

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

**HEAD STRIKE – 060-18**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Central	11/07/18		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Sergeant A	29 years, 1 month
Officer A	3 years, 2 months
Officer B	17 years, 10 months
Officer C	2 years, 2 months

**Reason for Police Contact**

Officers responded to a radio call of a male with mental illness. The officers met the Person Reporting (PR), who informed them of the Subject's unstable mental behavior and her concern for the welfare of the Subject's elderly mother. The officers approached the residence and made verbal contact with the Subject through the closed front door. The officers advised the Subject they were there to do a welfare check on him and his mother and asked him to open the front door. The Subject's mother opened the door and the officers observed the Subject holding a knife, resulting in an intentional head strike with a Department issued flashlight.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 66 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 October 9, 2019.

## **Incident Summary**

Los Angeles Police Department (LAPD) Communications Division (CD) received an emergency call for service from the person reporting (PR), who relayed that her neighbor, later identified as the Subject, was arguing with his 90-year-old mother and called her a bitch. Additionally, the PR reported the Subject was on parole and was mentally unstable because he had been acting erratic and hallucinating. The PR indicated the Subject lived with his 90-year-old mother and she was concerned for the mother's wellbeing.

CD assigned the call to Police Officers A and B who were working in a marked black and white police vehicle. The officers were equipped with Body Worn Video (BWV) and their patrol vehicle was equipped with a Digital In-Car Video System (DICVS).

According to CD recordings, Officer B acknowledged the call and requested a supervisor. Sergeant A acknowledged the supervisor request.

According to Officers A and B, while en route to the call, they discussed tactics including contact and cover roles. Officer B was the contact officer and read the comments of the call to Officer A. The officers discussed meeting with the PR to obtain information that would assist them to determine if a crime had been committed or if they would have to place the Subject on a mental hold.

According to Officer B's BWV, the PR was already outside on the street and met with the officers. Officer B pointed to a residence to her left with the garage door opened and asked the PR if that was the Subject's residence. The PR confirmed the residence and stated, "His car is out so he left." The PR reiterated what she told the 911 operator – that the 90-year-old mother lived at the house with the Subject and that the Subject's mental condition was unstable. The PR stated the Subject had been acting erratic and hallucinating. While Officer B interviewed the PR, the porch lights to the Subject's residence could be seen turning on and off twice. Officer B stated he/she observed the lights turn on and off, which led him/her to believe someone was trying to get their attention.

According to Officer B's BWV, Officer B illuminated the stairs which led to the Subject's front door. Officer B began to walk toward the stairs and confirmed with the PR this was the Subject's residence. Officers A and B walked up a narrow staircase bordered by the garage wall on the left side and a multi-level terraced planter wall on the right side. The staircase led to a small enclosed square landing where the front door was located.

Officer B knocked on the front door and made verbal contact with the Subject. The Subject yelled, "What do you need?" Officer B responded, "It's the police, are you ok?" The Subject asked, "What do you need, what police is it?" to which Officer B responded, "It's the LA police." The Subject asked, "LAPD or the Satan police?" Officer B identified that it was LAPD, and he/she alerted Officer A that the Subject was home. Officer B

advised the Subject that the officers were there to check on him and his mother and asked that he open the door. The Subject refused to open the door and stated, "No, I'm not opening the door, for what?" Officer B told the Subject he/she wanted to talk to him and see his face. The Subject responded, "You are not talking to me, are you the Satan police or what? Officer B told the Subject that he/she was there to do a welfare check on him and his mother. The Subject was heard stating, "You are not LAPD[.]" Officer B asked Officer A to request an additional unit and a supervisor. Per CD recordings Officer A requested an additional unit and a supervisor.

According to Officer B, his/her concern for the Subject's mother's safety increased because the Subject was agitated and his statements did not make any sense to Officer B.

