

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

OFFICER-INVOLVED SHOOTING – 041-18

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

Devonshire 6/20/18

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

Officer A	10 years, 4 months
Officer B	10 months
Officer C	17 years, 8 months
Officer D	18 years, 5 months

Reason for Police Contact

Officers received an “Ambulance Cutting” radio call at the location. The comments of the call indicated that a female victim had been stabbed in the stomach. On arrival officers confronted the Subject, who was armed with a large knife and did not comply with verbal commands. Less-lethal munitions were fired at the Subject, who advanced on the officer, resulting in an officer-involved shooting (OIS).

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

Subject: Male, 53 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.

The following incident was adjudicated by the BOPC on April 30, 2019.

Incident Summary

Witness A called 911 and advised Communications Division (CD) that a female neighbor had been stabbed in the stomach. CD broadcast the call for service on the police radio.

Uniformed Sergeant A advised CD to assign the call to him/her. Sergeant A ultimately arrived at the scene after the officer-involved shooting occurred.

Uniformed Police Officers A and B notified CD that they were responding to the call and backing up the primary unit.

Upon arrival at the location, Officer A's BWV depicts him/her approaching on foot. The victim was laying on the sidewalk on the corner of the street. Several neighbors approached Officer A and advised him/her that the Subject was inside a residence across the street, armed with a knife. Officer A determined that the victim had been stabbed.

According to Officer A's BWV, he/she advised Officer B to deploy the beanbag shotgun. Officer B's BWV depicted him/her retrieving the beanbag shotgun from the police vehicle and taking a position behind the front of a white sport utility vehicle (SUV) parked on the corner of the street, approximately 30 yards from the Subject's residence. Officer A took a position of cover behind the same vehicle, behind the right rear tire, unholstered his/her pistol, and held it in the low-ready position.

Uniformed Police Officers C and D were also assigned to the radio call and acknowledged that they would respond to the call and that they were equipped with a beanbag shotgun. They were the second unit to arrive at the scene. According to Officer D's BWV, they approached the Subject's residence. They initially parked their vehicle along the curb of the street. Officers C and D deployed on foot behind a parked vehicle on the side of the street, close to the Subject's residence.

According to Officer B, he/she could see the Subject in the doorway of his/her residence holding a knife in his/her right hand. Officer B advised Officer A that the Subject was in the doorway with a knife. Officer A gave the Subject commands to drop the knife.

Officer A's BWV shows him/her broadcasting that the Subject was at the front door, not responding to commands, and that he/she was in possession of a knife.

According to Officer A, he/she did not request a back-up, however, the reason for the broadcast was to let responding officers know that the Subject still had a knife so they could deploy properly.

Knowing that the Subject was in the front doorway of the residence and armed with a knife, Officer D advised Officer C to move the police vehicle in front of the Subject's residence to obtain a better position of cover. Officer C moved the officers' vehicle facing toward the front yard of the Subject's residence. Officer C obtained a position of

cover behind the driver's side door of the police vehicle. Officer C unholstered his/her pistol and held it while ordering the Subject to drop the knife.

According to Officer C, he/she did not see any other officers with a beanbag shotgun, so he/she holstered his/her weapon and deployed the beanbag shotgun from his/her police vehicle while maintaining his/her position behind the driver's side door.

Officer A continued to give the Subject multiple commands to drop the knife; however, the Subject was nonresponsive. As the Subject walked toward the officers and approached the curb area, Officer B re-deployed him/herself to the left of Officer A behind the rear of the white SUV. Officer A ordered Officer B to fire a beanbag shotgun toward the Subject.

According to Officer B, he/she aimed his beanbag shotgun at the Subject's stomach area, and, from a distance of approximately 20 feet, and fired one round, striking the Subject in the abdomen. The Subject continued to walk toward Officers A and B. Officer A once again ordered Officer B to fire a beanbag shotgun at the Subject, however the beanbag shotgun malfunctioned. Officer B was unable to load a second round into the chamber and verbalized that he/she had a malfunction.

According to Officer A, the Subject stated, "Just kill me," as the Subject walked toward Officer A and was halfway into the street.

