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

OFFICER-INVOLVED SHOOTING – 101-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Central	11/13/11		

Officer(s) Involved in Use of Force	Length of Service
Officer C	6 years, 3 months

Reason for Police Contact

Officers responded to a "man with a knife" radio call. After a short pursuit and issuing multiple commands to the Subject, he did not cooperate, and an officer-involved shooting (OIS) occurred.

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

Subject: Male, 73 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 suspect 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 October 30, 2012.

Incident Summary

Uniformed Police Officers A and B responded to a "415 Man with a Knife" radio call at a local restaurant. The comments of the call from Communications Division (CD) described the Subject as a male with a light complexion, five feet four inches tall, 180 pounds, approximately 55 to 60 years of age, and wearing light blue jeans and a dark blue t-shirt. The Subject was reportedly armed with a small cleaver in his pocket, and refused to leave the location. The person reporting (PR) the incident, a male identified as Witness A, informed the Radio Telephone Operator (RTO) during the 911 emergency call that the Subject had not threatened anyone with the cleaver.

Officers A and B arrived at the location and took the Subject into custody without incident. The officers interviewed Witness A, who verified that the Subject had not threatened him with the knife or committed any crime, and that he wanted the Subject to leave. The officers examined the knife, which was cleaver-style with a seven inch fixed blade and a brown wood handle, and determined that the Subject had not committed any criminal offense regarding his possession of the knife. The officers released the Subject from their custody, returned the knife to him, and told him to leave the location. The Subject complied and left the location.

Approximately one hour later, uniformed Police Officers C and D were patrolling in a marked black and white police vehicle. Officer D was the driver, and Officer C was the passenger. Officers C and D were each equipped with oleoresin capsicum (OC) spray and collapsible batons on their equipment belts. A TASER was located in the trunk of their police vehicle.

> **Note:** The police vehicle was equipped with the Digital In-Car Video System (DICVS), but the system was not activated because the officers were not logged into the Operations-South Bureau (OSB) server due to their temporary assignment. The officers logged on verbally through the Operations-Central Bureau (OCB) Bureau Communications Coordinator (BCC).

As their police vehicle was stopped at the red light at an intersection, an unidentified female, approximately 35 years of age, ran from the corner of the intersection to the passenger side of their vehicle. The female, who appeared panicked, stated that a male, later identified as the Subject, was running around the area with a large butcher knife.[1] Officer D notified CD that he and Officer C were at that intersection on a citizen flag-down. Officer C asked the female to provide additional descriptive information, and she replied that the Subject had short white hair and wore a blue shirt. The female pointed her hand in the direction she last observed the Subject walking. The officers immediately turned and began searching for the Subject.

[1] According to Officer D, the female also stated that the Subject was waving the knife at unidentified people in the area.

Note: The officers did not obtain the name of the female during their contact with her, and the investigation was unable to identify her.

According to Officer C, he told Officer D that the officer closest to the Subject when they located him would be the contact officer, and Officer C encouraged Officer D to give the Subject commands. As the officers drove, both officers observed the Subject, who matched the hair and clothing description, standing on the sidewalk between two store fronts. The Subject had his back toward the officers, while appearing to look at a clothing rack on the sidewalk. Officer D parked the police vehicle perpendicular to the curb to block traffic. Both officers exited the vehicle and unholstered their weapons based on the information that the Subject was armed with a knife and the belief the situation could escalate to the use of deadly force.

Note: The incident was recorded by Witness B.

Officer C held his weapon at the two-handed low ready position. Officer C waved his hand at unidentified pedestrians, and a male, whom he believed to be a store owner positioned close to the Subject, to stay inside the store. Officer C observed the brown handle and a portion of the square-shaped blade of the knife protruding from the Subject's right rear pants pocket. According to Officer D, he observed only the wooden handle of the knife. Officer C, who was concerned for the safety of numerous individuals in the immediate vicinity of the Subject, as well as concerned that the Subject could flee, stepped onto the sidewalk. Officer C ordered the Subject to turn around and place his hands on his head. The Subject refused to comply with Officer C's commands. The Subject turned around and walked toward the officers as Officer C again ordered the Subject to place his hands on top of his head.