According to Officer B's BWV, Officer B maintained his/her line of communication with the Subject through the closed door and requested multiple times that the Subject allow him/her to check on his mother. The Subject can be heard yelling inside the residence. Officer B turned to Officer A and advised him/her that Officer B could hear the Subject's mother inside the residence and that the Subject was yelling at the Subject's mother. Officer B explained to the Subject that the officers were not there to cause any trouble and they wanted to check on his mother. The Subject yelled that his mother was fine, to which Officer B responded that he/she wanted to see the Subject's mother personally and was not leaving until he/she checked on her.

According to CD recordings, Sergeant A advised that he/she had arrived at the location (Code 6). According to Sergeant A's BWV, Sergeant A walked to the front door and met with Officers A and B. Sergeant A advised Officers A and B that he/she had been to this residence before and he/she knew that the Subject's mother was 95 years old. Sergeant A also advised them that additional units were responding.

According to Officer B's BWV, Officer B briefed Sergeant A that he/she could hear the Subject's mother inside the residence telling the Subject to open the door. The Subject yelled profanities and threatened to sodomize Officer B. The Subject's mother could be heard asking who was at the door. Officer B identified himself/herself to the Subject's mother. At 2219:48 hours, noise could be heard as if someone was attempting to open the front door. The Subject told his mother, "If you open the door, I'm gonna kill you and I'm gonna have to kill them." The Subject also told his mother that the police were at the door. Officer B relayed the Subject's threats to Officer A and Sergeant A. Officer B asked the Subject's mother if she was able to open the door. The Subject yelled, "She's not going to open the [...] door. I told her not to, it's my house."

According to Officer B, when the Subject's mother was attempting to open the door and the Subject made the threats to kill the officers, his/her concern for the Subject's mother's safety increased.

According to Officer B's BWV, Sergeant A broadcast a request for the estimated time of arrival of the additional units. Officer B suggested the units respond with emergency

lights and sirens (Code Three) and to make it a backup request. At the moment Officer B suggested the backup request, the Subject's mother opened the front door. Officer B immediately identified him/herself as a police officer, asked the Subject's mother to step outside, and explained to her that the officers were there to check on her wellbeing. The Subject was heard yelling, "You're not coming in my house. You're not coming in here." Officer B continued to communicate with the Subject and explained to the Subject's mother that police were called because her neighbors were concerned for her safety and the Subject could be heard saying, "You're not coming in my house."

According to Officer A's BWV, as Officer B spoke with the Subject and the Subject's mother, Officer B grabbed the screen door with his/her left hand and held the screen door open. The Subject's mother stood at the door frame and Officer B explained to her that police were called because her neighbors were concerned for her safety. The Subject continued to be argumentative toward the officers. Officer A told the Subject to relax, and Sergeant A asked the Subject's mother to step outside and talk to him/her.

As Officer B spoke with the Subject's mother, the Subject stood to the Subject's mother's left side and yelled at her, "You opened the fucking door." Officer B, who was standing in front of Officer A, told the Subject to not yell at the Subject's mother and the Subject's mother responded by saying that she was tired. Officer B apologized to the Subject's mother for waking her up and Sergeant A asked the Subject's mother to step outside a second time.

The Subject quickly moved behind the front door, covering the right side of his body. The Subject's mother moved to her left and stood behind the door frame with the Subject to her right side. Officer B told the Subject that they wanted to make sure that the Subject's mother was okay and the Subject yelled, "She's fine." Officer B told the Subject that she was not fine and that his behavior was not ok. As they spoke, Officer B extended his/her left arm out to keep the door open, and the Subject maintained his right hand behind the front door.

According to Officer B, the reason he/she kept the door open was, "I closed the distance and put my hand on the door, cause I didn't want it shut on me and I didn't want it shut actually physically on her either. So, because she was standing in the door frame."

Per Officer A's BWV, the Subject's mother asked who called police, and Officer B explained to her that the neighbors called because they were concerned for her due to the yelling that was going on. The Subject's mother told Officer B that the Subject was "going crazy, [...] and call[ing] me stupid[.]" and the Subject yelled, "Don't say that[.]" Officer B said, "Ok, all right", and began to step inside the residence, but the Subject attempted to shut the door and stated, "You're not coming in."

