

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

**OFFICER-INVOLVED SHOOTING – 049-20**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Hollywood	10/18/20		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer B	15 years, 3 months
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**Reason for Police Contact**

On October 18, 2020, at approximately 2146 hours, officers responded to an “attempt suicide” radio call. Upon the officers’ arrival, they were met by detectives from an outside police agency. The officers learned the outside agency detectives were attempting to locate and arrest a sexual assault suspect, who was working as a security guard. An outside agency detective provided the officers with the Subject’s name and photograph. As this was occurring, another detective from the outside agency was conducting surveillance nearby when he/she observed the Subject outside of the business and attempted to detain him. Upon being contacted by the outside agency detective, the Subject produced a knife and slashed at his own throat and abdomen. In response, the outside agency detective tased the Subject; however, the TASER was ineffective. The Subject fled on foot toward the main entrance of the business, as officers redeployed to assist the outside agency detective. Upon locating the Subject at the main entrance, Hollywood officers observed that he was armed with a knife. The officers gave him verbal commands to drop the knife. They then discharged a Beanbag shotgun and 40mm Less-Lethal Launcher (LLL); however, the less-lethal munitions were ineffective. The Subject fled into the business, while still armed with the knife. As the Subject fled, additional less-lethal munitions were discharged, and an LAPD officer fired one round from his/her duty handgun; the round did not strike the Subject. While in business, additional less-lethal munitions were fired, however they too were ineffective. The Subject ultimately fled into a structure where he was contained and later taken into custody without incident.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
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Subject: 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 incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations, 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 September 21, 2021.

### **Incident Summary**

On Sunday, October 18, 2020, outside agency Detectives A, B, C, and D were investigating a sexual assault that occurred in their city.

The Subject involved in this incident worked as a security guard for a large business, located in the City of Los Angeles.

At approximately 2000 hours, outside agency Detectives A, C, and D drove to the business in the City of Los Angeles, Hollywood Area, to locate and monitor the Subject, while Detective B remained with the victim and conducted a monitored phone call to the Subject. According to Detective A, at approximately 2133 hours, Detective B advised him/her that the Subject was on the phone with the victim and had admitted sexually assaulting her. During the call, the Subject indicated he planned to commit suicide when he got off work at 2200 hours.

At approximately 2138 hours, outside agency Detective A called his/her dispatch and requested to be transferred to Hollywood Station, so he/she could request uniformed assistance with taking the Subject into custody. According to Detective A, he/she spoke with an officer at Hollywood Station who advised they would call him/her back. Force Investigation Division (FID) investigators ultimately determined that Police Officer A, received outside agency Detective A's call and forwarded his/her information to Hollywood Area Detective A. According to Hollywood Area Detective A, he/she called outside agency Detective A and learned that they intended to arrest the Subject for lewd acts and rape of a minor. Additionally, Hollywood Area Detective A learned the Subject worked as a security guard for a business in the City of Los Angeles and was not believed to be armed with a firearm. Outside agency Detective A relayed that the Subject was known to carry a knife and had "prior suicidal thoughts."

Before disconnecting the call, Hollywood Area Detective A asked outside agency Detective A for the Subject's identifying information so that he/she could conduct further research on the Subject and provide it to the responding officers and supervisor. Outside agency Detective A advised he/she would call back with the information. According to Hollywood Area Detective A, outside agency Detective A did not indicate an urgency for the officers' response.

Police Officer B and his/her partner, Police Officer C, were at Hollywood Station when Officer B received a message to contact Hollywood Area Detective A. According to Officer B, Detective A informed him/her that detectives from the outside agency planned to arrest a sexual assault suspect and were requesting an LAPD unit meet to them. Additionally, the Subject was believed to be suicidal. Officer B told Detective A that he/she and Officer C were responding to assist another patrol unit with a Code Three (emergency) radio call but would respond immediately after.

At 2146 hours, outside agency Detective A called Communications Division via 911 and requested an LAPD unit. At 2150 hours, in response to Detective A's call, Communications Division broadcast the following Code Three radio call: "Hollywood Units...possible attempt suicidal Subject, meet the outside agency." Information was provided concerning the Subject's description.

Officers B and C requested the call and responded Code Three. Additionally, Officers D and E advised they were also responding.

While en route to the call, Officer B directed Officer C to deploy the beanbag shotgun once at the scene. Upon their arrival, Officer C broadcast their status and location (Code Six) and retrieved the beanbag shotgun from the trunk of their vehicle, while Officer B met with outside agency Detective A. Officer C chambered a super-sock round, inserted an additional round into the magazine tube, and slung the beanbag shotgun before joining Officer B and outside agency Detective A.

On the day of this incident, Officer B was Officer C's Field Training Officer (FTO). The two officers had worked together for less than one deployment period. During his/her interview with FID investigators, Officer B explained that he/she had provided Officer C with tactical training related to use of force issues. Officer B also talked to Officer C about the four "C's," Communicating, Coordinating, Controlling and Containing.

After speaking with outside agency Detective A, Officer B determined there was not a suicide in progress. As such, Officer B directed Communications Division to cancel the Los Angeles Fire Department's (LAFD) response and instructed all responding units to downgrade their response to Code Two (priority). After broadcasting that information, Officer B continued speaking with outside agency Detective A. As outside agency Detective A provided Officers B and C with additional information, outside agency Detective D joined the group.

Outside agency Detective A informed the officers that he/she was investigating a sexual assault and had established probable cause to arrest the Subject for violations of California Penal Code sections 288 and 261. According to outside agency Detective A, an investigator was monitoring a phone conversation between the Subject and the victim. Based upon that conversation, they believed the Subject was inside the business, where he was working as a security guard. Additionally, the Subject admitted to the crimes and indicated that when he got off work, he was going to jump off a building. According to outside agency Detective A, the Subject was not aware the police were at his business looking for him, but he did know the police were aware of his crimes. Outside agency Detective A requested that the uniformed LAPD officers assist with detaining the Subject so that the outside agency detectives could place him under arrest.

Outside agency Detective A provided Officers B and C with a printed picture of the Subject, which included his physical descriptors. Additionally, outside agency Detective A advised the officers that the Subject did not have any registered firearms and that his criminal history consisted of arrests for DUI and Reckless Driving.

Outside agency Detective A advised they also had outside agency Detective C with them in the area. Outside agency Detective C was monitoring the main entrance to the business at the time. Outside agency Detective C's vehicle was an unmarked pick-up truck and he/she was in plainclothes at the time of this incident. Outside agency Detective C was wearing a tactical vest with a badge on the front and "POLICE" written on the back. Additionally, outside agency Detective C was equipped with a Body Worn Video (BWV) camera.

Officer B told outside agency Detective A that he/she planned to post units at the vehicle gates of the business with a supervisor and an additional unit to locate the Subject and take him into custody. The business was large and encompassed multiple vehicle gates.

The following officers ultimately arrived to assist Officers B and C: Officers D, E, F, G, H, and I. Officer B gathered the officers and advised them of the outside agency's investigation as he/she showed them the Subject's photograph and informed them that the Subject was a security guard at the business. Officer B also advised the officers that the Subject had threatened suicide.

According to Officer B, he/she did not intend on contacting the Subject prior to the arrival of a supervisor. Additionally, he/she intended to provide the group with more detailed information once a supervisor was present and a tactical plan was established.

While the LAPD officers were waiting for a supervisor, outside agency Detective C was monitoring the main entrance of the business when he/she observed the Subject leaving in his vehicle. Outside agency Detective C called outside agency Detective D for assistance. In response, outside agency Detective D left outside agency Detective A

and the LAPD officers. Outside agency Detective D did not inform the officers that Detective C had located the Subject.

Outside agency Detective C observed the Subject stop his vehicle in front of a closed vehicle gate on the north side of the business. The Subject exited his vehicle and was attempting to open the gate when outside agency Detective C stopped his/her truck behind the Subject's vehicle.

As outside agency Detective C exited his/her vehicle, the Subject turned and faced him/her, holding a knife to his throat with his right hand. In response, outside agency Detective C unholstered his/her pistol, activated his/her weapon-mounted light and pointed his/her pistol at the Subject with his/her right hand. Outside agency Detective C then used his/her police radio to advise outside agency Detective D to respond mid-block and that the Subject had a knife to his throat. The Subject said that his life was over and began slashing both sides of his throat with the knife. Outside agency Detective C repeatedly told the Subject to, "Stop."

