

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

OFFICER-INVOLVED SHOOTING – 003-21

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

| | | | |
|-----------|---------|--|--|
| Southwest | 1/27/21 | | |
|-----------|---------|--|--|

| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
|--|--------------------------|

| | |
|-----------|-------------------|
| Officer C | 3 years, 3 months |
| Officer D | 3 years, 2 months |

Reason for Police Contact

On January 27, 2021, at approximately 2227 hours, uniformed officers responded to an Ambulance Assault with a Deadly Weapon in Progress radio call where the suspect was reported to be armed with a knife. Upon their arrival, the officers observed a male on top of a female victim inside a vehicle. The suspect was striking the victim in a downward stabbing motion, resulting in an Officer-Involved Shooting (OIS).

| Subject(s) | Deceased (X) | Wounded () | Non-Hit () |
|-------------------|---------------------|--------------------|--------------------|
|-------------------|---------------------|--------------------|--------------------|

Subject: Male, 55 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 November 23, 2021.

Incident Summary

On January 27, 2021, at approximately 2224 hours, Victim A, was sitting in his wheelchair on the north sidewalk. According to Victim A, the Subject approached him angrily and accused him of dancing with his girlfriend, Victim B. The Subject punched Victim A in the mouth before walking south across the street and joining Victim B, who was seated inside her vehicle. Victim A then heard the Subject and Victim B arguing.

In response, Victim A called 911 and requested the police and paramedics. Victim A reported to Communications Division (CD) that the Subject was drunk, had punched him in the face, and was armed with a knife. Additionally, Victim A advised that the Subject was at an intersection, near a grocery store, beating up his girlfriend (Victim B), who was inside a vehicle.

When interviewed by Force Investigation Division (FID) investigators, Victim B stated she was in a dating relationship with the Subject and had known him for three years. According to Victim B, on the day of the incident, the Subject was upset and had accused her of “messing around” with Victim A. While at the intersection, Victim B was preparing to enter her vehicle when the Subject pushed her inside. The Subject then got on top of her, pulled her blouse off, and punched her in the chest and eyes. According to Victim B, the Subject was cursing and smelled of alcohol. Victim B feared for her safety and fought back while she yelled for the Subject to get off her. When asked if the Subject choked her, Victim B stated, “I was getting my ass whooped, yes.”

In response to Victim A’s call, CD broadcast a Code Three (emergency) radio call of an Ambulance Assault with a Deadly Weapon in progress and provided the location. CD provided the description of the Subject and indicated that he was drunk and armed with a knife. CD advised units that the Subject had previously assaulted the Person Reporting (Victim A) and was now attempting to assault a female (Victim B) next to a grocery store. CD did not broadcast that a vehicle was involved in this incident.

CD dispatched the call to Police Officers A and B. While Officers A and B were en route, CD inquired if they were equipped with less-lethal force options. Officer A advised they were. CD requested a supervisor to respond and Sergeant A immediately acknowledged.

Police Officers C and D advised Communications Division that they were also responding. The officers responded Code Three with their lights and siren activated. Officer C did not activate his/her BWV camera until after the OIS. The two-minute buffer of Officer C’s BWV camera captured the officers’ arrival and the subsequent OIS, without audio. According to Officer C, as the officers approached the intersection, he/she discontinued the use of the siren to not alert the potential suspect to their presence. As they arrived, Officer D broadcast that the officers were Code Six and read aloud from their Mobile Digital Computer regarding the suspect’s clothing description and that he was reported to be drunk.

Officers C and D were the first officers to arrive and they began checking the area for the Subject. The officers observed a vehicle parked along the south curb of the intersection, adjacent to the grocery store. The driver's door was open, and the officers observed legs protruding from the open doorway.

According to Officer C, he/she advised Officer D the vehicle may contain the Subject and Victim B. Officer C stopped the police vehicle adjacent to the left rear quarter panel of the parked vehicle with the forward-facing red light activated. Officer C was concerned that the Subject may be alone with Victim B and attempting to harm her.

Officer C exited his/her vehicle and unholstered his/her pistol. According to Officer C, he/she unholstered his/her pistol because the comments of the radio call indicated the Subject was armed with a knife. Officer C activated his/her pistol-mounted light and moved forward to the driver's door of the vehicle with Officer D. Officer C stated that as he/she made his/her approach, he/she was able to obtain a better picture of what was happening. Officer C felt that he/she needed to leave cover of the police vehicle because he/she could not see what was happening inside of the Subject vehicle from his/her position of cover.

According to Victim B, while being attacked by the Subject, she observed him holding a knife in one of his hands. Victim B described the knife as white plastic with a sharp and shiny blade. Victim B stated that the Subject was hitting her with his fists and pulled "something and hit me..." Victim B believed the Subject used the handle of the knife to strike her in the face. The Subject remained on top of Victim B while she continued to struggle and yell.

