

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

LAW ENFORCEMENT-RELATED INJURY – 060-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Pacific	9/22/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer F	10 months
Officer I	26 years
Officer K	20 years and 11 months

Reason for Police Contact

Officers responded to a call of a motor vehicle burglary suspect checking car doors in a parking lot. Upon arrival, the suspect fled, and a foot pursuit occurred. During the foot pursuit the Subject armed himself with a knife and subsequently hid underneath a parked car. When found, the Subject refused to unarm himself and engaged with the K-9 dog that located him. The involved officers responded with less-lethal options, resulting in a law enforcement-related injury (LERI).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 27 years old.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because 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 August 15, 2017.

Incident Summary

The Person Reporting (PR), an unknown female, called 911 to report a suspicious person in the area of the beach. The caller described the suspect as a male. The caller advised the Communications Division (CD) operator that the suspect was pulling on parked car door handles in an attempt to gain entry. The female caller did not wish to leave her name or phone number with the CD operator.

CD broadcast the call over the police radio. Officers A and B acknowledged the call and broadcast their response to the area.

Officer B broadcast that he and Officer A had arrived at the area (Code Six). Officers A and B saw the Subject, who matched the suspect description, walking in the area. According to Officer A, he advised Officer B that the Subject was behind them. Officer B stopped the officers' vehicle, and both officers exited. After exiting the vehicle, Officer A yelled out to the Subject, "Stop[,] Police." According to Officer A, the Subject responded "I didn't do it," and began running through an adjacent apartment complex.

Officer B broadcast that the officers were in foot pursuit of the Subject. Officers A and B continued to pursue the Subject on foot through the apartment building complex, when Officer B dropped his baton. According to Officer B, he picked his baton up and then continued the pursuit approximately 10-20 feet behind Officer A. Officer A again gave the Subject the command, "Stop[,] Police." The Subject ignored the command and continued to flee. As Officer B ran, he tripped and fell to the ground. Officer B quickly stood up, and he and Officer A continued to pursue the Subject. According to Officer A, as the pursuit continued, the Subject slowed his pace to a slow jog.

According to Officer A, as he gained on the Subject and was approximately 25-30 feet away from him, he stopped and unholstered his pistol, holding it with two-hands, at a low-ready position with his finger along the frame. According to Officer A, he unholstered his pistol, due to his knowledge that burglary suspects are known to sometimes carry weapons. He continued giving the Subject commands to stop, which the Subject ignored. Officer A then continued to pursue the Subject, while simultaneously, Officer B, who was approximately 100 feet behind Officer A, yelled out to Officer A, who then slowed down and waited for Officer B to catch up to him.

As the Subject continued jogging away from the officers, Officer A continued giving the Subject commands to, "Stop, and get on the floor." The Subject continued to ignore Officer A's commands and proceeded to jog out of the view of Officer A. Officer A then holstered his pistol and waited for Officer B to catch up to him. Officers A and B then moved up but were no longer able to see the Subject. According to Officer B, units began arriving at the scene and setting up a perimeter. Meanwhile, an Air Unit broadcast that it was also responding to this incident.

As additional officers responded to the area, they established a three-block perimeter, while the Air Unit arrived over the incident and began searching for the Subject.

The Air Unit located the Subject hiding between buildings and broadcast that information to the units on the perimeter. According to Officer A, he and Officer B proceeded to respond to the area where the Air Unit had last seen the Subject. As Officer A moved, he unholstered his pistol and held it at a low-ready position, with his finger off the trigger. Officers A and B held their positions near a garage between a yellow and brown house and did not see the Subject anywhere. Officers A and B continued to hold their position and awaited the arrival of Sergeant A and other responding units.

Sergeant A arrived at the scene, established a Command Post (CP), and assumed the role of Incident Commander (IC).

According to Officer A, he and Officer B held their position near the garage for approximately 15 minutes before being directed to respond to the CP by Sergeant A. After being relieved of their perimeter position by another patrol unit, they responded to the CP.

A second Air Unit responded to the incident and relieved the first Air Unit, approximately 20 minutes after the first helicopter had arrived at the scene.

After Sergeant A relieved Officers A and B from their perimeter positions, he directed Officers A, B, and C to respond back to the area where the original PR called, in order to locate her and verify if a crime had been committed. Officers A, B, and C responded back to the area of the original call and located the unknown female caller, who gave the description matching the Subject and stated he was pulling on the door handles of several vehicles parked in the area. According to Officer A, the female PR did not want to be identified. According to Officer C, he located a Sports Utility Vehicle (SUV) that the female PR described and saw no visible signs of a break in. Officers A, B, and C then responded back to the CP and relayed this information to Sergeant A.

