

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

OFFICER-INVOLVED SHOOTING – 043-12

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

West Los Angeles 06/17/12

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

Officer A 3 years, 9 months
Officer B 1 year, 6 months
Officer C 3 years, 1 month
Officer E 7 years, 2 months

Reason for Police Contact

Officers responded to a disturbance call. The Subject was armed with a knife and threatened the officers, resulting in an officer-involved shooting.

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

Subject: Male, 22 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, 2013.

Incident Summary

On the date of this incident, the Subject was in his bedroom, when Witness A and Witness B entered the room to discuss a comment he made to Witness A the night before. Witness B approached the bed and requested the Subject to get up so they could talk. The Subject became upset, verbally abusive, and began to argue. At one point, the Subject retrieved a bottle of rum near the front of his bed and began to drink it in front of Witnesses A and B, which escalated the situation to further argument. Ultimately, the Subject drank the contents, retrieved a second bottle, and began to pour it over Witness B's head. Witness B directed Witness A to call the police. The Subject then started to threaten the two by stating he was going to stab them with a knife or whoever else got in his way. At this point no knife was seen.

Witness A remained in the room, phoned the Los Angeles Police Department (LAPD) Communications Division (CD) emergency 911 operator and requested that the police respond to assist in removing the Subject from the location.

After Witness A hung up the phone, the Subject told her that if the police responded, he would stab himself and anyone in his way.

Los Angeles Patrol Division uniformed Police Officers A and B received the CD call, arrived at the scene and notified CD via their MDC they were Code-6. The officers walked to the apartment and each took a position outside of the apartment door with Officer A to the right and Officer B to the left. Prior to knocking, the officers listened for any activity inside the apartment. According to Officer A, he heard two males inside the apartment arguing but could not decipher what was being said. Officer A waited approximately five to seven seconds and then knocked on the door.

Witness B heard the knock, left the bedroom and walked to the front door. As Witness B left the bedroom, the Subject removed two knives with eight-inch serrated blades from a dresser located along the east wall of the bedroom. Witness A told the Subject to put the knives down and asked him what he was going to do. The Subject replied that he was going to hurt himself.

Meanwhile, Witness B opened the front door and met with the officers. After a brief discussion, Witness B directed the officers to the Subject's bedroom. At this point, the officers did not know the Subject was armed with two knives. As the officers reached the open bedroom door, according to Officer B, Witness B told him the Subject had two knives.

Witness A was standing just inside the threshold of the bedroom. Officer A took a position to the right side of the door and Officer B took a position to the left. Witness A was pleading with the Subject to put the knives down. Officer A could see the Subject was shirtless in the mirror that was hanging on the west wall of bedroom. Officer A also noticed the Subject place a knife into the waistband area of his boxer shorts, after which he saw the Subject holding two additional knives, one in each hand. Officer A advised his partner of what he observed and, while ordering the Subject to drop the knives,

unholstered his pistol. According to Officer A, the Subject stated that if they entered the room, he would kill them, as he waved his knives around.

According to Officer B, when he first started talking to the Subject, he immediately raised the knives, stretched his arms out and flexed his muscles. Officer B saw the Subject wearing a sleeveless shirt standing near the east side of the bedroom in front of a dresser that was located between two beds. Officer B unholstered his pistol and observed the Subject remove a pair of shorts from a plastic bag that had been on the floor near the dresser and put them on.

Note: The officers had Witness A exit the bedroom and go into the living room, where Witness B was located.

Officer A told the Subject that the officers were there to help him and to drop the knives. The Subject did not comply with the orders. Officer A requested a backup unit for a male with mental illness armed with knives. The officers continued to order the Subject to drop the knives, and he began chanting that if the officers entered the room, he would kill them.

The Subject faced the officers and raised both knives away from his sides into a cross like position and told the officers to shoot him. Officer B told him that he didn't want to hurt him and pleaded for him to put the knives down so that he wouldn't get hurt. The Subject continued to curse at the officers and refused to drop the knives.

Officer B holstered his pistol then unholstered his Thomas A. Swift Electric Rifle (TASER). Officer B then told the Subject that the officers were there to help him and for him the knives or he would be tased. The Subject refused to drop the knives and continued to yell at the officers to shoot him.