The Subject continued slashing his throat. In response, outside agency Detective C unholstered his/her TASER with his/her left hand and walked toward the Subject. As outside agency Detective D approached in his/her vehicle, outside agency Detective C discharged his/her TASER at the Subject; the TASER was not effective. After the TASER was discharged, the Subject moved to the right side of his vehicle where he continued slashing his throat. The Subject then lifted his shirt and slashed his abdomen several times before he continued slashing his throat. As this was occurring, outside agency Detective D exited his/her vehicle and stood behind outside agency Detective C.

The Subject ran east toward the main entrance of the business while outside agency Detectives C and D followed behind him. Outside agency Detective C repeatedly ordered the Subject to put the knife down as the Subject continued east, slashing at his neck, torso, and left arm as he fled.

As the outside agency detectives were following the Subject, outside agency Detective A, who was still with the LAPD officers, asked if his/her fellow detectives needed assistance. In response, outside agency Detective C broadcast that the Subject was cutting himself, that they were in foot pursuit of the Subject, and requested LAPD assistance.

While continuing east, the Subject repeatedly yelled that he wanted to die. The Subject then stopped just south of the main entrance to the business and faced outside agency Detectives C and D, while still armed with the knife.

Outside agency Detective A informed the LAPD officers that his/her partners were in foot pursuit of the Subject and that they needed help. In response, Officers B, C, D, E, F, G, H, and I entered their respective vehicles and responded Code Three, with Officer B's vehicle in the lead. Immediately prior to responding to assist outside agency Detective C, Officer C placed his/her loaded beanbag shotgun in the trunk of his/her police vehicle.

Approximately 40 seconds later, the LAPD officers arrived at the main entrance of the business where they observed the Subject on the sidewalk with a knife in his hand. The initial application of less-lethal force and the officer-involved shooting (OIS) occurred near the main entrance to the business. The entrance area consisted of a sidewalk approximately 24 feet in width on the east and west sides of the driveway apron which led to four vehicle lanes. Two exit lanes were located on the west side and two entrance lanes were on the east side. The lanes were separated by a low planter that extended north toward a standalone security booth, alternatively referred to as a "guard shack." The security booth was separated from the street by two large arches. East of the security booth was an additional security booth that was used to control pedestrian access to the facility. Walls ran along the east and west sides of the entrance up to the security booth.

As Officers B and C were approaching in their vehicle, Officer B said, "Get the beanbag, partner," before he/she stopped their police vehicle south of the Subject's location. Officer B exited the vehicle, unholstered his/her pistol, and moved toward the rear of his/her police vehicle while telling the Subject to, "drop the knife."

Simultaneously, Officer C obtained the beanbag shotgun from the trunk, positioned him/herself to Officer B's left side, and announced, "beanbag ready." As Officer C was obtaining the beanbag shotgun, the Subject briefly went down to his knees and sat down on his buttocks. At the point Officer C positioned him/herself to the left of Officer B, the Subject began to stand up with the knife in his right hand. Officer B said, "Beanbag him, beanbag him!"

Officer C targeted the Subject's navel area and fired one super-sock round from an approximate distance of 16 feet.

At the point Officer C fired, the Subject was standing and facing him/her, while holding the knife in his right hand. According to Officer C, he/she fired this round because as the Subject was getting up, his fists were clenched, he had an aggressive demeanor, and he was holding a knife in his hand with the blade facing upwards. Officer C was in fear that the Subject was going to charge at him/her and possibly cause physical harm to his/her partner and him/herself. According to Officer C, he/she did not issue a verbal warning prior to discharging his/her beanbag shotgun because the Subject had already stood up, displayed the knife, and was not following commands. Officer C did not believe that it was feasible to give the Subject a warning. According to Officer C, he/she heard Officer B direct him/her to fire; however, his/her decision to fire this, and all subsequent super-sock rounds, was based on his/her assessment of the situation.

Officer C believed the round struck the Subject in the navel area; however, the Subject immediately turned and ran north along the west side of the exit lanes. In response, the officers followed.

Officers F and G arrived at the main entrance and exited their police vehicle approximately five seconds before Officer C fired his/her beanbag shotgun. Upon

Officer G's arrival, he/she immediately removed the 40mm Less-Lethal Launcher (LLL) from the rack in the passenger compartment of the police vehicle and announced, "I got a 40, I got less-lethal." Officer G exited the vehicle and loaded a 40mm eXact iMpacT (hereafter "impact") round into the launcher. According to Officer G, he/she observed the Subject holding the knife up to his neck and down toward his thighs. After Officer C fired the super-sock round, Officer G observed the Subject run north with the knife in his hand. In response, Officer G yelled, "Drop it! Drop it, Drop it."

While positioned near the front right portion of his/her police vehicle, Officer G fired an impact round at the Subject from an approximate distance of 53 feet. When later interviewed, Officer G indicated that he/she fired this round because he/she believed the Subject was going to hurt others. According to Officer G, as other officers were giving commands, the Subject started to turn away. According to Officer G, as the Subject was running away, he/she shot one less-lethal round towards the Subject's lower back. Officer G was concerned about the security guards that were nearby. According to Officer G, he/she did not believe he/she had enough time to issue a verbal warning prior to discharging the 40mm LLL because the Subject was running toward the guard shack. At the point Officer G fired, the Subject was approximately 88 feet from the guard shack. Officer G believed that the Subject was struck by the round, stating it looked like the Subject flinched. According to Officer G, the Subject was approximately 20 feet away when he/she fired his/her first impact round. When again describing his/her target area for his/her first less-lethal round later in the interview, Officer G said, toward lower center mass, above the navel area. A review of Officer G's BWV determined the Subject was running north with his back and right side exposed to Officer G.

As the Subject continued running north in the exit lane, Officers B, C, D, E, F, G, and outside agency Detectives C and D followed behind the Subject. Officers H and I remained at the entrance and began securing the police vehicles.

While moving north behind the Subject, Officer C targeted the back of the Subject's legs and fired a second super-sock round from an approximate distance of 36 feet. At the point Officer C fired, the Subject was running in a northeast direction. Officer C did not know if the round impacted the Subject, who continued running northeast. As he did so, the Subject crossed in front of a black SUV that was stopped in the exit lanes, south of the guard shack. The SUV was occupied by a contract security guard for the business.

As the Subject crossed in front of the SUV, Officer C targeted the back of the Subject's legs and fired a third super-sock round from an approximate distance of 36 feet. After passing in front of the SUV, the Subject ran north along the east side of the guard shack, which was occupied by an unarmed security guard.

While still following behind the Subject, Officer C targeted the back of the Subject's legs and fired a fourth super-sock round from an approximate distance of 48 feet. When interviewed by FID investigators, Officer C stated that the Subject maintained possession of the knife when he/she fired his/her rounds. Additionally, Officer C stated

the officers were moving with the Subject while maintaining an “optimal” range for the beanbag shotgun. Officer C believed that the Subject was not farther than 30 feet away when he/she fired the rounds and he/she did not observe anyone in his/her background when he/she fired.

When later interviewed by FID investigators, Officer C explained his/her decision to fire these less-lethal rounds. Officer C stated that the Subject was running towards a guard shack and feared that the Subject was going to cause harm to an employee. Officer C also feared there were other employees inside the business that could be in danger.

When asked about his/her decision to fire at the Subject while he was running, Officer C stated that the Subject had no intention of letting go of the knife. Officer C believed that the Subject posed an immediate threat to anybody who he may come in contact with because he was suicidal and was displaying aggressive behavior. Officer C stated that he/she chose to deploy the beanbag to try and de-escalate the situation.

As Officer B ran behind the Subject with the other officers, he/she assumed a two-handed grip on his/her pistol and extended it in front of him/her. As the Subject reached the southeast corner of the guard shack, Officer B slowed his/her pace and used his/her duty pistol to fire one round at the Subject from an approximate distance of 65 feet. Officer B fired immediately after Officer C’s fourth super-sock round. The Subject was not struck and continued running north into the business. Officer B’s BWV camera was not recording at the time of the OIS. Officer B activated his/her BWV camera approximately two minutes and 17 seconds after the OIS.

When later interviewed by FID investigators, Officer B explained his/her decision to utilize deadly force. Officer B stated when he/she looked into the entrance of the business, he/she observed a security booth up ahead. Officer B stated he/she observed people to the sides and what he/she believed to be a female wearing a blue polo shirt.

Officer B stated that the Subject was still armed with the knife. Officer B stated he/she had a duty to protect people who cannot protect themselves. So when Officer B observed the Subject running into the business and observed a female, he/she believed the Subject might take a hostage and could stab them. Officer B stated he/she felt the Subject posed an imminent threat and he/she had no choice but to fire one round.

Officer B stated that after firing the round, he/she assessed and observed that the Subject was now moving further into the business. Force Investigation Division investigators interviewed an individual who matched the description of the female security guard provided by Officer B. According to this individual, she was in a restroom inside the business at the time of the incident and was not present when the OIS occurred.