Lieutenant A arrived at the scene and placed himself Code Six. According to Lieutenant A, he allowed Sergeant A to remain the IC while he monitored him. According to Sergeant A, while at the CP, Lieutenant A was approached by an unknown male, who did not want to give his name, who stated he had been robbed days prior to this incident by a male who was five feet eleven inches tall with a mustache and armed with a pistol. After reporting the information to Lieutenant A and leaving his cellular telephone number with him, the unknown male left the CP.

While at the CP, Lieutenant A asked Officer A to call the unknown male and attempt to obtain further information regarding the robbery he was a victim of a week prior. Officer A called the unknown male victim and attempted to gain further information regarding the robbery he was a victim of and have him sign an Investigative Report (IR). According to Officer A, the unknown male refused to identify himself or sign an IR for the robbery; however, he did agree to email Officer A still photographs of the suspect who allegedly robbed him.

As a result of the search for the Subject, Metropolitan Division K-9 units, including Sergeant B and other K-9 officers responded to the CP. While at the CP, Sergeant B spoke with Sergeant A, who advised that the officers were unable to locate a victim of a crime; therefore, they did not have a signed IR for the arrest of the Subject. Due to the K-9 search criteria not being met for the deployment of a K-9, Sergeant B released his K-9 officers and told Sergeant A if the incident changed and the search criteria was met, to contact him and they would respond back for a search. After leaving the scene, Sergeant B continued to monitor the incident on his police radio.

According to Sergeant A, due to the Subject running from the police and still hiding within the perimeter, he planned to have two teams of officers continue to search for the Subject for the public's safety in the event the Subject entered a residence in an attempt to evade police. Sergeants C and D were going to begin their search in the area the Subject was last seen. As the search teams were at the CP preparing to conduct their search, the Air Unit advised units that the Subject was seen moving in the perimeter.

In an effort to prevent the Subject from breaching the perimeter, Sergeant C, along with Officers A, B, C, and D, began running to prevent the Subject's escape. According to Officer A, he held the shotgun with his finger on the safety button, which was engaged. After reaching the area where the Subject was last seen, Sergeant C and the officers looked between the structures and saw the Subject moving back and forth through several properties. Sergeant C, along with Officers B and D, planned to search one of the yards where the Subject had been seen.

According to Officer D, he unholstered his pistol and held it with two hands at a low-ready position with his finger along the frame, while he looked over the fence into the yard. Officer A, who was carrying a Department-issued shotgun, handed it to Sergeant D so he could climb over the fence. After handing the shotgun to Sergeant D, Officer A climbed over the fence into the yard to begin their search. Officer D holstered his pistol and he, Sergeant C, and Officer B climbed over a fence into the yard, approximately five to eight feet apart from Officer A and his search partner. Officers B and D unholstered their pistols and held them at a two-handed, low-ready position, with their fingers along the frames. Simultaneously, Officer A unholstered his pistol and held it with two hands at a low-ready position, with his fingers along the frames. Officers then began searching for the Subject, who continued to climb fences into several of the properties north of them. According to Sergeant C, he advised the search officers to move slowly and clear the properties without getting ahead of one another.

As officers were conducting their search, the Subject hid his backpack in an adjacent yard. After hiding his backpack, the Subject continued to move from property to property until he decided to hunch down to hide from officers.

Witness A, was looking out of a window on her front door, saw officers climbing over the gate, and saw them running toward the beach.

Witness B was in a nearby house and called 911 to report seeing the Subject, who had thrown his bags over the fence directly across from the property he was located.

Witness B was standing near a second-floor window and was only able to describe the Subject's hand. Witness B then lost sight of the Subject and described the house he was seen at a particular color. Communications Division updated officers with the information that Witness B provided.

According to Officer B, he observed Witness B in a second story window, pointing down into his yard.

Witness B called 911 again to report that he could see the Subject on her property, not wearing a shirt and attempting to hide from officers. Witness B then began pointing downward into his yard to alert officers where he saw the Subject hiding.

Sergeant C, along with Officers A, B, and D, exited the yards they were searching. Sergeant C and the search team began moving on the walkway, looking over the fences to locate the Subject. According to Sergeant C, the Subject was again jumping over fences, back and forth between properties.