Officer D requested an additional unit via the police radio, but did not broadcast that the Subject was armed with a knife. Uniformed Police Officers E and F notified CD they were responding to the additional unit request.

The Subject refused to put his hands on his head and stated, "…. [W]hat did I do?" The Subject stepped sideways, with his torso facing north and then twisted his torso toward Officer C. Officer C continued his commands and ordered the Subject to face the wall behind him. Officer C again ordered the Subject to place his hands on top of his head. The Subject refused and asked why the officers were bothering him and what he had done. During this time, the Subject moved his hands back and forth toward his head.

Officer D updated CD regarding the officers' location and requested a TASER-equipped unit to respond.

Officer C ordered the Subject to follow his commands. The Subject placed his hands on top of his head, but then swiftly turned toward Officer C and took a step toward him while lowering his hands. Officer C aimed his pistol at the Subject and repeated to him to follow his commands. The Subject refused to place his hands on top of his head.

Officer C ordered the Subject to face the wall behind him and come down to his knees. The Subject walked forward and then sideways toward the wall, with his hands moving at his sides. The Subject faced the wall, but refused to place his hands on top of his head. Officer C returned to the low-ready position with his pistol. Officer C told the Subject to get on the ground and place his hands on top of his head, but the Subject again refused.

> **Note:** Officer D recalled that Subject was uncooperative and told the officers several times to shoot him.
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> Witness B recalled that an officer "asked [the Subject] numerous times […] to drop his knife, but he didn't."

Officer C continued his commands and remained approximately five feet from the Subject as he was concerned that the Subject would run toward and endanger pedestrians in the immediate area around him. Officer D, as cover officer, monitored the pedestrian activity in the event the Subject attempted to run. Officer C continued to repeat his orders to the Subject as additional units arrived at the scene.

Uniformed Police Officers G and H arrived and advised CD of the location.

> **Note:** As recalled by Officer H, the first thing he saw upon his arrival at the location was an officer who had the Subject at gunpoint. According to Officer H, the officer advised him that the Subject had kept a knife in his back pocket, and Officer H saw the knife actually sticking out of the Subject's right rear pocket. Officer H recalled that as the Subject would turn, his sweatshirt would kind of lift up and you could actually see the knife sticking out of his back pocket.
>
> Officer G also recalled seeing that the Subject had a knife in his back pocket. Officer G described the knife as "a butcher knife."

Moments later, uniformed Police Officers I and J, as well as Officers E and F, broadcast that they had arrived at the location.

> **Note:** According to Officer I, when he arrived at the location he "noticed the handle [of the knife] in the right rear pocket of the su[bj]ect['s] pants." Further, Officer I recalled, "Commands were given to the su[bj]ect as far as dropping the knife or the hatchet. [The] [s]u[bj]ect didn't comply. He was yelling, 'Shoot me. Shoot me.'"

Officer G parked the police vehicle on the street. According to Officer H, as he exited the vehicle, he heard a TASER request broadcast over the police radio. Officer H approached Officer C who told Officer H that the Subject had a knife in his rear pocket and that he needed a TASER. Officer H removed his TASER from the holster on his equipment belt. The Subject stood with his back to the officers, but turned back and

forth toward the officers several times. Officers G and H observed a knife blade and handle protruding from the Subject's right rear pocket. Officer C repeated his commands for the Subject to put his hands on top of his head, but the Subject refused. Officer H told the Subject to calm down and cooperate, but to no effect. Officer H warned the Subject that if he did not cooperate and turn around, he would utilize the TASER on him. The Subject replied, "You're just going to have to shoot me, shoot me!" several times.

> **Note:** According to witnesses at the scene, they heard the Subject taunt Officer C with profanity while challenging him to shoot.

