

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

OFFICER-INVOLVED SHOOTING – 014-20

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

Newton 4/22/20

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

Officer A 2 years, 5 months

Reason for Police Contact

Officers A and B were responding to an additional unit request when they came upon an unrelated multi-vehicle traffic collision. As they stopped to assist, numerous bystanders informed them that the Subject had caused the collision, was armed with a knife, and that he was harming himself. The Subject approached Officer A and refused multiple commands to drop the knife, resulting in an Officer-Involved Shooting (OIS).

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

Male, 38 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 suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; 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 December 15, 2020.

Incident Summary

On Wednesday, April 22, 2020, Victim A was stopped in her vehicle. Her vehicle was positioned facing northbound in the number one lane of San Pedro Street as she waited for a break in traffic, to turn left onto 32nd Street. Witnesses A and B observed the Subject in this case drive his truck north on San Pedro Street at a high rate of speed. The Subject's truck then collided with the back of Victim A's vehicle while traveling at 70 mph. The collision forced Victim A's vehicle onto the east sidewalk of San Pedro Street as the Subject's truck continued north into oncoming traffic.

Victim B was traveling south on San Pedro Street in her truck. As she passed 32nd Street, the Subject struck the left side of her truck. Victim B pulled to the west curb, south of 32nd Street, as the Subject continued north crossing into the southbound lanes.

Simultaneously, Victim C was driving south on San Pedro Street. Immediately after impacting Victim A's vehicle, the Subject's truck collided with the front of Victim C's vehicle. The force of the impact caused his vehicle to spin 180° across northbound lanes and onto the east sidewalk.

After colliding with the three vehicles, the Subject continued across the southbound lanes of San Pedro Street. The Subject's truck came to rest after colliding with an occupied recreational vehicle that was parked along the west curb.

Victims A and C remained incapacitated in their vehicles. Several bystanders called 911 for help. At 1735 hours, Communications Division (CD) broadcast an ambulance traffic collision radio call.

Witness C was traveling south on San Pedro Street when she observed the traffic collision. Witness C stopped her vehicle in the number one lane approximately 19 feet north of the Subject's disabled truck and called 911. Witness C observed the Subject attempt to kick open the passenger side door of his truck. When that attempt failed, the Subject jumped out of the driver's side window. According to Witness C, the Subject appeared to panic upon viewing the accident scene. He then climbed back through the driver's side window and moved to the backseat of his truck. Witness C then observed the Subject slashing his left forearm with a knife. Witness C told the 911 operator to also send the police because the Subject was armed with a knife.

Witness D and others approached the truck and observed the Subject inside. According to Witness D, the Subject was cutting his wrist with a knife, and Witness D believed he was under the influence of narcotics. Witness D tried to convince the Subject to stop cutting himself. According to Witness D, when the Subject heard the sound of police sirens approaching, he began cutting himself more aggressively.

Police Officers A and B were traveling south on San Pedro Street, en route to an unrelated additional unit request, when they encountered traffic near 31st Street. Officer B turned east onto 31st Street to circumvent the traffic. As he/she did so, both officers

observed the traffic collision on San Pedro Street near 32nd Street. In response, Officer B turned their police vehicle around so they could respond and assist. While doing so, Officer B activated their emergency lights and Digital In-Car Video System (DICVS).

Officer A activated his/her Body Worn Video (BWV) camera 11 seconds after exiting the police vehicle. Officer B's BWV camera remained powered off until after the subsequent OIS.

At 1737 hours, as Officer B drove up to the scene, Officer A asked several bystanders if they were hurt. As Officer B was stopping their vehicle, CD updated the ambulance traffic collision radio call with the information from Witness C, that there was a man with a knife present at the scene.

Moments later, Officer B parked their vehicle offset from Witness C's vehicle, facing south. Officer A indicated that he/she was unaware of the traffic collision or that a radio call had been generated until he/she and his/her partner observed the damaged vehicles. According to Officer A, as he/she stepped out of his/her vehicle, he/she heard CD broadcast the update, however due to all the yelling and screaming at scene he/she could not make out what was being broadcast.

According to Officer B, as he/she exited his/her vehicle, he/she observed approximately 50 people in the vicinity. Five or six of the bystanders were pointing to the Subject's truck while alerting him/her that there was a man with a knife. On the officers' DICVS, Officer B could be heard asking bystanders for additional information on the Subject's location while directing them to move back. Witness E was seen pointing to the Subject's truck and telling officers that the Subject was in the back of the truck.

Officers A and B approached Witness C, who had remained in her vehicle and was still on the phone with 911. Witness C told the officers that the Subject had caused the accident and was now inside his truck with a knife, harming himself. Officer A unholstered his/her pistol and directed Officer B to request a back-up. Officer B immediately broadcast, a back-up request. According to Officer B, he/she scanned the area in and around the truck but did not observe the Subject with a knife.

According to Officer A, although the truck's windows were tinted, he/she observed the Subject moving inside of the passenger compartment and looking in his/her direction. Officer A believed the Subject was contained within the truck, and he/she began directing various bystanders to safety while simultaneously advising his/her partner that they needed to get cover and asking if they have less-lethal options. According to Officer A, he/she believed Officer B was behind him/her assisting injured victims of the traffic collision.

Unbeknownst to Officer A, Officer B had moved to the east sidewalk of San Pedro Street to assist Victim A, who remained in her vehicle.

While Officer A directed Witness C to exit her vehicle and move to safety, Officer B had been flagged down by Witness E. Witness E indicated to Officer B that he needed help with Victim A, who was badly injured. According to Officer B, he/she observed Victim A in the driver's seat and noted that she was not moving. Officer B ran to render aid while Officer A continued to cover the Subject's truck. A review of BWV and DICVS determined Officer B did not communicate his/her intent to redeploy to Officer A.

As Officer B arrived at Victim A's vehicle, he/she observed Victim A bleeding from the mouth, and it appeared as if she was about to lose consciousness. Officer B requested a Rescue Ambulance (RA).

As Officer B was making the RA request, Officer A called out to Officer B that the Subject might be fleeing. According to Officer A, while monitoring the truck, he/she observed the Subject exit on the driver's side and believed he may have been preparing to run from the scene. Officer A called out to the Subject to show his hands, and he/she then repeated the request. Officer B indicated he/she did not hear Officer A make any of the above statements.

Approximately six seconds later, the Subject appeared from behind the truck and began walking in Officer A's direction. The Subject was approximately 43 feet away when he began advancing toward Officer A. Officer A observed the Subject was holding the knife in his right hand. As the Subject closed the distance, Officer A ordered the Subject to stay where he was and drop the knife. In addition to giving verbal commands, Officer A simultaneously gestured with his/her left hand for the Subject to stop.

Officer A began walking backward toward the rear of Witness C's vehicle as the Subject walked toward him/her, with the knife in his right hand. The Subject lifted his arms up from his sides as he walked in his/her direction, and as he closed the distance, he clenched his hands into fists. After redeploying approximately ten feet, Officer A stopped near the rear of Witness C's vehicle and yelled twice at the Subject to drop the knife.

According to Officer A, the Subject was agitated, shirtless, sweating profusely, and appeared to be under the influence of drugs. Officer A was concerned that the Subject could run into the crowd and attack and kill members of the community.

According to Officer A, he/she heard the Subject say, that he was not going to drop the knife. Witness C heard Officer A giving commands and the Subject state that he was not going to throw the knife down.

In further describing the Subject's actions, Officer A stated that the Subject took large steps as he walked toward him/her and closed the distance between them quickly. Officer A stated that the Subject held the knife in his right hand clinched tightly in a fist, with the blade pointing toward him/her while waving both of his arms in the air almost

like shoulder high. It was Officer A's perception that the Subject was getting ready to slash his/her throat or kill other bystanders.