According to Sergeant C, the Subject was moving around in all directions through the properties. According to Officer D, as the Subject was jumping back and forth between properties, Sergeant C yelled out to the Subject to, "get on the ground." The Subject ignored Sergeant C's command to get on the ground and continued trying to hide from officers.

Shortly thereafter, Witness B called 911 a final time to report that the Subject was still hiding in his yard, and he could see officers in front of his house. Witness B then told the operator that the Subject had moved around to one side of the residence near the garbage cans.

The Subject climbed over the fence between two residences and ran through the yard, then along one side of the residence. Due to the heavy foliage, shrubbery, and dim lighting conditions, the officers had a hard time maintaining sight of the Subject as he attempted to hide.

Sergeant C and the search team officers attempted to regain sight of the Subject where he was last seen, by looking over the fence to the property. According to Officer B, he holstered his pistol and unholstered his TASER, holding it in his right hand. Officer B then moved and was joined by Officer C. According to Officer C, he holstered his pistol and climbed over the fence into a yard. After climbing over the fence, Officer C unholstered his pistol and held it with two hands at a low ready position and his finger along the frame. At the same time, in an attempt to gain entry into the yard, Officer B pulled a large section of the wood fence down. After the fence was down, Officer B stepped into the yard and moved toward the side of the residence, where the Subject had been last seen. The Subject then climbed over the fence on the side, into the backyard of the residence next door.

According to Officer D, he and Officer A formed a plan for Officer D to climb over the fence while Officer A provided cover for him. After climbing over the fence, Officer D

unholstered his pistol and held it with two hands at a low-ready position, with his finger along the frame, and provided cover for Officer A and Sergeant C to join him. As Officer D held cover, he saw the Subject, approximately 20 feet away from him, walking along the side of the residence and advised Sergeant C and Officer A that he could see the Subject.

According to Officer D, he yelled at the Subject to get down on the ground, which the Subject ignored. Sergeant C and Officer A joined Officer D. Officer D, followed by Officer A and Sergeant C, moved toward the side of the residence. According to Officer D, as he continued to tell the Subject to get on the ground, the Subject turned to his right, facing Officer D, holding a "shiny silver" knife in his right hand, with his right arm extended outward toward him. Seeing Officer D armed with lethal coverage, Officer A holstered his pistol, unholstered his TASER, and pointed it at the Subject.

According to Officer A, he broadcast over the radio that the Subject was armed with a knife. Officers A and D began giving commands to the Subject to drop the knife and get on the ground. The Subject refused to comply with the officers' commands and, while holding the knife in his right hand, gestured with his left hand and fingers for officers to come toward him. Officers A and D in addition to Sergeant C utilized the corner of the residence as cover and did not approach the Subject.

According to Officer A, he did not feel it was safe to approach the Subject, who was now armed with a knife, and he did not want to escalate the situation to require deadly force. According to Officers A and D, the Subject began to walk in the officers' direction, taking approximately five steps toward them. Officer A continued to give the Subject commands to drop the knife, which the Subject ignored. According to Officer A, the Subject was looking from left to right. The Subject then turned around, went back, and stood by a wooden fence that led out to the street. According to Officer A, he did not discharge the TASER at the Subject because he felt the Subject was out of the TASER's effective range.

As this was occurring, Witness A was watching from inside his residence. According to Witness A, he saw police officers in his front yard with their guns unholstered. Witness A stated that he saw a "Laser" and heard officers yelling at the Subject to "Drop the knife, get on the ground."

The Air Unit broadcast, "Officer Needs Help. ... on the perimeter," followed by, "[G]ot [the Subject] armed with a knife."

At the same time, Officers E, F, G, and H were covering the perimeter. According to Officer E, the Air Unit had requested a unit with a beanbag shotgun. Officer E directed Officer F to get the beanbag shotgun from the vehicle. Officers F retrieved the beanbag shotgun from the vehicle and held it with the butt of the weapon against his right shoulder, his right hand near the trigger guard, finger along the frame, his left hand on the pump action along the barrel, and chambered a Super-Sock round. Officers E, F, G, and H then began walking in the direction of the Air Unit's spotlight.

As Officers E, F, G, and H moved in the direction of the Subject, Officers G and H positioned themselves along the parking garages on the side of the street. Officers E and F took a position in the middle of the street, close to Officers G and H.