On January 28, 2021, Criminalist A located a knife with an overall length of 6 ½ inches, and an off-white handle, on the floorboard between the seat and door frame of the front passenger seat of the vehicle.

Officer C's rationale for using force

According to Officer C, he/she illuminated the inside of the vehicle and observed a male matching the Subject's description on top of a female (Victim B). Officer C had an unobstructed view and observed the Subject's upper body in an elevated position over Victim B, who was shirtless and lying on her back beneath him. Officer C observed blood on Victim B's right shoulder, chest, and neck as she struggled, attempting to move to her right side. Officer C could see the Subject's shoulders, upper body, and a portion of his right tricep, and observed the Subject making a downward stabbing motion with his right arm. Officer C yelled, "Let me see your hands!" before announcing to Officer D, "He's stabbing her!" According to Officer C, the Subject continued his actions, which caused Officer C to believe the Subject was still stabbing Victim B.

While stepping backward, Officer C fired three rounds through the open driver's door from an approximate increasing distance of seven to nine feet. According to Officer C, the Subject was in an elevated position over Victim B, and he/she targeted the Subject's

upper back to prevent any of his/her rounds from striking Victim B. Officer C stated that he/she fired the three rounds to protect the victim from serious bodily injury or death. When Officer C was asked if he/she observed the item that the Subject potentially possessed in his hand, Officer C stated he/she did not see it. Officer C stated that he/she based his/her decisions off the motions, the elevated positions, the comments of the radio call that he/she had received from CD, which led him/her to believe that the Subject was armed with a knife.

According to Victim B, while she held one of the Subject's arms, she observed a bright light coming from the rear passenger window of the vehicle. Victim B heard an officer say, "Get up. Put your hands up," before hearing gunfire. According to Victim B, upon seeing the light and hearing the commands, the Subject "froze."

Officer D's rationale for using force

According to Officer D, as Officer C was preparing to park, he/she noticed the vehicle parked with the driver's door open and a pair of feet hanging out. Officer D exited the police vehicle and illuminated the vehicle with his/her flashlight. Officer D approached the driver's side of the vehicle to investigate if the vehicle was related to their call. As Officer D did so, he/she unholstered his/her pistol with his/her right hand and maintained it in a one-handed, low-ready position as he/she continued to hold his/her flashlight in his/her left hand. As Officer D approached the rear driver's side door, he/she observed Officer C approaching the driver's door.

Officer C, who was positioned offset to Officer D's left side, yelled, "Let me see your hands!" Simultaneously, Officer D, who was positioned at the vehicle's rear driver's side door, activated his/her pistol-mounted light, in addition to his/her flashlight, and observed the Subject on top of Victim B. Officer D yelled, "Get up! Let me see your hands!" According to Officer D, he/she observed the Subject through the rear driver's passenger window making a downward stabbing motion with his left arm at Victim B. Officer D heard Officer C declare, "He's stabbing her!"

Officer D stated that he/she observed the Subject on top of Victim B. Officer D saw the Subject was positioned with his right arm on Victim B, pinning her, and noted the Subject's other arm was coming down in a twisting, stabbing motion. Officer D stated that he/she could only conclude that the Subject was stabbing Victim B with an unknown weapon.

Officer D believed that he/she unholstered upon hearing his/her partner say, "He's stabbing her!" A review of BWV footage determined that Officer D unholstered while approaching the rear driver's side door of the vehicle, approximately three seconds prior to Officer C declaring, "He's stabbing her!"

Although Officer D could not see a weapon in the Subject's left hand, he/she stated when his/her partner said that the Subject was stabbing Victim B, he/she believed that the Subject was indeed stabbing the victim with some sort of object. According to

Officer D, his/her partner has very good observations, and he/she trusts what he/she sees. Officer D also stated the comments of the call indicated the Subject was armed with a knife and was assaulting his girlfriend with a knife and had already assaulted another person (Victim A).

According to Officer D, he/she observed the Subject continuing the downward stabbing motion at Victim B. Officer D utilized a two-handed grip on his/her pistol, while holding his/her flashlight in his/her left hand. Officer D targeted the right side of the Subject's torso and fired one round through the rear driver's side window from an approximate distance of ten feet. Officer D indicated that he/she fired at the Subject to defend Victim B from imminent death or serious bodily injury.

Officer D mistakenly believed that he/she utilized a one-handed grip when firing. A review of BWV determined that immediately prior to the OIS, Officer D was in the process of placing his/her flashlight in a pant pocket when Officer C declared, "He's stabbing her!" In response, Officer D brought his/her hands together while still holding the flashlight in his/her left hand and fired his/her pistol.