According to Witness A, the Subject walked towards Officer A with his chest pushed out like he was ready to fight. Witnesses A and B believed the Subject was suicidal.

Witness F indicated the Subject had a crazed look, as if he was on some type of a narcotic and tapped his chest as he walked toward Officer A. According to Witness F, the Subject was acting like he was immune to anything, tapping his chest, like he was invincible.

The Subject continued toward Officer A and closed the distance to approximately 40 feet while Officer A maintained his/her pistol at a low-ready position. According to Officer A, he/she was trying to use time talking to the Subject, giving him commands to try and slow the situation down.

Officer A believed that he/she could not continue redeploying due to the number of people in the vicinity. Officer A believed that if he/she were to keep redeploying, he/she would put members of the community in harm's way. Officer A gave the Subject multiple opportunities to drop the knife. Officer A stated he/she wanted to help the Subject, but he had already dictated that he was going to close that distance, which would not give Officer A any time.

As the Subject continued toward Officer A with the knife in his right hand, he/she raised his/her pistol. After Officer A raised his/her pistol, the Subject took four additional steps. From an approximate distance of 36 feet, Officer A pointed his/her handgun at the Subject and yelled at him/her to drop the knife. Officer A was aware through training how quickly a Subject with an edged weapon can close the distance on an officer, he/she believed that if he/she allowed the Subject to continue walking towards him/her, he would have run at him/her and possibly stab him/her or another member of the community.

Officer A fired two rounds at the Subject. After the second round was fired, the Subject fell to the ground on his right side. He immediately placed both hands on the pavement, planted his feet and lifted himself into a crouched position while holding the knife in his right hand.

According to Officer A, he/she observed the Subject fall. The Subject immediately regained his feet and screamed with rage. Officer A could see that the Subject was still armed with the knife and believed he was determined to charge at and kill him/her. A review of the video evidence determined that, although the Subject was able to regain his footing, he did not continue walking toward Officer A.

While the Subject was in a crouched position, leaning forward, Officer A yelled at the Subject to drop the knife and then fired a third round. The Subject fell laterally onto his right buttock and the right side of his lower back after being struck by the round as Officer A fired a fourth round.

After being struck by the fourth round, the Subject fell onto his back and rolled onto his left side. As he rolled onto his left side, Officer A fired a fifth round. The Subject continued rolling to his left and planted his left elbow on the ground. He simultaneously lifted himself onto his left leg and left knee before collapsing onto his stomach as Officer A fired his/her sixth and final shot. All six of Officer A's rounds were fired within 6.18 seconds.

When describing rounds five and six, Officer A stated that after he/she fired the fourth shot, the Subject fell back to the ground but then was still getting back up. According to Officer A the Subject was already on all fours and was getting back up, and it looked like he was about to charge him/her with the knife. That's when Officer A fired another shot, and it struck the Subject and he immediately flipped over and again popped back up to come at him/her. At this time Officer A fired his/her sixth shot. Officer A believed that if the Subject had been able to get up he would have killed somebody.

As Officer A fired his/her first two rounds, Officer B unholstered his/her handgun and broadcast a "shots fired, officer needs help" request.

According to Officer B, he/she did not hear his/her partner giving commands and was not aware of the Subject's presence prior to the OIS. After requesting the RA, he/she heard two gunshots, turned west and observed Officer A with his/her handgun unholstered and observed the Subject fall to the ground. Officer B did not recall unholstering his/her handgun at that point.

As Officer A fired his/her third and fourth round, Officer B holstered his/her pistol and moved east before running north along the sidewalk to join Officer A. As he/she ran behind Victim A's vehicle, Officer A fired his/her final rounds.

Police Officers C and D were responding to the back-up request. As they drove south on San Pedro Street, Officer C observed the Subject move toward Officer A. Officer D stopped their vehicle as Officer A fired his/her third and fourth round. Upon exiting the vehicle, Officer C unholstered his/her handgun. Officers C and D joined Officer A and B. The officers moved approximately ten feet south and covered the Subject with their pistols while Officer C used his/her radio to direct responding units and request an RA for the Subject and a second RA for Victim A, who remained incapacitated in her vehicle. The officers maintained their position while waiting for additional resources to arrive.

Officer C briefed a plan to handcuff the Subject as they were joined by Officers E and F. Officer C advised the other officers that the Subject still had the knife in his hand. Officers E and F donned gloves while Officer D holstered his/her handgun and transitioned to his/her TASER. Officer C holstered his/her pistol and maintained his/her role as the communications officer. Officers A and B were the designated cover officers as the arrest team approached the Subject and took him into custody

Firefighter Paramedics arrived and determined the Subject to be deceased.

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	No	Yes	Yes	Yes	Yes
Officer B	No	No	No	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 Officer B's Tactics to warrant Administrative Disapproval and Officer A's Tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A and B's drawing and exhibition to be In Policy.

C. Lethal Use of Force

The BOPC found Officer A's lethal use of force (rounds 1-4) to be In Policy and lethal use of force (rounds 5-6) 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. It is also recognized 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. 4, 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.

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.

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

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.

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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

A. Tactics

Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his/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 – Prior to the date of this incident, Officers A and B had worked together on one prior occasion at which time they discussed general tactical concepts related to their response to various tactical situations. These discussions included contact and cover as well as lethal and less-lethal roles; however, on the date of this incident, Officers A and B did not recall discussing tactical concepts or strategies. The BOPC noted that Officers A and B unexpectedly came upon the scene of a significant traffic collision while responding to an unrelated call. This sudden encounter limited the opportunity for Officers A and B to pre-plan their response to this incident; however, upon being advised by Witness C that the Subject had caused the traffic collision and was armed with a knife, neither officer discussed a tactical plan.

The officers were advised by multiple witnesses and bystanders that the Subject, who was inside a black vehicle, was armed with a knife attempting to harm himself. The BOPC noted that Officer A immediately drew his/her service pistol and assumed the role of lethal cover as he/she requested Officer B to broadcast a back-up request. The BOPC considered that immediately following Officer B's back-up request, Officer B redeployed to assist an injured motorist on the east side of San Pedro Street, south of Officer A's position. Officer A maintained his/her position alongside Witness C's vehicle, which provided him/her cover, and continued to monitor the Subject's movements within his vehicle. Officer A, believing Officer B was behind him/her, communicated the Subject's movements and formulated a tactical plan with Officer B, including the use of less-lethal force options.

Officer B was already at Victim A's vehicle when Officer A advised Officer B that they needed to seek cover and inquired if Officer B had less-lethal force options available.

The BOPC acknowledged Officer A's attempts to communicate with his/her partner and formulate a tactical plan as he/she maintained his/her role as lethal cover and believed Officer B, as the contact officer, was in a position behind Officer A in order to assist and coordinate their tactical strategy. The BOPC was critical of Officer B's failure to adjust to the tactical situation and assume the role of the contact and less-lethal cover officer based on Officer A's assumption of the lethal cover officer's role. Additionally, the BOPC considered the lack of communication prior to Officer B's redeployment, which resulted in a distance of 54 feet between Officers A and B, preventing tactical communication, planning, and coordination throughout the incident. The BOPC noted that though Officer A attempted to formulate a tactical plan with Officer B, the Subject appeared suddenly and began to rapidly advance on Officer A while armed with a knife, leading to an OIS. The BOPC acknowledged that the tactical situation escalated swiftly and evolved quickly based on the Subject's

swinging his arms and taking large steps towards Officer A, as well as the Subject's refusal to stop his advancement and drop the knife, which further escalated the encounter.

