

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

**OFFICER-INVOLVED SHOOTING – 069-18**

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

Van Nuys                      12/31/18

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

Officer A                      5 years, 6 months

**Reason for Police Contact**

Uniformed officers responded to a radio call of a “Screaming Woman” at a residence. Upon arriving at the location, the officers encountered the Subject, who was armed with a large knife and naked. The Subject initially dropped the knife when he opened the door, but then picked it up and charged at one of the officers, resulting in an officer-involved shooting (OIS).

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

Subject: Male, 18 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 November 12, 2019.

## **Incident Summary**

The Subject returned home and woke up his relative, (Witness A) who was asleep in the living room. According to Witness A, the Subject had left home approximately six hours earlier. According to Witness A, the Subject was acting strangely when he arrived home and admitted to her that he had been consuming mushrooms.

Witness A described the look on the Subject's face as "ugly." Witness A told the Subject to lie down and she returned to the living room. Shortly thereafter, the Subject came out of his bedroom and told his relative, "Don't turn off the lights because we are all going to heaven." Witness A woke her 10-year-old daughter, Witness B, and took her into another bedroom shared by Witness C, and 6-year-old Witness D. Witness C told Witness D that the Subject was going to do something and that he wasn't "well." Witness A suggested they should go out the window, but Witness C thought the window was too high and was concerned about the young girls being able to safely exit.

According to Witness A, the Subject did not have mental problems and did not take medication. However, he had admitted to her that he had smoked marijuana in the past. In addition, Witness A had never known him to be violent.

Witness E, who resided in an upstairs apartment, heard a woman screaming, "I need help. I need help," and identified her apartment number. Witness E also heard children screaming and the sound of large items being broken. Witness E telephoned 911 and spoke with an Emergency Board Operator (EBO) from Communications Division (CD). CD broadcast the call of a screaming woman on the police radio.

Soon after, the Subject ordered Witness A to open the bedroom door. When the Subject entered the room, Witnesses A and C were standing near the door and the two juvenile girls (Witnesses B and D) were on the bed. According to Witness C, the Subject grabbed her and Witness A by their hair. Eventually, all four were able to exit the apartment. As Witness A ran from the apartment, she observed Witness F coming toward her with a frying pan in his hand. Witnesses A and C, along with the children, fled.

When Witness C last saw the Subject, he was fully clothed and was not armed with any weapons.

Witness F, who resided in a nearby apartment, stated he heard Witness B at his door asking for help. Witness B advised him that someone was hitting her mother. Believing he was about to involve himself in a violent situation, Witness F grabbed a pan to defend himself and exited his apartment. As he arrived downstairs, Witness F observed the Subject shoving and hitting his relatives as they tried to escape. Witness F stated the two women went upstairs and left him alone in the hallway with the Subject.

Witness F had known the Subject since 2010. Witness F advised that the two used to play together as children and that they had never had issues or problems with one another.

Witness F attempted to calm the Subject down but was unsuccessful in doing so. Witness F described the Subject as possibly being intoxicated or “on something.” According to Witness F, the Subject took the pan from his hand and began pushing him down the hall. In doing so, the Subject struck Witness F multiple times on the head with the pan. Eventually, Witness F exited out the main gate toward the street, followed by the Subject, who no longer had the pan in his hand. Witness F attempted to close the gate to keep the Subject inside, but the Subject was able to exit and place Witness F in a “headlock.” Witness F stated the Subject then began to shove his fingers into his (Witness F’s) eyes.

Witness F was later transported to a nearby hospital where he was treated and released.

Witness G stated she awoke to the sound of a woman screaming hysterically and calling for help. Witness G then heard two men fighting, one of whom was yelling for help. Witness G stated she went outside and observed the Subject holding Witness F in a headlock. According to Witness G, the Subject was holding the front gate closed with his foot and not allowing her to go out and help.

Eventually, Witness G was able to gain the Subject’s attention. The Subject then released Witness F and walked into the courtyard toward Witness G. According to Witness G, the Subject attempted to punch her in the head with his right fist. Witness G stated she struck the Subject on his right thigh with the handle of a large wooden fork that she had taken from her apartment. According to Witness G, the Subject then returned to his apartment and began breaking items inside.