Uniformed Sergeant A arrived at the location and broadcast accordingly. According to Sergeant A, he observed the Subject leaning with the right side of his body against the wall and refusing to comply with orders. The Subject was angry, verbally aggressive to both officers and pedestrians in the area, and clenched and waved his fists. The Subject then briefly complied with commands by placing his hands up, but then assumed a fighting stance and repeatedly turned toward the officers. Sergeant A believed the Subject was unsafe to approach and determined that less-lethal weapons would be necessary to take him into custody.

> **Note:** Sergeant A asked Officer D if the Subject had committed a crime or was named in a crime report. According to Officer D, he told Sergeant A that the Subject was not involved in a crime but had a large knife in his right rear pocket. Officer D noted the Subject was facing the street and Sergeant A was unable to see the knife.

> **Note:** According to Officer H, when Sergeant A arrived, "He – he was advised that he [the Subject] had a knife on him, and he [Sergeant A] said, 'You know what, he has a knife, go ahead and step back. Somebody go grab a beanbag.'"

Sergeant A directed Officers C, G and H to step further away from the Subject for their safety.

> **Note:** Witness C recalled that when the sergeant arrived, the officers (Officers C and G) told the sergeant that the Subject had a knife. According to Witness C, when the sergeant became aware that the Subject had a knife, he instructed all the other officers to take three steps back.

Sergeant A designated Officer C to remain as the lethal force officer and Officer H to remain as the TASER officer. Sergeant A designated Officer G to deploy a beanbag shotgun. Officer G retrieved the beanbag shotgun from his police vehicle and chambered one round. Officer G loaded one additional round into the magazine, for a total of five rounds in the beanbag shotgun. Officer C positioned himself at the curb line

with his pistol drawn in the low-ready position, with Officer G positioned immediately to his left, and Officer H to the left of Officer G.

> **Note:** Sergeant A believed at least two other officers had their pistols drawn in addition to Officer C, so he did not designate a cover officer. None of the officers present, other than Officer D, stated they had their pistols drawn. According to Officer C, Sergeant A designated him as the cover officer. Sergeant A also did not specifically assign an officer as lethal force, recalling that it was obvious there was lethal force present. There were officers with a Taser, beanbag and lethal force in the event they had to use it and also an arrest team.

Uniformed Police Officers K and L arrived at the location and notified CD. Moments later, uniformed Police Officers M and N also arrived at the location shortly after Sergeant A, but they did not immediately notify CD due to the ongoing tactical situation.

> **Note:** Officers M and N did not alert CD that they were responding to the scene nor did they notify CD of their Code Six status upon their arrival.

Sergeant A designated Officers D, I, K and M to form the arrest team. The arrest team was positioned on the sidewalk to one side of the Subject. Sergeant A, who was positioned on the sidewalk approximately four feet from Officer H's position, warned the Subject that the TASER and beanbag shotgun would be utilized if he did not comply with his commands. Sergeant A directed Officer G to prepare to utilize the beanbag shotgun, and deployed the officers in a semi-circle around the Subject to avoid a crossfire if shots were fired. Officer G held the beanbag shotgun in the low-ready position on his right shoulder. Officer G told the Subject that if he did not comply with their orders, he would be shot with the beanbag shotgun and that it would hurt. According to Officer C, the Subject now turned, and moved his hands from behind to in front of his torso numerous times.

> **Note:** As recalled by Officer N, as he and his partner walked up, they heard the officers telling the Subject to drop the knife, raise his hands, and get on the ground, but the subject refused to comply.
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> Officer F recalled that the officer giving commands with respect to the beanbag shotgun told the Subject to "drop, you know, any weapon if he had any because the beanbag was going to hurt."

Officer C stated that every time the Subject's hands moved near the knife in his rear pocket, he ordered the Subject to place his hands on top of his head. When he observed the Subject reach directly for the knife several times, he warned the Subject not to grab the knife and told the Subject, using profanity, that he would shoot him in an attempt to gain the Subject's compliance.

Officer G announced “Beanbag Ready” at least twice, and aimed the beanbag shotgun at the Subject’s lower torso. The Subject, who became more agitated, turned toward the officers, balled his hands into fists and brought them to chest level. The Subject repeated, “Go ahead and shoot me!” several times.