Assessment – As Officers A and B were en route to an unrelated additional unit request, they observed a severe multi-vehicle traffic collision and assessed the situation as they attempted to determine how many injured motorists there were and the extent of their injuries prior to stopping their police vehicle. Upon exiting their police vehicle, Officers A and B were notified by witnesses and bystanders that the Subject was armed with a knife and attempting to harm himself inside of his vehicle. The BOPC noted that both Officers A and B assessed the tactical situation, with Officer A drawing his/her service pistol and maintaining visual contact with the Subject's movements inside the vehicle, while Officer B, who did not observe the Subject, broadcast a back-up for a man with a knife, then redeployed to assist an injured motorist. Officer B assessed the injured motorist and requested an RA as he/she attempted to reassure the injured motorist that medical assistance was en route.

Simultaneously, Officer A continued to assess the tactical situation as he/she attempted to communicate and formulate a tactical plan with Officer B, who had redeployed without Officer A's knowledge, as they waited for additional resources to arrive. Officer A assessed that nearby witnesses and bystanders were potentially in danger based on their proximity to the Subject's vehicle and began to direct them away from the area in both English and Spanish. Officer A communicated his/her observations to Officer B, who he/she believed was behind him/her and continued to assess the Subject's movements. As the Subject exited his vehicle, Officer A communicated to his/her partner that he/she believed the Subject was possibly fleeing. Officer A assessed the tactical situation as the Subject emerged from the rear of his vehicle and began to close the distance on Officer A while armed with a knife.

The BOPC noted Officer A's ongoing assessment of the tactical situation and his/her attempt to de-escalate the encounter by providing the Subject with clear commands to stop and drop the knife as he/she redeployed backwards approximately 10 feet. The BOPC considered Officer A's mindset to cease his/her redeployment when he/she assessed there were community members in close proximity who would be placed in danger if he/she redeployed any further from the Subject. The BOPC discussed the Subject's refusal to comply with commands and continual advancement towards Officer A as the Subject held the knife and focused on him/her. Officer A attempted to clear his/her background by warning the community members to leave the area prior to assessing the imminent threat presented by the Subject's actions. The BOPC considered Officer A's observation of the Subject immediately regaining his footing and forward movements towards him/her while still maintaining a hold of the knife after Officer A's first volley of two rounds.

Additionally, after firing his/her second volley of two rounds, Officer A assessed the Subject was still holding the knife as he rolled over and forward towards bystanders along the east sidewalk of San Pedro Street while attempting to gain his footing by raising up on his left arm and leg. The BOPC noted that it was during the Subject's rolling towards the crowd and raising up that Officer A discharged his/her third and final volley of two rounds. Officer A determined the Subject was no longer an imminent lethal threat and ceased firing.

Although not initially aware of the Subject walking towards Officer A, Officer B did broadcast a "shots fired, officer needs help" request as he/she moved to reposition himself/herself alongside Officer A as the OIS concluded. Officer B and additional officers positioned themselves beside Officer A as they maintained sight of the Subject and awaited the arrival of additional resources. Officers formulated a tactical plan involving lethal, less-lethal, and handcuffing roles and took the Subject into custody. Officers A and B continued their assessment of the tactical situation and moved together as a team to clear the Subject's vehicle for additional people.

The BOPC discussed the tactical situation and concluded the incident was dynamic and had escalated very quickly. The BOPC considered that only a short period of time had elapsed between the time Officers A and B arrived on scene to the initiation of the OIS. The BOPC noted both Officers A and B were assessing throughout the incident; however, the officers were faced with a chaotic scene as well as the erratic and aggressive behavior of the Subject as he exited and closed the distance with Officer A while armed with a knife. The BOPC considered that the officers were required to make split-second tactical decisions while processing multiple activities occurring simultaneously at the scene of a severe multi-vehicle traffic collision where a large crowd had gathered, and the injuries were significant.

Time – As Officers A and B encountered the multi-vehicle traffic collision, they initially believed they were dealing solely with a traffic collision scene. As they exited their vehicles, Officers A and B were confronted by alarmed witnesses and bystanders who advised that the Subject was armed with a knife and attempting to harm himself while inside his vehicle. Furthermore, Witness C advised Officer A that the Subject had caused the traffic collision. Officers A and B utilized time to assess the tactical situation, request a back-up for a man with knife, and kept their distance from the Subject's vehicle until additional resources arrived.

Officer A additionally utilized this available time to direct nearby witnesses and bystanders to move away from the area in English and Spanish due to the potential threat their proximity to the Subject's vehicle presented. Officer A continued to communicate his/her observations and attempted to formulate a tactical plan with Officer B who had, without his/her knowledge, redeployed to assist an injured motorist. The BOPC noted that Officer A observed the Subject exit his vehicle and advised Officer B that the Subject was possibly intending to flee and directed the Subject to show his/her hands. The Subject moved to the rear of his vehicle and immediately began advancing and closing the distance with Officer A, while armed

with a knife, thus limiting Officer A's time to wait for additional resources. Officer A redeployed backwards toward the rear of Witness C's vehicle to gain distance as Officer A commanded the Subject to stay where he was and drop the knife multiple times. The Subject refused to comply and continued his aggressive movement towards Officer A, subsequently resulting in an OIS.

The BOPC noted that Officers A and B were en route to an unrelated additional unit request when they encountered a significant multi-vehicle traffic collision with injuries which had caused a large crowd to gather. The BOPC considered that Officers A and B requested additional resources immediately and maintained their distance as they waited for additional resources. Officer B utilized the available time to attempt to assist injured individuals as Officer A directed nearby witnesses and community members to a safe area away from the Subject's vehicle. The BOPC noted that Officer A utilized the available time to assess the tactical situation and consider less-lethal force options when he/she inquired if Officer B had his/her less-lethal force options available. The BOPC considered that Officers A and B had limited time from their arrival on scene to the OIS, with approximately five seconds elapsing from the time the Subject emerged from behind his vehicle to the OIS. The BOPC noted that the officers utilized their available time effectively; however, once the Subject exited his vehicle and advanced towards Officer A while armed with a knife, the incident escalated and led to a dynamic and rapidly evolving tactical situation in which time was limited and culminated in an OIS.

Redeployment and/or Containment – As Officers A and B exited their police vehicle and were advised that the Subject was armed with a knife and was attempting to harm himself inside his vehicle, Officers A and B positioned themselves alongside Witness C's vehicle to utilize the vehicle as cover. After broadcasting a request for a back-up for a man with a knife, Officer B redeployed to the east side of San Pedro Street, away from and southeast of Officer A to assist an injured motorist. Officer A attempted to direct large groups of witnesses and bystanders in English and Spanish to move away from the Subject's vehicle and to a safe area.

The BOPC noted that as Officer A maintained visual contact with the Subject's movements inside of his vehicle, he/she observed the Subject unexpectedly exit his vehicle and communicated to Officer B that the Subject may be attempting to flee. As the Subject moved around the rear of his vehicle and began to advance towards Officer A while armed with a knife, Officer A redeployed backwards as he/she directed the Subject to stay where he was and to drop the knife multiple times. The BOPC noted Officer A was mindful of the large crowd surrounding him/her and the Subject and ceased his/her redeployment backwards based on the lethal danger posed by the Subject. The Subject was still advancing towards Officer A, while armed with a knife in his right hand and had access to the bystanders. The Subject refused to comply with orders to stop and drop the knife, subsequently resulting in an OIS.

Simultaneously, Officer B observed the Subject advancing on Officer A while armed with a knife and as the OIS began, Officer B broadcast a “shots fired, officer needs help” request as he/she redeployed around Victim A’s vehicle in order to reposition to a location where he/she would be able to assist Officer A. The BOPC noted that Officer B redeployed to a position beside Officers A and C immediately after the conclusion of the OIS.