Immediately after the OIS, Officer E, who was running behind Officer B, broadcast a “shots fired” broadcast, and provided additional information to dispatch, including the



request for an Air Unit to respond. Upon hearing Officer B discharge his/her pistol, Officer C slung the beanbag shotgun and unholstered his/her duty pistol. When later interviewed by FID investigators, Officer C explained his/her decision to unholster his/her handgun. Officer C stated that after firing the less-lethal, the Subject was still non-compliant, and he/she believed that the tactical situation was going to escalate to the point where deadly force was going to be justified. Officer C stated that he/she was worried the Subject was going to take a hostage possibly due to the nature of the location they were at. Officer C stated that the Subject was suicidal and believed he may pose harm to others due to his mental status.

**Four employees were in the main entrance area at the time of the OIS. The following is a summary of their witness statements to FID investigators:**

**Witness A** was an unarmed uniformed security guard. According to Witness A, he was inside the main security booth at the time of the incident. Witness A observed the Subject run north in the exit lane before he ran past him in the security booth. Witness A then observed the Subject run north into the main parking lot. Witness A described the Subject as making a pulling-type motion as he passed the security booth. According to Witness A, he thought the Subject was trying to pull off TASER darts. Witness A indicated that as that was occurring he heard shots and believed the officers were firing in his direction. According to Witness A, he was not worried because the security booth was equipped with “bulletproof glass.”

**Witness B** was an unarmed uniformed security guard. At the time of this incident, he was in the walkthrough security booth located east of the entrance lanes. According to Witness B, he was at the booth when he observed police activity and heard a “commotion.” While viewing a security camera, he observed the Subject walking backward into the main entrance and heard what he believed to be a less-lethal weapon(s) being fired. Witness B exited the security booth after the Subject and the officers ran past his booth and farther into the business.

**Witness C** was a plainclothes security guard. At the time of this incident, he was armed with a handgun. According to Witness C, he is employed by the business to intervene during an active shooter incident. At the time of this incident, Witness C was in the driver’s seat of a black SUV that was positioned south of the security booth.

According to Witness C, he heard shots being fired on the street, but did not know if it was gunfire or less-lethal rounds. Witness C then observed the Subject walking backward toward him. When the Subject turned, he observed the Subject slashing his neck with a knife. According to Witness C, the Subject passed within ten feet of his vehicle. Witness C stated that he recognized the Subject as a co-worker and believed he was a threat because he had a knife.

Witness C stated that although he did not know the Subject’s state of mind, he believed the Subject could run towards the security guard shack and possibly stab the guard or even take him hostage.

When asked if he considered firing his pistol at the Subject, Witness C stated that he was going to but as he observed the police officers walking towards him, he didn't want there to be a crossfire, so he decided to stay inside his vehicle.

**Witness D** was a contract employee for the business. At the time of the incident, Witness D was seated in the driver's seat of a service truck that was stopped in the entrance lane east of the main security booth. Witness D observed officers and a police vehicle behind him on the street. Witness D stated the officers were standing behind their doors with their guns drawn. Witness D heard the officers saying, "Drop the knife. Drop the knife," before he heard three shots. After hearing the shots, Witness D reclined his seat before he heard three more shots and the sound of debris contacting his truck. The vehicle did not sustain any damage. Witness D then observed officers run into the business and heard two additional shots. Witness D did not see the Subject at any point during the incident.

The LAPD officers and outside agency detectives followed the Subject past the guard shack and north into the visitor parking lot. As they did so, Officer B said, "Hit him with that beanbag now!"

As the Subject ran north in front of him/her, Officer G slowed his/her pace and fired a second impact round from an approximate distance of 44 feet. As Officer G fired this round, the Subject's back and a portion of his right side were exposed to him/her. When later interviewed by FID investigators, Officer G explained his/her decision to fire this less-lethal round, stating that the Subject was continuing to run through the business and was violent. Officer G believed the round struck the Subject; however, he maintained control the knife and continued running north.

Officer B again called for Officer G to fire his/her less-lethal weapon. After Officer G had fired his/her second impact round, the Subject slowed to a walk and continued north, while sidestepping and looking back at the officers. Officer G fired a third impact round at the Subject from an approximate distance of 54 feet. Officer G fired this round as the Subject's left side and back were exposed to him/her.

When later interviewed by FID investigators, Officer G explained his/her decision to fire this less-lethal round, stating that the Subject was facing officers with a knife. Officer G stated that is when he/she shot his/her third less-lethal round towards the Subject. Officer G believed he/she stated the Subject continued to run north. A review of Officer G's BWV determined that the Subject's left side and back were exposed to Officer G at the time he/she fired. It could not be determined if Officer G's third impact round struck the Subject.

After firing the round, Officer G announced that he/she was out of ammunition. Officer G subsequently slung the 40mm LLL and unholstered his/her duty pistol. When explaining his/her rationale for drawing and exhibiting his/her pistol, Officer G stated he/she had a reasonable belief that this situation could escalate to the point where deadly force may be justified.

After Officer G fired his/her third impact round, the Subject continued walking to the northeast portion of the parking lot before he turned and faced the officers. Upon turning, the Subject brought the knife up to his neck and again slashed at his throat, turned away from the officers and walked east.

As the Subject turned to the east, Officer C holstered his/her duty handgun and unslung his/her beanbag shotgun. Officer C then removed the remaining super-sock round from the sidesaddle and loaded it into the magazine tube. As he/she did so, Officer B turned to him/her and said, "Hit him with the less-lethal. Let's go!"

As the Subject walked away from him/her, Officer C fired a fifth super-sock round from an approximate distance of 46 feet. When later interviewed by FID investigators, Officer C explained his/her decision to fire this less-lethal round. Officer C stated as he/she was running after the Subject, the Subject stopped and turned around. Officer C stated the officers were giving commands, telling him to drop the knife and stop running. Officer C transitioned back to less-lethal because he/she didn't see anybody around the Subject. Officer C stated that he/she proceeded to fire two rounds, and the Subject didn't drop the knife. According to Officer C, the Subject continued to run into the business. Officer C stated that he/she was out of rounds and transitioned back to his/her pistol.

According to Officer C, he/she initially observed that the Subject had stopped and faced him/her. Officer C targeted the Subject's navel area from a distance that he/she estimated to be less than 30 feet. As Officer C fired his/her fifth super-sock round, the Subject turned and began running away from him/her. Officer C did not know if the round impacted the Subject. After firing his/her fifth round, Officer C chambered a sixth round, but mistakenly believed that he/she was out of ammunition. Officer C declared, "I'm out" before he/she used the action release to retract the slide. As Officer C did so, he/she unintentionally ejected the live super-sock round onto the ground.

After firing the fifth super-sock round and inadvertently ejecting the sixth round, Officer C slung the beanbag shotgun and unholstered his/her pistol. When explaining his/her rationale for drawing and exhibiting his/her pistol a second time, Officer C stated that it was because the Subject was still not complying and Officer C believed he posed an immediate threat of danger to officers and the public. Officer C stated the Subject had a weapon that could cause serious bodily injury or death.

The Subject walked north to a footpath between two buildings as the group of LAPD officers and outside agency Detectives C and D followed. Officer C continued ordering the Subject to drop the knife, but he refused and attempted to enter the one of the buildings but was unable to open the west door.

Approximately 60 seconds after the OIS, Air Support arrived overhead. Officer B advised the Air Unit they had a man with a knife approximately 60 feet in front of them, that they were out of less-lethal options, and that they needed more "Code Three."

When the officers initially followed the Subject into business from the main gate, Officers H and I remained on the street and secured the other officers' vehicles. Approximately 45 seconds after the OIS, Sergeant A arrived at the scene. According to Sergeant A, he/she was en route to meet with the officers and approximately three or four blocks away from the location when he/she heard, "shots fired" broadcast over the radio. Upon his/her arrival, Sergeant A made contact with Officers H and I and briefly spoke with a security guard at the main entrance. Sergeant A activated his/her BWV camera approximately one minute after arriving at the scene

Upon learning that the main group of officers followed the Subject north and into a business, Sergeant A ran north from the main entrance with Officers H and I.

Officer H, who had heard Officer B's broadcast for more less-lethal, obtained his/her beanbag shotgun from his/her vehicle before entering the business with Sergeant A and Officer I. Officer H ran ahead, while chambering the beanbag shotgun and loading an additional super-sock round into the magazine tube.