Meanwhile, Officers C and D arrived at scene. Prior to exiting the vehicle, Officer C armed himself with a TASER. The TASER had been in a holster that was hanging from the spotlight handle inside the right front passenger door. Both officers responded to the apartment to assist.

As they entered the apartment, Officer D approached Witnesses A and B, who were now standing in the kitchen, while Officer C walked over to Officer A. Officer A told Officer C of the Subject's actions and that he was armed with two knives. Officer C looked through the opening of the bedroom door and saw the Subject standing between both beds holding two knives. The three officers formulated a plan, which was for Officer A to remain the cover officer and Officers B and C to be the less-lethal officers.

Officer D was advised of the plan, after which he told both Witnesses A and B that they had to leave the apartment. Both witnesses refused to leave. Officer D told them that it was not an option, grabbed each by an elbow and escorted them out of the apartment to the walkway. Officer D returned to the living room and took up a position

approximately four feet inside of the front door. Not knowing if the kitchen had access to the Subject's bedroom, Officer D unholstered his pistol, and covered the kitchen area.

Officers A and C told the Subject that they wanted to help him and to put the knives down. They advised him that if he did not put the knives down he would be tased. As the Subject began to cut both of his wrists, he approached the bedroom door and slammed the bedroom door shut. According to Officer C, when the Subject approached the bedroom door, he struck the outer door handle with a knife then closed the door. Officer C said that Officer A opened the door until it stopped against the bed. The officers continued to order the Subject to drop the knives. The Subject approached the door a second time and, according to Officer C, again struck the outer door handle with a knife and then shut the door. According to Officer C, he opened the door and in doing so, saw the Subject standing between the beds cutting his wrists. According to Officer B, he then called for a Rescue Ambulance (RA) to respond.

The officers remained just outside of the bedroom and continued to order the Subject to drop the knives. The Subject defied the order and continued to cut his wrists. According to Officer C, he and Officer A did not want to wait anymore and they decided to enter the bedroom. Officer A told the Subject to put the knives down. The Subject did not comply and began walking towards Officer C, at which time Officer A told Officer C to deploy the TASER.

Officer C discharged the TASER from a distance of five to seven feet, striking the Subject in the front upper torso. According to Officer C, the Subject fell to the floor and onto his back. After the five second activation, the Subject, while still holding the knives, attempted to stand up. The Subject was on his left knee when he appeared to lunge towards Officer C. Officer C activated the TASER a second time, causing the Subject to fall down onto his left side. After the five-second activation, the Subject began to stand up again as he attempted to cut the TASER wires. Officer C activated the TASER a third time. The TASER appeared to have no effect on the Subject, who, while still trying to cut the TASER wires, had now stood up.

Officer B then unholstered his TASER and discharged it from a distance of approximately eight to nine feet. Officer B believed the darts may have struck the Subject in the stomach; however, the TASER appeared to have no effect. The Subject stepped towards the officers, slashing both knives in front of him as he yelled at the officers. Officer B activated the TASER two more times but it still had no effect. After the third activation, Officers B and C backed out of the room. Officer C placed his TASER on a table just outside of the bedroom door and unholstered his pistol. The Subject, still armed with the knives, remained in the room. According to Officer C, the officers wanted to enter the bedroom to help the Subject but feared they would be stabbed.

According to Officer A, he directed Officer D to get a beanbag shotgun. Officer D, believing that Officer A asked him to get additional TASER cartridges, holstered his pistol and returned to his police car. As Officer D ran to his car, Officer E arrived on

scene. Officer E removed his beanbag shotgun from the trunk, and responded to the apartment, followed by Officer D.

As Officer E approached the front door with the beanbag shotgun, Witness B observed him and thought he was going to shoot the Subject. Witness B became visibly upset, and Officer D intervened to calm him down. Officer D explained the purpose of the beanbag shotgun and directed Witness B away from the front door. Witness B became aggressive and Officer D had to grab him by his right elbow to pull him away from the door. Witness B raised his right arm and clenched his right hand into a fist.

Officer A saw what occurred and approached Witness B. Officer A pushed Witness B in the chest with his right hand and told him to get back. Witness B fell back into some potted plants just outside of the apartment.