The BOPC noted Officers A and B had requested additional resources upon their arrival at scene and Officer A maintained visual contact with the Subject’s vehicle to monitor the tactical situation. The BOPC considered the close proximity of the large crowd, Officer A’s initial redeployment backwards away from the Subject, and Officer A’s assessment of the potential lethal threat presented by the Subject’s actions to both himself/herself and the large crowd nearby. The BOPC noted Officer A attempted to redeploy and contain the Subject during the incident; however, due to the Subject’s sudden movement towards him/her while armed with a knife, as well as the large crowd which was in close proximity, Officer A was limited in his/her ability to continue to redeploy.

Other Resources – Immediately upon exiting their police vehicle and being informed that the Subject was armed with a knife and attempting to harm himself, Officer B utilized his/her hand-held police radio to request a back-up for a man with a knife. Additionally, Officer B requested an RA for Victim A who was incapacitated in her vehicle due to severe injuries sustained during the traffic collision. Officer A inquired if Officer B had less-lethal force options available to him/her; however, unbeknownst to him/her, Officer B had already redeployed away from Officer A to assist Victim A and did not hear his/her inquiry. Shortly following the OIS, Officer C assumed the role of the communications officer, directed additional units, and requested the response of an RA for the Subject and Victim A.

The BOPC considered that the officers came upon a significant traffic collision that unfolded quickly into a tactical situation shifting into a lethal force encounter, which did not allow time for additional resources to arrive. The BOPC noted Officer B’s decision, though well-intended to assist severely injured motorists, limited Officer A’s options whose priority was to maintain his/her role as the lethal cover officer. The BOPC considered that although Officers A and B immediately requested resources to respond and assist with a man with a knife, Officer B had relinquished his/her role as the contact officer and less-lethal force officer. The Subject’s sudden and aggressive approach towards Officer A while armed with a knife, limited Officer A’s available time to wait for additional resources to arrive to deploy other force options.

Lines of Communication – Officers A and B initially established lines of communication with each other when they exited their police vehicle and were notified that the Subject was armed with a knife and attempting to harm himself in his vehicle. Officer A drew his/her service pistol and assumed the role of lethal cover as he/she directed Officer B to request a back-up. Officer B utilized his/her hand-held police radio to establish lines of communication by advising CD his/her

unit was at the traffic collision radio call that had been broadcast and requested a back-up for a man with a knife.

Officer A then established lines of communication with Witness C who advised him/her that the Subject had caused the traffic collision. Officer A requested Witness C and the other bystanders surrounding the Subject's vehicle to move away and proceed to a safe area. Officer A attempted to establish lines of communication with the crowd as he/she commanded them to leave the area in English and in Spanish. Officer B redeployed to assist Victim A, who was incapacitated from significant injuries sustained in the traffic collision, but Officer B did not advise Officer A he/she was redeploying to assist Victim A. Officer B utilized communication to request a RA for Victim A and communicated with Victim A to reassure her that medical personnel would be arriving soon to help her.

Officer A attempted to communicate with Officer B as he/she believed he/she was behind him/her and advised him/her that they needed to utilize cover. Officer A asked if Officer B had less-lethal force options available, not knowing Officer B had already redeployed away from him/her and was at Victim A's vehicle. Officer A continued to attempt to communicate with Officer B as he/she advised that the Subject may be attempting to flee when he/she observed the Subject exit his vehicle. Officer A attempted communication with the Subject as soon as he exited his vehicle by commanding the Subject to show his hands. As the Subject moved out from behind his vehicle and began to close distance with Officer A, while armed with a knife in his right hand, Officer A attempted to de-escalate the encounter by ordering the Subject to stay where he was and to drop the knife several times. The BOPC noted that Officer A utilized both verbal and non-verbal commands in which he/she placed his/her left palm facing out and up to indicate he/she wanted the Subject to stop.

The BOPC considered that Officer A heard the Subject state he was not going to drop the knife as he advanced towards him/her and just prior to Officer A firing his/her service pistol. Officer B observed the Subject approaching Officer A while armed with a knife and communicated to CD a request for help as the OIS occurred. Officers A and B established lines of communication with the additional officers who responded and developed a tactical plan which included lethal, less-lethal, and handcuffing roles, resulting in the Subject being taken into custody.

The BOPC noted that Officers A and B encountered a significant multi-vehicle traffic collision scene with injuries, which evolved into a tactical situation of an erratic man armed with a knife. Though the BOPC recognized the rationale for Officer B's redeployment, the BOPC would have preferred that Officer B remain engaged in his/her role as contact officer coordinating tactical strategies with Officer A until the tactical situation had been rendered safe and additional resources had arrived. Officer A attempted to communicate with the Subject by providing clear verbal commands and non-verbal cues to stop and drop his knife. Based on the Subject's refusal to comply with commands and his unprovoked escalation of the encounter by

advancing towards Officer A while armed with a knife, Officer A was limited in time and options. Officers A and B were presented with a rapidly evolving tactical scenario in which they were required to adapt their responses to the Subject's aggressive and threatening actions and render aid to those with significant injuries. Both officers were required to make decisions that balanced the safety and welfare of the public, themselves, and the Subject.

- The BOPC noted the following tactical considerations upon its review of this incident:

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

As the contact officer, Officer B, failed to develop and communicate a tactical plan with Officer A upon being advised the Subject was armed with a knife. Officer B redeployed 54 feet away from Officer A to assist Victim A, who was injured and failed to advise Officer A that he/she was doing so.

In this case, it was Officers A and B's second time working together. The officers had on a prior occasion discussed general tactical concepts related to their response to various tactical situations which included contact and cover, as well as lethal and less-lethal cover roles. Officers A and B were en route to an unrelated additional unit request when they happened upon a chaotic and significant multi-vehicle traffic collision. Officers A and B exited their police vehicle in an attempt to determine the number of injured motorists that required medical attention. Officers A and B were notified immediately as they arrived on scene by witnesses and bystanders that the Subject was armed with a knife and was attempting to harm himself inside of his vehicle.

Officer A drew his/her service pistol after being notified that the Subject was armed with a knife and maintained visual contact with the Subject's vehicle as he/she assumed a lethal cover role. Officer A communicated with Officer B to request a back-up unit, at which time Officer B utilized his/her hand-held police radio and broadcast a back-up request for a man with a knife. Officer B stated that he/she assessed the tactical situation, did not observe the Subject, and upon the request of bystanders, redeployed southeast of Officer A to the east sidewalk of San Pedro Street. Officer B did not communicate with Officer A regarding his/her intention prior to redeploying and relinquished his/her role as a contact officer without Officer A's knowledge.

Officer A was advised by Witness C that the Subject had caused the accident and was harming himself with the knife. Officer A immediately directed Witness C to exit her vehicle and move to a safe area as Officer A provided cover. Officer A believed Officer B was behind him/her assisting injured motorists as he/she attempted to communicate and formulate a tactical plan with him/her. Officer A stated that they should attempt to deploy to cover and inquired if Officer B had less-lethal options available; however, Officer B was already at Victim A's vehicle

when Officer A advised Officer B that they needed to seek cover and inquired if Officer B had less-lethal force options available. Additionally, once Officer A observed the Subject exit his vehicle, he/she communicated to Officer B that he/she believed the Subject was fleeing. However, based on Officer B's position and his/her focus on assisting an injured motorist, he/she was not aware of Officer A's attempts to communicate with him/her, or aware of the Subject's advancement towards Officer A while armed with a knife until the OIS commenced.