According to Officer D, at the point he/she fired, he/she knew that Victim B was not in his/her line of fire, and he/she did not observe anyone else in the background. Officer D stated that due to the Subject's position of being elevated on top of Victim B, he/she knew that his/her round would have gone either to the dashboard or through the window to the back where there was a cement wall. Officer D knew that he/she would not have been able to hit anyone else, including the victim or any possible witnesses or bystanders.

Immediately after Officer C fired his/her third round, the Subject collapsed onto Victim B. The OIS occurred as Officers A and B arrived at the intersection.

Officers A and B indicated they were not in a position to observe the Subject's actions prior to the OIS. Officers C and D remained near the vehicle and continued assessing. Approximately eight seconds after the OIS, Officer C again declared, "He's stabbing her, he's stabbing her. No, he's down, he's down."

When interviewed by FID investigators, Officer C explained that as he/she was still assessing, he/she believed that he/she observed the Subject start to lift up a little, which is when he/she verbally advised his/her partner, "Hey, he's going to stab her again." Officer C stated, "You know, just in case he actually is able to regain that elevated position over her, you know, just so that everyone is aware that the threat at that point isn't stopped."

Officer C described the difference he/she observed in the Subject's movement before and after the OIS. Officer C stated that prior to firing, the Subject was in an elevated position over the victim, and he was displaying a stabbing motion over her. According to Officer C, once he/she fired his/her third round, it looked like the Subject was still moving. Officer C also considered that the victim was still alive and might be trying to

move the Subject. Officer C stated that he/she was not sure because he/she could not tell exactly what was going on inside of the vehicle, but it appeared as if the Subject was still moving. Officer C stated that at that point, he/she did not fire another shot.

Meanwhile, Officers A and B exited their police vehicle and according to Officer A, he/she heard Officer C announcing, "He's stabbing her!" Approximately six seconds after the OIS, Officer B broadcast a help call. Approximately 18 seconds after the OIS, Officer A requested a Rescue Ambulance (RA).

Approximately 20 seconds after the OIS, Police Officers E and F, arrived at scene. Officer F joined Officer D at the rear of the vehicle, while Officer E joined Officer C at the front of Officer C's vehicle. Officer C relayed that the Subject was down and no longer stabbing Victim B.

According to Officer E, he/she did not observe the Subject moving and communicated the need to remove him from on top of Victim B. Officer A directed Officer B to obtain a shield. After checking multiple police vehicles, Officer B relayed that a shield was not available. Officer E stated that he/she did not observe Victim B moving underneath the Subject and feared Victim B was possibly cut or shot. Officer E believed that waiting for a shield would cause an unnecessary delay in rendering aid to Victim B and the Subject. Officer E communicated to Officers B and C that he/she would move forward with Officer B and grab the Subject's legs and pull him out of the car and off of Victim B, while Officer C provided lethal cover.

One minute and 43 seconds after the OIS, Officer E approached the driver's door. Officer E was quickly joined by Officers B, C, and F. While Officer C maintained the role of designated cover officer, Officer E grabbed the Subject's rear belt area and pulled him from the vehicle. Officers B and F assisted by pulling from the back of the Subject's shirt. The Subject did not resist the officers as they moved him from the vehicle to the street and onto his right side.

Regarding their decision to move forward, Officer B stated that he/she decided to not wait for the shield because time was not on their side and that every second counted. Officer B stated that he/she knew from the comments of the call that the victim was being physically assaulted by the Subject with a knife.

When interviewed by FID investigators, Officer B stated that he/she did not touch the Subject when he was removed from the vehicle. A review of Officer B's BWV determined that Officer B grasped the back of the Subject's shirt to assist in pulling the Subject from the vehicle. Officer B mistakenly believed Officer D was involved in pulling the Subject out of the vehicle. A review of BWV determined that Officer D remained behind Officer F and was not involved in extricating the Subject from the vehicle.

Once the Subject was pulled out of the vehicle and onto his right side, Officer E held the Subject's left arm while Officer D approached and handcuffed the Subject's left wrist. Officers D and E then rolled the Subject into a prone position. The Subject was not

moving, and Officer D rested the Subject's cuffed left wrist on the Subject's lower back. Officer D then used both hands to grab the Subject's right arm and bring it from under his body to the Subject's lower back. Officer D then removed the Subject's jacket from his right wrist prior to securing the second handcuff to the Subject's right wrist.

Officer C holstered his/her pistol as the Subject was being handcuffed. Once handcuffing was completed, Officer C called for the Subject to be rotated onto his side. As Officer C donned protective gloves, he/she requested his/her fellow officers to establish a crime scene. Additionally, Officer C pointed to Witness A and requested that officers identify him because Officer C believed he was a witness to the incident. Approximately 45 seconds after the Subject was handcuffed, Officer C completed donning his/her gloves and placed the Subject in a right-lateral recovery position.