According to Officer B, once the Subject's mother expressed fear because of the Subject yelling at her, Officer B stated, "I started to step in, cause [the Subject] started to shut the door. It looked like he was going to grab her and I, at first, was maybe going to grab her and pull her out, but I didn't want to struggle over the door. So, I just made,

I made the decision at that point to shove the door open. I knew my partner was behind me and I knew [Sergeant A] was right behind him/her and if I could get the door open enough, we could all get in the doorway.”

According to Officer A’s BWV, Officer B used his/her left shoulder to push the door open, the Subject sidestepped to his right and held a kitchen knife in his right hand. Officer A stated, “Oh he has a knife,” at which point Officer B struck the Subject on the left side of his head with his/her flashlight which was in his/her right hand. The Subject moved back and held the kitchen knife above his head with the blade pointed toward Officer B. Officer A unholstered his/her firearm and pointed it at the Subject.

According to Officer A, once he/she saw the Subject holding a knife, he/she feared for his/her and Officer B’s safety. Officer A stated he/she alerted Officer B that the Subject was armed with a knife. Officer A unholstered his/her firearm, held it with a two-hand grip, and pointed his firearm at the Subject.

According to Officer B, as he/she entered the house, he/she stepped in between the Subject’s mother and the Subject because Officer B was concerned for the Subject’s mother. Officer B stated he/she heard Officer A say “knife”, and out of the corner of his/her eye, he/she observed the Subject holding a knife in his right hand over his head in a threatening manner. Officer B believed that the Subject was going to stab him/her or the Subject’s mother. Officer B stated he/she raised his/her left arm to protect him/herself and believed he/she held the flashlight in his/her left hand with an overhand grip at the base of the neck of the flashlight as he/she struck the Subject on the head. Officer B stated he/she struck the Subject as hard as he/she could with three quick thrusts with the front end of his/her flashlight.

According to Officer A’s BWV, Officer B held the flashlight in his/her right hand when Officer B struck the Subject.

According to Officer B, the Subject moved back after Officer B struck the Subject on the head. Officer B stated he/she pushed the Subject’s mother away from the Subject and simultaneously unholstered his/her firearm because he/she believed the Subject was going to kill him/her or stab Officer B in the face. Officer B stated he/she was right-handed and described using the Harries Flashlight Technique to hold his/her firearm and maintained his/her index finger along the frame of his/her firearm.

According to Officer A’s BWV, the Subject backed away from the officers, lowered the knife, and held it with his right hand parallel to his right thigh. Officer B unholstered his/her firearm and pointed it at the Subject. Officers A and B ordered the Subject to drop the knife. The Subject complied with the commands and tossed the knife on the ground and to his right.

According to Sergeant A’s BWV, he/she entered the residence, broadcast a help call for a man with a knife, and directed the Subject’s mother to move away from the confrontation and toward a stair case.

According to Officers A's BWV, Officers A and B gave the Subject several commands to get on the ground. The Subject did not comply and moved away from the officers into the living room. Officers A and B followed the Subject into the living room. Officer B continued to give the Subject commands to get on the ground.

According to Officer B, he/she advanced toward the Subject because he/she wanted to contain the Subject in the living room area and not allow him to move to the kitchen where other weapons or knives could be located.

According to Officer A's BWV, he/she ordered the Subject to get his hands out of his pockets. The Subject removed decorative figurines from his pockets and placed them on a glass coffee table located in front of him. Officers A and B continued to order the Subject to get on the ground, but he did not comply.

According to Officer B, he/she confirmed that Officer A held the Subject at gunpoint, at which point Officer B holstered his/her firearm. Officer B evaluated the situation and contemplated re-deploying, but he/she observed the Subject beginning to remove items from his pocket. Officer B stated he/she unholstered his/her firearm because Officer B believed the Subject could possibly have another knife or other weapon. Once Officer B identified the items the Subject removed from his pocket as decorative figurines, Officer B holstered his/her firearm.