After the Subject unsuccessfully attempted to enter the building, he walked west between the two other buildings. The initial group of officers followed slowly behind with Officer C in the lead. Officer C continued to tell the Subject to drop the knife. With his back to the officers and while continuing to walk away, the Subject lifted his shirt. Officer C announced, "He is stabbing himself." As the officers continued following the Subject, Officer B broadcast, "Start an RA, the Subject is slicing his neck." Additional less-lethal munitions had not yet arrived to the group, and Officer F advised that he/she had a TASER available. Officer B declared, "No, we are not getting close enough for TASER, we need a beanbag or a 40."

The Subject moved north toward the east side of a building. Officer H, who had continued running to join the officers, approached the northwest corner of the building. Officer H observed the initial group of officers south of him/her and announced, "Hey I got less-lethal." Officer H then looked north and observed the Subject near a patio area.

Officer B said, "Hey, beanbag him now," and Officer C said, "Beanbag him, beanbag him!" Officer H fired one super-sock round at the Subject from an approximate distance of 77 feet. At the point Officer H fired, the Subject was walking north with the knife in his hand and his back facing Officer H.

According to Officer H, he/she believed the Subject was facing toward him/her with his navel/belt line area exposed when he/she fired his/her first round. Officer H estimated that his/her first super-sock round was fired from an approximate distance of 20 to 30 feet. According to Officer H, he/she heard Officer B communicating to him/her, but his/her decision to fire the beanbag shotgun during this incident was based on his/her own independent assessment of the Subject's actions.

When later interviewed by FID investigators, Officer H explained his/her decision to fire this less-lethal round. Officer H stated that he/she knew the Subject was trying to kill himself but could potentially run towards a crowd of people and take hostages.

According to Officer H, he/she did not issue a verbal warning prior to discharging his/her beanbag shotgun. Officer H stated he/she knew that an OIS had already occurred and that officers had previously exhausted all their less-lethal rounds. Officer H did not believe it was feasible to give a warning.

After Officer H fired, the Subject turned and walked west to the patio area where he picked up a plastic folding chair and walked north. In response, Officer H and the main group of officers moved to the northeast corner of the patio area.

Officer H fired a second super-sock round at the Subject from an approximate distance of 35 feet. At the point Officer H fired, the Subject was walking north on the patio with the knife in his hand. The Subject's right side was facing Officer H.

According to Officer H, he/she targeted the Subject's navel/belt line which was exposed to him/her as he moved south. Officer H estimated that his/her second super-sock round was fired from an approximate distance of 20 to 30 feet.

When later interviewed by FID investigators, Officer H explained his/her decision to fire this less-lethal round. Officer H stated the Subject walked over to some folding metal chairs and still had the knife. Officer H stated the building that the Subject was walking towards had doors and he/she believed people could be inside, so Officer H fired another round.

After Officer H fired the second super-sock round, the Subject raised the chair and used it as a shield. The Subject walked north with the chair covering the right side of his head and the right side of his torso.

Officer H fired a third super-sock round at the Subject from an approximate distance of 35 feet before he/she removed an additional round from the sidesaddle and loaded it into the magazine tube. When later interviewed by FID investigators, Officer H explained his/her decision to fire this less-lethal round. Officer H stated that the Subject grabbed a metal chair to use as a shield. Officer H fired another round because the Subject was trying to use cover with the chair to prevent them from using less-lethal and disarm him. Officer H stated that he/she was also trying to preserve the Subject's life because he was trying to harm himself with the knife.

According to Officer H, he/she targeted the Subject's navel/belt line area, which was exposed when he/she was "on target." Officer H indicated he/she did not know if the Subject moved the chair in front of his target area after he/she pressed the trigger. Officer H estimated that he/she fired from an approximate distance of 20 to 30 feet.

After Officer H fired his/her third super-sock round, the Subject ran north from the patio before he turned west and moved along the northside of a building. As he did so, the Subject held the chair behind him, shielding the back of his head and torso.

The officers continued to follow the Subject, and after a short distance, he turned to face them while slowly walking backward. As he did so, the Subject held the chair in front of him while still armed with the knife. Officer H targeted the front of the Subject's thighs and fired a fourth super-sock round from an approximate distance of 65 feet.

Officer H stated the Subject was holding the chair as a shield to block off his navel area and his back so that is why Officer H fired at the Subject's legs. Officer H stated that he/she did not want the Subject to take a hostage or to further mutilate himself. Officer H estimated that he/she fired from an approximate distance of 20 to 30 feet.

The Subject then turned and continued walking west with the chair held behind him, covering the back of his head and torso. Officer H moved west a short distance before stopping and firing a fifth super-sock round at the Subject from an approximate distance of 66 feet. As the Subject continued walking west, Officer H again moved forward before stopping and firing a sixth super-sock round at the Subject from an approximate distance of 66 feet.

At the point Officer H fired his/her fifth and sixth round, the Subject was continuing to walk away with his back side exposed to the other officers. According to Officer H, he/she targeted the front of the Subject's thighs with his/her fifth and sixth rounds from an approximate distance of 20 to 30 feet. Upon inspecting the chair, FID investigators observed a large hole in the plastic seat area. According to Officer H, he/she did not know if any of his/her rounds struck the chair. After Officer H fired his/her final super-sock round, the Subject continued walking west before turning south and entering a building with multiple floors. The officers did not follow the Subject into the structure.

As Officer H fired his/her final super-sock round, Sergeant A was near the patio area and still responding to the group of officers. As he/she did so, Sergeant A used his/her police radio to communicate with Air Support. Sergeant A broadcast to Air Support that he/she wanted to stop chasing the Subject and to set up containment. Air Support immediately acknowledged Sergeant A and began placing officers in containment positions around the building. Less than a minute after his/her broadcast to the Air Unit, Sergeant A joined the main group of officers near the northwest corner of the building.

Sergeant A spoke with Officer B who told him/her that the Subject was suicidal and armed with a knife. Additionally, Officer B told Sergeant A that he/she believed there were people inside the building. In response, Sergeant A advised Officer B that they would set up containment and get any possible occupants out of the structure. Sergeant A then sent Officer D to contact security personnel for the business and request their assistance with isolating people from the area and evacuating the building.

Sergeant A instructed officers to move a dumpster so that it could be used as cover for officers who were monitoring the entrance to the building. Sergeant A then instructed Officer B to assemble an arrest team. Approximately one minute later, Air Support notified the officers that containment had been established. Approximately five minutes after Sergeant A joined the officers at the building, security personnel advised that the building was believed to be unoccupied.

Sergeant B joined Sergeant A and obtained a briefing. After learning that Officer B had been involved in an OIS, Sergeant B separated him/her from the other officers and obtained a Public Safety Statement.

At 2228 hours, approximately 22 minutes after the OIS, a Command Post (CP) was established. Present at the CP was outside agency Detective A and Lieutenant A. At 2240 hours, Detective A telephonically spoke with Metropolitan Division Lieutenant B and briefed him/her on the incident.

Metropolitan Division K-9 Sergeant C was on duty and monitoring his/her police radio at the time of this incident. Upon hearing the call, he/she and other K-9 officers responded to the scene to assist.

Upon his/her arrival, Sergeant C received a call from Lieutenant A. According to Sergeant C, Lieutenant A asked him/her to analyze the incident and give him/her an assessment of the situation. After speaking with Lieutenant A, Sergeant C checked in at the CP and received a briefing from outside agency Detective A.

According to Sergeant C, with Lieutenant A's concurrence, he/she tasked Metropolitan Division Police Officer J with formulating a plan to probe the building and determine the Subject's exact location and medical condition. Sergeant C was advised that officers on the containment last observed the Subject on the fourth floor.

Officer J assumed the role of team leader. Prior to approaching the building, Officer J obtained his/her police dog and briefed a team of additional K-9 officers. Present on the team were Police Officers K, L, M, N, O, P, and Q.

At approximately 2319 hours, 73 minutes after the OIS, the K-9 officers arrived at the building and began their search. Upon entering the building, the team checked the subterranean level, before proceeding to the first and second levels. Approximately 16 minutes into the search, the team was alerted by officers on the containment that the Subject was again observed in a fourth-floor window. The team proceeded to the third level. At that time, the Subject shattered a fourth-floor window and appeared at the opening before stepping away.

The team heard the glass breaking and ascended to the fourth level. They located the Subject at the west end of the building. The Subject was standing shirtless, and still armed with the knife. Officer O began speaking with the Subject for approximately 45 minutes. During the conversation, Officer O attempted to de-escalate the situation by

keeping an open dialogue with the Subject. Officer O's goal was to talk the Subject into surrendering so that he could be taken into custody and obtain medical treatment. According to Officer O, he/she attempted to humanize the situation and asked the Subject to drop the knife. The Subject refused these requests and for much of the conversation he held the knife to his neck.

