

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

OFFICER-INVOLVED SHOOTING – 040-18

| Division | Date | Duty-On (X) Off () | Uniform-Yes (X) No () |
|-----------------|-------------|----------------------------|-------------------------------|
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|----------|---------|--|--|
| Van Nuys | 6/16/18 | | |
|----------|---------|--|--|

| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
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| | |
|-----------|--------------------|
| Officer A | 28 years, 6 months |
| Officer B | 8 months |
| Officer C | 1 year, 7 months |
| Officer D | 11 months |
| Officer E | 1 year, 7 months |

Reason for Police Contact

Officers received an “Ambulance Cutting” radio call at the location. Officers confronted the subject, who was armed with a large knife and did not comply with verbal commands. Less-lethal beanbag munitions were fired at the suspect who then took a hostage and placed the knife to the hostage’s neck, resulting in an officer-involved shooting (OIS).

| Subject(s) | Deceased (X) | Wounded () | Non-Hit () |
|-------------------|---------------------|--------------------|--------------------|
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Subject: Male, 32 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; 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 state law prohibits 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 21, 2019.

Incident Summary

The Subject was at a local homeless outreach center and, along with other area homeless persons, was eating lunch that was provided daily at the outreach center. Also present was Victim A, the Subject's ex-girlfriend.

The Subject, who was seated in the center of the courtyard and covered with a blanket, stood up and walked over to where Victim A was seated. A surveillance video from the center captured the Subject holding a knife in his right hand.

The Subject walked behind Victim A, grabbed her hair, placed the knife to her throat and stated, "You're coming with me." Several bystanders obtained folding chairs and intervened, eventually thwarting the Subject's attack.

Witness A stated the Subject obtained the knife from the kitchen on the premises.

According to Witness B, "He's threatening everybody." Witness B also said that the Subject stated, "Someone's [...] going to die today. I'm going to kill somebody[.]"

The Person Reporting (PR) the call, an employee at the center, called 911 to report the incident.

Communications Division (CD) broadcast, "[...] Ambulance Cutting ... Suspect is a male ... wearing a burgundy shirt, green camo shorts, still at the location. Code-three."

A second 911 call was received, but the caller was advised by the Emergency Board Operator (EBO) that the incident had already been reported. The female caller did not provide any additional information.

An Air Unit broadcast that they were responding to the call.

Police Officers A and B were assigned the radio call and advised they were responding with emergency lights and sirens (Code-Three). Officer B's BWV (Body Worn Video) captured him reading the comments of the radio call to Officer A.

Sergeant A broadcast he was responding Code-three.

CD broadcast "... additional on your ambulance cutting. Suspect is a male..., 30 years, he stabbed his ex-girlfriend. Suspect is now armed with a chair and still armed with a large knife...."

Officers C and D broadcast that they were responding Code Three to the radio call. This was Officers D and C's first time working together. They indicated they discussed

de-escalation and identified contact/cover and less-lethal and lethal responsibilities with an acknowledgement that these roles were flexible.

Soon after advising they were backing the primary unit, Officer D read the comments of the call to his partner.

In response to the Air Unit's request for the Subject's description and location, CD broadcast "Suspect is a male..., wearing a burgundy shirt and green camouflage shorts. The suspect is 30 years and he's still at the location; he's still armed with a knife."

As Officer C drove, Officer D's BWV captured him stating, "They're pointing that way." referring to Witness B, standing on the corner, and who was guiding the officers to the driveway. Officer C told Officer D to broadcast that they were at the location.

The Air Unit broadcast; "He's [the Subject's] going to be on the side of the church. He looks like he still has something in his hand. I have units about to go Code-Six on him now." Officers C and D entered the driveway and drove up the driveway and stopped their police vehicle approximately 65 feet away from the Subject.

Officer D broadcast he had arrived at the location, followed shortly thereafter by Officer E, who did not broadcast he was responding to the radio call, but did broadcast that he was Code-Six.

Officers C and D's Digital In-Car Video System (DICVS) captured the Subject standing at one end of the driveway, against a wall on the side of the driveway with Witness A standing next to him. Numerous individuals can be seen standing in an open grass/dirt area on the side of the driveway. The DICVS also captured a female, later identified as Victim B, standing against the wall on the side of the driveway, approximately 23 feet away from the Subject.

As Officer C exited his police vehicle, he directed Officer D to deploy the beanbag shotgun. Officer C described the Subject as a male, 40 years of age, wearing a red shirt and camouflage pants. Officer C indicated that the Subject was holding a wooden chair in his left hand and what he described as an approximate 12-inch "bread knife" in his right hand.

Officer C did not indicate he directed his partner to deploy the beanbag shotgun. The Subject was wearing shorts and the chair he was holding was a folding chair. Officer C indicated he believed that when he first arrived the Subject was further away from the building, in the courtyard area, and Victim B was standing against the building.