> **Note:** According to Sergeant A, it was about this time that unknown officers told him the Subject had a knife on his person. Sergeant A motioned with his arms and told all of the officers to move back toward the street to gain distance from the Subject.

According to Officer C, after repeated commands, the Subject faced the wall but continued to turn his upper torso back and forth toward the officers. Officer C observed the Subject suddenly reach into his rear pocket with his right hand and grab the handle of the knife. The Subject, in a very quick and deliberate motion, pulled the knife completely out of his pocket with his right hand as he twisted his torso toward Officers C, G and H. Officer C observed the Subject lower his body, and believed he was preparing to throw the knife at him and Officers G and H.

> **Note:** According to Officer C, the Subject pulled his knife out with his right hand twisting towards the officers. As soon as Officer C saw the knife come out and him twisting that fast, Officer C believed the Subject was going to take that butcher knife and throw it at the officers. He saw him pull it out of his pocket, saw the blade, and saw the Subject spinning towards the officers.

In defense of his life, and the lives of Officers G and H, utilizing a two-handed shooting grip, Officer C fired one round at the Subject from a distance of approximately ten feet.

> **Note:** According to Officer I, the Subject wasn’t complying with the officers’ demands, he heard several pops, and then he lost sight of the handle of the knife.

According to Officer G, the Subject brought the knife up to his armpit level with his right hand and turned to attack him and Officers C and H with the knife. In fear for their lives, Officer G fired one round from the beanbag shotgun at the Subject’s lower abdomen from a distance of approximately ten feet.

> **Note:** Officer G recalled that the Subject reached into his rear right pocket, took out the knife, and brought it forward as he’s turning towards his partner. The Subject brought the knife up to a little bit below the armpit level, and as the Subject turned, he saw the knife and fired one round into the Subject’s abdomen area for the protection of his and his partner’s lives.

According to Officer H, when the Subject reached toward the knife in his right rear pocket, he feared the Subject would remove the knife to attack the officers and

simultaneously discharged his TASER at the Subject's chest area from a distance of approximately ten feet.

Note: Officer H recalled that the Subject quickly reached towards his back pocket with his right hand, where Officer H saw the knife. In fear that the Subject would try to do something with the knife with the officers directly in front of him, Officer H deployed his TASER.

Note: According to Sergeant A, who was located approximately 11 feet from the Subject, the Subject reached with both hands toward his right rear pocket. The Subject retrieved the knife with a motion similar to a gun being drawn from a holster and then aimed at a target. Sergeant A, however, did not observe the specific place from where the Subject retrieved the knife.

According to Witness D, the Subject turned to his right toward Officers C, G and H.

Note: According to Officer F, the Subject grabbed the butcher knife from his back side and he lifted it up with the blade kind of facing the officers. The Subject made a motion as if he was either going to walk towards the officers or maybe just throw the butcher knife at them. Officer F believed any of the officers could have gotten struck by the knife from that distance.

Officer E recalled that the Subject suddenly reached back and pulled the knife out in a way to threaten because he used one continuous motion reaching into his back and pulling the knife out. Officer E could see the meat cleaver coming out, and it looked as though the Subject was about to make a move and walk forward, but shots had already been fired.

Officer J recalled that the Subject reached for the knife and tried to withdraw it from his pants pocket and that's when the officers took action. As described by Officer J, the Subject had control of the knife and he started to pull it out of his pocket. That's when the officers took action. The TASER and the beanbag were used on the Subject, and he was also shot.

According to Officer L, the Subject put his hands in what appeared to be his right rear pocket, he produced the knife and attempted to turn towards the officers in a thrusting motion when the TASER and beanbag were utilized. The knife was at a height approximately pelvic area or his waist.

As described by Officer K, the Subject reached behind his back pocket and started to pull something out and that's when he heard the TASER and beanbag go off. And then the officers took the Subject into custody. Officer K grabbed the Subject's right arm, and Officer K instructed

someone to handcuff him while he was holding the Subject's right arm. The Subject was taken into custody.