Meanwhile, Officer E approached Officers B and C, who were standing at the bedroom door still giving commands to the Subject to drop the knife. Officer E was briefed of the situation and told that the Subject had been tased several times but it was ineffective. Officer E suggested that they try the beanbag shotgun. Officer E took Officer B's position at the left side of the door and could see the Subject in the bedroom standing between the beds and noted there was blood everywhere. According to Officer E, the Subject began to slice his neck with the knife.

Officer E attempted to establish a dialog with the Subject and tried to convince him to stop cutting himself. However, the Subject continued to cut his neck. Officer E decided to utilize the beanbag shotgun to try and stop the Subject from cutting himself any further.

According to Officer C, Officer E said "Beanbag standby," then chambered a round. The Subject was warned he would be shot with the beanbag shotgun if he did not drop the knives.

Officer E stepped into the bedroom and faced the Subject, who was still standing between the beds. Officer E fired one supersock round from a distance of approximately 10 to 12 feet, striking the Subject in the front mid-torso area. The round did not appear to have an effect, and Officer E backed out of the bedroom. Officers E and C told the Subject to drop the knives, but he failed to comply. Officer E chambered an additional round, entered the bedroom and fired the second round from the same distance, striking the Subject in the front mid-torso area. The Subject raised both knives above his head and walked toward Officer E.

Officer E chambered a third round as the Subject advanced toward him. Officer E took two steps backwards and fired a third round from a distance of approximately one foot from the muzzle end of the barrel. The round had no effect. Officer E attempted to chamber a fourth round but the shotgun jammed. As that occurred, the Subject took the knife in his right hand and plunged it downward toward Officer E. Officer C, fearing that

Officer E was going to be stabbed, raised his pistol and fired one round from a distance of approximately five feet.

The round struck the Subject in the left rib area. The Subject moved away from Officer E to the east side of the room and then sat down on the bed against the south wall. However, he still maintained control of the knives. Officer E, not being able to chamber a fourth supersock round, manually ejected the expended shell casing by pushing the slide release down, pulling the slide back and opening the action.

Officer E chambered a fourth round, exited the bedroom and joined Officer C at the bedroom door. Officer C told the Subject to drop the knives and assured him they were there to help him and that a RA was on its way. The Subject just muttered that he wanted to end it and continued to cut himself. By this time, the Subject had lost a substantial amount of blood.

Officer E looked through the opening between the door and door frame and saw that the Subject, who was seated on the bed, had pushed the blade of a knife into his throat. Officer E told the other officers that the Subject was going to kill himself if they did not go in. Officer E stepped into the bedroom just past the threshold of the door and fired a fourth super-sock round from a distance of approximately seven feet, striking the Subject in the left elbow. The Subject did not drop the knives. Officer E backed out of the bedroom. According to Officer A, the Subject was yelling at the officers he was going to kill them if they entered the room.

After Officer E fired the fourth super sock round, Sergeant A arrived and entered the apartment. Sergeant A was briefed by the officers about the circumstances and the different levels of force that had been used. After learning none had been successful, he asked if they had tried OC (Oleoresin Capsicum). The officers told him no and, according to Sergeant A, an unknown officer questioned if they should use it inside. Sergeant A took into account that the Subject was in a confined space, the front door was open for ventilation and, if one or two officers were affected by the OC, he still had enough officers present to replace them. Sergeant A then provided Officer B with his can of OC. According to Sergeant A, Officer B asked him if he should use the OC, to which Sergeant A replied yes.

Sergeant A stepped back to the front door, where he met with Sergeant B. Sergeant A advised Sergeant B of the situation and that he was going to go outside and telephonically contact Metropolitan Division.

Officer B entered the bedroom followed by Officer C. Officer C held the back of Officer B's belt with his left hand and maintained his pistol in his other hand in a one-hand low ready shooting position. Officer B saw the Subject standing between the beds and approached to within two to three feet of the Subject. Officer B called out the Subject's name. The Subject looked towards Officer B at which time he sprayed a two second burst of OC in his face. The Subject raised the knife in his right hand up and, at that point, Officer C pulled Officer B out of the room. The Subject sat back down on the bed

along the south wall and continued to cut himself. Officer A, who was standing just south of the bedroom door, was overcome by the OC and holstered his pistol and exited the apartment.