According to Officer D, he/she deployed along the passenger side of his police vehicle and unholstered his/her service pistol. After Officer B fired his/her beanbag shotgun, Officer D holstered his/her pistol because he/she believed the officers needed another less-lethal option, and he/she unholstered his/her TASER. Officer D was aware that Officer A was designated the role of lethal cover. As Officer D was walking toward the closed front passenger door of his/her police vehicle for cover, the Subject continued to walk toward Officers A and B. Officer D took a position next to the passenger side of his/her police vehicle.

According to Officer D, he/she observed a beanbag round, which was fired by Officer B, strike the Subject; however, the Subject continued to walk toward Officers A and B. Officer D heard Officer B say that he/she had experienced a malfunction. Officer D aimed the TASER at the Subject's right rib cage area and activated the TASER in probe mode for a five second cycle, from approximately 12 feet. The Subject tensed up momentarily, but continued to walk toward Officers A and B. Officer D thought he/she activated the TASER a second time, however Officer D did not observe it having any effect on the Subject. Officer D stated he/she did not hear the TASER making any noise, leading him/her to believe the TASER malfunctioned.

The TASER activation report associated with Officer D's TASER indicated that he/she activated the TASER three separate times.

According to Officer C, he/she heard Officer B fire one beanbag round from his/her beanbag shotgun and observed the round make contact with the Subject. Officer C

believed it did not have any effect, so he/she aimed his/her beanbag shotgun at the Subject's mid-section, below the right ribcage area and fired one beanbag round from approximately 20-25 feet. Officer C stated he/she did not provide a use of force warning because he/she did not have time since the Subject was approaching the officers.

Officer C fired three rounds from his/her beanbag shotgun, striking the Subject three times on the right side of his upper body as he walked toward Officer A.

Officer C discovered that his/her beanbag shotgun experienced a malfunction after he/she fired the third round, as there was a shell that failed to extract from the chamber.

The Subject continued to walk toward Officer A. Officer A gave the Subject commands to stop and drop the knife, however the Subject continued to advance toward the officer with the knife. Officer A fired at the Subject from approximately 8-10 feet. As Officer A fired the rounds, the Subject continued to advance toward him/her, and Officer A backed away approximately five feet while firing at the Subject. Officer A stated that he/she stopped firing when the Subject fell to the ground. Officer A struck the Subject once in the abdomen and once in the left leg, causing him to fall to the ground

Officer A then broadcast that shots had been fired, he/she asked if there was a supervisor en route, and informed CD that they had a RA present at the scene. After Officer A fired his/her final round, the Subject fell forward onto his stomach and rolled over onto his back, in the street. The Subject then attempted to sit up, and Officers A and C ordered him not to move. According to Officer D's BWV, he/she activated the TASER for a one second burst, reset the TASER into the safe mode, then two seconds later, activated the TASER for another five-second burst. Officer D verbalized that his/her TASER had malfunctioned.

According to Officer D, he/she did not provide a use of force warning prior to the fourth and fifth TASER activations due to the fact that he/she was shocked that the Subject was trying to get up again, and he/she needed to act quickly.

As the Subject fell to the ground, after Officer A's final round, Officer B unholstered his/her pistol with his/her right hand while maintaining a grip of the beanbag shotgun with his/her left hand. Officer B held his/her pistol in the low-ready position in the direction of the Subject.

Officer B then holstered his/her pistol and set the beanbag shotgun behind him/herself due to the fact that it had malfunctioned. Officer B stated that he/she didn't want to sling it onto his/her back, because he/she believed that he/she was going to assist in taking the Subject into custody.

According to Officer B, he/she heard Officer D say that his/her TASER was not working. Officer B holstered his/her pistol and drew his/her TASER from its holster. Officer B stated that while the Subject was on the ground, the Subject placed his hands on the

ground and was attempting to get back on his feet. Officer A ordered Officer B to Tase the Subject.

According to Officer B, he/she aimed his/her TASER for the side of the Subject's back and activated the TASER in probe mode, from a distance of approximately six feet. Officer B did not see the knife after the Subject fell to the ground and believed it was possibly underneath the Subject or next to him/her. Officer B stated that he/she did not provide a use of force warning because it was not feasible due to the fact that the Subject continued to try to get up.