Police Officers A and B responded with emergency lights and sirens (Code-3) to the radio call. The officers were equipped with Body Worn Video (BWV) cameras. Both officers had their cameras mounted to their upper torsos and their respective BWV cameras were activated.

This was the first time the officers had worked together. Officers A and B stated the two discussed tactics prior to and during their watch.

While enroute to the radio call, Officer A read the comments aloud from the officers’ Mobile Data Computer (MDC) regarding the incident.

According to Officer A, he/she did this because the information regarding the radio calls on the MDC is often more detailed than the information that is broadcast over the police radio.

CD broadcast additional information about the call that it was now an "Assault with a Deadly Weapon" incident and provided additional information on the Subject involved. Officer A broadcast that the officers had arrived at the location (Code-6).

Officer A stated that the officers had checked out a 40mm less-lethal weapon from the kit-room, but he/she did not deem it necessary to deploy it based on the comments of the call.

As Officers A and B approached the center gate of the apartment complex, Officer B, who walked ahead of Officer A, noticed a dark sweatshirt and a frying pan on the ground near the gate. Officers communicated the items may be related to the radio call. Officers made entry through the gate, which Officer A had noticed was open when they arrived.

Officer B's BWV captured the clothing outside and the frying pan, just inside the locked security door. Officer A's BWV captured him/her asking Officer B if there was any blood in the courtyard, to which Officer B replied, "No."

Officer A entered the building of the apartment complex, with Officer B directly behind him/her. Officers A and B unholstered their pistols as they approached a closed door due to the tactical situation and knowing that the situation could rise to the point where deadly force could be justified.

The officers entered the building and located apartment in question at one end of the hallway. The two officers were never out of eyesight of one another and were not separated by more than ten yards. When Officer A finished clearing the hallway, the officers (led by Officer B) moved down the hallway toward the apartment in question.

Officer A posted up on one side of the door. Officer B moved from the left side of the door and stood directly behind Officer A. Officer A held at the door and listened for approximately 15 seconds before knocking. According to Officer A, he/she initially did not announce his/her police presence in-order to maintain the element of surprise. Officer A stated he/she heard movement and a single, agitated voice inside the apartment.

Both officers' BWV captured the following:

After the knock, a grunting sound could be heard coming from inside of the apartment. Officer A advised his/her partner that he/she would re-deploy to the opposite side of the door. According to Officer A, he/she did not feel safe with Officer B directly behind Officer A with his/her gun drawn out, and Officer A wanted an angle that would allow him/her to see into the apartment as soon as the door opened.

Officer A's BWV captured his/her announcement, "Police Department!" Immediately, a loud crashing sound was heard coming from inside the apartment, followed by a male

voice stating, "Come on now. Oh, yah baby!" Officer B broadcast a request for a back-up and a beanbag shotgun and 40mm.

As the Subject opened the door, Officer A's BWV captured the Subject standing just inside of the apartment, naked, and holding a large kitchen knife in his left hand. Both officers' BWV depict Officers A and B commanding the Subject to, "Show me your hands." Officer A stated he/she placed his/her finger on the trigger, aimed at the Subject's center body mass and was ready to shoot, but the Subject dropped the knife on the floor by his feet. Officer A stated at that point he/she canted his/her pistol in a downward angle and took his/her finger off the trigger. Officer A described the Subject as sweating profusely and added that he appeared to be covered with an unknown liquid. Officer B opined that the Subject was under the influence and described him as being sweaty and with bloodshot eyes.

Officer B stated that when the Subject dropped the knife, Officer B thought about transitioning to his/her Taser, but when the Subject suddenly picked up the knife, he/she (Officer B) decided against that tactic.

Witness G, who was inside her apartment stated she heard the officers say, "Drop the knife," and, "Show me your hands," multiple times.

Officer A's BWV captured the Subject reach down with his left hand and pick up the knife from the ground. Officer A's BWV further depicts the Subject appearing to transition the knife from his left hand to his right hand and then hold it with the blade of the knife pointing downward as he stood straight up in the threshold of his apartment and according to Officer A, the Subject charged toward Officer A with the knife in his hand.

Officer A stated the Subject held the knife in his left hand.