The Air Unit broadcast, "[M]ake it a back-up, suspect still has a knife in his hand and a skateboard [folding chair]..."

According to Officer C, the Subject was walking back and forth and appeared to be yelling/talking to himself. Officer C also observed people “frantically running away” from the Subject.

Officer C unholstered his service pistol because he believed the tactical situation could escalate to the point where deadly force may be justified. He held his service pistol in a two-handed, low-ready position with his right finger along the frame. Officer C remained behind the cover of his open, ballistic door and began to repeatedly direct the Subject to drop the knife.

Officer C turned the ignition off and removed his keys. This required that Officer D use his vehicle keys to turn the ignition back on to disengage the beanbag shotgun rack locking mechanism, causing an approximate delay of 25 seconds.

Once Officer D removed the beanbag shotgun from the rack, he held it in his left hand and closed his police vehicle’s door. After he chambered a round, he loaded an additional round into the magazine tube. Officer D shouldered the beanbag shotgun, placed his finger on the safety, and aimed at the Subject’s navel area. According to Officer D, upon exiting the vehicle, he observed the Subject walking around, holding a knife in his right hand.

Officer C’s BWV captured Officer E slowly walk approximately the front bumper of the police vehicle, at which time Officer C can be heard instructing Officer D to “keep cover,” prompting Officer D to redeploy backward next to the closed passenger door of his police vehicle. Meanwhile, the Subject walked in the driveway toward the officers, closing the distance.

Officer C’s BWV shows that when Officer D walked north, Officer C also stepped out from the cover of his door and moved north toward the Subject, telling Officer D, “Stay covered, keep cover.” Officer D moved back toward the police vehicle while Officer C continued to move forward as the Subject continued to walk toward him (Officer C).

According to Officer D, he did not move forward until after additional personnel arrived and the Subject began to move backward, north in the driveway.

Officer E parked behind Officer C’s police vehicle. Officer E deployed his beanbag shotgun and chambered a round as he walked along the driver’s side of Officer C’s police vehicle. Officer E observed Officer D on the passenger side of the police vehicle with a beanbag shotgun deployed. Officer E believed the Subject had already cut someone and felt it prudent to transition to his service pistol. Hence, he placed his beanbag shotgun on the front, driver’s side floorboard of Officer C’s police vehicle and unholstered his service pistol, which he held in a two-handed, low-ready position.

According to Officer C, the Subject closed the distance on the officers and was not complying with his commands. Officer C indicated that when he observed that Officer D was no longer behind cover, Officer C re-deployed to a bush on the side of the driveway

that afforded him concealment. Officer E moved from behind Officer C's open driver's door to a position to the right of Officer C. According to Officer E, he observed the Subject holding a knife in his hand and blood on the Subject's hand and shirt.

Officer C's BWV shows that Officer D did not assume a position of cover, but rather that he redeployed by moving back and standing next to the right front fender of his police vehicle. It also shows that Officer C moved toward a bush that was not large enough to provide him cover or concealment. Officer E's BWV shows that he (Officer E) also did not assume a position of cover and, after putting the beanbag shotgun in Officer C's vehicle, that he walked forward and stood to the right of Officer C.

According to Officer C, he attempted to de-escalate by changing his verbal tactics with the Subject. Officer C stated that he went from verbalizing forcefully, ordering the Subject to drop the knife, to changing his tone, not yelling, while trying to get the Subject to drop the knife. The Subject did not respond to either approach. Officer C's BWV captured the Subject move toward the officers, shaking his head and saying, "Nope."

According to Officer E, the Subject stated, "No, I'm not going to drop the knife."

Officers A and B arrived at the scene and parked in the driveway behind Officer E's police vehicle. Officer B broadcast, "...show us Code-Six," and then exited the passenger side of his police vehicle. Simultaneously, Officer A exited the police vehicle and deployed the beanbag shotgun, which he held in a port arms position as he chambered a round.

Officer A did not load another round into the magazine tube.

Officer B moved in the driveway and positioned himself to the right of Officer D, who maintained a position next to his closed passenger side door after redeploying from the front of his police vehicle. Officer B unholstered his service pistol and held it in a two-handed, low-ready position with his finger along the frame because the Subject was armed with a knife, causing him to believe the situation could escalate to necessitate the use of lethal force.

Officer B's BWV shows that Officer D did not redeploy next to the vehicle's passenger side door, but rather that he stood next to the right front fender of the vehicle as Officer B walked up on his right side.

According to Officer B, he observed the Subject in the driveway armed with a 1½ to 2-foot-long knife in his right hand, with the blade protruding upward. According to Officer B, he observed Victim B leaning against the wall adjacent to a shopping cart on the side of the driveway. He also observed additional civilians, who appeared to be moving away from the Subject. Officer B estimated his distance away from the Subject distance to be 25 feet. Officer B indicated he observed blood on the Subject's arm and believed it was either the Subject's or the initial victim's blood.