Officer C determined the Subject did not have a pulse and was not breathing. Approximately 30 seconds after placing the Subject in the recovery position, Officer C rolled the Subject onto his back and initiated Cardiopulmonary Resuscitation (CPR). Approximately one minute later, Officer B took over for Officer C and continued CPR, until members of the Los Angeles Fire Department (LAFD) relieved him approximately four minutes later.

As Officer D completed handcuffing the Subject, Officers E and F checked on Victim B, who remained in the vehicle. Victim B was shirtless with blood on her face, chest, and arms. Officer E asked if she was injured. Victim B did not immediately answer and according to Officer E, she appeared disorientated and angry at the Subject. Victim B used loose clothing and attempted to wipe the blood away. Officers E and F escorted Victim B outside the crime scene and awaited the arrival of the LAFD.

At 2236 hours, Firefighter Paramedics arrived at scene and attended to the Subject and Victim B. Paramedics determined that Victim B was not cut or stabbed, and she refused any further assessment. Paramedics performed a life status assessment on the Subject and determined he did not have a pulse, was not breathing and that he had sustained a gunshot wound. The Subject was pronounced deceased at scene.

Civilian Witness and Victim Statements

Witness A

According to Witness A, he heard the Subject and Victim B fighting and noted that it was a common occurrence. According to Witness A, he observed Victim B inside the vehicle and the Subject attempting to pull her out. Witness A also observed the Subject swinging at Victim B. Witness A believed he heard the Subject say, "[expletive], Get out of the car," and, "You don't love me."

Witness A later observed the Subject inside the vehicle on top of Victim B and heard Victim B saying, "Get off me! Get off me!" Witness A heard muffled grunting from Victim B, while the Subject "talked shit." Witness A believed they were having sex and he

stopped observing. Witness A later observed a police vehicle arrive and the driver officer exit and approach the driver's door of the vehicle. Witness A then heard an officer say, "He's on top of her. He has a knife, he's stabbing her. Get off her," before hearing gunfire. Witness A indicated he had a limited view and he could not see the Subject's actions in the vehicle at the time the officers arrived.

Witness B

According to Witness B, he had known the Subject and Victim B for 20 years and he believed the Subject and Victim B had been in a romantic relationship. Witness B stated that the Subject and Victim B fought daily and earlier on the day of this incident, he observed the Subject hitting Victim B. Witness B claimed that approximately three months prior, Victim B stabbed the Subject, causing him to be hospitalized for five days. Witness B disclosed that approximately 20 minutes prior to the OIS, the three of them smoked "crack" cocaine together, and Witness B believed the Subject was upset because Victim A danced with Victim B.

According to Witness B, at the time of the incident, he was sleeping in the front passenger seat of his vehicle, which was parked directly in front of the vehicle where the OIS occurred. Witness B stated he awoke when he heard the officers on their Public Address (PA) system. According to Witness B, he then exited his vehicle and joined the Subject and Victim B. Witness B stated he observed Victim B in the driver's seat of the vehicle with the driver's door open. Witness B observed the Subject at the driver's door repeatedly making a fast stabbing motion with his right hand towards Victim B. Witness B heard an officer say, "Put down the knife," and, "Drop the knife," but the Subject continued with the stabbing motion and the officers fired. Witness B stated he never saw the knife, but it looked like the Subject was stabbing Victim B.

A review of the officers' BWV and security video from the grocery store determined that Witness B exited his vehicle after the OIS and was directed by Officers C and F to the north side of the street.

Victim A

According to Victim A, after being confronted and punched by the Subject, he observed the Subject cross the street and join Victim B, who was inside her vehicle. As the Subject crossed, Victim A heard him say, "I ought to cut your God damn throat." Victim A believed the threat was directed at him. Victim A then heard Victim B and the Subject arguing at the vehicle. Victim A heard loud profanity but could not understand what was being said. According to Victim A, the Subject confronted him a second time before returning to the vehicle and again arguing with Victim B. Victim A then observed one or two police vehicles arrive and heard officers say, "Let me see your hands!" before hearing gunshots.

A review of security video from the grocery store determined that at 2217 hours, Victim B parked the vehicle along the south curb near the grocery store. Victim A could be

seen on the north sidewalk. The Subject then approached the vehicle and opened the driver's door. The Subject repeatedly attempted to pull Victim B out of the vehicle but was unsuccessful. The Subject then crossed the street and momentarily approached Victim A before returning to the vehicle. As the Subject approached the vehicle, Victim B closed the driver's door before the Subject was seen crossing the street and approaching Victim A a second time. No physical interaction was seen between Victim A and the Subject.

