated with each other and initiated the CUOF protocol. Sergeant A directed Officer C to administer chest compressions to the Subject. Sergeant A also identified the substantially-involved officers and separated them. Sergeant A monitored Officer B and obtained a public safety statement (PSS) from him/her. Sergeant B was directed to Officer A and obtained a PSS from him/her. Sergeant B also monitored Officer C and obtained a PSS from him/her.

Sergeant C arrived on the scene and monitored Officer D and obtained a PSS from him/her.

The BOPC determined that the overall actions of Sergeants A, B, and C, were consistent with Department supervisory training and the expectations of a supervisor during a critical incident.

## **Tactical Debrief**

In conducting an objective assessment of this case, BOPC determined that the actions of Officers A, B, and C were a substantial deviation, without justification, from Department-approved tactical training. The BOPC also determined that the actions of Officer D did not substantially deviate from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

## **Drawing/Exhibiting**

### **Officer A**

Officer A recalled the Subject approaching the driver's side door of his/her police vehicle with a machete in his hand. Fearing that the Subject was going to kill him/her as he/she was seated in the police vehicle, Officer A unholstered his/her pistol. According to Officer A, as he/she remained seated in his/her vehicle, the Subject approached within two feet of him/her and raised his right arm with the machete in an upward motion.

### **Officer B (1<sup>st</sup> occurrence)**

According to Officer B, he/she ordered the Subject to dismount his bicycle, which he did. Officer B noticed that the Subject had a machete secured to the handlebars of the bicycle and ordered him to leave the machete where it was. Instead, the Subject armed himself with the machete. After having moved their police vehicle approximately three feet toward the Subject, Officer B exited the vehicle and briefly unholstered his/her pistol while standing behind her ballistic door.

### **Officer B (2<sup>nd</sup> occurrence)**

According to Officer B, after the Subject collapsed as a result of the OIS, he/she still had access to the machete, which was on the ground next to him. Officer B believed that the situation could still escalate to the point that lethal force would be necessary and he/she unholstered his/her pistol a second time.

### **Officer C (1<sup>st</sup> occurrence)**

Officers B and C responded to the radio call and located the Subject in the alley. The Subject noticed the officers and began riding his bicycle away from them. Officer B ordered the Subject to dismount the bicycle and after travelling a short distance he complied. The Subject removed a machete from the handlebars and began walking toward the officers with the machete down at his side. Officer C unholstered his/her pistol, activated his/her BWV camera, and told the Subject, "Hey, hey, hey. Don't come at me with the machete, man," at which point the Subject stopped walking toward Officer C.

**Officer C (2<sup>nd</sup> occurrence)**

According to Officer C, he/she observed the Subject standing near Officer A's police vehicle and heard gunshots. Believing the Subject was a threat to Officer A, Officer C unholstered his/her pistol a second time.

**Officer D (1<sup>st</sup> occurrence)**

Arriving at scene, Officer D took a position of cover and unholstered his/her pistol because he/she believed that the tactical situation could escalate to the point where lethal force could be necessary due to the Subject being armed with a machete and refusing to comply with officers' commands. Officer D further observed the Subject approaching Officers B and C while armed with a machete and believed he was a lethal threat to the officers.

**Officer D (2<sup>nd</sup> occurrence)**

According to Officer D, he/she heard two gunshots and observed the Subject near the driver's door of Officer A's police vehicle. Officer D again believed that the tactical situation could escalate to lethal use of force because he/she felt the Subject had access to Officer A, who was seated in the police vehicle. As a result, Officer D unholstered his/her pistol a second time.

The BOPC noted that the UOFRB assessed Officers A, B, C, and D's drawing and exhibiting of their pistols during the initial contact with the Subject and the subsequent contact during the OIS. The UOFRB noted that during Officers B, C, and D's initial contact with the Subject, he was armed with a machete and his behavior would lead any reasonable officer to believe the situation could escalate to lethal use of force.

During the subsequent contact with the Subject, the UOFRB noted that the Subject approached Officer A, closing the distance rapidly while armed with a machete, and that he posed a lethal threat to Officer A. The UOFRB also noted that Officers B, C, and D's drawing and exhibiting of their pistols a second time was in response to the Subject aggressively approaching Officer A and upon hearing gunshots. The UOFRB opined that the officers' actions conformed to the Department's drawing and exhibiting of a firearm policy.

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

## Lethal Use of Force

**Officer A** – pistol, two rounds from an approximate distance of three feet in a northeasterly direction.

**Background** – According to the FID investigation, when Officer A fired at the Subject, his/her background was a roll-up door to a detached residential garage.

According to Officer A, the Subject dismounted his bicycle and approached the police vehicle while holding a machete. Officer A remained seated in his/her vehicle as the Subject approached within two feet and raised the machete in an upward motion. Officer A considered reversing his/her police vehicle, but a police vehicle pulled up behind him/her blocking his/her path. Officer A believed that the Subject was going to kill him/her, so he/she rapidly fired two rounds at the Subject through his/her open driver's side front window. According to Officer A, he/she would not have been able to safely exit the passenger side of the police vehicle and he/she did not believe that less-lethal force devices were viable options.

The BOPC noted that the UOFRB assessed Officer A's lethal use of force. The UOFRB noted that during this incident, as the Subject was fleeing, he elected to stop and rapidly dismount his bicycle and approach Officer A with a machete in his hand. The UOFRB noted that the Subject had multiple avenues of escape but chose to approach Officer A. The UOFRB considered that Officer A attempted to redeploy his/her police vehicle to create distance from the Subject as he approached but was unable to due to another police vehicle positioned directly behind him/her. The UOFRB noted that Officer A was placed in a precarious position with the Subject approaching and was presented with an imminent lethal threat. The UOFRB opined that Officer A's lethal use of force was in defense of his/her own life and an objectively reasonable response to the Subject's actions.

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