While Officer O continued communicating with the Subject, Sergeant C contacted Lieutenant A and advised they had the Subject contained. According to Sergeant C, Lieutenant A stated that a Crisis Negotiation Team was being sent.

At approximately 0012 hours, the Subject assumed a seated position with his back against the interior wall and the knife held to his neck. Less than two minutes later, the Subject slumped onto his left side, discarded the knife, and placed his hands behind his back.

Once the Subject slumped over, the officers approached to take him into custody. Officer Q assumed the role of designated contact officer, while Officer L stood ready with a less-lethal munition. Upon reaching the Subject, Officer N placed handcuffs on each of the Subject's wrists. Immediately after the Subject was handcuffed, Officer L used his/her police radio to request a Rescue Ambulance (RA). Approximately one minute later, Officer N transitioned the Subject into a right lateral recumbent position and performed a visual assessment of his injuries while waiting for the RA.

At approximately 0018 hours, four minutes after the Subject was taken into custody, the Los Angeles Fire Department (LAFD) arrived and began assessing him. The LAFD ultimately transported the Subject to a nearby hospital where he received medical treatment for his injuries.

**BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	No	Yes	No	N/A	N/A
Officer B	No	Yes	No	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes

**Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on



the BOPC's review of the instant case, the BOPC made the following findings:

#### **A. Tactics**

The BOPC found Sergeant A and Officer F's tactics to warrant a Tactical Debrief. The BOPC found Officers B, C, G, and H's tactics to warrant a finding of Administrative Disapproval.

#### **B. Drawing and Exhibiting**

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

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

The BOPC did not make any findings regarding less-lethal use of force.

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

The BOPC found Officer B's lethal use of force to be Out of 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 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 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 officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

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

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

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

**Shooting at or From Moving Vehicles:** It is the policy of this Department that firearms shall not be 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 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 Techniques*

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*  
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his 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** – When Officers B and C arrived at scene, they communicated with outside agency personnel and obtained information regarding a sexual assault suspect. Officer B informed outside agency Detective A that he/she planned to post additional units at the vehicle gates before entering the business with a supervisor and additional units to locate the Subject. Officer B gathered the additional officers that responded and advised them of the outside agency’s investigation and showed them a photo of the Subject. Officer B additionally informed the officers that the Subject was a security guard and that he threatened to commit suicide. Officer B intended to provide the group of officers with more detailed information once Sergeant A was present, and a tactical plan was established.

When Sergeant A arrived, post-foot pursuit, a plan was established to contain the Subject in the building and evacuate any people inside. Sergeant A directed officers to move a dumpster into a position it could be utilized as cover. After the Subject was contained in the building, officers requested a RA to stand by and contacted SWAT for advice. During the incident, Sergeant C directed the RA to stage closer to the building in anticipation of the Subject’s arrest. When K-9 unit officers arrived, a plan was established where K-9 unit officers would probe the structure to locate the Subject and determine his condition. Before beginning their probe, K-9 unit officers designated roles.

The BOPC was critical of Officer B’s limited planning when he/she gathered and provided the officers with information prior to a supervisor’s arrival. The BOPC would have preferred that Officer B had discussed and established roles to the officers at scene as he/she waited for Sergeant A’s arrival.

**Assessment** – When Officers B, C, F, G, and H arrived at the main entrance of the business, they observed the Subject armed with a knife. The officers assessed the Subject’s actions and observed self-inflicted injuries to the Subject. The officers believed the Subject posed an immediate threat of violence to them because the Subject was armed with a knife. As the Subject ran towards the guard shack and further into the business, the officers believed that the Subject had the ability and potential to harm security personnel near the guard shack and any additional people that the Subject may encounter throughout the business.

Officer B maintained control of the officers, adjusted their positions, assessed the need for the deployment of less-lethal force options, and ensured that officers cleared corners as they followed the Subject throughout the business. While following the Subject, officers discussed options such as the TASER, demonstrating that they were assessing their tactical options. Officer B assessed and rejected the TASER because it would have required officers to come within a distance Officer B determined was too close for everyone’s safety. When Sergeant A arrived, he/she

determined the best course of action was to contain the Subject inside of the building and contact SWAT. When K-9 unit officers arrived and located the Subject, they determined the best course of action was to establish a dialogue and obtain the Subject's voluntary surrender. After the Subject was detained, K-9 unit officers assessed the Subject's injuries.

The BOPC was critical of Officers B, C, G, and H's assessment of the Subject's actions and determined they did not properly assess that the Subject did not pose an immediate threat of violence or physical harm towards them or others. Due to there being no specific actions from the Subject, other than running from officers and not attempting to harm anyone one other than himself, the BOPC determined that the incident did not meet the criteria for the deployment of less-lethal force options and lethal force. In addition, the BOPC opined that Officers C and H did not properly assess the distances at which they deployed their less-lethal target specific devices.

**Time** – Officer B utilized time to communicate information to the LAPD officers that had responded and staged on nearby. When an outside agency detective attempted to detain the Subject by him/herself, the incident created a rapid and fluid situation that required the immediate assistance of the LAPD officers. When Sergeant A arrived on scene, he/she directed officers, via the Air Unit, to discontinue pursuing the Subject and to set up containment. After the Subject was contained in the building, K-9 unit officers probed the structure, located the Subject, and determined that the Subject was still armed. The K-9 unit officers established verbal communication with the Subject for approximately 45 minutes after which the Subject discarded the knife and surrendered without further incident.

**Redeployment and/or Containment** – When Officers B and C exited their police vehicle, they observed the Subject armed with a knife. They attempted to redeploy to the rear of their police vehicle to seek cover from the Subject.

As the Subject fled into the business while still in possession of his knife, Officer B ensured that the group of officers followed the Subject at a safe distance. As Sergeant A approached the group of officers following the Subject, he/she directed officers to discontinue their pursuit and contain the Subject. Upon reaching the location of the officers, Sergeant A directed officers to contain the Subject in the building.

**Other Resources** – Due to the nature of the radio call, additional units and a supervisor were assigned to the incident. After the OIS, Officer E generated a "help" call to summon the response of additional Department resources, including, but not limited to an Air Unit. During the incident, Officer B requested a RA to respond to the scene due to the Subject's self-inflicted injuries. Additionally, Officer B directed the use of less-lethal force options, including a Beanbag shotgun and a 40mm LLL. When Sergeant A arrived on scene, he/she had officers move a dumpster into a position that allowed it to be utilized as cover.



During the incident, Sergeant A coordinated with business security to obtain assistance with isolating people from the area and evacuating the building that the Subject had entered. Metropolitan Division SWAT was contacted for advisement, a Crisis Negotiation Team (CNT) was dispatched to the scene, and Metropolitan Division K-9 units responded to assist with the incident.

**Lines of Communication** – The officers that followed the Subject communicated with each other during the incident. They informed Communications Division with updated locations, the Subject description, and requested for additional less-lethal munitions. Throughout the incident, officers communicated with the Subject, calling him by his first name to establish a rapport, and attempted to convince the Subject to surrender and stop harming himself. In the midst of the incident, Officer B requested that a RA respond and stand by to treat the Subject’s self-inflicted injuries. Sergeant A communicated with the Air Unit and the officers at scene the need to establish containment of the building that the Subject had entered. After the Subject was contained in the building, officers communicated with business security to determine if the building was occupied. When the Subject was located in the building, K-9 unit officers communicated with the Subject for approximately 45 minutes to obtain his surrender.

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

**1. Tactical Planning/Tactical Communication** (Substantial Deviation, without Justification – Officer B)

Operational success is based on the ability of officers to effectively communicate during critical incidents. Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officer B was briefed by outside agency Detective A with information regarding a sexual assault suspect. Officer B planned to post additional units at the vehicle gates before entering the business with a supervisor and additional officers. Officer B gathered the additional officers that responded, advised them of the outside agency investigation, and informed the officers of the outside agency’s intentions of detaining and arresting the Subject. Officer B informed the officers that the Subject was a security guard and that he had threatened suicide. Officer B intended to provide the group of officers with more detailed information once a LAPD supervisor was present and a tactical plan was established. During the incident, Officer B directed multiple officers to fire less-lethal munitions at the Subject and communicated with officers that the TASER was not a viable option

because it was unsafe to close the distance between the officers and the Subject.

The BOPC was critical of Officer B's actions during the entirety of this incident. The BOPC noted that although Officer B, who was the senior officer at the incident, did provide some information to the additional officers at scene, he/she did not develop or communicate a tactical plan with the officers, instead choosing to wait until a LAPD supervisor arrived. The BOPC opined that there was sufficient time while waiting for the LAPD supervisor to arrive, and prior to the outside agency locating the Subject, to brief a tactical plan and that this lack of communication and planning put the officers at a distinct tactical disadvantage.

