

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

OFFICER-INVOLVED SHOOTING – 036-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southwest	5/25/17		

Officer(s) Involved in Use of Force	Length of Service
Officer D	11 years, 7 months

Reason for Police Contact

Officers were serving a search warrant at a location. During the initial entry and search, Subject 1 armed himself with a sword and brandished it at the officer, resulting in an officer-involved shooting (OIS).

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

Subject 1: male, 58 years old.

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; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because at the time this report was prepared, the Department was legally prohibited from divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on May 15, 2018.

Incident Summary

Based on information developed during a surveillance operation, Officer A authored a search warrant for the location of the OIS. A judge had authorized and signed the search warrant.

Officer A completed a Warrant Service/Tactical Plan Report that was approved by both Detective A and Lieutenant A.

Subject 1 lived at the residence along with Subject 2, but Subject 1 was not wanted and was not listed on the Warrant Service/Tactical Plan Report. Subject 2 was listed on the Warrant Service/Tactical Plan Report. Officer A's investigation determined that an associate of Subject 2, identified as Subject 3, may also be present at the location. Subject 3 was also listed on the Warrant Service/Tactical Plan Report.

Officer A conducted the search warrant briefing, which included a PowerPoint presentation. The briefing included pictures of the location, a sketch of the officers' final approach to the location, Subject 2's photo and criminal history. The briefing also discussed the location of the nearest trauma center, use of force policy, compromise authority, and the tactical protocols for an OIS inside or outside the apartment.

The briefing further covered each officer's specific assignment. The entry team was comprised of Officer B as the point officer with a shotgun, Officer A was assigned the hook entry tool, Officer C was assigned the ram entry tool, Officer D was assigned to deliver the knock and notice, and Officer E was assigned to take photos. Detective B was assigned as the entry supervisor, and Detective A was assigned a fire extinguisher. Officers F and G were assigned as less-lethal cover officers. Officer F was equipped with a beanbag shotgun and a TASER. Officer G was equipped with a TASER. Officers H and I were assigned as the designated arrest team. Sergeant A was assigned as outside communications. Detective C was assigned as the site supervisor, and Lieutenant A functioned as the Officer in Charge (OIC) and search warrant Incident Commander (IC).

All members of the entry team were wearing tactical ballistic helmets and vests. Each vest had a cloth badge on the left chest, the words "Los Angeles Police" on the right chest area, and the word "POLICE" embroidered on the back.

Personnel participating in the search warrant operation drove to the location. The officers parked in the roadway, approximately two structures away from the target location.

Sergeant A broadcast that the officers had arrived at the location (Code Six).

The apartment was located within a two-story, four-unit apartment building. The front entrance to the apartment faced east, and was located on a second-floor landing shared with a neighboring apartment. The apartment entrance was secured with a white metal

security door and a wooden interior door. The apartment building's front courtyard was enclosed with a 6-foot high wrought iron fence. A pedestrian gate, six feet high and three feet wide, was located on one portion of the courtyard.

The officers exited their vehicles and lined up on the sidewalk of the street in their assigned entry team positions. The officers moved on the sidewalk toward the front pedestrian gate. According to Officer D, he unholstered his pistol and maintained it in a two-handed, low-ready position with his finger on the slide and his pistol directed to his right, toward the ground, away from the officers in front of him. He described his low-ready position as having his pistol in his right hand, pointed at the ground, with his trigger finger along the side of the pistol.

The entry team checked the courtyard pedestrian gate and determined it was locked. Detective A attempted to open the gate with a small pry tool, but was unsuccessful. Officers A and C utilized the hook and ram entry tools to open the gate. According to Officers A and D, while the security gate was being breached, vehicles traveling on the street were sounding their horns.

According to Officer D, when the gate was breached, it made a loud banging noise and combined with the apartment door being open, the honking, and the fact that there were two potential wanted subjects, Officer D yelled that they were compromised.

Officer D stated he observed that the wooden interior door of the target location was open. Officer B stated he heard someone on the entry team indicate that there was someone at the window.

The team ascended three flights of stairs leading to the apartment and positioned themselves on the side of the front door of the apartment. Officers A, B, C, D, and E were positioned on the upstairs landing. Detectives A and B, in addition to Officers F and G, were positioned on the top flight of stairs, adjacent to the upstairs landing.

Officers A and C also noticed that the inner wooden door was open.

Witness A, a neighbor, stated that she was standing in front of her apartment, waiting for her daughter to pick her up, when the police arrived. She identified the arriving individuals as police officers because they were wearing navy-blue uniforms.