According to Officer F, he could hear officers in the yard yelling at the Subject to drop the knife. Officer G saw the Subject climb the fence, while holding a shiny silver knife in his right hand. As the Subject climbed over the fence, Officer G yelled at the Subject to get on the ground. Suddenly, the Subject opened the rear gate that leads out to the street where Officers E, F, G, and H were standing. The Subject crouched down, utilizing a parked vehicle as cover to conceal him from the officers. The Subject continued moving alongside the parked vehicle, back into Officers E, F, G, and H's view. As the Subject continued across the street, holding the knife in his right hand, Officer H yelled, "Drop the knife, get your hands up, go to the ground."

According to Officer F, he heard officers yelling at the Subject to drop the knife. Officer F saw the Subject coming out from in between the houses, holding a knife with a four to five-inch blade. Officer F could not recall in which hand the Subject was holding the knife. According to Officer F, the Subject ran straight, stopped, and then ran toward officers at a full sprint. Officer F, fearing that the Subject was going to use the knife on the other officers, aimed the beanbag shotgun at the Subject's naval area and discharged one Super-Sock round from a distance of approximately 20 ½ feet. After firing the Super-Sock round at the Subject, Officer F saw the Subject flinch and lean forward, then continue running through the residences. Officer F then assessed and re-engaged the safety on the beanbag shotgun. Officers E and F ran back to their police vehicle, where Officer F placed the beanbag shotgun into the trunk. Officers E, F, G, and H then proceeded to drive to take a position on the perimeter.

A video surveillance camera from an adjacent business captured the Subject's actions. The video depicts the Subject, without a shirt on, running into the middle of the street. The Subject then appears to run between the apartment buildings mid-block before running into the backyard of a nearby residence, where he again attempted to hide from officers.

Sergeant A then had units on the perimeter move to re-establish a new perimeter to contain the Subject.

At the same time, Sergeant B was monitoring the police radio, when he heard that the Subject was armed with a knife. As a result of the Subject being armed with a knife, and having committed an ADW on a Police Officer, Sergeant B and other K-9 unit personnel responded back to the incident.

Sergeant B arrived back at the CP, where he met with Sergeant A, who told him that the Subject was armed with a knife and had committed an ADW on officers and a perimeter was in place.

Witness C called 911 to report the Subject hiding in her backyard. According to Sergeant B, upon learning of the Subject's location within the perimeter, he requested

that Sergeant A move the CP, keeping it away from the “hot area” where the Subject was contained. K-9 units developed a search plan, and then discussed having two separate search teams search simultaneously, working toward where the Subject was last seen.

According to Officer I, it was discussed with Officer J that, when the Subject was located, they would call the K-9 dog back to prevent him from being injured by the Subject. According to Officer I, it was discussed with Sergeant B and the IC, Sergeant A, that a K-9 announcement would not be given initially, until the Subject was located and containment could be established on all four sides of him.

According to Officer I, this was due to the Subject being armed with a knife, and his willingness to evade officers and run through residents’ yards in an attempt to evade arrest. Officer I’s concern was that if the K-9 announcement was given too soon, the Subject would again flee from officers and pose a threat to both officers and the community. According to Sergeant A, the K-9 search plan discussed between him and Lieutenant A and was approved.

According to officers on the perimeter, a K-9 announcement was given from a marked black and white police vehicle parked on the perimeter, near the location. A request was also made for a Rescue Ambulance (RA) to respond and stand-by for the K-9 search.

Officer I and his search team began their search. Due to the Subject being armed with a knife, Officer I unholstered his pistol and held it in a low-ready position, with his finger along the frame. Officer J unholstered his pistol with his right hand and held it in a two-handed, low-ready position, with his finger along the frame. Officer J then took his K-9 off his leash and began the search for the Subject. The K-9 dog moved, and then ran into the parking lot behind an apartment complex, where several vehicles were parked.

According to Officer I, the K-9 dog immediately ran over to a black car and began to run around it. Officer I believed he saw a shiny object from underneath the car. The K-9 dog ran around the car to the driver side and began barking. Officers I and K holstered their pistols and transitioned to their less-lethal beanbag shotguns. According to Officer I, he knelt down near the rear bumper of the car and looked underneath to locate the Subject. Officer I saw the Subject lying on his stomach holding a shiny knife in his right hand and an additional object, possibly a smaller knife in his left hand. Officer I assumed a prone position, lying on his stomach, and holding the beanbag shotgun with the butt of the weapon against his right shoulder, with his right hand on the pistol grip, finger on the safety and his left hand on the pump action along the barrel.