Officer B's BWV captured the Subject picking up the knife with his left hand, transitioning the knife to his right hand, and then charging at Officer A, who attempted to create distance between Officer A and the Subject by backing up, but ran out of room when he/she reached the corner of the hallway. Officer A ordered the Subject, "Don't do it."

Officer A stated he/she thought that he/she was going to die. Officer A believed that if he/she didn't use his/her firearm, that the Subject would kill him/her. Officer A stated he/she was conscious of his/her partner's position, which Officer A described as 5-7 feet to his/her right, and Officer A was confident there were no cross-fire issues.

Officer A backed-up as much as he/she could and placed his/her finger back on the trigger of his/her pistol, which he/she now held in a modified close contact position. Officer A aimed his/her pistol at the Subject's center body mass as the Subject lowered his shoulder and began to charge at Officer A. Officer A fired his/her first round from an approximate distance of five feet.

Officer A assessed after his/her first shot as the Subject continued charging. Officer A aimed his/her pistol at the Subject's center body mass and fired his/her second round from an approximate distance of three feet. Officer A could not recall if he/she utilized a one hand or two-handed grip on his/her pistol when he/she fired the second round. After firing his/her second round, Officer A assessed.

Officer A's BWV captured him/her with a two-handed grip when he/she fired the second shot.

According to Officer A, the Subject was still armed with the knife and within arm's reach. Officer A then aimed his/her pistol at the Subject's center body mass and fired his/her third round. After firing his/her final round, Officer A stated that he/she felt hopeless and believed that firing at the Subject was not going to stop him. Officer A stated that the Subject kept coming, and suddenly the Subject just fell and the threat stopped. Officer B broadcast a shots-fired call and requested a back-up, a supervisor, and an ambulance.

Officer A's BWV captured officers planning their approach on the Subject to disarm, handcuff, and then to turn him to his side so he could breathe. As Officers A and B moved forward, BWV captured the Subject motionless and lying in prone position. Officer A reached down with his/her left hand, picked up the knife from the Subject's right hand, and tossed it down the hallway. Officer A holstered his/her pistol and completed the handcuffing process. At that point, Officer A positioned the Subject onto his right side to allow him to breathe.

Sergeant A responded Code-3 to the help call and entered the apartment complex. Sergeant A identified Officers A and B as being the involved officers, verified they were not injured, and separated them. Sergeant B arrived and was tasked with separating and monitoring Officer B.

Assisting officers arrived and began rendering life saving measures to the Subject by conducting CPR while waiting for paramedics to arrive. The Subject was pronounced deceased at the scene.

### **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 Officer A and B's tactics to warrant a finding of Tactical Debrief.

### **B. Drawing and Exhibiting**

The BOPC found Officer A and B's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found Officer A's lethal use of force to be In Policy.

### **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), that:

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation."

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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**

### **Tactical De-Escalation**

- *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 Techniques*

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*



- *Lines of Communication (Tactical De-Escalation Techniques, Los Angeles Police Department, Use of Force – Tactics Directive, Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

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.

In this case, the officers utilized elements of tactical de-escalation when they responded to a radio call of a Screaming Woman on their first night working together. Prior to working in the field and throughout their shift, the officers discussed tactics, contact and cover, their weapons systems, and pursuits. Additionally, previous to this incident, they discussed and debriefed the three prior radio calls that they had completed. While enroute to the radio call, Officer A read aloud the comments of the radio call to Officer B as he/she drove to the location.

Upon arrival at the location, the officers reviewed the comments of the call and determined that it did not have any specific information related to a weapon. The officers decided to leave their 40mm Less-Lethal Launcher in their police vehicle because there was no mention of an edged weapon. Both officers were equipped with a TASER. As the officers entered the large apartment complex, they observed a frying pan and clothing on the ground near the gate. They communicated to each other about the items and discussed whether there was any blood on the ground.

The officers' decision to leave their 40mm Less-Lethal Launcher in their vehicle was evaluated at length. It was noted that there is no policy requiring that they deploy it under these circumstances. Additionally, the BOPC discussed that the 40mm Less-Lethal Launcher was not necessarily the best tool available due to the normally confined interior spaces encountered in an apartment building.