At 2219 hours, the Subject approached the vehicle for the last time. Over the course of four minutes, the Subject alternately moved around the vehicle and struggled at the driver's door with the Subject attempting to pull her out. At 2224 hours, the Subject entered the driver's door. The Subject and Victim B's actions cannot be seen within the vehicle. The driver's door remained open and approximately five minutes later, Officers C and D arrived. Victim A was seen remaining on the north sidewalk.

BWV and DICVS Policy Compliance

| NAME | TIMELY BWV ACTIVATION | FULL 2-MINUTE BUFFER | BWV RECORDING OF ENTIRE INCIDENT | TIMELY DICVS ACTIVATION | DICVS RECORDING OF ENTIRE INCIDENT |
|-----------|-----------------------|----------------------|----------------------------------|-------------------------|------------------------------------|
| Officer A | Yes | Yes | Yes | Yes | Yes |
| Officer C | No | Yes | No | Yes | Yes |
| Officer D | Yes | Yes | Yes | Yes | Yes |
| Officer E | 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 Officers A, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer C and D's lethal use of force to be In Policy.

Basis for Findings

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

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

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

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

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

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

an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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

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

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

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

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

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;

- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

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

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

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

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

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

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

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

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

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

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

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

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

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

Definitions

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

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

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

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

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

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

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

- Loss of consciousness;
- Concussion;
- Bone Fracture;

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

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

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

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

A. Tactics

Tactical De-Escalation

Tactical De-Escalation Techniques

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

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

Planning – Officers C and D had been working together for approximately one year. At the beginning of each shift, Officers C and D would discuss tactics, specifically as they relate to contact and cover roles and categorical and non-categorical uses of force. According to Officer D, he/she and Officer C understood that contact and cover roles could change, and they were prepared to switch roles or “go hands on.” Officers C and D would also debrief past incidents to enhance future performance. According to Officer C, they have responded to edged weapon radio calls and have utilized de-escalation techniques. During incidents, Officers C and D attempt to utilize cover and distance to create time to formulate tactical plans. According to Officer E, at the start of watch, he/she and Officer F discussed tactics, specifically the importance of taking command and control at a scene.

Assessment – Officers C and D were the first officers to arrive on scene and began searching the area for the Subject and victim. As they arrived on scene, Officers C

and D observed legs protruding from the vehicle's passenger compartment, through the open driver's side door. Believing the vehicle may be related to the call, Officer C stopped the police vehicle to investigate further. Approaching the vehicle on foot, Officers C and D observed the Subject laying on top of Victim B, ostensibly stabbing her. Officers C and D believed Victim B was in imminent danger of serious bodily injury or death.

Arriving on scene, Officer E opined that the Subject and Victim B were injured and in need of immediate medical aid. In response, Officer E determined that officers needed to remove the Subject and Victim B from the vehicle and that it was not prudent to wait for a ballistic shield.

Time – When the Subject refused to stop his actions and get off of Victim B, Officers C and D determined that Victim B was in danger of serious bodily injury or death. Based on the Subject's actions, Officers C and D were not afforded additional time to attempt to de-escalate the situation. Based on his/her assessment, Officer E determined that it was not prudent to wait for a ballistic shield to approach the vehicle.

Redeployment and/or Containment – After the OIS, Officer D redeployed to the rear of Victim B's vehicle for cover. Arriving on scene, Officer A opened the passenger door of Officers C and D's police vehicle and directed Officers D and F to use the ballistic door panel as cover. Officer F helped guide Officer D as they deployed to the ballistic panel. Officer A also used responding units to block traffic and contain the scene.

Other Resources – Approximately six seconds after the OIS, Officer B broadcast a Help Call, summoning additional units, supervisors and air support. Approximately 18 seconds after the OIS Officer A requested an RA, summoning paramedics. Officer A also directed Officer B to locate a ballistic shield. When Officer B was unable to locate a shield at scene, Officer A requested a unit with a shield.

Lines of Communication – Observing the Subject ostensibly stabbing Victim B, Officer D ordered him to "get up," and both officers ordered the Subject to show his hands. Officer C also communicated his/her observations to Officer D, stating, "He's stabbing her!" Following the OIS, Officer B advised CD that officers needed help. Officer A directed officers to reposition themselves, to obtain a ballistic shield, to establish containment, and to block traffic. As the incident progressed, Officer E communicated his/her intention to remove the Subject from the vehicle. Officer E told Officer C that he/she was lethal cover. Officer E also told Officer B to come with him/her.