According to Officer I, the Subject was “snarling” as he swiped at the K-9 dog with the knife in his right hand. Officer I immediately ordered the Subject to drop the knife. The Subject did not drop the knife, and Officer I believed he fired one to two Super-Sock rounds from a prone position from a distance of approximately 19 feet at the Subject’s right hand to disarm him. According to Officer I, the Subject’s right hand was struck by one of the Super-Sock rounds from the first volley, which caused his hand to jerk as the

knife “flung” out of his hand. After being struck in the right hand by one of the Super-Sock rounds, the Subject began to turn his body toward the passenger side of the car, while holding the other cutting object in his left hand. Believing that the Subject was going to exit from underneath the passenger side of the vehicle armed with the cutting object, Officer I again believed he fired one to two additional Super-Sock rounds at the Subject’s left hand from a prone position of approximately 19 feet.

According to Officer I, the Subject did not react to the Super-Sock rounds fired at his left hand and he lost sight of the Subject’s left hand as the Subject moved around under the vehicle. The Subject then turned his body back toward the driver’s side of the car. Believing the Subject was going to crawl out from under the car and escape, Officer I fired his last two Super-Sock rounds from a prone position from a distance of approximately 19 feet at the Subject’s left ribcage, to prevent him from escaping and running through the neighborhood again armed with a knife. Officer I did not see any reaction from the Subject after firing his last two Super-Sock rounds; however, he did hear the Subject say “oh.”

According to the Subject, he stated he was struck in the head by the first Super-Sock round when he was hiding under the car. The investigation was unable to determine which of Officer I’s Super Sock rounds struck the Subject on the left side of his head. Due to the Subject’s body position facing the driver’s side under the vehicle, the Subject’s left side would have been exposed to Officer I. Due to the injury on the left side of the Subject’s head, his injury was most likely sustained during Officer I’s first or third Super Sock volley.

After firing his last Super-Sock rounds, Officer I yelled out to Officer K that he had to reload his beanbag shotgun. According to Officer K, Officer I yelled at the Subject to “Drop the knife.” Officer I then stood up, stepped back, knelt on one knee, and began reloading his beanbag shotgun. Officer K then stepped forward and knelt down, looking underneath the car. Officer K then took a braced kneeling position with his right knee down and his left leg up, left elbow resting on his left knee, holding the beanbag shotgun with the butt of the weapon against his right shoulder, with his right hand on the pistol grip, finger on the safety, and his left hand on the pump action along the barrel.

According to Officer K, he saw the Subject’s head facing toward the driver’s side of the car. Officer K saw the Subject’s left hand on top of a shiny object trying to pick it up, which he believed to be a knife. Officer K yelled at the Subject to, “Drop the knife, drop the knife,” and then fired one Super-Sock round at the Subject’s left arm from a distance of approximately 17 feet. According to Officer K, he wasn’t sure if the Super-Sock round skipped off of the ground; however, it hit the Subject in the middle of his left arm. After firing that Super-Sock round, Officer K noticed that the Subject was still grasping the knife in his left hand. Officer K immediately racked his beanbag shotgun to chamber another round; however, the shotgun shell had not fully ejected, preventing him from chambering another Super-Sock round. Officer K momentarily took his eyes off the Subject, then reached up and scooped the discharged shell out of the receiver and chambered another Super-Sock round.

Officer K then redirected his attention back to the Subject, who was still holding the knife and who began to crawl forward toward the driver's side of the car. According to Officer K, he believed the Subject was attempting to crawl out from under the vehicle armed with a knife and would possibly hurt an officer or continue to evade officers in the neighborhood and possibly hurt one of the residents.

Officer K again ordered the Subject to, "Drop the knife," and, from a kneeling position from a distance of approximately 17 feet, fired a second Super-Sock round at the Subject's left rib cage. After being struck by the Super-Sock round, the Subject moved his left hand forward and back toward the knife. According to Officer K, he could see the Subject feeling around for the knife with his left hand while looking under the car. Simultaneously, Officer K could hear other K-9 officers yelling at the Subject, "Let me see your hands, let me see your hands." Believing that the Subject was still attempting to arm himself with the knife, Officer K fired two additional Super-Sock rounds from a kneeling position from a distance of approximately 17 feet, at the Subject's left ribcage, which caused the Subject to comply with officers' commands to show his hands by stretching them out from under the car for officers to see.