Officers B, C and E remained at the bedroom door and monitored the Subject. Moments later, Sergeant B joined the officers at the door. Sergeant A broadcast a request for an additional beanbag shotgun to be brought to the location.

The officers and sergeant continued to tell the Subject to drop the knives and that an ambulance was on its way. Officers E and B suggested to Sergeant B that they should get additional officers to respond with gas masks.

Moments later, Officers F and G arrived at scene. Officer F responded to the inside of the apartment while Officer G remained outside. As Officer F entered the apartment he was immediately overcome by the OC fumes. Officer F returned to his police car where he retrieved and put on his gas mask.

Officer F returned to the apartment and joined Officers B, C, D and E, along with Sergeant B near the bedroom doorway. The officers heard what they believed was the sound of the knives dropping to the floor. Officer E looked between the door and door frame and saw the Subject on the bed on his left side. Officer C entered the room and discovered that the Subject had dropped the knives to the floor and alerted the other officers. Officer C then used his right foot and moved the knives out of the Subject's reach.

Sergeant B ordered the officers to go into the room. Officer E handed his beanbag shotgun to Officer B, after which he and Officers B, D and F entered the room. Officer E placed the Subject on the floor where he was handcuffed by Officer F. Officer C then holstered his weapon. The officers noticed a severe laceration to the left side of the Subject's neck, retrieved a towel, and gave it to Officer F. Officer F then applied direct pressure to the wound. Officers C and F then carried the Subject out of the apartment and to the walkway leading to the street. The officers laid the Subject on the walkway and continued first aid. Sergeant A broadcast that the incident had been resolved and requested that the RA be brought in.

Note: According to Sergeant A, he canceled his request for SWAT after the Subject was taken into custody.

Los Angeles Fire Department (LAFD) personnel, who had been at scene, were directed to approach the Subject by LAPD officers. Upon their arrival, Firefighter/Paramedic A began treating the Subject for his injuries. While cutting off the Subject's clothing, a knife fell out of his pants and onto the ground. The Subject was placed onto a gurney and transported to a local hospital.

As the RA left the location, Sergeant A had the officers who were in the apartment gather on the walkway near the parking lot of the apartment building. Sergeant A

ordered other officers to establish the crime scene, after which he telephonically contacted Lieutenant A and advised him of the incident.

Note: Following the OIS, Witness C (the apartment manager) was interviewed by Force Investigation Division (FID). According to Witness C, he observed officers entering the apartment next to his and heard officers shouting, "Get down. Get down. Don't move. Get down. Drop it. Drop it." While officers were inside of the apartment, Witness C recalled hearing three or four popping noises.

Sergeant C had responded to the scene and remained on the perimeter until he heard the Code-4 broadcast. Upon hearing the Code-4 broadcast, Sergeant C walked up to a group of four to five officers who were standing in the driveway area in front of the apartment complex. The officers appeared to have a difficult time breathing due to the effects of the OC spray. Sergeant C asked them if they were okay, as well as who had fired their weapon.

Officer C identified himself as the involved officer. Sergeant C separated Officer C from the group and obtained a Public Safety Statement.

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). 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 unanimously made the following findings.

A. Tactics

The BOPC found Sergeant A's tactics, as well as those of Officers A, B, C and E to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officers A and B's use of non-lethal force to be in policy.

D. Less-Lethal Use of Force

The BOPC found Officers B, C and E's use of less-lethal force to be in policy

E. Lethal Use of Force

The BOPC found Officer C's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical consideration:
 1. Subjects Armed With Edged Weapons

In this instance, Officers A, B and C entered the bedroom in an effort to prevent the Subject from harming himself further. Officer A instructed the Subject to drop the knives. The Subject ignored the officers' commands and began to walk toward Officer C. Officer C deployed the TASER from a distance of approximately five to seven feet, striking the Subject in the upper torso area. According to Officer C, the Subject fell to the floor, and at the conclusion of the initial activation, the Subject stumbled and attempted to stand up. Officer C conducted a second and third TASER activation, at which time the Subject attempted to cut the TASER wires with a knife. Officer B subsequently fired his TASER, from a distance of approximately eight to nine feet, striking the Subject on the abdominal area. Officer B observed that the TASER was ineffective and utilized a second activation in an attempt to subdue the Subject. Officers A, B and C realized that the TASER was ineffective and redeployed to the doorway of the bedroom.