The BOPC noted the limited time that Officers C and D had to de-escalate without risking Victim B's life. The BOPC also noted that Officer E's decision to approach the vehicle without a ballistic shield was based on the need to render immediate medical aid to Victim B and the Subject.

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

1. Tactical Vehicle Deployment (Officer C)

Upon arriving on scene, Officers C and D observed Victim B's vehicle parked along the south curb adjacent to the grocery store. The market was located on the southeast corner. While a vehicle was not mentioned in the comments of the call, the vehicle's driver's door was open, and the officers observed legs protruding from the passenger compartment. Opining that the vehicle may contain the Subject and Victim B, Officer C stopped the police vehicle adjacent to the left rear quarter panel of the vehicle. The police vehicle's front bumper was angled towards the vehicle and the forward-facing red light was activated.

The BOPC noted that during the Use of Force Review Board, (UOFRB), a Subject Matter Expert (SME) from the Tactics Unit, In-Service Training Division, testified that officers are not trained for this exact scenario. The SME also testified that while officers are generally taught to position their police vehicle behind a suspect's vehicle, officers cannot be trained for every scenario they may encounter and are taught to adjust their tactics based on the situation. The SME noted that Officers C and D were confronted with a situation that required them to act quickly while adjusting their tactics. The SME opined that given the comments of the radio call, combined with the officers' observations, driving past the vehicle or circling around the block would have placed Victim B at greater risk of death or serious bodily injury. The SME felt that based on the totality of the circumstances, Officer C acted in a prudent manner.

The BOPC discussed the details of the radio call and noted that until the moment they observed the vehicle, Officers C and D did not know the Subject and victim were inside a vehicle. The BOPC noted that ideally Officer C would have positioned the police vehicle behind the vehicle. However, the BOPC also noted that given the situation, Officer C could not have positioned his/her police vehicle behind the vehicle without driving past it, exposing Victim B to a greater risk of death or serious bodily injury. Considering the SME's testimony, combined with the comments of the radio call and the officers' observations, the BOPC felt that Officer C's actions conformed to Department tactical training.

Based on the totality of the circumstances the BOPC determined that Officer C's tactics were not a deviation from approved Department tactical training.

2. Cover/Concealment (Officers C and D)

Believing the Subject and Victim B may be inside the vehicle, Officers C and D exited their police vehicle to get a better view inside the passenger compartment. Officer C exited the driver's side of the police vehicle and approached the other

vehicle's driver's door. Officer D exited the passenger side of the police vehicle and approached the vehicle's driver's side (left side).

As Officer D approached the left rear passenger door, Officer D observed Officer C approaching the driver's door. Officer C was offset, to Officer D's left side. Looking inside the vehicle, Officer D observed the Subject making a downward stabbing motion with his left arm towards Victim B. Seeing Officer C "step back," Officer D "stepped back" too. According to Officer D, he/she utilized the left rear passenger door as cover, believing that it would afford him/her "time" if the Subject was armed.

Following the OIS, Officer D deployed towards the rear of the Subject's vehicle, utilizing the trunk as cover. Officer D later deployed behind his/her police vehicle's ballistic passenger door panel.

According to Officer C, he/she approached the vehicle because he/she had to see what was "actually" occurring inside the passenger compartment. Officer C further explained that he/she had to leave the cover of his/her police vehicle to see what was occurring inside the vehicle. As Officer C approached the vehicle, he/she was triangulated with Officer D. Approaching the vehicle, Officer C used the vehicle's "B" pillar as cover. Prior to discharging his/her rounds, Officer C positioned him/herself between the "B" pillar and the driver's door. Following the OIS, Officer C moved back from the vehicle, towards the front of his/her police vehicle.

The BOPC considered the need for Officers C and D to approach the vehicle, leaving the cover of their police vehicle. The BOPC also discussed the officers' efforts to utilize portions of the vehicle for cover as they approached and tried to communicate with the Subject. The BOPC felt that given the circumstances it was reasonable for the officers to approach the vehicle, and that they did so in a safe manner. The BOPC noted that this was a dynamic situation and that there was no indication the Subject would stop his actions. Had the officers remained behind their police vehicle and waited to approach, Victim B may have been seriously injured or killed.

Based on the totality of the circumstances, the BOPC determined that Officers C and D's tactics were not a deviation from approved Department tactical training.

3. Tactical Communication/Planning (Officers A and E)

Responding to the call, Officer A designated him/herself as contact and Officer B as cover/less lethal. Upon arriving on scene, Officer A heard two to three gunshots followed by Officer C stating, "He's stabbing her." Approximately 18 seconds after the OIS, Officer A requested a RA. Recognizing that he/she was the "senior officer on scene," Officer A began directing resources to contain the scene and shutdown traffic. Officer A advised Officers D and F to reposition

themselves to additional cover and directed Officer B to locate a ballistic shield. After checking multiple police vehicles, Officer B relayed that a ballistic shield was not available. In response, Officer A requested a ballistic shield through CD.