Witness A stated that she heard her daughter honking for her when the police were upstairs, outside the Subjects' apartment. Witness A stated she heard other vehicles honking as well.

Officer D stated he moved forward and delivered the knock and notice requirement by using his hand to knock on the door as hard as he could, so the potential occupants would know the sounds were coming from the door, before he loudly and clearly announced, "LAPD, we have a search warrant. Open the door." Officer D made the announcement once in English. After waiting approximately 30 seconds without a response, Officer C checked the security door and found it to be locked.

Detective B stated that after waiting 30-45 seconds, he heard an unknown person from the entry team yell, "Compromise, compromise, runners." Detective B assumed somebody on the inside was running to destroy evidence or arm themselves, and he approved the breaching of the front door. Officers A and C utilized a hook and ram tool to breach the door.

Officer A stated that as the entry team was approaching up the stairs, he heard the word "compromise" and shortly thereafter, someone said, "runner, we got a runner." Officer D was the only officer who reported saying, "compromise" and indicated it occurred near the front pedestrian gate. Officer A indicated when a compromise is declared it changes the dynamics and can be the difference between immediately breaching a door or giving a knock and notice. In this case a knock and notice was given and there was a 30 second delay before forcing the front door open.

In addition to Officer A, Officers B and C estimated 30 seconds had elapsed between the knock and notice and the breaching of the front door. Detective A provided an estimate of 30-45 seconds. The rest of the officers present at the scene estimated the time that had elapsed between the knock and notice and the breaching of the front door varied between two and 60 seconds. None of the officers indicated that entry was initiated due to a compromise.

Witness B, a neighbor, stated he heard someone say, "This is the police," and approximately 20-60 seconds later, he heard footsteps, marching, and running inside.

Once the metal security door was breached, Officer B stated he entered the apartment armed with the shotgun and screaming, "LAPD search warrant," repeatedly. Officer B was followed by Officer D. Officer D stated the room the officers had entered looked like a living room; however, it appeared the room had been converted into a makeshift room because it was bright in there.

Officer D also observed a large blue tarp from the side of the front door frame to the wall of the apartment. The tarp ran parallel to the wall and created a narrow, makeshift hallway that extended past the living room and aligned with a different hallway deeper in the apartment. The hallway was cluttered and filled with a generator and household items. Detective B and Officer B stated that as the team made entry they repeatedly said, "Police, police, police."

The investigation determined the living room was converted into a bedroom, via a partition made from stacked cardboard boxes and the blue tarp that ran above eye level from the front door to the wall of the apartment. This partition separated the living room from the makeshift hallway.

Officer D entered the apartment behind Officer B. Officer D was followed by Officers A, C, E, F, G, and Detective B. Officer D could not see into the living room through the tarp, and he moved in the makeshift hallway looking for an opening to clear the room

and make it safe. Officer D stated he ran his left hand along the length of the tarp, while holding his pistol in his right hand.

Officer D found an opening at the end of the tarp near the interior wall of the apartment. Officer D cupped the tarp with his hand and swept it outward, to his left, and stepped into the opening. Based on his training and experience, Officer D knew that two officers enter each room to clear it, and he knew that his partner, Officer E, would be right behind him.

According to Officer B, he had alerted the other members of the entry team of the existence of the room behind the tarp, by pointing it out with his left hand. Officer B continued past the opening that was eventually located by Officer D and faced the covering farther down the hallway.

Upon moving the tarp and entering the living room, Officer D observed a bed that was butted up against the wall of the apartment, under the top portion of a bunkbed. Officer D stated his view of one portion of the living room and portion of the bed, under the top portion of the bunkbed, was blocked by an unknown object.

The investigation determined the upper half of the bunk bed ran along the wall of the apartment. A full-size bed butted up against the wall of the apartment, perpendicular to the top bunk, creating the appearance of a bottom bunk; however, it was a separate bed. A mattress was placed upright against the side of the bunk bed, blocking the view of one portion of the room, upper bunk, and western portion of the bed.

Officer D stated when he stepped into the room, a male, Subject 1, appeared from the area obscured from his view. According to Officer D, within 1-1½ seconds, Subject 1 grabbed a sheathed machete from the side of the bed and removed it from the sheath. Officer D transitioned back to holding his pistol in a two-handed, low-ready position and ordered Subject 1 to “drop it” repeatedly in English. Subject 1 failed to drop the machete, and Officer D believed he was in danger of great bodily injury or death.