Officer B did not recall seeing the Subject with a chair until he observed it while watching his BWV.

According to Officer A, as he moved along the driver's side of the parked police vehicles, he observed the Subject holding a knife in his right hand and a folding chair in his left hand. Officer A approached behind Officers C and E and immediately yelled, "Beanbag ready, beanbag ready!" Officer A then stood to the right of Officers C and E. According to Officer D, he heard an officer say, "Put out a help call," prior to the first beanbag round.

According to Officer A, he did not give the Subject a warning prior to discharging the beanbag shotgun because of the rapidly unfolding nature of the incident.

Officer A activated his BWV after the OIS. Officer A's actions prior to the activation were recorded, but without audio.

Officer A stated four officers were at scene upon his arrival, however, the investigation revealed three.

According to Officer E, Officer A stated, "Beanbag standby," to which Officer E replied, "Beanbag ready up."

Officer D's BWV established that the exchange about a "help call" occurred between the discharge of the second and third beanbag round.

According to Officer B, the Subject maintained an aggressive demeanor, describing that he waived the knife and closed the distance to 15 feet. Officer B stated the Subject was focused on Officers A and C. Officer C also perceived that the Subject approached to within approximately 15 feet of the officers.

According to Officer A, the Subject aggressively walked toward the officers, refusing to comply with the commands to stop and closed the distance on them. Officer A also stated that as the Subject walked toward him and the other officers, he observed Victim B standing next to the building on the side of the driveway. According to Officer A, he felt that the utilization of the beanbag shotgun was the most reasonable tool available to gain compliance from the Subject. Officer A's BWV captured the Subject walking forward, holding a knife in his right hand by his right leg and a folding chair in his left hand by his left leg.

Officer C's DICVS shows that the Subject walked slowly toward the officers, holding the knife in his right hand and the folding chair in his left hand. As the Subject was ordered to drop the knife, he could be heard saying "nope" and shaking his head.

Officer A targeted the Subject's center body mass and fired one beanbag round from a distance of approximately 22 to 25 feet. The round struck the Subject's chest but

appeared to have no effect. Approximately 12 seconds elapsed from the time Officer A retrieved the beanbag shotgun and when he discharged his initial beanbag round.

In the DICVS footage, the Subject can be seen stopping his advance when Officer A's first beanbag round hit him in the chest. Upon being struck, the Subject began stepping backwards, away from the officers.

According to Officer E, the beanbag round struck the Subject in his mid-section.

According to Officer C, the first beanbag round struck the Subject. Although it did not appear to, "faze him," the Subject began to move backwards. Officer A's BWV captured the Subject begin to step backward with his body bladed to the west with his left shoulder directed in the officers' direction. According to Officer C, the Subject began to use the chair as a shield after the first beanbag round struck him. The Subject can be seen on Officer A's BWV holding the folding chair at his side at the time the first beanbag round was fired, but he raised it as he walked backward and prior to the second beanbag round being fired.

According to Officer D, he did not discharge his beanbag shotgun because from his vantage point, he did not believe he had a viable target, especially considering the Subject held a folding chair in his left hand that could shield him from the impact of a beanbag round.

Officers A, B, C, D, and E moved together toward the Subject. According to Officer A, the Subject held the knife in his right hand with the blade downward. Officer A chambered another beanbag round as he took two steps forward, aimed at the Subject's center body mass and fired a second beanbag round at the Subject from a distance similar to the initial round fired. Officer A's BWV captured the second beanbag round strike the Subject on the left side of his chest.

According to Officer E, the second beanbag round struck the chair.

According to Officer A, the Subject was advancing toward the officers at the time he fired his second beanbag round. He perceived that the Subject did not retreat until after the second beanbag round was fired.

As the Subject retreated, he faced the officers' direction. Officers A, B, C, D, and E continued to move forward, in unison, toward the Subject. The Subject can be seen on Officer A's BWV looking at Victim B, who was still standing against the wall.

According to Officer D, he did not see Victim B until the Subject walked backwards and utilized the chair as a shield.

Officer E broadcast an "officer needs help..." call. The Subject moved to his left, toward Victim B, and transitioned the folding chair to his right hand, in which he also held his knife. Officer A's BWV captured the Subject reach toward Victim B with his left hand.

Officer A aimed the beanbag shotgun at the Subject's upper torso and discharged a third beanbag round, from an estimated distance of approximately 25 feet. Officer A did not know whether this beanbag round impacted the Subject. The round did not appear to effect the Subject as he continued to move to his left and behind Victim B.