The BOPC determined that Officer B's failure to communicate his/her redeployment to Victim A's vehicle with Officer A created a tactically disadvantageous position for both officers. Officer B's lack of tactical communication, planning, and coordination with Officer A hindered Officer A's tactical options in which he/she reacted to the Subject advancing towards him/her while armed with a knife and without his/her partner. The BOPC noted that Officer B's assessment was due to not having visual contact with the Subject and Officer B determining the potential danger in the tactical situation was secondary to providing medical assistance to Victim A, an injured motorist. The BOPC noted Officer B's lack of situational awareness of the Subject's advance on Officer A while holding a knife, which was due to Officer B being focused on rendering aid to an incapacitated motorist. Additionally, the BOPC noted the distance between Officers A and B was 54 feet at the time of the OIS, and although there was a clear line of sight, the distance prevented proper tactical coordination and the ability for Officer B to render immediate aid to his/her partner.

The BOPC would have preferred that Officer B, based on his/her knowledge of the likelihood of the Subject being armed with a knife demonstrated through Officer B's request for a back-up, prioritize addressing the tactical threat of the Subject prior to rendering medical aid to injured motorists. Additionally, the BOPC would have preferred that Officer B stay in close proximity to Officer A and maintain his/her role as the contact and less-lethal cover officer, following Officer A's assumption of the lethal cover role. Officer B had been informed by multiple witnesses that the Subject was armed with a knife and acting erratically prior to redeploying to Victim A. Officers are trained to function as a team; however, there was a lack of planning and coordination between Officers A and B. In the time it took Officer B to return to Officer A's position, the OIS had already concluded. Although the BOPC acknowledges this was a dynamic and rapidly shifting tactical scenario, the BOPC would have preferred that Officer B maintain his/her situational awareness, provide clear tactical communication, and maintain his/her role as contact and less-lethal officer, which would have allowed for a more coordinated approach. Officer B's concern for the medical treatment of persons involved in the traffic collision was well intended; however, the safety of the public and the officers from an emerging tactical concern posed by the Subject was of significant priority. The BOPC has given consideration to Officer B's rationale for his/her actions; however, Officer B's lack of communication with

Officer A as he/she elected to redeploy to assist an injured motorist, hindered tactical coordination and the formulation of a sound tactical plan, placing Officer A in a difficult and tactically disadvantageous position. Officer A was left to deal with an armed and unpredictable individual, unaccompanied by his/her partner, which resulted in an OIS.

Based on the totality of the circumstances, the BOPC determined, that Officer B's lack of tactical planning and communication was a substantial deviation, without justification, from approved Department tactical training.

Although the BOPC acknowledged that Officer A attempted to communicate with Officer B, who had already redeployed to Victim A's vehicle, as Officer A attempted to maintain his/her role as lethal cover, the BOPC would have preferred that Officer A discuss a tactical plan and coordinate with Officer B upon being advised by Witness C that the Subject had caused the traffic collision, was armed with a knife, and was attempting to harm himself.

Based on the totality of the circumstances, the BOPC determined that Officer A's tactical planning and communication during this incident did not deviate from approved Department tactical training.

2. Utilization of Cover

In this instance, Officer A initially utilized Witness C's vehicle for cover and provided cover for Witness C when having Witness C exit her vehicle to a safer area. Officer A redeployed backward and away from the Subject as the Subject advanced towards him/her; however, Officer A did not fully utilize available nearby cover immediately prior to his/her OIS.

Upon exiting his/her police vehicle, Officer A was advised by Witness C that the Subject was armed with a knife and was attempting to harm himself in his vehicle. The BOPC noted that Officer A was informed by Witness C that the Subject had caused the collision and was acting erratically. Officer A, based on the information provided to him/her that the Subject was armed with a knife, immediately drew his/her service pistol and utilized Witness C's vehicle as cover based on his/her angle and position to the Subject's vehicle. Officer A also advised Witness C to exit her vehicle and move to a safe area. The BOPC considered that Officer A maintained sight of the Subject's vehicle, which included observing the Subject's movement within his vehicle, and stood in front of Witness C as Officer A directed Witness C to exit her vehicle and move to a safe area.

The BOPC noted that the Subject abruptly exited his vehicle. Though Officer A observed the Subject exit his vehicle, the Subject's movements were obscured behind the vehicle. The BOPC considered that the Subject's movement around his vehicle and his sudden advancement on Officer A, while armed with a knife,

shifted Officer A's position and angle in relation to the Subject, which caused Witness C's vehicle to no longer provide Officer A cover. Officer A redeployed backwards approximately 10 feet in a northern direction as he/she attempted to gain distance from the Subject and de-escalate the encounter. Officer A commanded the Subject to stop and drop his knife multiple times. The BOPC noted that Officer A was concerned with the proximity of the large crowd surrounding the traffic collision and cognizant of the crowd's safety, which limited his/her ability to continue to further redeploy. The BOPC opined that the Subject's refusal to comply and continued advancement as an imminent threat limited Officer A's ability to seek further cover as the Subject was focused and closing distance on Officer A.

In this instance, the BOPC would have preferred that Officer A utilize the available nearby cover of the rear of Witness C's vehicle, when feasible, in order to minimize his/her exposure when confronting an armed suspect; however, the BOPC considered that Officer A was presented with an armed suspect who was refusing to comply with commands to stop and drop his knife while continuing to advance towards him/her. The BOPC considered that Officer A was mindful of cover upon learning that the Subject was armed with a knife and his/her utilization of Witness C's vehicle to initially maintain a position of cover. The Subject's sudden and rapid advance from behind his vehicle altered Officer A's position in relation to the Subject when the Subject's movements caused the angle to change as Officer A redeployed and was no longer utilizing Witness C's vehicle as cover. The BOPC considered that though there was additional available cover, Officer A was focused on the Subject who presented an imminent threat to him/her and was closing the distance with Officer A and bystanders behind him/her. The utilization of cover is secondary in consideration when an officer is presented with an imminent threat to the public and themselves. Had Officer A redeployed further behind the trunk of Witness C's vehicle, the angle could have endangered the injured motorists and witnesses who would then have been in Officer A's background. The BOPC also considered that if Officer A moved further backwards, he/she risked losing his/her focus and awareness of the Subject's actions and position, along with increasing the risk of Officer A falling or colliding with vehicles.

Based on the totality of the circumstances, the BOPC determined that while identified as an area for improvement, Officer A's actions were not a deviation from approved Department tactical training.

- The BOPC also considered the following:
 - **Tactical Planning** – The investigation revealed that Officers A and B had worked together on one prior occasion. On the day of the incident, Officers A and B did not have a further discussion with regard to tactical concepts or strategies. In addition, upon the arrival of additional officers, Officer A, who had already been involved in the OIS, was assigned as a lethal cover officer in their approach to

take the Subject into custody. The officers were reminded of the importance of discussing tactical roles prior to starting their shift to ensure operational success. Although this incident was dynamic, officers were also to be reminded to exclude involved personnel from further tactical roles when additional uninvolved personnel are available.