The BOPC noted that Officer B did not communicate a clear plan to the officers, nor the officers' roles in the event the Subject was located. The BOPC noted that when the Subject was located, Officer B communicated and directed officers to fire beanbag shotgun and 40mm LLL munitions due to Officer B's perception that the Subject posed an immediate threat to the safety of the officers and the people within the business. The BOPC determined that the Subject was never an immediate threat to the officers or the public and was only trying to harm himself. The BOPC acknowledged that Officer B was presented with a situation that evolved into a rapid and fluid situation; however, the BOPC would have preferred that Officer B had formulated and communicated a tactical plan to address the Subject, who was self-mutilating himself, but not posing an immediate threat to others.

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

## **2. Utilization of Cover (Substantial Deviation, without Justification – Officer C)**

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of actions taken during a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer C exited his/her police vehicle and retrieved his/her beanbag shotgun from the rear cargo area of his/her police vehicle. The Subject's direction of travel caused Officer C to have limited cover as he/she positioned him/herself to the rear of his/her police vehicle. Officer C left his/her position of cover as he/she redeployed to the left side of Officer B and fired his/her first beanbag munition. This position left Officer C without any barrier or cover between him/herself and the Subject.

The BOPC determined that it would have been preferable for Officer C to have remained behind cover as he/she discharged his/her first impact round due to the

Subject being armed with a knife and being in close proximity to Officer C. As such, Officer C was exposed to the Subject who was armed with a knife.

Based on the totality of the circumstances, the BOPC determined that Officer C's decision not to utilize cover was a substantial deviation, without justification, from Department tactical training.

**3. Beanbag Shotgun Deployment (Substantial Deviation, without Justification – Officers C and H)**

When Officers C and H discharged their beanbag shotgun rounds at the Subject, he did not pose an immediate threat to the safety of the officers or others. In addition, four of Officer C's beanbag shotgun rounds and all six of Officer H's beanbag shotgun rounds exceeded the recommended effective range of the beanbag shotgun of 30 feet. Officers C and H also did not provide a Use of Force Verbal Warning prior to their firing of the beanbag shotgun.

In this case, Officer C responded to the location to assist the outside agency detectives during a foot pursuit of the Subject. Officer C observed the Subject stand while armed with a knife. Officer C believed the Subject posed an immediate threat of violence and was in fear that the Subject was going to attack him/her and his/her partner with the knife. Officer C discharged his/her first impact round from an approximate distance of 16 feet, targeting the Subject's navel area. Officer C perceived that the Subject was approximately 12 to 15 feet away when he/she fired his/her first round.

According to Officer C, he/she did not issue a verbal warning prior to firing his/her beanbag shotgun because he/she did not believe it was feasible because the Subject was armed with a knife and posed an immediate threat to officers. Officer C observed the Subject run towards the guard shack while armed with a knife and was in fear that the Subject could injure or kill security personnel that were inside. Officer C indicated that the Subject was self-mutilating and believed the Subject posed an immediate threat to anybody who he may encounter throughout the business. Officer C discharged his/her second, third, and fourth impact rounds from an approximate distance of 36 feet, 36 feet, and 48 feet, respectively. Officer C targeted the back of the Subject's legs and perceived that the Subject was approximately 10 to 12 feet away when he/she discharged each of those rounds. Officer C observed the Subject stop running and face him/her while still armed with a knife. Officer C believed there were additional people throughout the business and was concerned for their safety as well as the officers' safety. Officer C discharged his/her fifth impact round from an approximate distance of 46 feet, targeting the Subject's navel area. Officer C perceived that the Subject was 12 to 30 feet away when he/she fired his/her fifth round.

In this case, Officer H responded from the main entrance of business after hearing Officer B broadcast a request for additional less-lethal weapon systems. Officer H retrieved his/her beanbag shotgun, ran north through the business, and observed the Subject holding a knife, bleeding from his neck. Officer H believed the Subject was trying to continue to harm himself. Officer H also feared the Subject could potentially harm or kill people encountered throughout the business or take a hostage. Officer H discharged his/her first impact round from an approximate distance of 77 feet, targeting the Subject's navel area. Officer H perceived that the Subject was approximately 20 to 30 feet away when he/she discharged his/her first impact round. According to Officer H, he/she did not provide a verbal warning prior to discharging his/her beanbag shotgun due to the tactical situation. Officer H also believed the warning was not feasible because the Subject was actively harming himself with the knife. Officer H observed the Subject still holding a knife as he walked towards a building with doors. Officer H believed there could be other people inside the building and feared the Subject was going to harm or kill them. Officer H discharged his/her second impact round from an approximate distance of 35 feet, targeting the Subject's navel area. Officer H perceived that the Subject was approximately 20 to 30 feet away when he/she discharged his/her second impact round.

Officer H observed the Subject grab a metal chair to use as a shield. Officer H was concerned that the Subject was going to continue to harm himself or others with the knife and attempted to disarm him to preserve the Subject's own life. Officer H discharged his/her third impact round from an approximate distance of 35 feet, targeting the Subject's navel area. Officer H perceived that the Subject was approximately 20 to 30 feet away when he/she fired his/her third round. Officer H believed that there was a great potential that there could be personnel within the business. Officer H was concerned that the Subject would take a hostage, cause a mass stabbing incident, and further mutilate himself.

Officer H discharged his/her fourth impact round from an approximate distance of 65 feet, targeting the front portion of the Subject's legs. Officer H perceived that the Subject was approximately 20 to 30 feet away when he/she discharged his/her fourth impact round. Believing the Subject would harm anyone that he may encounter as he moved further into the business while still armed with the knife, Officer H discharged his/her fifth impact round from an approximate distance of 66 feet, targeting the front portion of the Subject's legs. Officer H perceived that the Subject was approximately 20-30 feet away when he/she discharged his/her fifth impact round. Believing that there was still a great potential that the Subject would take a hostage or harm others throughout the business and believing that his/her impact rounds were preventing the Subject from killing himself, Officer H discharged his/her sixth impact round from an approximate distance of 66 feet, targeting the front portion of the Subject's legs. Officer H perceived that the Subject was approximately 20 to 30 feet away when he/she discharged his/her sixth impact round.

The BOPC was critical of Officers C and H's actions and decisions as they discharged their impact rounds. The BOPC acknowledged that Officers C and H were placed into a tense and chaotic tactical situation and that they were in fear of the Subject. However, the BOPC opined that Officers C and H were focused on what *could* happen as compared to what was *actually* occurring during the incident. The BOPC understood that Officers C and H were concerned with the potential that the Subject could encounter others and harm them. However, the BOPC noted that during the incident the Subject never encountered, pursued, or threatened anyone with the knife. The BOPC believed the Subject was never an immediate threat to the officers or the public and was only trying to harm himself. The BOPC noted that the Subject was a fleeing suspect and would have preferred the officers to have contained the Subject as they considered the most appropriate tactical plan.

The BOPC noted that Officer C discharged four out of his/her five impact rounds and Officer H discharged all six of his/her impact rounds at distances exceeding the beanbag shotgun's capabilities and maximum recommended distance of 30 feet. The BOPC noted that discharging impact rounds beyond the maximum recommended distance can lead to reduced accuracy and unintentional impacts. The BOPC additionally considered the totality of the circumstances related to this incident as it pertains to the feasibility of a Use of Force warning. The BOPC determined that as the officers were initially able to give verbal commands, clearly instructing the Subject to drop the knife, as well as throughout the entire incident, a Use of Force warning could have been given.

Based on the totality of the circumstances, the BOPC determined that Officers C and H's decisions to discharge their less-lethal munitions from their beanbag shotguns were a substantial deviation, without justification, from Department tactical training.

#### **4. 40mm Less-Lethal Launcher Deployment (Substantial Deviation, without Justification – Officer G)**

An officer may use the 40mm LLL as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

The minimum recommended deployment range for the 40mm LLL is five feet, while the effective deployment range is up to 110 feet. Officers should always consider weapon retention principles when deploying the 40mm LLL to prevent a suspect from gaining control of the launcher. When officers realize the need for a 40mm LLL, they should broadcast, "Code Sam-40."

Officer G fired his/her 40mm LLL rounds at the Subject as the Subject did not pose an immediate threat to the safety of the officers or others. Officer G did not provide the Use of Force Verbal Warning prior to his/her deployment of the 40mm LLL force option.