The investigation determined that one of the beanbag rounds was compromised as it struck the folding chair, causing the pellets to disperse. A review of the relevant BWV did not definitively establish the impact point of the third beanbag round; however, the cloth sack of the beanbag round can be seen falling to the ground at the Subject's feet.

Officer A perceived that the Subject was moving backward when he discharged the third beanbag round.

Officer A used his left hand to place the beanbag shotgun onto the ground while at the same time using his right hand to unholster his service pistol. Officer A's BWV captured a fourth bean round discharge from the beanbag shotgun.

Officer A stated he fired three beanbag rounds. A supplemental interview was conducted to address this issue, and Officer A reconfirmed that he had no recollection of discharging a fourth beanbag round.

The investigation determined that Officer A fired four beanbag rounds. Three empty hulls were recovered from the crime-scene, and the fourth empty hull remained in the chamber of the beanbag shotgun.

Officer E stated he heard two beanbag rounds fired.

After the Subject stepped behind Victim B, Officer C held his pistol in a low-ready position as he re-deployed onto the open grass/dirt area near Officers A, B, D, and E. According to Officer C, he observed the Subject reach around Victim B with his right arm and hold the knife to Victim B's neck. Officer C also stated that it appeared to him the Subject moved the knife across Victim B's neck in a sawing motion.

Victim A stated that the Subject grabbed Victim B before the officers' arrival.

As Officer C moved to his left, onto the grass/dirt area, his BWV captured the Subject turn his body and place his back against the exterior wall. The Subject can be seen holding the knife in his right hand, against Victim B's neck, and using his left hand to grab the blade of the knife and pulling it against Victim B's neck

The following accounts describe each individual officer's observations and actions during the OIS. The following accounts do not reflect the order in which each officer fired their weapons:

Officer C stated that although the Subject kept his head in close proximity to Victim B, Officer C believed that he had a sight picture of the Subject's body. Officer C opined

that when he re-deployed, he had the best angle on the Subject in case lethal force was necessary.

According to Officer C, he observed the Subject cutting Victim B's neck and raised his service pistol. Officer C aimed his service pistol at the Subject's right side upper torso area and, from a distance of approximately five to seven feet, discharged six rounds. According to Officer C, he quickly assessed the threat between each of his rounds.

According to Officer C, after he discharged what he estimated to be his sixth round, the Subject still held the knife; however, he began to release the knife from Victim B's neck.

Officer C's BWV captured the Subject begin to lower his hands and the knife.

Officer C opined that his rounds were becoming effective. However, according to Officer C, he continued to aim his service pistol at the Subject's center body mass and discharged an additional three rounds, from a distance of approximately three to five feet. The investigation determined that Officer C fired a total of 9 rounds in approximately 3.6 seconds.

According to Officer C, he stopped shooting once the Subject was on the ground and he perceived that he was no longer a threat to Victim B. Officer C indicated that he heard additional gunshots, but did not know which officer shot.

Officer E stated that the Subject side-stepped to behind Victim B and opined that the Subject was going to cut and kill Victim B. Officer E aimed his service pistol at the Subject's face. However, not wanting to jeopardize Victim B's life, Officer E stated he did not discharge his pistol because Victim B was in his line of fire and he did not feel he had a clear shot at the Subject.

Officer A stated that the Subject was standing behind Victim B, with his right arm over her right arm. The Subject held the knife in his right hand, pressed against Victim B's neck. According to Officer A, it appeared that the Subject placed his left hand on the knife as leverage to pull the knife backward to cut Victim B's throat. Officer A stated that the Subject was taller than Victim B and was offset from Victim B. Victim B's head was near the Subject's right chest area and the Subject was looking over Victim B's left shoulder.

According to Officer A, he could see most of the Subject's head and a portion of the left side of the Subject's upper torso. Officer A aimed his service pistol at the left side of the Subject's face and discharged one round, from a distance of approximately 18 to 20 feet, which did not appear to have any effect.

According to Officer A, the Subject and Victim B's body positions appeared to change, which exposed more of the Subject's left upper torso and shoulder area. Officer A then aimed his service pistol at the Subject's upper body and discharged a second round,

from a distance similar to that of the initial round. The second round did not appear to have any effect.

Officer A stated that he could still see that the Subject's hands were continuing to hold the knife, which was still pressed against Victim B's throat area. Officer A stated that the Subject moved to his right and started to move by Victim B, which exposed the right side of his body. Officer A aimed his service pistol at the Subject's right side torso and discharged three rounds (rounds three-five), from an approximate distance of 18 to 20 feet.

According to Officer A, the Subject continued to move to his right as he discharged rounds three-five.

According to Officer A, he believed that the Subject held the knife to Victim B's throat while he discharged his fifth round. However, Officer A stated that after watching his BWV, he observed the Subject continue to move to his right, and it appeared the knife was no longer at Victim B's throat at the time he discharged his fifth round.