As Officer A was setting up the perimeter, directing resources, and requesting a shield, Officer E determined that the Subject needed to be moved off Victim B and out of the vehicle. According to Officer E, he/she did not observe the Subject nor Victim B moving. Believing that waiting for a shield would unnecessarily delay rendering medical aid to Victim B and the Subject, Officer E told Officer C that he/she would provide lethal cover. Officer E also told Officer B to come with him/her.

Officer E holstered his/her service pistol and donned protective gloves. One minute and 47 seconds after the OIS, Officer E approached the vehicle. Officer C followed behind Officer E, stating, "hold on," while reaching for the back of Officer E's equipment belt. Officer E continued towards the vehicle while stating, "Come on." Reaching the vehicle, Officer E grabbed the Subject's pants and pulled him/her from the vehicle. Officers B and F helped Officer E pull the Subject from the vehicle. The Subject did not resist. While Officer E told Officer C he/she was lethal cover and told Officer B to come with him/her, no additional roles were designated. Also, prior to moving towards the vehicle, Officer E did not advise Officers D and F of his/her plan, nor did he/she ensure that Officers B and C were ready to move.

The BOPC discussed Officer A's communication with responding units, coordination with responding supervisors, planning, and allocation/utilization of resources to control the scene. The BOPC also noted Officer A's efforts to deploy officers to better forms of cover and his/her efforts to obtain a ballistic shield.

The BOPC also discussed Officer E's communication and coordination prior to approaching Victim B's vehicle. The BOPC noted Officer E's assessment of the Subject and Victim B's conditions as well as his/her approach to Victim B's vehicle. Although the BOPC would have preferred that Officer E had ensured Officer A was aware of his/her plan, the BOPC noted that Officer A was managing multiple tasks at the time and opined that Officer E was better situated to coordinate the approach. Although the BOPC would have preferred that Officer E had designated additional roles and ensured that Officers B and C were ready to move, the BOPC noted Officer E's observation that the Subject and Victim B did not appear to be moving and his/her concern that they needed immediate medical aid. The BOPC also noted that while the ballistic shield is a useful tool, as indicated in Officer E's transcript, there was a need to balance the use of a ballistic shield with the need for preservation of human life.

Based on the totality of the circumstances the BOPC determined that Officers A and E's tactics were not a deviation from approved Department tactical training.

- The BOPC also considered the following:
 - **Handcuffing** – After handcuffing the Subject’s left wrist, Officer D rested the Subject’s left arm on his lower back, while removing a jacket from the Subject’s right arm prior to handcuffing his right wrist. The Subject was not moving at that point. Approximately 12 seconds after the Subject was handcuffed, Officer C began donning protective gloves as he/she called for the Subject to be “rotated” onto his side. Approximately 45 seconds after the Subject was handcuffed, Officer C completed donning his/her gloves, placed the Subject in a right-lateral recovery position, and determined he did not have a pulse and was not breathing. Approximately 30 seconds after the Subject was placed in a right-lateral recovery position, Officer C initiated CPR. According to FID investigators, officers did not immediately search the Subject’s waistband area after he was handcuffed.
 - Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

In conducting an objective assessment of this case, the BOPC determined that Officers A, C, D, and E’s tactics did not deviate from approved Department tactical training. Therefore, the BOPC directed that they attend a Tactical Debrief and that the specific identified topics be discussed.

The BOPC found Officers A, C, D, and E’s tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer C**

Arriving at the scene of a reported Assault with a Deadly Weapon in progress, Officer C observed legs protruding from the vehicle’s passenger compartment. Believing that the Subject may be assaulting Victim B inside the vehicle, Officer C exited his/her police vehicle and unholstered his/her service pistol. Based on the comments of the radio call indicating that the suspect was armed with a knife, Officer C believed that the situation may escalate to the point of deadly force.

- **Officer D**

Arriving at the scene of a reported Assault with a Deadly Weapon in progress, Officer D observed legs protruding from the vehicle’s passenger compartment. To investigate if the vehicle was related to their call, Officer D approached the vehicle’s driver’s side. Looking inside the vehicle, Officer D observed the Subject on top of Victim B. In response, Officer D unholstered his/her service pistol.

- **Officer E**

According to Officer E, he/she was responding to a radio call for an Assault with a Deadly Weapon, suspect armed with a knife, that was upgraded to an “officer needs help” call involving shots fired. According to Officer E, knives can inflict serious bodily injury or death. Believing that the situation might escalate to deadly force, Officer E unholstered his/her service pistol when he/she exited his/her police vehicle.