Officers A, B and C's decision to enter the location was based on the opinion that the failure to take action would have grave consequences for the Subject. Officers A, B and C utilized the available resources at their disposal in a heroic effort to disarm the Subject and save his life. A tactical plan was formulated, and less-lethal and lethal force options were available to ensure the tactics were successful.

On the other hand, Officers A, B and C placed themselves at a tactical disadvantage by entering a room without any barriers between themselves and the Subject. Furthermore, the less-lethal force tools were utilized on an individual armed with two knives at a distance of less than 10 feet. Nevertheless, Officers A, B and C placed themselves in a position that afforded them the best

position available that would facilitate a hasty exit from the bedroom. Consequently, the officers were able address the Subject with a plan that minimized unnecessary exposure.

In conclusion, the BOPC determined that, based on the totality of the circumstances and evaluating the actions of the officers, although improvement could be made, the decision to enter the bedroom did not represent a substantial deviation from approved Department tactical training.

2. Tactical Communication

In this instance, Officers C and E formulated a tactical plan to subdue the Subject and take him into custody. Officer C was designated the lethal cover officer while Officer E utilized the beanbag shotgun. Officer E informed the Subject that he would be shot by the beanbag shotgun if he did not drop the knives. The Subject failed to comply with Officer E's directions and, subsequently, Officer E stepped into the bedroom. Officer E faced the Subject and fired one sock round, from a distance of 10-12 feet, at the Subject's front mid-torso area. The Subject appeared unaffected and Officer E exited the bedroom. Officers C and E continued to verbalize with the Subject and ordered him to drop the knives. The Subject failed to comply with the officer's directions and Officer E entered the bedroom for the second time. Officer E fired an additional sock round at the Subject's mid-torso area from the same distance. The Subject suddenly raised both knives over his head and began to advance toward Officer E. Officer E took two steps backward and fired a third sock round at the Subject from a distance of approximately one foot from the end of the beanbag shotgun barrel. Officer E chambered a fourth round and attempted to fire it at the Subject, but the weapon malfunctioned. As that occurred, the Subject lunged at Officer E with a knife that he held in his right hand.

Simultaneously, Officer C, who was standing at the threshold of the bedroom door, observed the Subject advancing toward Officer E while armed with the knives. Officer C, fearing that Officer E was going to be stabbed, fired one round from his service pistol from a distance of approximately five feet. The Subject was struck by the round and moved back to the opposite side of the room and assumed a seated position on the bed. The Subject, while seated on the bed, maintained control of both knives.

Operational success is based on the ability of the officers to effectively communicate. 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. Generally, when officers are confronted by a Subject armed with a knife or edged weapon, the primary concern should be utilization of lethal force to protect the affected officers. A sound tactical plan should be implemented to ensure minimal exposure to the officers while maintaining a distinct tactical advantage. Officers C and E formulated a tactical

plan to enter the bedroom and subdue the Subject and stop his suicidal behavior. In this instance, Officer E was placed at a tactical disadvantage by exposing himself without the benefit of lethal coverage for a brief period of time. Officers C and E's tactical advantage would have improved by their ability to communicate their observations relative to the Subject's location and actions.

In conclusion, the BOPC determined that based on the totality of the circumstances and evaluating the actions of the officers, although improvement could be made, Officers C and E's tactical communications did not substantially deviate from approved Department tactical training.

3. Command and Control

In this instance, Sergeant A was apprised of the various less-lethal force options utilized to disarm the Subject. Additionally, Sergeant A was advised that all available options had been utilized with negative results. Consequently, Sergeant A inquired if Oleoresin Capsicum (OC) had been utilized. Officer B replied no, and subsequently Sergeant A gave Officer B his OC spray and advised Officer B that he should spray the Subject. Officer B entered the bedroom with Officer C providing cover. Officer B called the Subject's name, the Subject looked up at Officer B, and Officer B dispersed a two second burst of OC spray toward the Subject's facial area. Subsequently, Sergeant A exited the location and conducted a telephonic communication to Metropolitan Division regarding a possible barricaded suspect inside the apartment.