Officer A heard other officers firing their weapons, but was unaware of which officers.

Officer A discharged his five rounds in approximately 3.7 seconds.

Officer D stated that the Subject stepped behind Victim B and placed the knife to her throat. The Subject then raised his left hand, grabbed the knife, and pulled the knife back into Victim B's throat. According to Officer D, he was not able to target the Subject's upper torso, navel area; therefore, he did not discharge any beanbag rounds. Also according to Officer D, he observed a cut to Victim B's throat area.

Officer B stated that the Subject looked toward Victim B, who was leaning against a wall on the side of the driveway. The Subject used his left arm to grab Victim B by her right arm while pulling Victim B toward him and simultaneously moving behind her. According to Officer B, the Subject used his right arm, which held the knife and placed the knife across Victim B's neck. The Subject then grabbed the other side of the knife (blade) with his left hand and began to apply pressure.

Officer B stated that he initially paused, and did not fire, because Victim B was in front of the Subject. However, after another officer discharged the first round, it caused the Subject to turn, which exposed the Subject's left shoulder area toward Officer B. The investigation determined that Officer C discharged the first round at the Subject.

Officer B observed blood, but he was not sure if it was from the Subject's forearm or from Victim B's neck.

To protect Victim B from the imminent threat of death or serious bodily injury, Officer B aimed his service pistol at the Subject's left shoulder and discharged one round, from a

distance of approximately 16 feet. Officer B stated that when he discharged this round, Victim B's shoulder was aligned approximately to the Subject's mid-chest area.

According to Officer B, the Subject appeared to flinch, but kept his hold of Victim B and continued to apply pressure to Victim B's neck with the knife. Officer B aimed his service pistol at the Subject's left shoulder and discharged a second round, from a distance of approximately 16 feet, which did not appear to have any effect.

According to Officer B, the Subject continued to hold the knife to Victim B's neck. However, Victim B appeared to "squirm," which caused her to move and expose the left side of the Subject's chest. Officer B aimed his service pistol at the Subject's left shoulder and discharged a third round, from a distance of approximately 16 feet.

After Officer B's third shot, both the Subject and Victim B fell to the ground. Officer B then placed his service pistol in a low-ready position with his finger along the frame. According to Officer B, he discharged his rounds from an approximate distance of 12 feet; however, the video evidence established that the distance was more accurately estimated to be 16 feet.

Victim B fell onto her right side with her head pointed to the north. The Subject fell onto his right side with his head in a westerly direction and his feet in a southeasterly direction. The Subject's arms were in front of his body. The Subject's knife fell onto the ground in the area of his chest.

Witness A stated that after officers discharged their weapons, the Subject let go of Victim B and walked toward the officers.

Officer C broadcast, a "shots fired; officer needs help" call.

Officer E broadcast a request for two Rescue Ambulances (RAs).

Officer A directed Officer B to put gloves on; however, soon thereafter, he instructed him to direct responding officers and medical personnel to their location.

Meanwhile, Officer C directed Officers A, D, and E to slow down their advancements to assess the situation prior to approaching the Subject and Victim B. According to Officer C, officers then waited for additional resources to arrive.

Following the OIS, numerous additional personnel arrived.

Officers F, G, H and Detective A responded. Upon arrival, they joined Officers A, C, D, and E. At about this same time, Sergeant B (the first supervisor) arrived and broadcast that he was Code-six. Officer F formed a plan for officers to approach together to first take the Subject into custody before rendering aid to Victim B. Officer F directed Officers H and G to put on gloves and assigned them as an arrest team.

Officer F tapped Officer C on the shoulder and advised him officers would be approaching from his left. Officers H and G, with Officer C providing lethal cover, moved toward the Subject, who was lying on his right side and motionless. Officer H removed his handcuffs with his right hand as he stood at the Subject's back and reached for his left wrist. Officer H applied the handcuff to the Subject's left wrist as he pulled his left arm toward his back. Officer H held the opposite end of the handcuff as he reached for and grabbed the Subject's right wrist. Officer G then assisted with bringing the Subject's right arm to his back to complete handcuffing.

During handcuffing, Officer C placed his right foot on the Subject's knife and slid it backward. Officer H observed the Subject was still breathing, so they placed him onto his right side. Officer F then had Officers H and G lift and carry the Subject away from Victim B.

Meanwhile, Detective A positioned himself between the officers and civilians, who were gathering. Detective A observed an unattended beanbag shotgun on the ground. Detective A took possession of Officer A's beanbag shotgun. Shortly thereafter, Detective A took possession of Officer D's beanbag shotgun as well. According to Officer D, he requested that Detective A take possession of his shotgun because he was in the process of putting gloves on to secure the knife.