According to Officer B, Officer A and Sergeant A gave the Subject commands and distracted the Subject. Officer B stated the Subject turned his back, and he/she made a decision to take the Subject to the ground.

Officers C and D were the first officers to arrive in response to the help call. Officers C and D were in a marked black and white police vehicle.

According to Officer A's BWV, Officer B moved toward the Subject, pushed the Subject's right shoulder, causing him to fall to the ground, and the Subject landed on the left side of his body. Officer B placed his/her knees on the Subject's upper back and applied body weight. Officer B also used his/her left hand and applied a firm grip on the Subject's left wrist. Officer B transitioned his/her left hand to the Subject's forehead and grabbed the Subject's right hand with his/her right hand as Officer B explained to him that the officers were going to roll him over, and place him on his stomach to handcuff him. The Subject stated that he understood the instructions.

According to Officer A, as Officer B grabbed the Subject, Officer A holstered his/her firearm and ran to assist Officer B. Officer A indicated that the Subject was on his side, and Officer A applied body weight with his/her knees to the Subject's right hip and used a firm grip on the Subject's right hand to prevent the Subject from moving and allow Officer B to obtain better control.

According to Officer A's BWV, Officer B rolled the Subject to his stomach, released his/her right hand firm grip and placed his/her right hand on the Subject's left shoulder to keep him down.

According to Sergeant A's BWV, Sergeant A ran to assist Officers A and B once the Subject was on the ground. Sergeant A used his/her right hand and applied a firm grip on the Subject's right forearm. Sergeant A held his/her handcuffs in his/her left hand and handcuffed the Subject's right wrist as the officers rolled the Subject onto his stomach. Officer B guided the Subject's left arm to his lower back and Sergeant A completed handcuffing the right wrist.

According to Sergeant A, he/she applied body weight to the Subject's back because the Subject was not compliant, and he continued to wiggle around, yell and scream.

According to Officer C's BWV, Officers C and D entered the residence as Officer B pushed the Subject to the ground. Sergeant A could be heard asking Officers C and D if they had a beanbag shotgun. Officer C was heard telling Officer D to grab the beanbag. Officer C remained in the living room and approached the Subject, who was on the ground, and assisted in taking him into custody.

According to Officer C, he/she placed both of his/her hands on the Subject's calves, applied firm grips and body weight to prevent the Subject from kicking. Officer C held the Subject's legs until he was handcuffed.

According to Officer E's BWV, he/she asked Sergeant A for the location of the knife. Sergeant A was seen pointing to the corner of the room, next to the floor lamp. Officer E asked a second time for the location of the knife and Sergeant A pointed the corner of the room and said, "It's over there." Officer E was heard on his/her BWV asking Sergeant A if he/she wanted him to pick up the knife, but Sergeant A did not respond because he/she was broadcasting on his/her radio.

According to Officer D's BWV, Officers A and B assisted the Subject in standing up. Officer B used both his/her hands and grabbed the Subject's right arm to assist him up. Officer A used both his/her hands and grabbed the Subject's left arm to assist him up.

According to Officer A's BWV, Sergeant A directed the officers to apply the hobble restraint device (HRD) onto the Subject to prevent him from kicking. According to Officer B's BWV, Officer B placed the HRD in the open position in front of the Subject and instructed him to step into the HRD. The Subject complied and did not resist as Officer B applied the HRD above his knees and tightened the strap.

Officer E's BWV captured him/her wearing latex gloves and collecting the 9-inch kitchen knife from the base of the floor lamp and 29 seconds later, Officer B could be heard on Officer E's BWV self-reporting that he/she struck the Subject on his head. Officer E asked Sergeant A if they were booking the knife and he/she stated yes. Officer E's BWV captured Officer E placing the knife in an envelope and it captured him/her asking

Sergeant A if he/she wanted him to secure the knife in his/her vehicle or to leave it in the living room for Force Investigation Division (FID) investigators. Sergeant A responded by directing Officer E to secure it in his/her vehicle. Officer E was captured on his BWV, walking to his/her police vehicle, and securing the knife in the trunk of the police vehicle.