- **Situational Awareness (Background)** – The investigation revealed that Officer A directed a large crowd of bystanders and witnesses to leave the area for their safety, both in English and in Spanish. Although there were potential motorists and bystanders in the background at a distance from the OIS, this issue was created by the Subject's movements towards Officer A. Officer A was reminded to be mindful of his/her background during potential deadly force encounters and, when able, to attempt to remove uninvolved community members to allow officers to focus on the Subject without other distractions.
- **Contact/Arrest Team** – The investigation revealed that Officers E and F approach to handcuff the Subject placed them in front of Officer A who was providing lethal cover. Officer A lowered his/her service pistol to prevent covering Officers E and F as they positioned themselves to grasp the Subject's arms and handcuff him. The officers were reminded to communicate any changes in their tactical plan and adjust their positions as needed to optimize coordination and officer safety.
- **Drawing Service Pistol While Seated in Vehicle** – The investigation revealed that Officer C, who was the passenger officer, drew his/her service pistol as the police vehicle was slowing to a stop. Officer C was responding to the help call and observed the Subject approaching Officer A during the OIS. Although Officer C observed the Subject's actions and a portion of the OIS, Officer C was reminded that there is a heightened concern for an unintentional discharge when drawing a service pistol while seated in a moving police vehicle and the subsequent exiting from the police vehicle.
- **Preservation of Evidence** – The investigation revealed that as Officer E grasped the Subject's right wrist, the knife fell from the Subject's right hand. Officer D utilized his/her left foot to move the knife. In this case, the proximity in which the knife fell from the Subject was a factor in repositioning the knife; however, Officer D was reminded that if evidence must be moved, officers should don appropriate personal protective equipment to minimize altering or contaminating the evidence.
- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

The BOPC found Officer B's Tactics to warrant Administrative Disapproval and Officer A's Tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

First Occurrence

According to Officer A, immediately upon his/her arrival at the traffic collision scene, he/she was directed to the Subject's vehicle by people pointing towards the vehicle and observed a person moving around inside of the vehicle. A witness advised Officer A that the Subject caused the traffic collision, was armed with a knife, and wanted to kill himself. Multiple witnesses pointed towards a vehicle, and Officer A observed the Subject inside of the vehicle. Officer A drew his/her service pistol based on his/her belief that the Subject was armed with a knife and that the Subject was acting in an erratic and potentially suicidal manner. This caused Officer A to believe that that the tactical situation could lead to the use of deadly force to defend himself/herself and others.

Second Occurrence

According to the investigation, Officer A holstered his/her service pistol for a brief moment after the Subject was handcuffed. Officer A drew his/her service pistol a second time and proceeded to clear the Subject's vehicle with Officer B. Officer A approached the Subject's vehicle with Officer B and ensured there were no victims or additional suspects inside. Once the Subject's vehicle was deemed clear, Officers A and B holstered their service pistols.

The BOPC conducted a thorough evaluation of the reasonableness of Officers A's two occasions of drawing and exhibiting of his/her service pistol. The BOPC considered that Officer A and his/her partner had come upon the scene of a significant traffic collision. Officer A was immediately notified by a witness that the Subject was in his vehicle, had caused the traffic collision, was armed with a knife, and was attempting to harm himself. The BOPC noted that Officer A observed movement within the Subject's vehicle and Officer A believed it was the Subject moving around in an erratic manner. Officer A drew his/her service pistol based on the information provided by witnesses that the Subject was armed with a knife and was potentially suicidal, which presented a danger to the officers and the surrounding community members.

The BOPC noted that immediately following the Subject being handcuffed, Officer A momentarily holstered his/her service pistol. Officer A observed Officer B proceed towards the Subject's vehicle and drew his/her service pistol a second time in order to assist Officer B with clearing the Subject's vehicle of any additional persons. The

BOPC noted that Officer A advised his/her intention was to conduct a visual search of the Subject's vehicle to ensure there were no further threats or victims.

Based on the totality of the circumstances and for both occurrences, the BOPC determined, that an officer with similar training and experience as Officer A, 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 A's drawing and exhibiting of a firearm to be In Policy.

- **Officer B**

- First Occurrence

According to Officer B, he/she was facing northbound as he/she stood near the driver's side of Victim A's vehicle. Officer B heard gunfire immediately upon broadcasting his/her RA request. Upon hearing to second gunshot, Officer B turned westbound and observed that Officer A had drawn his/her service pistol and the Subject was falling onto the ground. Officer B observed that the Subject had a knife in his right hand and that the Subject's arm was moving up and down. According to the investigation, Officer B did not recall unholstering his/her service pistol at that point.

According to the investigation, immediately prior to the OIS, Officer B was at Victim A's vehicle. Officer B stepped back from Victim A's vehicle and looked to his/her west as Officer A made verbal contact with the Subject. As Officer A discharged his/her first two rounds, Officer B stepped into the street, raised his/her left hand which was holding his/her hand-held police radio, and simultaneously drew his/her service pistol with his/her right hand. Officer B broadcast that shots had been fired and that officers required help. Officer B stated that he/she did not hear his/her partner giving commands and was not aware of the Subject's presence prior to the OIS. Officer B did not recall drawing his/her service pistol at that point in time.

- Second Occurrence

According to Officer B, Officer B repositioned him/herself behind a back-up officer. Officer B believed the tactical situation might require the use of deadly force because the Subject was down, but still holding the knife in his right hand. Officer B drew his/her service pistol based on this observation.

- Third Occurrence

Officer B stood next to Officers A, C, and D while holding his/her service pistol and waited for additional resources. Officer B holstered his/her service pistol, retrieved

latex gloves from his/her police vehicle, and returned to his/her position drawing his/her service pistol for a third time. When Officer B returned to his/her position beside Officer C, the circumstances in which he/she initiated his/her second drawing of his/her service pistol had not changed. The Subject was down and still holding onto the knife in his right hand.

The BOPC also conducted a thorough evaluation of the reasonableness of Officer B's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer B drew his/her service pistol on three separate occasions during this incident.

The BOPC noted upon Officer B's arrival at scene Officer B was advised by multiple witnesses and bystanders that the Subject was in his vehicle, armed with a knife, and attempting to harm himself. Officer B repositioned north, away from the Subject's vehicle as he/she broadcast a back-up for a man with a knife. The BOPC noted that Officer B became aware of the Subject after the Subject had exited his vehicle and was closing the distance to Officer A while armed with a knife in his right hand. The investigation determined that immediately prior to Officer A discharging his/her first two rounds from his/her service pistol, Officer B stepped west into the street, drew his/her service pistol, and utilized his/her hand-held police radio in his/her left hand to broadcast a "shots fired, officer needs help" request.

The BOPC considered that Officer B holstered his/her service pistol and redeployed from his/her position alongside the driver's side of Victim A's vehicle as the OIS continued and repositioned himself/herself just east of Officers A and C. The BOPC noted that Officer B observed the Subject positioned on the ground but that he was still armed with the knife. Officer B drew his/her service pistol a second time based on his/her belief that the tactical situation could lead to the use of deadly force and provided lethal cover alongside Officers A, C, and D.

The BOPC noted that as officers awaited the arrival of additional resources, Officer B holstered his/her service pistol, retrieved latex gloves from his/her police vehicle, and drew his/her service pistol a third time immediately following his/her donning of his/her latex gloves as the tactical incident remained unchanged. The Subject was still laying on the ground; however, the Subject was still armed with the knife in his right hand. Officer B drew his/her service pistol a third time based on this observation and a reasonable belief that the tactical situation could lead to the use of deadly force. The BOPC noted that as additional resources arrived, and a tactical plan was formulated, Officers A and B assumed the roles of lethal cover prior to officers approaching and handcuffing the Subject.

Based on the totality of the circumstances of the three occurrences, the BOPC determined that an officer with similar training and experience as Officer B, 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 B's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

- **Officer A** – (pistol, 6 rounds discharged in three volleys of fire)

The BOPC noted the severity of the Subject's self-inflicted lacerations to both his arms as depicted in the photographs contained in the autopsy report. The BOPC also considered that the Subject had just been involved in a significant multi-vehicle traffic collision, yet the Subject exited his vehicle preceding the OIS and walked from his vehicle.

Volley One – (two rounds discharged in a southerly direction from an approximate distance of 36 feet)

The investigation determined that, Volley One was discharged in 0.73 seconds. The Subject was 26 feet from Victim A. All three volleys were discharged in a total time of 6.18 seconds.