At the same time, Sergeant B was concerned about ingress and egress routes and tasked Officer A with moving police vehicles that were parked in the driveway. Another officer initially was tasked with establishing the crime scene with yellow tape, but he was eventually tasked to stand guard over the knife.

Officer C began rendering first aid to Victim B. Officer C, a certified Emergency Medical Technician (EMT), requested medical supplies to assist Victim B. After placing gloves on, Officer C obtained a nearby blanket and began to apply direct pressure to Victim B's neck wound, in the area where the Subject held the knife to her neck. Officer C also directed other officers to check Victim B for any additional injuries. After applying direct pressure for approximately one minute, Officer C was separated by Sergeant B and directed to supply his Public Safety Statement (PSS). Prior to walking away from Victim B, Officer C directed an officer to remove Victim B's backpack and move her head back to open her airway and continue medical treatment.

Sergeant B opined that Officer C had been involved in a traumatic event and directed another officer to replace Officer C.

A Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) responded and rendered first aid to Victim B. Victim B was transported to the hospital.

A second LAFD RA and LAFD Engine responded and rendered first aid to the Subject. The Subject was also transported to the hospital.

A third LAFD RA responded and rendered first aid to Victim A. Victim A was transported to the hospital.

Force Investigation Division (FID) reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident prior to officers being interviewed by FID investigators. All Department protocols concerning a CUOF investigation were complied with 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 firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A, C, and E's tactics to warrant Administrative Disapproval. The BOPC found Officers D and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officer A's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officer C's lethal use of force to be in policy. The BOPC found Officers A and B's lethal use of force to be out of policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. 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 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:

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

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Utilization of Cover

Officers A, B, C, D, and E did not utilize available cover when they observed a suspect who was armed with a knife.

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

In this case, Officers A, B, C, D, and E did not utilize the parked police vehicle for cover as a suspect armed with a knife walked towards them. The officers' failure to utilize available cover placed them in a distinct tactical disadvantage and unnecessarily endangered their safety.

Based upon the totality of the circumstances, the BOPC determined that Officers A, C, and E's decisions to not utilize available cover were not reasonable and were a substantial deviation, without justification, from approved Department tactical training.

Additionally, based upon the totality of the circumstances, the BOPC determined that Officers B and D were probationary officers with minimal experience in the field at the time of this incident and were working with senior officers. Officers B and D were following the actions of the senior officers next to them. Officers B and D's decisions to not utilize available cover, were a substantial deviation, with justification, from approved Department tactical training.

2. Tactical Communication/Planning

Officers A, B, C, D, and E did not effectively communicate or formulate a plan.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve

their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Officer C initially communicated to Officer D to obtain cover, repeatedly communicated to the suspect to drop the knife and requested a back-up. The investigation determined that as the incident unfolded, Officers C, E and A did not effectively communicate with the other officers during the engagement with the Subject. The officers moved toward the Subject, while Officer A discharged beanbag sock rounds at the Subject without the formulation of a plan or communication to coordinate their actions. During the movements of the officers to engage the Subject, which resulted in an OIS, the officers did not coordinate or communicate with each other. The officers' lack of planning and inability to effectively communicate with one another during this incident placed the officers at a tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that Officers A, C, and E's failure to effectively communicate or plan with their fellow officers, was a substantial deviation, without justification, from approved Department tactical training.

Additionally, based upon the totality of the circumstances, the BOPC determined that Officers B and D followed the actions of the senior officers. Officer B and D's lack of communication and planning, as probationary officers with minimal time in the field at the time of the incident, was a substantial deviation, with justification, from approved Department tactical training.

3. Service Pistol Loading Standards

The investigation revealed during a post incident weapon/magazine inspection that one of Officer C's magazines was loaded with only 16 rounds, rather than its full capacity of 17 rounds.

4. Situational Awareness

The investigation revealed that Officer C directed Officer D to deploy the beanbag shotgun, but turned the vehicle's ignition off prior to Officer D pressing the release button on the beanbag shotgun storage rack inside of the police vehicle. This resulted in a delay in deploying the beanbag shotgun.

5. Non-Conflicting Simultaneous Commands

The investigation revealed that multiple officers gave simultaneous commands to the suspect during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance by the suspect.

6. Use of Force Warning

The investigation revealed that Officer A did not provide a Use of Force Warning prior to deploying less-lethal force options. The BOPC determined that there was adequate time to provide a Use of Force Warning. It would have been preferred that Officer A had provided the Subject a verbal warning prior to utilizing less-lethal force in an effort to gain compliance and afford the Subject the opportunity to submit to an arrest without injury.