According to Officer B's BWV, he/she self-reported to Sergeant A that he/she was involved in a Categorical Use of Force (CUOF) because he/she struck the Subject on the head three times with his/her flashlight. Sergeant A pointed to Officers A, B, C, D, and F and ordered them not to discuss the incident until they had representation. Sergeant A directed that the Subject be escorted to a police vehicle and officers to turn off their BWV. According to Officer B's BWV, Officer B along with Officer A and Sergeant A, turned their respective BWV off.

According to CD recordings, a Rescue Ambulance (RA) was requested for the Subject and an additional RA was requested for the Subject's mother. A Los Angeles Fire Department RA staffed by Firefighter-Paramedics was dispatched to the scene.

According to Officer C's BWV, Officers C and F escorted the Subject to Officer F's police vehicle. The officers sat the Subject in the back seat and placed the long end of the HRD outside the closed door. Officer F remained outside the door with the Subject. The HRD was removed prior to the Subject being transported to a local hospital.

A Rescue Ambulance transported the Subject to the hospital. An officer rode inside the RA as the Subject was transported.

According to the Watch Commander's log, Sergeant A notified the Watch Commander of the Head Strike CUOF. According to the Department Operations Center (DOC) Notification log, the Watch Commander notified the DOC of the CUOF. The Watch Commander then assigned supervisors to monitor the involved officers and made appropriate notifications.

FID Detectives reviewed all documents and circumstances surrounding the supervisor ordered separation, monitoring and the admonition not to discuss the incident by officers prior to being interviewed by FID investigators.

### **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 Sergeant A's, along with Officers A, B, and C's tactics to warrant a Tactical Debrief.
- B. Drawing and Exhibiting** – The BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.
- C. Non-Lethal Use of Force** – The BOPC found Sergeant A's, along with Officers A, B, and C's non-lethal use of force to be in policy.
- D. Use of Lethal Force** – The BOPC found Officer B'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 suspect'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. Tactical Communication/Planning**

In this case, the officers and supervisor did not effectively communicate with each other to designate specific roles and responsibilities and formulate a tactical plan to enter the residence and take the Subject into custody. Although Officer B was a tenured officer who communicated his/her observations and assumed a leadership role both outside of the residence and as the officers entered the residence, the BOPC would have preferred that the officers and supervisor had

taken the time to plan a coordinated effort to enter the residence and take the Subject into custody. The officers and supervisor were reminded of the importance of tactical planning and communication before, during, and after any incident.

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

## **2. Effective Encounters with Mentally Ill Persons**

The investigation revealed that the Subject's behavior was consistent with a person suffering from mental illness and/or being under the influence of drugs or alcohol. Officers and supervisors were reminded of the resources available for encountering persons suffering from mental illness, including contacting the Department's Mental Evaluation Unit for guidance.

## **3. Maintaining Equipment in Primary Hand**

The investigation revealed that Officer B held his/her flashlight in his/her primary hand as he/she spoke to the Subject at the front door. Officer B was reminded that holding an item or piece of equipment in the primary hand can delay the drawing of the service pistol and place an officer at a distinct tactical disadvantage when dealing with an armed suspect.

## **4. Non-Conflicting Simultaneous Commands**

The investigation revealed that Sergeant A, along with Officers A and B, gave simultaneous commands to the Subject at various times during the incident. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

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.