According to Officer D, Subject 1, using his right arm, swung the machete in a figure eight motion two or three times, while keeping a knee on the bed. After approximately 3-4 seconds, Subject 1 stepped off the bed with his right foot and lunged toward Officer D with the machete in his right hand. Subject 1 extended his arm and swiped at Officer D in a downward motion. Officer D believed Subject 1 was trying to cut him, and jumped back thinking, “I’m going to get hurt with this thing right now.” When Officer D moved back, he believed he ran into another officer. Officer D stated he brought his pistol toward his body with his right elbow at 90 degrees to a close contact shooting position, to get his hands away from the machete that was being waved in front of him.

Believing Subject 1 was about to cut him, Officer D fired two rounds in quick succession from an approximate distance of 5 ½ feet, aiming at Subject 1’s center body mass. According to Officer D, after the second shot, Subject 1’s hands went immediately upward, and he tossed the machete in the air. Subject 1 then moved back to into the

bed area, under the bunk bed, which was obscured from Officer D's view. Subject 1 was not struck by the gunfire.

According to Officer D, after Subject 1 moved back under the bunk bed area, he observed Subject 1's 7-year old son, later identified as Witness C, appear from the bed area, under the bunk bed. Officer D holstered his pistol, and walked Witness C out, away from any potential threats. Officer D handed Witness C to Officers H and I, who walked him to the front of the building. Witness C was not struck by the gunfire.

Detective B stated that right after he heard Officer D fire two rounds, he pulled the blue tarp open, so he could see inside the room.

Detective B was three officers behind Officer D and was aware that Officer D had been involved in an OIS; however, Detective B started giving Subject 1's commands in Spanish. Detective A, who was outside the apartment, waited for Officer D to turn over Subject 1's son to Officers H and I before he separated Officer D and walked him downstairs.

Officer E stated he unholstered after the courtyard pedestrian gate was breached. Officer E entered the apartment behind Officer D, holding his gun in a low-ready position, and he observed him attempting to find an opening in the tarp. Once Officer D found an opening on one side of the living room, he immediately began giving commands to, "Put it down." Officer E attempted to see what Officer D was viewing, but he could not move the tarp. According to Officer E, Officer D opened the tarp farther, while continuing to give commands. Officer E looked over Officer D's shoulder and observed Subject 1 attempting to sit up from a bed, while waving an unknown object up and down toward Officer D. Officer E began to reposition himself to gain a better view, when he heard two gunshots, and Officer D backed into him. Officer E moved farther down the hallway, behind the wall of the living room, to gain cover. Officer E observed the door knob to a closed bedroom door, in front of him, moving. The bedroom was located on the side of the hallway, near the wall of the living room. Officer E began covering the uncleared bedroom door. Officer E continued to hear Officer D ordering Subject 1 to, "put it down" and declaring, "He has a machete, he has a machete."

Officer E stated he did not see Witness C when he looked over Officer D's shoulder prior to the OIS.

Officer B stated that he stopped his advance near the closed room door, which was the first room past the blue tarp. Officer B did not look back because he was covering his area of responsibility, which was on the hallway. Officer B held his position until he was advised the incident had been resolved (Code Four), and he was directed to assist clearing the rest of the apartment.

Officer F stated he was approximately two to four feet beyond the front entrance to the apartment, when he observed Officer D make a turn into the living room area, from the makeshift hallway. Officer F heard Officer D say, "Drop it, drop it," and he observed Officer D bring his pistol closer to the centerline of his body. According to Officer F,

Officer D fired twice, while holding his pistol with both hands, and his elbows bent. Officer F observed Officer D moving back, but he could not remember if it was during or after the OIS. Officer F could not see what Officer D was firing at. Officer F stated he did not want to be holding a less-lethal device in a lethal force situation, and the hallway was too narrow to set the beanbag shotgun down. Officer F stepped back and placed the beanbag shotgun on the ground, outside the front door of the apartment.

While Officer F was placing the beanbag shotgun outside the apartment, Officer G held his pistol in his right hand, in a close contact position. Officer G then pulled the tarp down with his left hand with the assistance of other officers.