Uniformed Police Officers E and F responded to the location after the OIS, and Officer E handcuffed the Subject. The Subject was not resisting when he/she was handcuffed.

The Rescue Ambulance, staffed by Los Angeles Fire Department personnel who were already at the scene, treated the Subject for his/her gunshot wounds and transported him/her to a local hospital where he/she was admitted for gunshot wounds.

Sergeant A arrived at the scene after the OIS and made contact with the involved officers.

Sergeant B arrived at the scene shortly after Sergeant A and identified who was involved. Sergeant B immediately separated Officer A from the other officers at the scene, and requested additional supervisors to respond to the scene.

Sergeant C arrived at the location of the OIS. Sergeant C advised Officer A to turn off his/her BWV and obtained a Public Safety Statement from him/her.

Sergeant A was tasked with monitoring the three officers who deployed the TASER and the Beanbag Shotguns.

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

B. Drawing and Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officers B, C, and D's less-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officer A'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 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. Back-Up Request

Officer A did not request a Back-up unit after he observed that the Subject was armed with a knife.

In this case, Officer A was aware that an additional unit had arrived at the scene. Additionally, upon observing that the Subject was armed with a knife, Officer A advised CD to hold the frequency and then broadcast that the Subject was at the front door of the residence, the Subject was not responding to the officers' commands, and the Subject had a knife in his hand.

Although officers are given discretion regarding the appropriate time to request additional resources based on the ongoing tactical situation, a request for a back-

up unit would have been tactically advantageous based on the officer's observations and the information contained in the initial radio call broadcast.

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

2. Use of Force Warning

Officer A did not provide a Use of Force Warning prior to the deployment of less-lethal force options.

The BOPC majority noted that Officer A was the designated cover officer and did not use less-lethal force during this incident. According to Officers B, C, and D, they believed that once they were in a position to utilize less-lethal force, it was not feasible to give a Use of Force Warning because the incident was rapidly escalating, and the Subject continued to advance and close the distance while still armed with the knife.

The BOPC believed that although Officer A did not provide a complete Use of Force Warning, he/she did give the Subject numerous commands to stop and drop the knife, which satisfied the "command" portion of the Use of Force Warning. Officer A's commands were clear and concise, and the BOPC opined that the Subject had sufficient time and opportunity to comply with the commands and surrender peacefully without force or injury.

Based on the totality of the circumstances, the BOPC determined, that while identified as an area for improvement, Officer A, along with Officers B, C, and D's actions, were not a substantial deviation from Department policy and approved Department tactical training.

The investigation revealed that after the OIS, no Use of Force Warning was given when Officers B and D discharged their respective TASERs at the Subject to keep him from getting up off the ground. The BOPC determined, that based upon the totality of the circumstances this was reasonable and not a substantial deviation from Department policy or approved Department tactical training.

- The BOPC also noted the following:

1. Simultaneous Commands

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

2. Utilization of Cover

The investigation revealed that Officers B and D re-deployed from cover as they prepared to utilize less-lethal force options. In this case, the officers attempted to position themselves at the best angles possible to engage the Subject, while minimizing their exposure and optimizing the effective distance of their respective less-lethal tools. The officers were reminded that when confronting a Subject armed with a weapon other than a firearm, they should, if possible, place a barrier between themselves and the Subject.

3. Maintaining Service Pistol in Right Hand and Beanbag shotgun in Left Hand

The investigation revealed that Officer B drew his/her service pistol with his/her right hand while maintaining control of his/her beanbag shotgun in his/her left hand. Although the BOPC understood that Officer B was faced with a rapidly unfolding tactical situation and his/her actions were reasonable, Officer B was reminded to secure the beanbag shotgun before transitioning to his/her service pistol.

4. Maintaining Control of Equipment

The investigation revealed that Officer B placed his/her disabled beanbag shotgun on the ground behind him/her and then transitioned to his/her service pistol. Officer B was reminded of his/her responsibility to maintain control of his/her weapons at all times and to utilize the sling on the beanbag shotgun.