As the officers continued through the large complex, they continued their assessment as they reached the hallway of the apartment described in the radio call. The officers utilized time as they approached each apartment in the area of the apartment and listened for sounds of a struggle before approaching the location of the call and listening once again to gather intelligence on what might be occurring inside the apartment. The officers then door knocked the location and heard crashing noises from within the apartment. The officers properly assessed that the situation might require more officers at the scene in order to properly deal with the still unknown situation. The officers immediately requested a backup and for the first unit to respond with a Beanbag Shotgun or a 40mm Less-Lethal Launcher.

The officers indicated that it was their intention to await the arrival of additional resources prior to taking any further action. However, the officers were forced to react when the Subject opened the door to the apartment armed with a large kitchen knife. Despite being confronted in close confines by a Subject armed with a deadly weapon, the officers redeployed backward and did not immediately resort to the use

of deadly force. Instead, the officers gave the Subject clear verbal commands to drop the knife. The Subject immediately complied and dropped the knife, but almost immediately picked it back up and held it in an aggressive manner. Both officers continued attempts to de-escalate the situation by again giving the Subject verbal commands. The Subject then charged toward one of the officers while still holding the knife, and the officer redeployed a small distance backward until he/she ran out of room when he/she reached the corner of the hallway and was forced to utilize deadly force to stop the Subject's deadly actions.

In the immediate aftermath of the OIS, the officers utilized clear lines of communication with each other and responding units as they coordinated radio broadcasts, taking the Subject into custody, placing him into a recovery condition, and conducting a search of the location for possible victims that might need medical attention.

- During its review of this incident, the BOPC noted the following tactical considerations:

### **1. Tactical Planning**

The investigation determined that Officers A and B exhibited elements of pre-planning by discussing tactics, contact and cover, weapon systems, and pursuits throughout their shift, but did not have a specific plan of action for this particular incident. It is understood that officers cannot anticipate or plan for every eventuality and that tactics are therefore meant to be flexible and incident specific. While the officers had discussed at their start of watch that Officer B would be the contact officer and Officer A would be the cover officer, the BOPC would have preferred that they reaffirm their roles while enroute to the call. In this case, the BOPC would have preferred for the officers to develop a more specific plan for this particular radio call, which would include specific assignment of contact and cover, less-lethal roles, and a request for an additional unit.

Additionally, it was noted that following the OIS, Officer A made the decision to handcuff the Subject, with only his/her partner at scene. Although the Subject appeared to be incapacitated, his apartment had not been searched at the time. In this case, the BOPC would have preferred for Officers A and B to redeploy to an area in the hallway where each of them would be able to cover both the Subject and the apartment door while they waited for additional units. Once additional units arrived, a plan could be devised that would maximize their safety while accomplishing the goals of handcuffing the Subject and searching the apartment for possible victims.

### **2. Additional Unit Request**

The investigation revealed that Officers A and B did not request an additional unit after being assigned a radio call involving a screaming woman and receiving

additional information that an ADW just occurred. The BOPC noted that the officers arrived at the location and observed possible evidence such as a frying pan and clothing scattered on the ground. While these items may not indicate that any specific crime had occurred, they could be indicators of a possible disturbance at the location of the incident. Although officers are given discretion regarding the appropriate time to request additional resources, the BOPC would have preferred that the officers had requested an additional unit based on their initial observations and comments of the radio call.

### **3. Simultaneous Commands**

The investigation revealed Officers A and B gave the Subject simultaneous commands during the incident. The officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The BOPC would have preferred that only one officer issue verbal commands to the Subject so that simultaneous commands were not made.

### **4. Crossfire**

The investigation revealed that Officers A and B had both initially deployed on one side of the apartment door and that eventually Officer A moved to the opposite side of the door in order to gain what he/she believed would be a tactical advantage. As a result, Officer A was forced to redeploy backwards toward the end of the hallway when the Subject opened the door while holding a knife. The close confines of the hallway created a situation in which Officer B could not fire his/her service pistol at the Subject without fear of striking his/her partner or one of his/her bullets entering a neighboring apartment unit. The BOPC noted that Officer B recognized that a crossfire existed and displayed restraint by not firing his/her weapon. Although the Subject's actions created the crossfire situation and both officers exhibited awareness of the direction of the muzzles of their service pistols, the BOPC would have preferred that they had identified the possibility of the Subject exiting the apartment and considered their alternatives.