According to Officer A, upon his/her arrival at the traffic collision scene, he/she was immediately advised by Witness C that the Subject had caused the traffic collision, was armed with a knife, and was attempting to harm himself. Officer A drew his/her service pistol and continued to observe the Subject's vehicle while waiting for additional resources. Officer A observed the Subject exit his vehicle with a knife in his hand. Officer A observed that the knife's blade was facing in his/her direction and the Subject was waving the knife around. Officer A observed the Subject emerging from the rear of his truck and begin advancing towards Officer A. Officer A redeployed backwards to seek cover and gain some distance. Officer A described the Subject as walking confidently and with a smirk on his face, as if he was proud that he had hurt all those people. Officer A directed the Subject to drop the knife multiple times, to which Officer A heard the Subject respond, that he was not going to drop the knife. Officer A observed that the Subject refused to comply with his/her commands, continued closing the distance while armed with a knife, he was sweating profusely, and appeared furious. The Subject's erratic behavior and refusal to comply with commands caused Officer A to form the opinion that the Subject was possibly under the influence of drugs and that the Subject intended to continue his aggressive behavior. Officer A believed the Subject advanced to within approximately 15 feet of him/her, at which time Officer A did not feel safe and believed the tactical situation had escalated to a life-threatening level. Officer A recalled training he/she had received and other lethal force incidents in which Subjects carrying knives would quickly close the distance on the officer.

Based on the Subject's refusal to comply with commands to stop and drop the knife, his continued aggressive advance towards Officer A while armed with a knife, Officer A believed the Subject would slash his/her throat. Officer A discharged one round

from his/her service pistol at the Subject. In his/her assessment, Officer A observed that the Subject was still moving towards him/her. Officer A discharged a second round from his/her service pistol at the Subject's center body mass in order to stop the imminent lethal threat presented by the Subject's actions. Officer A was in fear of his/her life, believed he/she did not have any other option, and that it was necessary to utilize lethal force in order to protect himself/herself, his/her partner, and the community members in the immediate area. Upon firing his/her second round at the Subject, Officer A observed the Subject fall to the ground. The Subject then jumped back up and regained his footing. Officer A heard the Subject screaming and yelling out of anger and believed it was the scariest thing he/she had ever heard.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officer A's use of deadly force. The BOPC noted that Officer A's use of lethal force fell into three volleys of fire. The BOPC noted that the Subject was armed with a knife and was reported by witnesses to be attempting to harm himself and was acting in an erratic manner. The BOPC conducted a review of the discharging of Officer A's first and second rounds (Volley One).

In this case, it was Officers A and B's second time working together. The officers had, on a prior occasion, discussed general tactical concepts related to their response to various tactical situations, which included contact and cover, as well as lethal and less-lethal cover roles. Officers A and B were en route to an unrelated additional unit request when they happened upon a chaotic and significant multi-vehicle traffic collision. Officers A and B exited their police vehicle in an attempt to determine the number of injured motorists that required medical attention. Officers A and B were notified immediately as they arrived on scene by multiple witnesses and bystanders that the Subject was armed with a knife and was attempting to harm himself inside of his vehicle.

Officer A drew his/her service pistol immediately after being notified that the Subject was armed with a knife and maintained visual contact with the Subject's vehicle as he/she assumed a lethal cover role. Officer A communicated with Officer B to request a back-up, at which time Officer B utilized his/her hand-held police radio to request a back-up for a man with a knife. Officer B quickly redeployed to assist an injured motorist; however, he/she did not communicate his/her intention, prior to redeploying.

Officer A was advised by Witness C that the Subject had caused the accident and was harming himself with the knife. The BOPC noted that the tactical situation suddenly shifted from assisting injured persons, who were involved in a significant traffic collision, to a tactical incident where the Subject was armed with a knife acting in an erratic manner, potentially endangering the safety of the officers and community members in the area. The BOPC considered Officer A's awareness of the large crowd and nearby community members as he/she immediately directed Witness C to leave her vehicle and move to a safe area as Officer A provided cover.

Officer A directed various members of the crowd nearby the Subject's vehicle to leave the area, in both English and Spanish. Officer A believed Officer B was behind him/her assisting injured motorists as he/she attempted to communicate and formulate a tactical plan with him/her. Officer A stated that the officers should attempt to deploy to cover and inquired if Officer B had less-lethal force options available. Additionally, once Officer A observed the Subject exit his vehicle, he/she communicated that he/she believed the Subject may be fleeing. Unbeknownst to Officer A, Officer B had redeployed to another location in an attempt to assist an injured victim.

Officer A attempted to de-escalate the encounter with the Subject as soon as he exited his vehicle by commanding the Subject to show his/her hands. As the Subject moved out from behind his vehicle and began to close distance with Officer A while armed with a knife in his right hand, Officer A attempted to de-escalate the encounter by ordering the Subject to stay where he was and drop the knife multiple times. Officer A utilized verbal and non-verbal commands in which he/she placed his/her left palm out and up to indicate that he/she wanted the Subject to stop his actions. Officer A observed that the Subject was waving the knife around and was advancing towards him/her with aggressive and rapid movements. Officer A observed that the Subject was shirtless, sweating profusely, and appeared angry. Officer A formed the opinion that the Subject was under the influence of narcotics, based on his/her knowledge of the Subject's erratic behavior, which included him causing a serious multi-vehicle traffic collision and his attempts to harm himself, coupled with other biological indicators.

Officer A heard the Subject state that he was not going to drop his knife as Officer A commanded him to drop the knife and he continued to close distance with him/her. Officer A redeployed backwards; however, Officer A estimated that there were approximately 100 community members around him/her, and that the Subject's actions presented a potential imminent lethal threat to their safety. Officer A believed the Subject continued his advance towards him/her closing the distance to approximately 15 feet, which he/she believed was an unsafe distance based on his/her training and the knowledge that the amount of distance a running Subject could cover in a short period of time was significant. The BOPC noted that based on the fear in the eyes of bystanders and the Subject's continued aggressive movements while holding the knife, Officer A believed the Subject would slash his/her throat or a community member's throat and believed he/she did not have any other option but to stop the imminent lethal threat presented by the Subject. Officer A discharged two rounds based on his/her fear for his/her life, belief that he/she did not have any other option, and that it was necessary to utilize lethal force in order to protect him/herself, his/her partner, and the community members in the immediate area from the imminent lethal threat presented by the Subject's aggressive actions.

The BOPC considered that the incident was extremely chaotic, and Officer A was attempting to assess a tactical situation as he/she attempted to process various activities occurring simultaneously. Officer A was attempting to maintain

communication with his/her partner and formulate a tactical plan to approach the shifting tactical situation. The BOPC acknowledged Officer A's constant assessment of the rapidly changing tactical situation and his/her clear attempts to maintain lines of communication with his/her partner, community members, and the Subject. Officer A assessed his/her background prior to the OIS and did not believe that anyone was directly behind the Subject at the time of the OIS. The BOPC noted that Officer A attempted to de-escalate the encounter by clearly commanding the Subject to drop his knife as he/she redeployed backwards. However, the Subject refused to comply and continued to close the distance with Officer A while armed with a knife. The BOPC noted that Officer A did not have the time or ability to utilize any other less-lethal force options based on the Subject's sudden actions and due to him/her being obligated to maintain his/her lethal cover role as Officer B was not in close proximity to coordinate an alternate tactical plan. The BOPC opined that based on the fact that Officer A believed the Subject was under the influence of narcotics, refused to comply with his/her commands to drop the knife, continued to advance on him/her, the Subject's actions presented an imminent threat of death or serious bodily injury which would necessitate the use of deadly force.