According to Officer N, the Subject turned to face the wall and reached in his back pocket. Officer N believed the Subject took the knife out, which was in his right hand, and he raised it above his head and took a step towards the officers.

Witness D, who was 20 feet from the Subject, recalled that he "saw the man fighting with the cops, screaming, saying bad words to police officers. The officers continued telling [the Subject] to drop the gun, but he didn't drop anything. Instead, [the Subject] was saying, 'Just shoot me. I want to die. Shoot me [….] [K]ill me [….]' [H]e was facing to the wall with his hands back. But suddenly […] he turned around [….] I saw him pull a knife and the two officers shoot him."

Uniformed Sergeant B arrived as the shooting occurred and heard one shot fired from a shotgun as he exited his police vehicle.

Both TASER darts embedded in the Subject's left chest area. The Subject's body tensed from the TASER activation, causing him to stand motionless. According to Officer H, he continued to press the trigger of the TASER for approximately ten seconds to prevent the Subject from removing the knife from his pocket.

Note: The TASER Activation Report documented the TASER was activated once for a duration of eight seconds at 1656:55 hours. The report indicated, however, the internal clock of the TASER was approximately 13 minutes and 25 seconds fast. The actual time of the TASER activation was 1643:30 hours (Addendum No. 1).

According to Officer H, he observed both of the Subject's hands clenched into fists in front of his torso, and did not observe the knife in either hand. An unknown officer ordered the Subject to get down onto the ground, but the Subject did not comply.

Officer H, with the TASER still activated, approached the Subject who stood with his back to the wall. Officer H approached the Subject and utilized his left hand to grab the Subject's t-shirt by the left shoulder area and pulled him down to the sidewalk.

Note: According to Officer H, he did not recall seeing the knife in the Subject's hand when he (Officer H) pulled the Subject down to the sidewalk.

The Subject fell onto his left shoulder and chest with his hands underneath him. The knife fell to the sidewalk away from the Subject. Officers D, F, I, K and M approached the Subject to take him into custody. Officer G covered the Subject with the beanbag shotgun as they approached. Officer H released the trigger of the TASER and ejected the cartridge. The officers turned the Subject over onto his stomach. Officer M grabbed

the Subject's left arm and placed it behind his back, while Officers I and K grabbed the Subject's right arm and placed it behind his back. Officer M handcuffed the Subject, who was then rolled onto his right side. Officers D and Officer F grabbed the Subject's feet to prevent him from kicking. Sergeant A utilized his left foot to kick the knife approximately two feet away from the Subject.

Officer E, who believed the knife was still too close to the Subject, utilized gloves and picked up the knife by the handle. Officer E observed that an unknown female on the sidewalk nearby was recording the incident on her cellular telephone. Officer E displayed the knife to the female and other civilian bystanders and then secured the knife in the trunk of his police vehicle. Officer E observed that officers were using their feet to keep the Subject from kicking his feet, but were unsuccessful. Officer E told Officer H to utilize his Hobble Restraint Device. Officer H retrieved his Hobble from his rear pants pocket and placed it around the Subject's ankles to restrain his movement.

Sergeant A requested an additional supervisor respond to his location. Officer M requested a rescue ambulance (RA) unit for the Subject.

Officer C reholstered his pistol, and Officer G made the beanbag shotgun "patrol ready" by removing the chambered round and placing it into the magazine tube. Officer G then placed the beanbag shotgun in his police vehicle. Officer C approached Sergeant A and stated he had fired one round from his pistol at the Subject as the beanbag shotgun and TASER were fired. Sergeant B met with Sergeant A who informed Sergeant B that Officer C had fired his pistol during the incident. Sergeant B separated Officer C and obtained a Public Safety Statement (PSS) from him. Sergeant A ensured that Officers G and H were also separated and monitored at the scene. Sergeant A requested additional resources and directed a crime scene to be established and officers to canvass the area for witnesses.