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

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

## **B. Drawing and Exhibiting**

- According to Officer A, he/she stepped in through the front door of the residence right after Officer B and observed the Subject waving an approximately eight-inch long kitchen knife, in a back and forth motion, over the Subject's head. In fear for his/her safety and the safety of Officer B, Officer A drew his/her service pistol.
- According to Officer B, after striking the Subject with the flashlight, the Subject started to back away. Officer B still believed that the Subject was going to stab him/her in the face or harm the Subject's mother, so Officer B backed away from the Subject to create more distance. Officer B then pushed the Subject's mother back, away from the Subject, and simultaneously drew his/her service pistol.
- According to Officer B, as he/she was contemplating re-deploying to a better position, the Subject started taking things out of his pockets. Believing that the Subject could possibly have another knife or some kind of other weapon, Officer B drew his/her service pistol a second time.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe 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 and B's drawing and exhibiting of a firearm to be In Policy.

## **C. Non-Lethal Use of Force**

- **Officer B** – (Take Down, Body weight, Firm Grip and Physical Force)

According to Officer B, either Officer A or Sergeant A gave the Subject a command to get on the ground or stop what he was doing, which distracted the Subject and caused him to turn away from Officer B. At that point, Officer B recognized the opportunity and made the decision that he/she was going to take the Subject to the ground. Officer B then rushed the Subject from behind, grabbed the Subject in a bear hug and utilized his/her bodyweight to knock him to the ground. The Subject fell to the ground and landed on his side. Officer B landed on top of the Subject and had a hold of one of his arms.

- **Officer A** – (Body weight, Firm Grip and Physical Force)

According to Officer A, after Officer B grabbed the Subject, he/she holstered his service pistol. As Officer B took the Subject down to the ground, Officer A came

around from the other side of the couch, placed body weight on the right side of the Subject's body, and placed a firm grip on the Subject's right wrist to control him and prevent the Subject from moving.

- **Officer C** – (Body weight and Firm Grip)

According to Officer C, upon arrival, he/she entered the residence and observed Officers A and B taking the Subject down to the ground. Officer C ran towards them and placed both of his/her hands on the Subject's legs to prevent him from kicking.

- **Sergeant A** – (Body weight, Firm Grip, Physical Force)

According to Sergeant A, after the Subject was on the ground, he/she observed that the Subject was still screaming, yelling, and wiggling around. Sergeant A approached the Subject, placed his/her body weight on the right side of the Subject's back, and a firm grip on his right wrist. He/she then handcuffed the Subject.

Based upon the totality of the circumstances, the BOPC determined that an officer and supervisor with similar training and experience as Sergeant A and Officers A, B, and C, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome the Subject's resistance.

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

#### **D. Use of Lethal Force**

- **Officer B** – (Head Strike, three times)

According to Officer B, as he/she entered the residence, he/she knew Officer A and Sergeant A were right behind him/her. Officer B then heard Officer A say, "knife" and out of the corner of his/her eye, he/she observed the Subject holding a large butcher or kitchen knife in his right hand over his head. Believing that the Subject was going to slash his/her in the face or stab the Subject's mother, Officer B transitioned his/her flashlight from his/her right hand to his/her left hand and brought his/her left arm up to protect his/her face. Officer B then struck the Subject three times on the back of his head or neck, as hard as he/she could, with the illuminated end of Officer B's flashlight, to stop the threat and get distance from the Subject.

In this case, the BOPC evaluated Officer B's decision to utilize his/her Department-issued flashlight as an impact device on the Subject's head. The BOPC noted that Officer B was verbalizing with the Subject in an attempt to de-escalate the situation and get the Subject's mother safely out of the residence, when the Subject suddenly escalated the situation and confronted Officer B with a large kitchen knife.

At this point, Officer B was faced with a rapidly unfolding tactical situation and was forced to make a split-second decision, during an extremely stressful situation, to not only protect his/her life, but also the Subject's mother's life. Officer B recognized that the deadly threat and his/her decisive action, at that moment, to use his/her flashlight as an impact device, was reasonable and gave him/her time to create distance, ensure the Subject's mother was safe, and further assess the situation.

The BOPC determined that Officer B's actions prevented the situation from escalating to a possible officer-involved shooting (OIS).

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

Therefore, the BOPC found Officer B's lethal use of force to be In Policy.