### **5. Preservation of Evidence/Personal Protective Equipment**

The investigation revealed that Officer A threw the Subject's knife approximately 15 feet down the hallway prior to handcuffing him. In general, it is preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene. In this case, it is not only reasonable, but necessary, for the officers to remove the Subject's weapon prior to taking him into custody. It would have been preferable, however, for the officer to don Personal Protective Equipment (PPE) such as latex gloves prior to handling the weapon. The donning of PPE would not only minimize the potential for degrading evidence, but also minimize the exposure to blood borne pathogens. It is from this perspective that all officers are to be reminded that whenever tactically feasible, it is

preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene. In the event that evidence must be moved, officers are reminded to wear latex gloves and to move the item only as far as necessary whenever feasible.

Additionally, post OIS, Officer A observed that the Subject's blood had been splattered on his/her hands, service pistol, equipment belt, and uniform. Shortly thereafter, Officer A utilized a sanitizing wipe to clean his/her hands and pistol. In this case, it is understandable that an officer would instinctually want to remove blood or hazardous materials from his/her person and personal items such as his/her service pistol.

The above topics were to be discussed during the Tactical Debrief.

## **B. Drawing and Exhibiting**

- According to Officer A, he/she drew his/her service pistol because of the comments of the radio call, the additional calls, and the fact that Officers A and B did not know the layout of the apartment. Officer A was also concerned that there could very well be someone armed inside the apartment, and the building had many tight corners and tight spaces.

According to Officer B, he/she drew his/her service pistol as Officer B neared what he/she believed to be the apartment described in the radio call. Officer B explained that he/she unholstered his/her pistol since the radio call had been upgraded to an ADW, the Subject could be anywhere, and there was no weapon description.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officers A and B's drawing and exhibiting of a firearm. The BOPC noted that the officers were responding to a radio call of an ADW, unfamiliar with the large apartment complex, and were unsure of the location of the Subject.

As such, 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. Lethal Use of Force**

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

According to Officer A, the Subject had opened the apartment door with a knife in his hand. Officer A told the Subject to drop the knife, and the Subject dropped the knife

on the ground. The Subject then reached down and picked the knife up in an underhand grip with the blade pointing outwards towards Officer A. Officer A again ordered the Subject to, "Drop the knife." Officer A backed up as much as he/she could and placed his/her finger back on the trigger of his/her pistol, which he/she now held in a modified close contact position. Officer A aimed his/her service pistol at the Subject's center body mass as the Subject lowered his shoulder, thereby adding more weight behind his movement and began to charge at Officer A. Scared for his/her life, Officer A fired his/her service pistol from an approximate distance of five feet or less.

Officer A assessed after his/her first shot and observed as the Subject continued charging toward him/her. Officer A believed the Subject was going to kill him/her or hurt his/her partner. Officer A aimed his/her service pistol at the Subject's center body mass and fired his/her second round. Officer A recalled assessing between each round and observed that the Subject was still armed with the knife, within arm's reach, and continuing to barrel towards Officer A. Officer A felt hopeless as the Subject charged toward him/her and did not think he/she was going to stop the Subject. Officer A fired his/her third and final round at the Subject, which stopped the Subject's deadly actions. After the third round was fired, the Subject's head struck Officer A's leg as the Subject fell to the ground. Officer A then redeployed away from the Subject.

In this case, the BOPC conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer A's use of lethal force. According to FID, only two seconds passed from the time that the Subject picked the knife up from the ground and charged at Officer A to the time that Officer A fired his/her first round from an approximate distance of three and a half feet. Officer A stated that he/she assessed between each round, fired, and observed that the Subject continued charging toward Officer A with the knife in his hand. The Subject continued to close the distance to such a degree that the Subject's head actually struck Officer A in the leg. It was noted that Officer A and the Subject were in such close proximity to each other during the OIS that the Subject's blood and body matter were splattered onto Officer A. The investigation also revealed that all three of Officer A's rounds were fired in approximately three tenths of a second. The BOPC noted that this was a dynamic and rapidly unfolding incident. Officer A was forced to make a split-second decision, during an extremely stressful situation, to protect his/her life and Officer B's life.

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