Officer F unholstered his pistol and reentered the apartment, while pointing his pistol at the ground, with his right hand and his finger off the trigger. Officer F pushed the stacked boxes that created the makeshift hallway over with his left hand to gain a view into the living room. According to Officer F, he observed Witness C on the bed moving toward Subject 1 as Subject 1 was getting into the bed. Subject 1 looked at him, while hugging Witness C. Subject 1 was holding the machete in his left hand, with his arm bent at 90 degrees. Subject 1 looked scared, concerned and confused. Officer F ordered Subject 1 to drop the machete. Subject 1 responded by making repeated unknown statements in Spanish. Witness C told the officers in English, "He is not the one you are looking for."

Officer F indicated the safety was on when he placed the beanbag shotgun on the ground outside the apartment. Officers outside the apartment retrieved the beanbag shotgun and passed it down the steps away from the entrance.

Detective B, who was three officers behind Officer D, stated he could not see who Officer D was giving commands to because the tarp blocked his view. After hearing two gunshots, Detective B reached up and pulled the tarp down, and he observed Subject 1, shirtless, holding a machete. Detective B observed Subject 1 fall back within the bed, under the bunk bed, while he was still waving the machete. Detective B believed Subject 1 could not understand the commands in English and began giving him commands in Spanish. Within a couple of seconds Subject 1 dropped the machete.

Officer B, a Spanish speaker, heard Detective B say, "Police, police, put it down," in Spanish.

According to Officer F, Subject 1 dropped the machete onto the bed. Officer G stated that Subject 1 placed the machete under a sheet on the bed.

Detective B told the officers to lower their firearms and ordered Subject 1 out through the opening on the side of the living room and into the hallway. Officers F and G holstered their pistols. Officer F placed Subject 1's hands behind his back and Officer G handcuffed him without incident. Detective B stated he then observed Witness C appear from the bed, under the bunk bed, and Detective B ordered him to come out, in Spanish.

Detective B described Subject 1's machete as having a serrated edge; however, the investigation determined Subject 1's machete did not have a serrated blade.

All officers and detectives associated with this incident indicated they were not aware that a child was present at the apartment at the time the OIS occurred.

Sergeant A broadcast the "shots fired" notification to CD. Detective C was positioned half way up the stairs when he heard the gunshots. Detective C heard Sergeant A broadcasting a help call while he observed the beanbag shotgun being handed down the stairs from inside the apartment. Detective C told Sergeant A that they had enough resources to contain what they had, and to, "Hold on, it might have been just a beanbag." Detective C stated he made the assumption because he observed a beanbag being handed out and passed downstairs.

Sergeant A then broadcast that no shots had been fired and that it was a beanbag shotgun only. An officer on the exterior yelled to Officer G, who was inside the apartment near the entrance, asking if it was an OIS or a beanbag shotgun that was fired. Officer G voiced to officers on the exterior that it was an OIS and everyone was ok. Sergeant A then broadcast a correction, that shots had been fired and that all units were accounted for (Code Four).

Once Officers H and I took over monitoring Subject 1 and Witness C, outside the apartment, the officers escorted them to the front of the apartment building. The entry team then searched the rest of the apartment for additional occupants. According to Officer I, a Department-certified Spanish speaker, Subject 1 spontaneously said, "It's not me. You guys, it's not me who you're looking for. It's the other guy, he's the one you're looking for. I thought it was some gang members. I thought it was some gang members coming to get me, so I grabbed a machete."

Officers H and I stated they turned on their Digital In-Car Video System (DICVS), when they placed Subject 1 in the back seat of their police vehicle and later transported him to the station; however, FID investigators were unable to locate any DICVS activations associated with this incident from Officer H and I's vehicle.

Officer J stated that shortly after hearing gunshots he observed a male, Subject 4, walking down the rear stairwell. Assisted by Officer K, he ordered Subject 4 to get on the ground. Officer J then observed a male, Subject 2, exit from the same rear stairwell. Officer J and K proned out Subjects 2 and 4 and requested two officers to assist with taking the subjects into custody.

Officer J stated that he had prior knowledge of who Subject 2 was from prior contacts. Officer K recognized Subject 2 from the information given at the briefing. Neither Officer J nor Officer K recognized Subject 4; however, they made the decision to detain him and prone him out as well.

The subjects were taken into custody without incident. Subject 2 spontaneously said, "I heard two shots. I didn't want to be part of it, that's why I came through the back."

After the on-scene investigation was completed, a search of the residence was also completed as part of the original narcotics search warrant. A loaded firearm was recovered from Subject 2's bedroom. Subject 2 was subsequently arrested for Penal Code Section 29800(A) 1 (Ex-Con with a gun), and he was booked into jail. FID Detectives attempted to interview Subject 2, but he declined to be interviewed.