A line supervisor must possess quick thinking skills when faced with a multitude of challenges. During this incident, the officers had discussed and utilized various methods to safely subdue and take the Subject into custody. Sergeant A, realizing that all conventional means of less-lethal force had been utilized, decided the best available option was the use of OC. Cognizant of the fact that OC can have a detrimental effect on the officers at scene, Sergeant A decided to proceed with the OC option. Consequently, the OC was utilized and numerous officers were placed in a position where their environment was compromised as a result of the chemical effects of the OC. In this situation it would have been tactically advantageous for Sergeant A to utilize the benefit of time, which would have increased the likelihood of operational success.

In conclusion, the BOPC determined that based on the totality of the circumstances and evaluating the actions of Sergeant A, although improvement could have been made, his decision to direct Officer B to utilize OC did not substantially deviate from approved Department tactical training.

4. Searches of Subjects and Arrestees

In this instance, Officer E entered the bedroom and placed the Subject on the ground. Officer F handcuffed the Subject and administered first aid to the knife

wound on the Subject's neck. Officers C and F carried the Subject into the hallway when LAFD arrived and initiated medical aid. LAFD paramedics cut away the Subject's clothing, at which time a third knife fell from the Subject's pants onto the ground.

Officers are required to balance the need for a timely search for weapons against the necessity to administer immediate lifesaving first aid. In this instance, the officers were faced with a Subject who had sustained significant injuries as a result of repeatedly stabbing and cutting himself. Furthermore, the Subject was in medical distress and had sustained a significant amount of blood loss. The officers, in their haste, neglected to properly search the Subject and secure a knife that was in his pants. A search of the Subject would have ensured scene safety for all personnel in the immediate vicinity.

In conclusion, the BOPC determined that based on the totality of the circumstances and evaluating the actions of Officers C, E and F, although improvement could be made, the search of the Subject did not substantially deviate from Department tactical training.

Note: Officer F's involvement in this incident was limited to the aforementioned actions. As such he does not have any formal findings specific to tactics.

- The BOPC additionally considered the following:

1. Less-Lethal Warning

It is unclear if the less-lethal warning was issued prior to the firing of the beanbag shotgun. Officer C recalled hearing Officer E give a Garner warning. When questioned by FID detectives, Officer E stated that he did not give a less-lethal warning. Although a Garner warning was given for the use of the TASER, the BOPC found that officers should have issued a warning for the use of the beanbag shotgun.

2. Simultaneous Commands (Non-conflicting)

In this instance, the investigation revealed that there were multiple officers that issued commands throughout this incident. The officers are to be reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

3. Preservation of Evidence

In this instance, Officer B downloaded the beanbag shotgun prior to inspection by FID. The officers are to be reminded that in most situations, it is preferred that officers not manipulate or download any weapons system prior to inspection by FID.

4. TASER Deployment/Maintaining Equipment

Officer C placed the TASER on a table inside of the Subject's apartment before he transitioned to lethal force. Officer C did not have a TASER holster on him during the incident. According to Officer B, he was aiming for the Subject's legs with the TASER device.

- 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.

After a thorough review of the incident, it was determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

In conclusion, the BOPC found Sergeant A's tactics, along with those of Officers A, B, C and E, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officers A, B and C made contact with the Subject who was inside of his bedroom armed with two kitchen knives. The Subject was aggressive and threatening to harm officers and began to cut himself with his knives. The Subject disobeyed commands to drop the knives.

According to Officer A, as soon as he got close to the threshold of the door, he could see the Subject place a knife in his boxer shorts. The Subject then armed himself with two additional knives, one in his left hand and one in his right. Officer A let his partner know what he saw and then unholstered his weapon. Officer A began giving commands to the Subject to put the knives down and advised him that the police were there to help him.

According to Officer B, he looked through the side of the door and saw the Subject with two knives. Officer B immediately told his partner and drew his weapon.