The BOPC conducted an evaluation of Officer C, D and E’s drawing and exhibiting. The BOPC noted that the comments of the call indicated the Subject was armed with a knife and was assaulting Victim B. The BOPC also noted that when Officers C and D arrived on scene, they observed legs protruding from the vehicle and were concerned that the Subject may have been harming Victim B inside the passenger compartment. The BOPC considered that Officer E was responding to a radio call for an ADW suspect armed with a knife that was upgraded to an officer needs help call involving shots fired. The BOPC noted that Officer E unholstered his/her service pistol based on the nature of the call and the details provided in the broadcast.

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

Therefore, the BOPC found Officer C, D, and E’s drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

- **Officer C** – (pistol, three rounds)

Background – According to Officer C, his/her background at the time of the OIS was the vehicle’s opposing door and a cement wall. Officer C stated there were no other persons in the background.

Approaching the vehicle, Officer C used his/her service pistol’s mounted flashlight to illuminate the passenger compartment. According to Officer C, he/she could see the Subject’s shoulders, upper body, and a portion of his right tricep. Officer C observed what he/she believed to be the Subject in a “lifted position” over Victim B, utilizing downward “hand movements” that mirrored “stabbing motions.” Officer C also observed blood on Victim B and heard a struggle. Officer C yelled, “Let me see your hands! Let me see your hands!” The Subject did not comply. Based on his/her observations and the comments of the call, Officer C advised Officer D, “He’s stabbing her!” multiple times. To protect Victim B from serious bodily injury or death Officer C discharged three rounds from his/her service pistol, aiming for the Subject’s upper torso. According to Officer C, after he/she fired his/her third round the Subject collapsed onto Victim B. Assessing, Officer C continued to observe

movement inside the vehicle; however, the Subject was no longer in an elevated position and Officer C was not sure if the Subject was moving or Victim B was trying to move him off her. Officer C was concerned that if he/she discharged an additional round he/she could strike Victim B.

The BOPC conducted a thorough review and analysis of the proportionality, reasonableness, and necessity of Officer C's lethal use of force. The BOPC noted that the comments of the call indicated the Subject was armed with a knife and was assaulting Victim B. The BOPC also noted Officer C's observations of the Subject on top of Victim B, with his body in an elevated position, ostensibly stabbing her.

The BOPC further noted that before Officer C discharged his/her service pistol both he/she and his/her partner yelled commands for the Subject to show his/her hands. Despite the officers' commands, the Subject continued his actions. Additionally, the BOPC was complimentary of Officer C's decision to cease firing based on his/her assessment of Subject and Victim Bs' movement and positions. The BOPC concluded that given the comments of the call, combined with the Subject's actions, it was reasonable for Officer C to believe the Subject presented an imminent threat of serious bodily injury or death to Victim B and that the use of deadly force was necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was necessary, proportional, and objectively reasonable.

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

- **Officer D** – (pistol, one round)

Background – According to Officer D, no one was in his/her background at the point where he/she discharged his/her pistol. Officer D described his/her background as the dashboard of the vehicle and a cement wall.

Positioned near the vehicle's left rear passenger door, Officer D activated his/her service pistol's mounted light and observed the Subject on top of Victim B, making a downward stabbing motion with his left arm towards her. Officer D yelled, "Get up! Let me see your hands!" Officer D heard Officer C state, "He's stabbing her!" While he/she did not observe the knife, Officer D simultaneously observed the Subject continuing the downward stabbing motion towards Victim B. Utilizing a two-handed grip, Officer D discharged one round through the left rear passenger window at the right side of Subject's torso.

The BOPC conducted a thorough review and analysis of the proportionality, reasonableness, and necessity of Officer D's lethal use of force. The BOPC noted that the comments of the call indicated the Subject was armed with a knife and was

assaulting Victim B. The BOPC also noted Officer D's observations of the Subject on top of Victim B, ostensibly stabbing her. The BOPC further noted that before Officer D discharged his/her service pistol, both he/she and his/her partner yelled commands for the Subject to show his hands. Despite the officers' commands, the Subject continued his actions. The BOPC also considered the possibility that Officer D discharged his/her round in response to Officer C's rounds. However, based on Officer D's assessment of the Subject's actions before and after he/she discharged his/her service pistol, the BOPC concluded that Officer D fired only after making a personal determination that deadly force was necessary to defend Victim B from an imminent threat of serious bodily injury or death. The BOPC concluded that given the comments of the call, combined with the Subject's actions, it was reasonable for Officer D to believe the Subject presented an imminent threat of serious bodily injury or death to Victim B and that the use of deadly force was necessary.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer D would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was necessary, proportional, and objectively reasonable.

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