7. Beanbag Target Areas

The investigation revealed that Officer A aimed the beanbag shotgun at the Subject's breastbone when he discharged the first beanbag sock round and center body mass when he discharged the second beanbag sock round. Officer A is reminded the primary target area for the Beanbag Shotgun is the naval or belt line area, and officers may alternatively target the suspect's arms, hands or legs when practicable.

8. Beanbag Shotgun Manipulation

The investigation revealed that when Officers A and E initially chambered a beanbag sock round into the beanbag shotgun, they did not load a fifth beanbag sock round from the side saddle loading device into the magazine tube. Although loading a fifth beanbag sock round is not required, Officers A and E are reminded of the tactical advantage afforded when the beanbag shotgun is loaded to full capacity.

9. Maintaining Control of Equipment

The investigation revealed that Officer E placed his beanbag shotgun on the floorboard of the front driver's side of Officers C and D's police vehicle in order to transition to his service pistol. Additionally, Officer A placed the beanbag shotgun on the ground when he transitioned to his service pistol. Officers E and A are reminded of the importance of securing their equipment, i.e., utilizing the sling, prior to transitioning to other force options.

10. Preservation of Evidence

The investigation revealed that when officers approached the Subject to handcuff him, Officer C slid the knife away from the Subject with his foot to prevent the Subject from re-arming himself. In this case, it was understandable to move the knife because the risk of the suspect re-arming himself outweighed the benefits of leaving the evidence in place.

11. Command and Control

Sergeant B responded to the scene and assumed the role of IC. Sergeant B monitored the handcuffing of the Subject and obtained a PSS from Officer C.

Sergeant C responded to the scene and obtained a PSS from Officer A.

Detective A responded to the scene and obtained a PSS from Officer D.

Sergeant D responded to the scene and obtained a PSS from Officer B.

Sergeant E responded to the scene and obtained a PSS from Officer E.

The actions of these supervisors were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

- In conducting an objective assessment of this case, the BOPC determined that Officers A, C, and E's actions were a substantial deviation from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the BOPC found the tactics of Officers B and D were a substantial deviation, with justification, from approved Department tactical training.

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

The BOPC found Officers A, C, and E's tactics to warrant Administrative Disapproval. The BOPC found Officers D and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer C, as soon as he drove his police vehicle onto the driveway, he observed the Subject armed with a knife in his right hand and a wooden chair in his left hand. Officer C parked the police vehicle, exited, and drew his service pistol as he assumed a position behind his open driver's side door.
- According to Officer E, as he made his approach to the location, he observed Officer D with a beanbag shotgun and heard Officer C repeatedly ordering the Subject to put the knife down. Officer E then observed the Subject armed with a knife and felt that it was necessary to have another lethal force weapon deployed. He proceeded to place his beanbag shotgun on the floorboard of the driver's side of Officer C's police vehicle, drew his service pistol, and took a position to the right of Officer C.

- According to Officer B, he and his partner responded to a radio call of an Assault with a Deadly Weapon (ADW) in which the suspect reportedly stabbed the victim with a knife. As he exited his police vehicle and approached the scene, he drew his service pistol.
- According to Officer A, the Subject aggressively grabbed Victim B from behind and put the folding chair down. The Subject placed his right hand, which was still holding the knife, over her right shoulder and placed the blade of the knife directly up against her throat. Officer A made an assessment that the verbal commands were ineffective, the beanbag shotgun had failed and other force option tools did not appear reasonable. Believing that the Subject was about to kill Victim B, he placed his beanbag shotgun down on the driveway and drew his service pistol.
- According to Officer D, when the Subject went down to the ground after the OIS, his eyes were open and he moved a little. The knife was positioned right next to the Subject's hand. Believing the Subject was possibly going to grab the knife, Officer D drew his service pistol.

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

Therefore, the BOPC found Officers A, B, C, D, and E's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer A** – (Beanbag shotgun, four rounds)

The investigation revealed that Officer A discharged a total of four beanbag sock rounds from his beanbag shotgun. Officer A did not recall discharging the fourth beanbag sock round. The investigation revealed beanbag sock rounds three and four did not impact the Subject, nor any other person.

First Round

According to Officer A, the Subject was getting very close to him and his fellow officers, closing the distance to approximately 22 to 25 feet, while still armed with the knife. Believing he needed to protect himself and his fellow officers from the threat, posed by the Subject, of great bodily injury or possible death, Officer A decided to utilize the beanbag shotgun. He said, "Beanbag ready," and fired a single round from the beanbag shotgun, aimed at the Subject's breastbone, to stop his actions.

Second Round

According to Officer A, he observed the first beanbag sock round bounce off of the Subject's chest without any visible effect. The Subject continued to advance toward the officers while still armed with the knife. Officer A then discharged a second beanbag sock round from his beanbag shotgun, aimed at the Subject's center body mass, to stop his actions.