5. Command and Control

Sergeant A was the first supervisor to arrive at the scene and did not take control of the incident. Sergeant A did not assume the role of the Incident Commander (IC) and did not ensure that the scene was secure. Although Sergeant A briefly identified the involved officers, he/she did not order them not to discuss the incident and did not ensure that they were separated and monitored. As a result, the involved officers were left unattended for a period of time.

Sergeant B arrived shortly after Sergeant A. According to Sergeant B, upon arrival, he/she did not observe any other supervisors at the scene. He/she assessed the scene and observed that the situation was disorganized. Sergeant B subsequently assumed the role of the IC, identified the involved officers, and separated Officer A. Sergeant B requested additional supervisors and then began directing additional officers to secure the scene.

Sergeant B was then advised by an officer that the Subject's residence had not been cleared for additional victims. Based upon this information, Sergeant B directed officers assigned to the Devonshire Area, GED, to form a team and clear the residence. The BOPC noted that a supervisor did not accompany the search team while the officers cleared the residence.

Sergeant D arrived and met with Sergeants A and B. At that point, Sergeant B declared him/herself the IC and briefed Sergeants A and D on the situation. Sergeant B believed there was still an ongoing tactical situation and therefore, advised Sergeants A and D that he/she wanted to delay obtaining a PSS from Officer A until the residence was cleared.

Sergeant D then ensured the scene was secure, while Sergeant B ensured the involved officers were separated and monitored. Sergeant C arrived and obtained a PSS from Officer A.

The BOPC noted that Sergeants A and B had been supervisors for approximately eight months and six months, respectively.

The BOPC was critical of Sergeant A's actions during this incident and concluded that he/she did not demonstrate the level of control or supervision expected of a field supervisor. As a result, the BOPC determined, Sergeant A's lack of command and control during this incident substantially and unjustifiably deviated from approved Department supervisory training, and thus warranted a tactics finding of Administrative Disapproval. The actions of Sergeants B and D were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

The topic of Command and Control and expectations of supervisors during critical incidents was to be specifically addressed with Sergeant A during the Tactical Debrief.

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 that the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this case, the BOPC found that Sergeant A's actions were a substantial deviation, without justification, from Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, the BOPC found that Sergeants B and C, along with Officers A, B, C, and D's tactics did not substantially deviate from approved Department tactical training and therefore warranted a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer A, he/she assumed a position of cover behind the rear passenger side of a white SUV that was parked across from the Subject's position. Officer A then drew his/her service pistol.

According to Officer D, after exiting the police vehicle, he/she drew his service pistol and assumed a position of cover behind a vehicle parked along the side of the street.

According to Officer C, after exiting the police vehicle, he/she drew his service pistol and assumed a position of cover behind a vehicle parked along the side of the street.

According to Officer C, after re-positioning the police vehicle, he/she exited and observed the Subject walking towards Officers A and B. Officer C holstered his/her service pistol, grabbed the beanbag shotgun from his/her police vehicle and assumed a position of cover behind the open driver side door of his/her police vehicle.

A review of Officer C's BWV reflects that after exiting the police vehicle, he/she drew his service pistol prior to transitioning to his/her beanbag shotgun.

According to Officer B, as Officer A fired his/her service pistol at the Subject, Officer B observed that the Subject was still walking towards them. In fear for his/her life, Officer B drew his/her service pistol with his/her right hand and covered the Subject until he went to the ground.

According to Officer B, after the Subject was down on the ground, Officer B holstered his/her service pistol and advised Officer A that he/she was going to set his/her beanbag shotgun down because it was disabled. After setting his/her beanbag shotgun on the ground, Officer B covered the Subject while the officers waited for additional officers to arrive.

A review of Officer B's BWV reflects that after he/she set the beanbag shotgun on the ground, Officer B drew his/her service pistol and covered the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C and 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.

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

C. Less-Lethal Use of Force

- **Officer B** – (Beanbag shotgun, one super sock round)

According to Officer B, he/she observed the Subject walking slowly towards the officers with a knife. The Subject was not complying with their commands. Officer A then told Officer B to shoot the Subject with his/her beanbag shotgun. Officer B aimed for the Subject's stomach area and discharged one super sock round from his/her beanbag shotgun at the Subject to stop his/her actions.