Subject 4 was arrested for an outstanding misdemeanor warrant for Health and Safety Code Section 11377 (A) (Possession of Methamphetamine). Subject 4 was booked into jail. FID Detectives attempted to interview Subject 4, but he also declined to be interviewed.

Subject 3 was not present at the location when the warrant was served.

The entry team located Witness D in the bedroom that Officer E was covering. Witness D agreed to be interviewed by FID investigators. Witness D stated that she rented the room from Subject 1. Witness D stated she was asleep, in bed, wearing headphones, with music playing loudly, and she did not hear anything. Witness D was not aware the police were in the apartment until they entered her bedroom. Witness D stated when the officers entered her room, she identified them as the police because they verbally identified themselves, and she observed them wearing badges and the word "police" written on their chests. Witness D stated that Subjects 1 and 2 argued over Subject 2 slamming doors and letting other people come to the apartment to use the bathroom. According to Witness 4, Subject 1 was afraid of Subject 2. When they have verbal arguments, Subject 1 would walk away because he did not want to be aggressive. Witness D stated that after the arguments, Subject 1 would sleep with his lights on out of fear.

Witness C was interviewed by FID investigators in the presence of Los Angeles County Department of Children and Family Services (DCFS) Multi-Agency Response Team (MART). Witness C stated that he was in the living room, watching television, and his father was in the kitchen, when he heard yelling. He then heard a boom and more voices. His father ran into the bedroom (living room) where Witness C was. Witness C stated his father said that he thought they were "robbers and cholos," who had come to kill them because his father saw one of them with a tattooed arm by the front door. Witness C stated that Subject 2 invited bad guys to the house when his father is out. When his father returned, he told the people to leave. Witness C stated his father thought the bad guys had come to kill them, so his father grabbed a machete, which he kept on the side of the bed for protection. Witness C stated his father struck the machete against a metal post of the bunk bed "to scare them off." Witness C observed it was the police when everything was knocked down, and he saw the guns, uniforms and badges on their chests. Witness C stated his father saw the police too and "went still." According to Witness C, the police kept saying something, but he did not remember what it was.

The Los Angeles County DCFS MART took Witness C into protective custody. The FID investigation determined none of the officers on the entry team had exposed tattoos.

Detective A stated that after the civilians came out of the apartment, Officer D came out and advised him that he had been involved in an OIS. Upon learning that Officer D had been involved in an OIS, Detective A took him downstairs to the courtyard.

Detective A then obtained a Public Safety Statement (PSS) from Officer D and monitored him until additional supervisors arrived.

After the OIS, Lieutenant A ensured that all percipient officers were separated in the courtyard and given an order not to discuss the incident until they were interviewed by FID investigators. As additional supervisors arrived, they took over the monitoring of the percipient officers.

Force Investigation Division reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident prior to being interviewed by investigators. All protocols were followed and properly documented.

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 weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC made the following findings.

A. Tactics

The BOPC found Officer D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer D's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer 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. 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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), 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 allow 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:

Law Enforcement Officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation 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. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

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

1. Radio Communications

The investigation revealed that multiple personnel broadcast conflicting information after the OIS, rather than allowing the designated communications officer to be the sole person to broadcast.

2. Beanbag Shotgun

The investigation revealed that Officer F, who was assigned to utilize less-lethal force, handed the beanbag shotgun to an officer outside the residence after he heard the OIS. The BOPC would have preferred that Officer F had maintained the beanbag, utilizing a sling to transition to his service pistol, in the event that less-lethal force was needed during the remainder of the search.

These topics were to be discussed at the Tactical Debrief.

- 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.

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

The BOPC found Officer D's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer D, while serving a narcotics search warrant, he drew his service pistol to a two-handed, low-ready position as the officers approached the location.

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

In conclusion, the BOPC found Officer D's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer D** – (pistol, two rounds)

According to Officer D, Subject 1 appeared from underneath the bunkbed and then grabbed a machete near the end of the bed. Subject 1 then removed the machete from a sheath, held it in his right hand, and swung the machete in a figure eight motion two or three times. Believing that his life was in serious danger of great bodily injury or death, he redeployed backwards but collided with the officer behind him. Fearing that he was going to be struck with the machete, he brought his gun towards his body, while utilizing a close contact shooting position and fired two rounds from his service pistol at Subject 1 to stop his attack.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D would reasonably believe that Subject 1's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

Therefore, the BOPC found Officer D's lethal use of force to be objectively reasonable and in policy.