Los Angeles Fire Department (LAFD) personnel arrived at the scene to provide emergency medical treatment for the Subject's wounds. The Subject was transported by RA to a local hospital for further treatment.

Force Investigation Division (FID) personnel reviewed all applicable documents regarding the separation, monitoring, and admonitions given to not discuss the incident prior to being interviewed by FID investigators. The review revealed that proper protocols were followed and no issues were identified.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical

debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on its review of the instant case, the BOPC made the following findings:

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Leaving Cover

According to Officer C, he stayed in pretty close proximity to the Subject (within about five feet) just in case he decided to run at any civilians that were in the area.

Department tactical training encourages officers not to rush into situations where they may be susceptible to attack. However, officers must use their best judgment in tactical situations and, in this case, Officer C approached the Subject because of the dynamics of the area, with immediate access to the open stores and numerous pedestrians. It was reasonable for Officer C to believe that an armed, uncooperative subject posed a significant threat to the community, and his decision to approach the Subject to within five feet was reasonable to control his movement.

In conclusion, although it would have been prudent for the officers to have remained behind the cover of the parked vehicles and assess the Subject's actions from that position, the BOPC concurs that Officer C reasonably believed that the Subject posed a significant threat to the community therefore believed that he needed to approach.

Accordingly, the actions of Officer C substantially deviated from approved Department tactical training; however, it was justified.

2. Tactical Communications, Radio Broadcasts

In this instance, Officers C and D made contact with the Subject, who was armed with a knife and refused to comply with their commands. Officer D requested an additional unit, but did not broadcast that the Subject was armed with a knife. The totality of the circumstances surrounding this incident warranted a back-up or help call including the pertinent information the Subject was armed with a knife. This created a significant officer safety concern, not only to the requesting unit, but also to those officers who were responding.

Given the ongoing tactical event, Officer D's additional unit request, followed shortly thereafter by his broadcast to CD updating their location and requesting a TASER-equipped unit, clearly demonstrated that personnel were needed and that a

confrontation was taking place, requiring additional resources and less-lethal force options.

Therefore, the BOPC found that Officer D's actions did not substantially deviate from approved Department tactical training. However, Officer D is reminded to be aware that when requesting back-up and help, to include all other pertinent information.

These topics were to be addressed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Witness Identification

   Officers C and D did not obtain the name of the female who flagged them down during their contact with her. The investigation was unable to identify her. Officers C and D are reminded that obtaining all pertinent identification and information during an incident is important to ensure a thorough investigation.

2. Tactical Language

   Officer C stated he used profanity during the incident as tactical language to stress the seriousness of the situation to Subject. Officer C's Commanding Officer addressed this issue at the Divisional level.

   In assessing the use of tactical language in this case, based on the fact that the Subject was armed with a large knife and was refusing to comply with the officers' commands, it was reasonable for Officer C to utilize tactical language in an attempt to stress the seriousness of the encounter and gain compliance from the Subject. Therefore, no further action is required.

3. Contact and Cover

   After Officer H deployed the TASER, he approached the Subject and utilized his left hand to grab the Subject's left shoulder area and pulled him down to the sidewalk, while still holding the TASER in his right hand. Officer H was reminded that allowing the pre-designated arrest team to take the Subject into custody would have been preferred, as approaching subjects with a TASER in hand reduces force options and decreases officer safety.

4. Line Supervisor

   In this instance, as the officers approached the Subject to take him into custody, Sergeant A utilized his left foot to kick the knife away from the Subject. Here, Sergeant A briefly transitioned from the role of supervisor to one of line officer. In doing so, he became part of the tactical situation. Proper supervision requires the assessment of all aspects of a tactical scenario, and that oversight can be

impacted by becoming actively involved. Additionally, once the subject was taken into custody Sergeant A assisted with crowd control.

5. Preservation of Evidence

   In this instance, Officer E recovered the Subject's knife and secured the knife in the trunk of his police vehicle. Based on the crowd surrounding the officers, the officer's actions were reasonable in order to protect the evidence; however, as a general topic of discussion, preservation of evidence was to be discussed during 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. 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 with the objective of improving overall organizational and individual performance.