According to Officer K, after the Subject complied with officers and showed his hands, he loaded four Super-Sock rounds into the magazine of the beanbag shotgun and continued to cover the Subject with the beanbag shotgun. Simultaneously, Officers gave commands to the Subject to crawl out from under the car, keeping his hands in front of him. The Subject, while staying on his stomach and keeping his hands in front of him, slowly crawled out from under the car until he was told to stop. After clearing the rear bumper, Officer I approached the Subject's left side to take him into custody. Officer I placed his left knee on the Subject's back, between the shoulder blades, while keeping his right foot planted flat on the ground. According to Officer I, he placed most of his body weight on his right foot and proceeded to handcuff the Subject. After handcuffing the Subject, Officer I placed gloves on his hands and searched him for additional weapons. According to Officer I, after being searched, the Subject would roll around on the ground, switching from his stomach to his back. Officer I asked the Subject if he wanted to be placed on his side and, from a standing position, used his right shin to nudge the Subject and keep him on his side. After the Subject was on his right side, Officer I used his right shin to brace the Subject and prevent him from rolling over and experiencing respiratory distress. Shortly thereafter, officers placed the Subject into a seated position.

A Los Angeles Fire Department (LAFD) RA responded to the scene and stood-by while K-9 personnel conducted their search. After officers took the Subject into custody, the RA transported the Subject to the hospital for medical treatment. The Subject was treated for swelling and abrasions to his left arm and right hand, as well as for a contusion to the left temporal region with swelling. After being treated, the Subject was cleared for booking at the local jail facility.

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

A. Tactics

The BOPC found Officers F, I, and K's tactics to warrant a Tactical Debrief.

B. Less-Lethal Use of Force

The BOPC found Officers F, I, and K's less-lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 - **Use of Force Warning (Beanbag Shotgun)** – The investigation revealed that Officer F did not provide a Use of Force Warning prior to utilizing his less-lethal force tool, because there was not enough time under the exigent circumstances. In addition, Officers I and K only provided a partial Use of Force Warning prior to utilizing their less-lethal tools. While the officers' rationale was appropriate during this incident, the officers were reminded that a Use of Force Warning shall be given whenever feasible.
 - **Simultaneous Commands (Non-conflicting)** – The investigation revealed that there were several officers giving simultaneous commands to the Subject during this incident. Officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.
 - **Situational Awareness** – The investigation revealed as the Subject was crawling out from underneath the vehicle and moving toward the officers, Officer I re-deployed to the side of the parking lot and crossed in front of several K-9 officers with their weapons drawn.

These topics were to be discussed at the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC found Officers F, I, K's tactics to warrant a Tactical Debrief.

B. Less-Lethal Use of Force

- **Officer F** – (beanbag shotgun, one Super Sock round)

According to Officer F, he observed the Subject carrying a knife with a four to five-inch blade in his hands. The Subject then turned in Officer F's direction and began running directly toward him and other officers. Officer F then fired one sock round from his beanbag shotgun at the Subject to stop his actions.

- **Officer I** – (beanbag shotgun, five Super Sock rounds)

According to Officer I, he observed that the Subject was lying on his stomach, facing in his direction, making a back-handed swiping motion at the K-9 dog with the knife in his right hand. He then fired one beanbag sock round at the Subject's right hand for the safety of the K-9.

The Subject was still armed with the knife and then acted as if he was going to scramble to his left and come out from under the vehicle and make another escape. He fired two to three additional beanbag rounds at the Subject to stop his actions. The Subject then turned as if he was going to try to escape out from the driver's side of vehicle with the knife. He then fired two additional rounds at the Subject.

- **Officer K** – (beanbag shotgun, four Super Sock rounds)

According to Officer K, he observed that the Subject had his hand on a knife and was trying to grab it. He gave several verbal commands for the Subject to drop the knife and that he should not reach for the knife. The Subject did not comply. Officer K then fired one beanbag sock round at the Subject's left arm to stop him from grabbing the knife.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers F, I, and K, would reasonably believe the

Subject's actions presented an imminent threat of death or serious bodily injury and that the use of less-lethal force would be objectively reasonable.

Therefore, the BOPC found Officers F, I, and K's less-lethal use of force to be objectively reasonable and in policy.