As the incident progressed and the TASER was ineffective, Officer C transitioned from less-lethal (TASER) to lethal force (cover officer), and drew his service pistol while Officer E deployed the beanbag shotgun.

According to Officer C, the officers had already tried tasing the Subject, but it was ineffective. Officer C recalled hearing Officer E say that they should try the beanbag

shotgun. Officer C concurred and, at that time, he withdrew his weapon to cover Officer E.

The BOPC determined that officers with similar training and experience as Officers A, B and C, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force might be justified.

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

C. Non-Lethal Use of Force

- **Officer A – Front push with right hand**

Officer E approached the front door of the Subject's residence with a beanbag shotgun. Witness B became upset because he believed the officers were going to shoot the Subject. Witness B attempted to aggressively enter the apartment, disobeying officers' commands. Officer A used his right hand to push Witness B in the chest, knocking him backward.

According to Officer A, he believed if Witness B entered the location, it would not be good, as he would have been in danger. According to Officer A, he approached the door and pushed Witness B back with his right hand and told him to get back.

The BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the use of non-lethal force would be appropriate in order to prevent Witness B from entering the apartment and adding to the already complex tactical scenario.

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

- **Officer B – Oleoresin Capsicum (OC) spray**

As the incident progressed, the Subject began to cut himself in the hand and throat. Based on all other force types being ineffective in stopping the Subject's actions, Sergeant A handed Officer B his OC spray and advised Officer B that he should spray the Subject. Officer B entered the bedroom with Officer C providing cover. When Officer B called the Subject's name, the Subject looked up at Officer B and Officer B dispersed a two second burst of OC spray toward the Subject's facial area.

According to Officer B, Sergeant A inquired if the officers had tried to pepper spray the Subject and Officer B replied no. According to Officer B, Sergeant A gave him some OC spray and asked if he wanted to try it. Officer B recalled saying yes and

pushed the door, went into the room and called the Subject's name. According to Officer B, as the Subject looked at him, he sprayed him in the face.

The BOPC determined that an officer with similar training and experience as Officer B would reasonably believe that the use of non-lethal force in an attempt to prevent the Subject from further injuring himself would be justified.

In conclusion, the BOPC found Officer B's use of non-lethal force to be objectively reasonable and in policy.

D. Less-Lethal Use of Force

- **Officer B** – Three TASER activations

In this instance, Officer B observed Officer C deploy his TASER on three separate occasions. The Subject, utilizing one of the knives in his hand, cut the TASER wires, thus disabling the TASER. Officer B, while standing adjacent to Officer C, deployed his TASER at the Subject at a distance of eight to nine feet. The darts struck the Subject and did not appear to have any effect. Officer B observed that the TASER was ineffective, removed and replaced the TASER cartridge, and deployed the TASER two additional times.

Officer B recalled that the Subject somehow removed the darts, so he put another cartridge in and deployed the TASER a second time. Officer B observed that the second and third activations were ineffective, at which time Officers A, B and C backed out of the room.

The BOPC determined that an officer with similar training and experience as Officer B, while faced with similar circumstances would reasonably believe that it would be unsafe to approach the Subject and that the use of less-lethal force would be reasonable to stop his actions.

In conclusion, the BOPC found Officer B's application of less-lethal force to be objectively reasonable and in policy.

- **Officer C** – Three TASER activations

In this instance, Officer C gave the Subject numerous verbal commands to drop the knives. The Subject did not comply with Officer C's commands and began to cut both his wrists. The Subject closed the bedroom door with the knives in hand and one of the officers opened the door. All three officers entered the bedroom and continued to give the Subject verbal commands to drop the knives. The Subject, still armed with the knives, disregarded the officers' commands and began to walk toward Officer C. Officer C fired the TASER darts at the Subject from a distance of approximately five to seven feet, striking the Subject in the front upper torso.

According to Officer C, he ordered the Subject to drop the knives and told him that the officers were there to help him, but he didn't comply. According to Officer C, when the Subject took a step forward, he heard Officer A telling him to tase the Subject and upon doing so saw the Subject fall to the floor.