Third Round

According to Officer A, he observed the Subject facing he and the other officers, still holding the knife. The Subject continued to move backward, and Officer A believed the Subject was still a danger since he had already stabbed somebody and was still in a public area. Officer A fired one round from the beanbag shotgun, aimed at the Subject's upper body, striking the chair that the Subject was holding and using as a shield.

Fourth Round

The investigation revealed that Officer A fired a fourth round from the beanbag shotgun while transitioning to his service pistol. When this round was fired, the Subject had lowered the chair he was using as a shield. The Subject, who was still armed with a knife, started to move behind Victim B. His upper body and head were both exposed as he began to duck behind Victim B for cover. The round did not strike the Subject nor anyone else.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would have believed that the application of less-lethal force to stop the Subject's actions was objectively reasonable.

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

D. Lethal Use of Force

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

Rounds One through Six

According to Officer C, the Subject grabbed Victim B and put the knife to her neck. It appeared as if the Subject was trying to slice Victim B's neck by utilizing a sawing motion and that she was in extreme distress. Officer C noted the Subject maintained his head in close proximity to Victim B. In an attempt to obtain a better sight picture of the Subject, Officer C took one or two steps toward his left. Officer C's target was the right side of the Subject, specifically the right torso to abdomen

area. Officer C believed he had obtained a large portion of the Subject's body as a sight picture for his service pistol and that he had the best angle to utilize lethal force.

According to Officer C, he had an immediate decision to make. Officer C believed that Victim B was going to be killed by the Subject if he did not act. Officer C believed he had a good sight picture and decided to take action. Officer C fired six rounds from his service pistol at the Subject to halt his cutting of Victim B's neck.

Rounds Seven through Nine

According to Officer C, after firing his sixth round, the Subject began to release the knife from Victim B's neck, and he felt the shots were becoming effective. With the Subject still holding the knife, Officer C believed he needed to continue to try and stop the threat the Subject still posed to Victim B. Subsequently, Officer C fired an additional three rounds from his service pistol at the Subject to stop the threat, at which point the Subject fell to the ground.

- **Officer A** – (pistol, five rounds)

Round One

According to Officer A, the Subject put the blade of the knife directly against Victim B's throat. The Subject then raised his left hand and appeared to be holding the edge of the knife with his hand. Officer A believed the Subject was attempting to gain more leverage to pull the knife backward and cut Victim B's throat.

According to Officer A, Victim B was smaller statured and slightly offset in front of the Subject. Victim B's head was near the Subject's right chest area and the Subject was looking over Victim B's left shoulder. At this point, Officer A could see most of the Subject's head and a small portion of the left side of the Subject's upper torso. Believing the Subject was about to kill Victim B, Officer A fired one round from his service pistol at the left side of the Subject's face to stop the threat.

Round Two

According to Officer A, the placement of the Subject and Victim B's body positions changed as a result of the dynamic situation, which exposed the Subject's left upper torso and shoulder area. With the Subject still holding the knife to Victim B's throat, Officer A fired a second round from his service pistol at the Subject's left upper torso to stop the threat.

Rounds Three through Five

According to Officer A, the Subject moved to his right in such a manner that more of the right side of the Subject's torso was becoming exposed. Noting the Subject's

hands were still holding the knife pressed up against Victim B's throat area, Officer A fired three rounds from his service pistol at the right side of the Subject's torso to stop the threat at which point, the Subject fell to the ground.

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

According to Officer B, the Subject grabbed Victim B, assumed a position behind her and wrapped his right hand, which contained the edged weapon, across her neck. The Subject then placed his left hand onto the other side of the weapon and pulled back on the knife. Officer B did not believe he had a clear shot until he observed the Subject's left shoulder turn in his direction as he was being shot by other officers. Believing Victim B was going to be killed, Officer B fired two to three rounds from his service pistol at the Subject to stop the lethal threat. Both the Subject and Victim B fell down to the ground.

The BOPC noted that this was a dynamic, fast moving event involving a suspect who was holding a victim hostage at knifepoint. The total time elapsed during the officers' shooting sequence was determined to be approximately 3.7 seconds.

The BOPC reviewed the FID investigation, Officers C and D's DICVS, the BWV of all the involved officers, and a surveillance video recording of the incident.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, while faced with similar circumstances, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury to Victim B and based on Officer C's sight picture of the Subject, his lethal use of force, would be objectively reasonable.

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

Additionally, based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury to Victim B. The BOPC noted, however, that Officers A and B did not appear to have a viable sight picture of the Subject, and an officer of similar training and experience as Officers A and B, while faced with similar circumstances, would not find it reasonable to discharge their service pistol based on the extreme potential for the risk of injury to the hostage. As a result, the BOPC determined that the lethal use of force would not be objectively reasonable.

Therefore, the BOPC found Officers A and B's lethal use of force to be out of policy.