In this case, Officer G responded to the location to assist outside agency detectives during a foot pursuit of the Subject. Upon exiting his/her police vehicle, Officer G observed the Subject armed with a knife. Officer G observed the Subject run towards the guard shack while still armed with a knife. Officer G believed the Subject had already shown suicidal traits and/or violent tendencies and was going to hurt or kill security personnel inside of the guard shack. Officer G discharged his/her first impact round from an approximate distance of 53 feet, targeting the Subject's lower center mass above the navel area. Officer G perceived that the Subject was approximately 20 feet away when he/she fired his/her first round. According to Officer G, he/she did not provide a verbal warning prior to discharging his/her 40mm LLL because he/she did not believe that there was enough time due to the Subject running towards security personnel while armed with a knife. Officer G believed the Subject was "violently fleeing" and was going to hurt others as he continued to run through the business while armed with a knife. Officer G discharged his/her second impact round from an approximate distance of 44 feet. Officer G perceived that the Subject was approximately 30 feet away when he/she discharged his/her second round. Officer G observed the Subject had stopped running and had faced him/her, as well as the other officers, while still armed with a knife. Believing the Subject was going to harm someone with the knife, Officer G discharged his/her third impact round from an approximate distance of 54 feet, targeting the Subject's lower center mass above the navel area. Officer G perceived that the Subject was approximately 30 feet away when he/she discharged his/her third impact round.

The BOPC was critical of Officer G's actions and decisions as he/she discharged his/her impact rounds. The BOPC acknowledged that Officer G was placed into a tense and chaotic tactical situation and that he/she was in fear of the Subject. However, the BOPC opined that Officer G was focused on what could happen as compared to what was actually occurring during the incident. The BOPC understood that Officer G was concerned with the potential that the Subject could encounter others and harm or kill them. However, the BOPC noted that during the incident the Subject never encountered, pursued, or threatened anyone with the knife. The BOPC believed the Subject was never an immediate threat to the officers or the public and was only trying to harm himself. Additionally, the BOPC noted that the Subject was fleeing and would have preferred the officers to have contained the Subject as they considered the most appropriate tactical plan.

The BOPC considered the totality of the circumstances related to this incident as it pertains to the feasibility of a Use of Force warning. The BOPC determined that as the officers were initially able to give verbal commands clearly instructing the Subject to drop the knife, as well as throughout the entire incident, a Use of Force warning could have been given.

Based on the totality of the circumstances, the BOPC determined that Officer G's decision to discharge his/her impact rounds was a substantial deviation, without justification, from Department tactical training.

## 5. **Crossfire** (Substantial Deviation, without Justification – Officer B)

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The ability to adjust to a tactical situation ensures minimal exposure to the officers.

According to Officer B, at the time he/she decided to discharge his/her service pistol at the Subject, he/she knew there were people off to his/her sides; however, Officer B stated that he/she had a clear sight picture of the Subject at the time he/she discharged his/her service pistol.

The BOPC was critical of Officer B's actions and decision as he/she discharged his/her service pistol. The BOPC noted that Officer B discharged his/her service pistol with outside agency Detective C in his/her foreground. The BOPC concluded that although Officer B was faced with what he/she perceived was a deadly force situation, Officer B should have assessed the location of outside agency Detective C prior to discharging his/her service pistol. By discharging his/her service pistol with outside agency Detective C in his/her foreground, he/she unnecessarily placed outside agency Detective C in significant danger.

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

- The BOPC also considered the following:
  - **Safe Transportation of the Beanbag Shotgun** – While at the staging area, Officer C retrieved his/her beanbag shotgun from the cargo area of his/her police vehicle, chambered a round, and inserted an additional round into the magazine tube. Learning that outside agency personnel were pursuing the Subject on foot, Officer C placed the beanbag shotgun in the cargo area with the round still in the firing chamber as they drove to assist the outside agency detectives.
  - **Updating Status** – Officers B, C, D, E, F, G, H, and I responded to the radio call and staged, where they met with outside agency detectives. As the officers awaited the arrival of Sergeant A, an outside agency detective attempted to detain the Subject, resulting in a foot pursuit and requested LAPD officers to assist them. Officers B, C, D, E, F, G, H, and I responded to assist, locating the Subject at the main entrance to the business. During the rapid and fluid incident, the officers did not update their location; however, a help call was broadcast immediately after the OIS incident.
  - **Interagency Tactical Operations** – Officers responded to assist outside agency detectives in the apprehension of the Subject. During the foot pursuit, use of force, and tactical operations involving the apprehension of the Subject, Officer B

did not fully separate personnel from the outside agency intermixing with LAPD personnel. In an effort to avoid confusion and miscommunication, it would have been preferable for Officer B to have only utilized LAPD personnel as other agencies have different training and tactical guidelines.

- **Beanbag Shotgun Manipulations** – After discharging his/her fifth impact round, Officer C chambered a sixth impact round, but unintentionally ejected the unexpended sixth impact round out of the beanbag shotgun. Officer C believed that he/she had discharged all his/her impact rounds and slung the beanbag shotgun over his/her shoulder.
- **Situation Awareness** – Officer H discharged six impact rounds during the incident. After Officer H discharged his/her sixth and last impact round, Officer H held the beanbag shotgun in a manner as if it was still loaded and could be deployed. Officer H determined he/she was out of impact rounds shortly after the Subject entered into the building.
- **Rendering Aid** – At approximately 2208 hours, while pursuing the Subject through the business, officers observed the Subject resume self-mutilating acts. In response, Officer B requested an RA. At approximately 2212 hours, Officer B requested that the RA stand by near the entrance to the business until the scene was safe to enter. During the incident, Sergeant C directed the RA to stage closer to the building where the Subject was located, in anticipation of the Subject's arrest. At approximately 0014 hours, the Subject was taken into custody and the RA was immediately requested to respond. Approximately one minute later, Officer N transitioned the Subject into a right lateral recumbent position and performed a visual assessment of his injuries while waiting for the RA. At approximately 0018 hours, four minutes after the Subject was taken into custody, LAFD arrived and began treating the Subject. The Subject was transported to a nearby hospital for his injuries.

The medical records did not identify or document the presence of any injuries as a result of the less-lethal munitions that were fired at the Subject. The Subject was not struck by Officer B's round.

### **Command and Control**

Officer B was the senior officer of the primary unit handling the assigned radio call. Officer B arrived at the location and was briefed by outside agency Detective A. Officer B then briefed the LAPD officers on the information he/she obtained but intended to provide the officers with more detailed information once a LAPD supervisor was present, and a tactical plan was established. While waiting for Sergeant A, outside agency Detective C located and attempted to detain the Subject without the assistance of LAPD officers, resulting in a foot pursuit of the Subject.



LAPD officers responded to assist in the foot pursuit and located the Subject armed with a knife and fleeing at the entrance to the business. Officer B assigned Officer C as less-lethal officer and directed Officer C to fire the beanbag shotgun at the Subject. The Subject fled on foot into the business. During the foot pursuit of the Subject, Officer B maintained control of the officers, constantly adjusting their position and assessing the need for less-lethal deployment and ensuring that the officers following after the Subject were at a safe distance. Officer B additionally requested that a RA respond and stand by due to the Subject's self-inflicted injuries.

The BOPC was critical of Officer B's limited planning when he/she briefed the LAPD officers at the staging area, as they awaited the arrival of Sergeant A. The BOPC additionally noted that Officer B did communicate and direct officers to use beanbag shotguns and a 40mm LLL due to his/her perception that the Subject posed an immediate threat to the safety of the officers and the people within the business. The BOPC believed the Subject was never an immediate threat to the officers or the public and was only trying to harm himself. The BOPC would have preferred Officer B to have formulated and communicated a tactical plan to address the Subject self-mutilating himself, but not posing an immediate threat to others. The actions of Officer B were not consistent with Department training and the BOPC's expectations of a senior officer during a critical incident.

Sergeant A was the supervisor assigned to the radio call and arrived at scene shortly after the OIS occurred. Upon arrival, Sergeant A met with Officers H and I who were near the main entrance to the business. Sergeant A ensured that additional less-lethal force options were present and joined the main group of officers following the Subject. As Sergeant A approached the main group of officers, he/she requested the Air Unit set up containment of the Subject around the building the Subject had entered. Sergeant A placed officers in containment positions around the nearby buildings. Sergeant A assigned officers to contact the business security to ask for assistance with isolating people from the area and evacuating the building. Sergeant A instructed officers to move a dumpster to establish cover for officers who were monitoring the entrance to the building that the Subject entered. Sergeant A assigned Officer B to establish an arrest team with a designated cover officer and a less-lethal officer. According to Sergeant A, he/she declared him/herself as the Incident Commander as soon as he/she was able to. Sergeant A assigned Sergeant B to obtain a Public Safety Statement (PSS) and to separate and monitor the involved officers. Sergeant A ensured that Metropolitan Division was contacted with the assistance of the Air Unit and established a Command Post.