  The BOPC found that Sergeant A, along with Officers C, D, G and H tactics warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officers C and D were flagged down by a citizen who advised that a male was running around the area with a large butcher knife. Once the officers located the Subject, Officer D parked the officers' police vehicle perpendicular to the curb to block traffic. Both officers exited and drew their service pistols with the belief that the situation could escalate to the use of deadly force.

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

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

C. Less-Lethal Use of Force

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

- **Officer G** – (Beanbag Shotgun, one sock round)

In this instance, Officers G and H arrived and were told by Officer C that the Subject had a knife in his rear pocket and that he needed a TASER. Officer H removed his TASER from the holster on his equipment belt. The Subject stood with his back to the officers, but turned back and forth toward the officers several times. Officers G and H observed a knife blade and handle protruding from the Subject's right rear pocket. Officer C repeated his commands for the Subject to put his hands on top of his head, but the Subject refused. Officer H told the Subject to calm down and cooperate, but to no avail. Officer H warned the Subject that if he did not cooperate and turn around, he would utilize the TASER on him.

Sergeant A arrived and observed the Subject refusing to comply with their orders. The Subject was angry, verbally aggressive, and clenched and waved his fists. According to Officer D, he told Sergeant A that the Subject was not involved in a crime but had a large knife in his right rear pocket.

Sergeant A directed Officers C, G and H to step further away from the Subject for their safety and designated Officer C to remain as the lethal force officer and Officer H to remain as the TASER officer. Sergeant A designated Officer G to deploy a beanbag shotgun. Officer G retrieved the beanbag shotgun from his police vehicle, chambered a round and positioned himself to the left of Officer C.

Sergeant A warned the Subject that the TASER and the beanbag shotgun would be utilized if he did not comply with his commands. Officer G also warned the Subject that if he did not comply with their orders, he would be shot with the beanbag shotgun and that it would hurt.

Officer C stated that every time the Subject's hands moved near the knife in his rear pocket, he ordered the Subject to place his hands on top of his head.

According to Sergeant A, it was about this time that unknown officers told him that the Subject had a knife on his person. Sergeant A motioned with his arms and told all the officers to move back toward the street to gain distance from the Subject.

Officer G observed the Subject raise the knife to his armpit level with his right hand and turned to attack him and Officers C and H. In fear for their lives, Officer G fired one sock round from the beanbag shotgun at the Subject's lower abdomen. Officer G was not aware that the Subject was shot with a service pistol at the time.

As Officer H observed the Subject reach toward the knife in his right rear pocket, he feared the Subject would remove the knife to attack the officers and simultaneously discharged his TASER at the Subject's chest area. Both TASER darts embedded in the Subject's left chest area. The Subject's body tensed from the TASER activation, causing him to stand motionless, and thus allowing officers to approach and take him into custody.

In conclusion, the BOPC determined that an officer with similar training and experience as Officers G and Officer H, when faced with similar circumstances would reasonably believe that it would be unsafe to approach the Subject. Additionally, the same officer would reasonably believe that the Subject's actions represented an imminent threat of serious bodily injury or death and that the use of less-lethal force would be reasonable.

Therefore, the BOPC found Officers G and H's use of less-lethal force was objectively reasonable and in policy.

C. Lethal Use of Force

- **Officer C** – (pistol, one round)

  In this instance, Officer C observed the Subject suddenly reach into his rear pocket with is right hand and grab the handle of the knife. The Subject pulled the knife out of his pocket with his right hand as he spun his torso toward Officers C, G and H.

  Officer C observed the Subject lower his body, and believed he was preparing to throw the knife at him and Officers G and H. In defense of his life, and the lives of Officers G and H, Officer C fired one round at the Subject, and the Subject went down.

  Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, while faced with similar circumstances, would reasonably believe that the Subject represented an imminent threat of death or serious bodily injury, and that the use of lethal force would be reasonable in order to stop his actions.

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