The Subject fell to the floor while still holding the knives, resulting in a second activation of the TASER. Officer C recalled that from five to seven feet, the Subject fell to the ground. According to Officer C, the Subject clenched the knives in his hands and held them to his chest, so he activated the TASER for five seconds.

As the incident progressed, the Subject refused to drop the knives and attempted to stand, resulting in Officer C activating the TASER a third time. According to Officer C, when as the Subject attempted to get up, the officers ordered him to drop the knives, but when he refused, Officer C deployed the TASER again.

The BOPC determined that an officer with similar training and experience as Officer C, while faced with similar circumstances would reasonably believe that it would be unsafe to approach the Subject and that the use of less-lethal force would be reasonable to stop his actions.

In conclusion, the BOPC found Officer C's application of less-lethal force to be objectively reasonable and in policy.

- **Officer E – Four Beanbag Shotgun rounds**

After being advised that multiple TASER activations had been ineffective, Officer E observed the Subject begin to cut his neck with a large knife. In an attempt to stop the Subject from seriously injuring himself, Officer E fired one round from his beanbag shotgun at the Subject's front torso area.

According to Officer E, he turned the corner and could see the Subject standing with blood everywhere, and observed the Subject slicing his neck with the knife. According to Officer E, because the officers had already tased the Subject and in order to save his life, he fired one beanbag round at the Subject's right mid-torso area, but it had no effect.

The Subject was not affected; he ignored verbal commands and continued cutting his neck, resulting in Officer E firing an additional beanbag shotgun round at the Subject. Officer E recalled that the officers started talking to the Subject more and he fired one additional round.

The Subject then started to walk toward Officer E with at least one knife in each hand. To stop the Subject's advance, Officer E fired a third beanbag round from approximately one foot away.

According to Officer E, as he got to the threshold, the Subject was walking toward him and he fired his third round. Officer E recalled that the weapon jammed and the ejector wouldn't work. According to Officer E, he reached down and used the manual ejector to get the round out, and at that point, the Subject was right at the muzzle. Officer E recalled firing the third round from approximately one foot away.

The Subject continued advancing toward Officer E, resulting in Officer C firing one round from his service pistol at the Subject (see Lethal Use of Force). The Subject walked back to his bed still armed with the knives. The Subject then started to cut his own throat with the knives. To prevent the Subject from further injuring himself Officer E fired a fourth beanbag round at the Subject.

According to Officer E, he could see the whole blade was in the Subject's throat and only the handle was sticking out. Officer E told some of the assisting officers that the Subject was going to kill himself so they needed to go back into the room. According to Officer E, he then fired his final beanbag round at the Subject.

The BOPC determined that an officer with similar training and experience as Officer E when faced with similar circumstances, would reasonably believe that it was unsafe to approach the Subject and that the use of the beanbag shotgun as a less-lethal force option would be reasonable in order to stop the Subject from harming himself.

Therefore, the BOPC found that Officer E's use of less-lethal force was objectively reasonable and in policy.

E. Lethal Use of Force

- **Officer C – Pistol (one round)**

Officer E fired his third beanbag round at the Subject and the beanbag shotgun malfunctioned. The Subject lunged toward Officer E with a knife in his right hand in a downward stabbing motion. The Subject came within one foot of Officer E. Fearing that the Subject was going to stab Officer E, Officer C fired one round from his service pistol at the Subject.

According to Officer C, he saw the knives coming in a downward motion, towards Officer E. Officer E was unable to exit the room fast enough before the Subject came upon him. Officer C recalled thinking that the Subject was going to be on top of Officer E and that he wouldn't be able to provide the necessary assistance to a fellow officer before he was injured.

Officer C did not recall how the Subject closed the distance so quickly, but stated he was "right there." Officer C recalled seeing two downward knives and two arms approaching Officer E, coming close to his hands and close to his chest. Due to this threat, Officer C fired one round at center mass and believed that he struck the

Subject in the upper right shoulder. Officer C recalled that the Subject stumbled back.

The BOPC determined that an officer with similar training and experience as Officer C, while faced with similar circumstances, would reasonably believe that the Subject's actions of advancing upon Officer E while armed with knives, represented an imminent threat of serious bodily injury or death and the use of lethal force would be a reasonable option.

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