Sergeant B responded to the OIS incident and obtained a brief from Sergeant A. Sergeant B identified, separated, and monitored the involved and witness officers, including obtaining a PSS from Officer B. Sergeant B continued to monitor the involved and witness officers until additional supervisors responded to incident to assist with monitoring assignments.

Lieutenant A assumed the role of IC from Sergeant A. At approximately 2228 hours, a CP was established. Sergeant C coordinated with his/her lieutenant regarding the deployment of the CNT and attempts to assess the Subject's medical condition and location.

The actions of Lieutenant A, along with Sergeants A, B, and C were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

- In conducting an objective assessment of this case, the BOPC determined that Officers B, C, G, and H's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

The BOPC also determined that Sergeant A and Officer F's actions were not a deviation from Department policy and training.

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

Although it was determined that Officers D, E, and I would not receive formal findings, the BOPC believed that Officers D, E, and I would also benefit from attending the Tactical Debrief to enhance future performance.

Thus, the BOPC found Sergeant A and Officer F's tactics to warrant a Tactical Debrief. The BOPC found Officers B, C, G, and H's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer B**

According to Officer B, he/she observed the Subject on the sidewalk near the main entrance to the business. Officer B observed that the Subject was "covered in blood," had "slice marks" to his neck, and was armed with a knife. Officer B unholstered his/her service pistol because he/she believed that the Subject was going to "come at" him/her as the Subject held the knife.

- **Officer C – Two Occurrences**

### First Occurrence

According to Officer C, he/she unholstered his/her service pistol due to the Subject being armed with a knife. Officer C believed "that the tactical situation was going to

escalate to the point where deadly force was going to be justified.” Officer C was “worried” that the Subject was “going to take a hostage.”

#### Second Occurrence

According to Officer C, he/she stated that the Subject was still not complying with commands and he proved to be an immediate threat of danger to the public and officers. Officer C stated that the Subject still had the knife in his hand, which could possibly cause serious bodily injury or death.

- **Officer F**

#### First Occurrence

According to Officer F, he/she unholstered his/her service pistol because the Subject was armed with a knife. Officer F observed the Subject “bloody” and believed that he had already “stabbed someone or he’s cutting himself.” Officer F believed the Subject could “cause bodily harm or even death” to other officers.

#### Second Occurrence

According to Officer F, he/she re-holstered his/her service pistol prior to going in foot pursuit as the Subject ran northbound through business. Officer F unholstered his/her service pistol after the Subject turned around and faced him/her and the other officers. Officer F believed the Subject was a threat because he was armed with a knife and could harm him/her or other officers.

#### Third Occurrence

According to Officer F, as the Subject walked between a walkway between two buildings, Officer F unholstered his/her service pistol after observing the Subject turn and face them while still armed with a knife. Officer F believed the Subject was a risk to people in the area and could cause serious bodily injury.

#### Fourth and Fifth Occurrence

According to Officer F, he/she assisted in moving the trash dumpster to utilize as cover. Officer F unholstered his/her service pistol to approach the dumpster and ensure the Subject was not in the dumpster prior to moving it. Officer F was unaware of the exact location of the Subject and believed that the Subject had the “advantage” because he was still armed with a knife. Officer F holstered his/her service pistol after clearing the dumpster and assisted in moving the dumpster away from the open door of the building to be used as cover. After the dumpster was moved, Officer F unholstered his/her service pistol while utilizing the dumpster as cover because he/she believed the Subject could exit the building while still being armed with a knife.

- **Officer G**

According to Officer G, he/she unholstered his/her service pistol because the Subject was armed with a knife. Officer G believed that the “situation could escalate to the point of where deadly force may be justified.”

In this case, the BOPC conducted an evaluation of the reasonableness of Officers B, C, F, and G’s drawing and exhibiting of a firearm. The BOPC considered the Subject’s actions of being armed with a knife and using it to physically cut himself. As the officers arrived at the entrance of the business, the Subject was holding a knife and bleeding from self-inflicted stab wounds. The Subject fled from the officers and ran into the business while remaining armed with the knife. Officers B, C, F, and G drew their service pistols in concern for their safety, the other officers’ safety, as well as the people within the business. The BOPC concluded that it was reasonable for Officers B, C, F, and G to believe this incident had escalated to the point where deadly force may be necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers B, C, F, and G, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers B, C, F, and G’s drawing and exhibiting of a firearm to be In Policy.

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

During the incident, Officers C, G, and H fired a total of 14 less-lethal munitions from their less-lethal devices. According to the FID investigation, investigators were unable to determine if any of the less-lethal munitions struck the Subject. The BOPC considered all available evidence, including BWV evidence, third-party surveillance video, and the officers’ statements. Based on that evidence, the BOPC could not determine if any of less-lethal rounds fired by Officers C, G, and H struck the Subject. Therefore, the BOPC determined that they could not attribute any use of less-lethal force to the Subject, and the deployment of the less-lethal beanbag shotgun and 40mm LLL instead would be evaluated through Tactics.

Thus, the BOPC did not make any findings for less-lethal use of force.

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

- **Officer B** – (pistol, one round)

The OIS occurred at the business, near the main entrance. Four employees were in the main entrance area at the time of the OIS. An unarmed security guard was inside of the guard shack, an unarmed security guard was in the security booth, a

plainclothes armed security guard was in the driver's seat of a vehicle that was positioned south of the security booth, and a contract employee was seated in the driver's seat of a service truck that was stopped in the entrance lane east of the main security booth. An outside agency detective was also in the foreground of Officer B's discharge of his/her service pistol.

According to the FID investigation, a non-penetrating impact was located on the south face of a stucco pillar of a building. The associated pathway was consistent with a bullet travelling from south to north, west to east, and in an upward direction. The investigation determined the building was unoccupied at the time of this incident.

According to Officer B, he/she observed the Subject running toward a "security booth" and observed a female and other people gathered around. Due to the Subject still being armed with a knife, Officer B believed that the Subject was going to take a hostage and was in fear that the Subject was going to stab one of them. Officer B stated that when he/she observed the Subject running into the business, and he/she saw the female behind the booth and other people gathered around, he/she believed the Subject was going to take a hostage and stab one of them. Officer B believed that the Subject was an "imminent threat" and that Officer B "had no other choice." Officer B "had a clear sight picture on him." Officer B discharged one round from his/her service pistol and then "went to a low-ready," and "assessed." Officer B did not "see anybody else in front of the Subject that he could stab at that time." Officer B then "stopped" and "didn't fire anymore rounds."

The BOPC conducted a thorough review and analysis of the reasonableness and necessity, along with the proportionality, of Officer B's use of deadly force. The BOPC acknowledged that the Subject ran towards business employees while armed with a knife; however, the employees were inside a guard shack, a security booth, and two parked vehicles at the time. The BOPC noted that Officer B stated he/she was in fear that the Subject was going to take a hostage and stab the female he/she observed and the additional security personnel; however, it was later determined that the female employee was not present when the OIS occurred. The BOPC acknowledged that Officer B was placed into a tense and chaotic tactical situation and that Officer B was in fear of the Subject.

The BOPC acknowledged that when the Subject ran into the business armed with a knife, he had already used it to cause self-inflicted wounds; however, he had not used the knife to injure anyone else. The BOPC opined that Officer B was focused on what could happen compared to what was actually occurring during the incident. The mere possibility or fear that the Subject could take a hostage and stab someone did not present a situation where there was an imminent threat of serious bodily injury or death, or where there was a necessity to utilize deadly force. The BOPC further noted, throughout the entirety of the incident, the Subject never encountered, pursued, or threatened anyone with the knife. The BOPC believed the Subject was never an imminent threat of serious bodily injury or death to the officers or the public.

and was only trying to harm himself. Additionally, the BOPC noted that the Subject was a fleeing suspect and would have preferred that the officers had contained the Subject as they considered the most appropriate tactical plan.

The BOPC was critical of Officer B's foreground as Officer B decided to discharge his/her service pistol. In doing so, Officer B placed the outside agency detective, who was running ahead of Officer B, and the business employees inside of the guard shack, security booth, and parked vehicles in significant danger. The BOPC determined that Officer B's decision to discharge his/her service pistol at the time was not reasonable, proportional, nor necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B would not believe the Subject's actions presented an imminent threat of death or serious bodily injury, nor that the use of lethal force was objectively reasonable, necessary, nor proportional.

Therefore, the BOPC found Officer B's lethal use of force to be Out of Policy.