- **Officer C** – (Beanbag shotgun, three super sock rounds)

According to Officer C, he/she heard Officer B discharge his/her beanbag shotgun and observed the super sock round bounce off the Subject's body. The super sock round was ineffective, and the Subject continued to walk towards Officers A and B. When the Subject reached the middle of the street, Officer C discharged one super sock round from his/her beanbag shotgun at the Subject's mid-section, to stop the threat.

According to Officer C, he/she assessed and observed that his/her super sock round did not have any effect. The Subject continued to walk towards Officers A and B. Officer C then discharged a second super sock round from his/her beanbag shotgun, at the Subject's mid-section, to stop the threat.

The investigation revealed that Officer C discharged a total of three super sock rounds from his/her beanbag shotgun. According to Officer C, he/she did not remember discharging the third super sock round.

- **Officer B** – (TASER, one activation)

According to Officer B, the Subject placed his arms or his hands on the ground to prop himself up to try and get up. The Subject was not complying with the officers' commands to stay down and not to move. Officer B did not see the knife when the Subject fell to the ground and believed it was possibly underneath the Subject or in the immediate vicinity.

A review of Officers A and B's BWV reflects that when Officer C approached the Subject and kicked the knife away from him, Officer B had turned around, away from the Subject and the other officers, to place his/her beanbag shotgun onto the ground.

According to Officer B, he/she heard Officer D advise that his/her TASER was not working or was not effective. Officer A then advised Officer B to discharge the TASER at the Subject. At that point, Officer B holstered his/her service pistol and deployed his/her TASER. Believing that the Subject was moving around to search for the knife to harm them, Officer B discharged his/her TASER, in probe mode, to stop the threat.

- **Officer D – (TASER, five activations in two sequences)**

First Sequence – Three activations, in probe mode.

According to Officer D, he/she heard a beanbag shotgun go off and observed the Subject flinch slightly. Officer D assessed and observed that the Subject did not go down and continued to walk off the sidewalk and into the street towards Officers A and B. Officer D then heard Officer B advise that his/her beanbag shotgun had a malfunction.

According to Officer D, the Subject was not listening to Officer A's commands to stop and drop the knife. Officer D then re-deployed slightly to his/her right to get a better angle in case he/she needed to discharge his/her TASER. The Subject was now about halfway in the street and was holding the knife down to his side. At that point, Officer D observed that he/she had an open shot to the Subject's rib cage area and discharged his/her TASER at the Subject, in probe mode, to stop the threat.

According to Officer D, he/she assessed and observed the Subject flinch, but he did not go down. The Subject continued to walk forward, towards Officers A and B. Officer D then activated his/her TASER a second time, in probe mode, to stop the threat.

The investigation revealed that there was a total of three five-second activations, in probe mode, from Officer D's TASER.

Second Sequence - Two activations

According to Officer D, he/she was standing behind the Subject when he/she observed the Subject prop himself up like he was going to try to roll over and stand up again. Officer D believed that the Subject could still be armed with another knife or other weapons. Believing that the Subject was trying to either get to the officers or the other civilians and victims who were behind him, Officer D activated his/her TASER, in probe mode, to stop the threat.

According to Officer D, his/her TASER did not sound right, so he re-set the TASER. Officer D then activated his/her TASER again, in probe mode, to stop the threat.

The investigation revealed that Officer D activated his/her TASER for a one-second cycle and then placed the TASER into safe mode. Approximately two seconds later, he/she re-armed his/her TASER and activated it again for a five-second cycle.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers B, C, and D, while faced with similar circumstances, would believe the application of these less-lethal force options to stop the Subject's actions were objectively reasonable.

Therefore, the BOPC found Officers B, C, and D's less-lethal use of force to be objectively reasonable and In Policy.

D. Lethal Use of Force

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

According to Officer A, the less-lethal tools were not working, and the Subject continued to close the distance on him and Officer B. The Subject was not responding to the officers' commands to stop and drop the knife. In fear for his/her safety, the safety of his fellow officers, and the safety of the civilians and LAFD personnel that were behind him/her, Officer A re-deployed backwards approximately five feet, and fired six rounds from his/her service pistol at the Subject to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject'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 A's lethal use of force to be In Policy.