In the BOPC's overall assessment of Officer A's first volley of fire, the BOPC determined that Officer A was presented with a chaotic scene which rapidly evolved into a dynamic tactical situation of a man armed with a knife closing the distance with him/her. Officer A was provided only minimal time to react to the actions taken by the Subject, including his refusal to comply with clear direct commands, his continued aggressive advance while armed with a knife, which escalated the encounter and ultimately led to the OIS. Officer A continually assessed the tactical situation, including attempting to clear community members out of the area as well as being cognizant that he/she believed his/her background was clear at the time of the OIS. Officer A maintained his/her lethal cover role based on the Subject's aggressive advance and was unable to consider less-lethal force options due to Officer B's decision to redeploy to a position that was substantial enough to prevent him/her from coordinating the use of less-lethal tools. The Subject had ample opportunity to comply and surrender; however, he chose to continue to close distance with Officer A while armed with a knife, further escalating the encounter and presenting a clear and discernable imminent lethal threat.

Officer A estimated that the Subject had closed the distance between him/her to within 15 feet. Although investigators determined that at the time of Volley One, the Subject was actually at 36 feet, due to the dynamic and rapidly unfolding nature of this incident, it was reasonable for Officer A to perceive the Subject to be closer. Investigators determined that the Subject was 26 feet away from Victim A. Officer A discharged his/her service pistol in defense of his/her life based on the imminent lethal threat presented by the Subject's actions and the knife that was in his hand.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the

use of deadly force would be objectively reasonable and necessary.

Therefore, the BOPC found Officer A's lethal use of force for his/her first and second rounds (Volley One) to be In Policy.

Volley Two – (two rounds discharged in a southerly direction from an approximate distance of 36 feet)

The investigation determined that, Volley Two was discharged in 0.73 seconds, 2.53 seconds after Volley One.

According to Officer A, immediately following him/her firing his/her first two rounds at the Subject, he/she observed that the Subject was approximately 15 feet away and then collapsed, gaining a little bit more distance. Officer A heard the Subject screaming with more rage, which led Officer A to believe that the Subject was more determined than anything else to kill him/her or his/her partner.

Officer A observed that after the Subject went down, he popped back up immediately, as if had not been hit. Officer A observed that the Subject continued to hold the knife in his hand and utilized both his hands and knees to push himself up off the ground to gain a fighting stance. Officer A believed the Subject was not going to stop and that he had determined in his mind that he was going to kill him/her. Officer A feared for his/her life and thought that he/she was going to die. Officer A believed that the Subject moved to within maybe 12 feet, and then he continued to charge at him/her. Based on his/her observations of the Subject's immediate recovery after falling to the ground, his belligerent verbal cues, and the Subject aggressively moving towards Officer A while armed with a knife, Officer A believed the Subject presented an imminent lethal threat and discharged two additional rounds from his/her service pistol.

The BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officer A's use of deadly force for Volley Two. Officer A observed the Subject fall to the ground after being struck by the first two rounds when he advanced towards Officer A while armed with a knife. The BOPC noted that after the second round of Volley One was discharged, the Subject fell to the ground on his right side; however, the Subject immediately placed both hands on the pavement, planted his feet, and lifted himself into a crouched position while holding the knife in his right hand, which Officer A described as a fighting stance.

The BOPC considered Officer A's account of hearing the Subject screaming with more rage after being struck and believed that based on the Subject immediately regaining an aggressive posture in response to being hit by his/her rounds, that his/her rounds were ineffective in stopping the Subject as a lethal threat.

Furthermore, the BOPC discussed Officer A's belief that the Subject was under the influence of narcotics, coupled with the Subject's quick recovery, had guided Officer

A's perception that Volley One was ineffective, and the Subject would continue his threatening movements towards him/her to kill him/her. While the Subject was in a crouched position, leaning forward, Officer A yelled for the Subject to drop the knife and then discharged a third and fourth round (Volley Two). The Subject fell laterally onto his right buttock and right lower back after Officer A discharged the fourth round.

In the BOPC's overall assessment of Officer A's second volley of fire, the BOPC considered that the Subject had been struck by gunfire; however, the Subject immediately returned to his feet and hands in a position as if he was preparing to continue to advance forward. Officer A observed that the Subject was still armed with a knife in his right hand, appeared to be further enraged, and attempting to continue his forward advance in order to harm him/her or members of the community nearby. The Subject's verbal cues and intentional movements to regain his posture indicated to Officer A that he was unaffected by the gunfire and was determined to continue his approach. Officer A was in reasonable fear for his/her life and believed that the Subject was capable of killing him/her based on his/her belief the Subject was under the influence of narcotics, the Subject was not reacting to being struck by gunfire, and his attempt to stand up indicated his determination to advance forward and continue his intended attack.

The Subject did not comply or surrender, and instead, chose to move into a position which could be reasonably perceived to be in preparation to move towards Officer A, escalating the encounter and was a further indication the Subject was going to continue his attack. The Subject still presented a clear and discernable imminent lethal threat to Officer A and others. Officer A perceived the Subject to be 15 feet away from him/her, armed with a knife. Although the investigation determined that the Subject was 36 feet away, due to the rapid and dynamic escalation of the incident by the Subject, it was reasonable for Officer A to assess that the Subject posed an imminent threat of serious bodily injury or death. Officer A discharged his/her service pistol in defense of his/her life based on the continued imminent lethal threat presented by the Subject's actions. The BOPC noted the actions of the Subject did not afford Officer A much time.

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

Therefore, the BOPC found Officer A's lethal use of force for his/her third and fourth rounds (Volley Two) to be In Policy.

Volley Three – (two rounds discharged in a southeasterly direction from an approximate distance of 36 feet)

The investigation determined that Volley Three was discharged in 0.83 seconds, 1.36 seconds after Volley Two.

Following the discharge of Officer A's third and fourth rounds, the Subject again fell down to the ground, landing on his back before beginning to roll toward his left side. As he did so, Officer A discharged two additional rounds at him. In its evaluation of Officer A's decision to discharge rounds five and six, the BOPC noted that, in contrast with the previously fired rounds, the Subject's actions at that moment were insufficient to form a basis for the reasonable belief by Officer A that he continued to pose an imminent threat of death or serious bodily injury. Unlike what had occurred prior to rounds three and four, the Subject did not reposition himself from laying on his side to being up on his hands and knees; he did not push himself up from off of the ground in order to bring his feet underneath him; and he had not assumed a crouched stance from which he could resume an advance toward Officer A or others.

Rather, the Subject remained down on the ground, first on his back and then leaning toward his left side. Unlike the circumstances from only a few seconds earlier (prior to rounds three and four), the Subject was not exhibiting, in that moment, the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury. In contrast to some of his previous actions, which were reasonably believed to be consistent with a continuation of the imminent threat he posed to Officer A, his actions prior to rounds five and six were not sufficient to be reasonably believed as a further continuation of that threat.

The BOPC acknowledged that the Subject still maintained control of the knife and, therefore, that he still presented a potential threat prior to the discharge of Officer A's last two rounds. However, the BOPC determined that it was not reasonable to believe that the threat presented by the Subject prior to those rounds was an imminent threat of death or serious bodily injury, even if it could have become one in just a matter of seconds, and even though the Subject had previously presented an imminent threat at earlier points during the incident. Rather than resort to the further use of deadly force, Officer A should have continued to assess the degree of threat posed by the Subject at that time. Absent the imminent threat of death or serious bodily injury prior to the discharge of rounds five and six, it was not reasonable for Officer A to believe that the use of deadly force was necessary.

Therefore, the BOPC found Officer A's lethal use of force for his/her fifth and sixth rounds (Volley Three) to be Out of Policy.