

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

OFFICER-INVOLVED SHOOTING – 010-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Van Nuys	02/14/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	2 years, 4 months
Officer D	8 years, 3 months
Officer H	10 months

Reason for Police Contact

Officer A confronted the Subject, who was holding a knife inside a motorhome and ordered him to drop the weapon. The Subject refused multiple commands, and pointed the knife at Officer A while moving towards him, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 26 years of age.

Board of Police Commissioners' Review

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

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on January 31, 2017.

Incident Summary

Witness A dialed 911 when an acquaintance (the Subject) was fighting with her boyfriend, inside their apartment. During the 911 call, grunting, groaning and screaming could be heard in the background, however no information was communicated. The call was then disconnected.

Los Angeles Police Department (LAPD), Communications Division (CD) Emergency Board Operator (EBO) generated an unknown trouble radio call at the location.

Note: The location was a two-story, multi-unit apartment complex. No specific apartment number was identified for the unknown trouble radio call.

The radio call was assigned to Police Officers A (driver) and B (passenger). Officers A and B had known each other for two years and have discussed tactics on and off-duty. They had worked on and off with each other since October, 2015. At the start of their shift, they discussed that Officer A would be contact officer and Officer B would be cover officer.

The EBO updated Officers A and B that their unknown trouble radio call was possibly a burglary/hot prowl Subject and that he reportedly had forced his way into an apartment, and a female inside of the location climbed out of her window to get escape. The EBO further advised responding units that the person reporting (PR) said the Subject just ran out of the front gate of the complex and was running southbound in the street. The units that responded included Officers C, D, E, F, G, H, I and J.

Note: All officers identified in this report were all in full uniform, driving black and white police vehicles. They all utilized their lights and sirens as they responded Code Three.

As Officers A and B arrived, Officer B observed an individual on the roof of a motorhome that was parked northbound on the east side of the street. Officer B immediately advised Officer A of his observation.

Officer B advised CD that they had arrived at the location and were Code Six on the Subject, who was on top of an RV, and requested a back-up and a supervisor.

Note: The investigation determined that the Subject did not live at the location. He forced his way into an apartment and stabbed Witness C multiple times with a folding knife, then fled on foot.

Officer B stated he unholstered his pistol upon exiting his vehicle because he believed the Subject was the "hot prowl suspect armed with a knife" as described in the radio call and that the situation might escalate to the use of deadly force.

Officer A said that when he exited the police vehicle, his partner advised him that the Subject was on the roof of the motorhome. Officer A moved to the area in front of the motorhome, but could not see the Subject. Officer A unholstered his pistol because the comments of the radio call indicated the Subject was the hot prowler suspect armed with a knife and, at that time, the Subject had the advantage of being in an elevated position. Officer A believed the Subject could have easily jumped down from the roof of the motorhome with the knife. Both officers walked to the east sidewalk and held their pistols with both hands at a low-ready position as they watched the Subject who was now pacing back and forth on top of the motorhome.

According to Officer A, he noticed a group of individuals standing nearby. One of them yelled out that the Subject had stabbed someone inside and they needed help. Upon hearing what this, Officer A advised CD that they possibly had a victim down in one of the apartments and requested a rescue ambulance (RA). Both officers believed that the Subject could now be a murder or attempted murder Subject.

Officer B observed that the Subject was sweating profusely, with blood on his face and hands. Officer B believed that the Subject may be under the influence of a narcotic. Officer B saw that the Subject was holding a knife with a red handle in his right hand. Prior to back-up officers arriving, Officers A and B began giving commands for the Subject to drop the knife and to come down from the motorhome.

Note: According to the officers at the scene, the Subject never acknowledged any of the commands given during the entire incident.

To keep a constant line of sight on the Subject, Officers A and B moved to the east side of the motorhome. Both officers said that they constantly repositioned themselves in order to monitor the Subject as he paced on the roof of the motorhome and were always aware of where each other was located. According to Officer B, their contact and cover roles were constantly alternating depending on the Subject's position. The officers continued to yell out commands for the Subject to drop the knife and come down from the roof of the motorhome.

According to both officers, the Subject continued pacing on top of the motorhome. At one point, the Subject was at the rear portion of the motorhome, leaning over the edge, pulling on an affixed ladder that was on the backside of the motorhome. Moments later, Officer A observed the Subject lying on his back and saw the Subject place the blade of the knife to his neck. It appeared to Officer A that the Subject had slit his throat when he saw blood dripping from his neck. According to Officers A and B, they discussed the kind of nonlethal options they had available. They did not feel that tasing the Subject while he was on top of the motorhome was an option because he could fall and hurt himself even further. They also discussed utilizing a beanbag shotgun however, their vehicle was 28 feet north of their location, and it was not safe for one of them to leave

and get the beanbag shotgun. Officer A advised CD to send a second RA for the Subject upon seeing him cut his neck.

Officer B then observed the Subject begin ripping at a roof vent. Officer B yelled out to Officer A, advising what the Subject was doing. Officer A believed the Subject was trying to gain entry into the motorhome and wanted to try and keep a line of sight on him. Officer A also had a concern that there could possibly be someone inside, or that the Subject could possibly arm himself with another weapon, and possibly harm himself further or someone else. For those reasons, Officer A moved to the rear of the motorhome and tried opening the rear side door to the motorhome, noting the door to be locked.

Witness E yelled out to Officer A that he had the keys and handed the keys to him.

Note: Officer A did not have any conversation with Witness E at the time that the keys were handed to him, nor did he inquire if there was anyone inside of the motorhome. According to Officer B, he was unaware that Officer A had obtained the keys to the motorhome and had opened the door.

Both officers observed the Subject begin pulling and ripping at the plastic 14 x 14-inch vent cover that was directly over the motorhome bathroom. During this time, while on the roof of the motorhome, the Subject removed his pants. It appeared that the Subject was attempting to gain entry into the motorhome via the vent.

Officers E and F arrived at the scene. They both stated they were the first back-up unit to arrive and stopped behind the motorhome. Upon exiting their vehicle, Officer E saw the Subject holding a knife in his right hand as he was trying to wedge himself into the roof vent. Officer E saw blood on the Subject's neck and hands. Officer E unholstered his pistol based on his observations and the comments of the radio call. Officer F said he unholstered his pistol upon arrival due to the comments of the radio call that the Subject had stabbed at least one person. Both officers took positions behind their vehicle doors. According to Officer E, he and Officer F moved forward from behind their vehicle door's to the front of the motorhome and were standing with Officer B.

Officers G and H arrived and observed the Subject running on top of the roof of the motorhome with no shirt. Officer G requested additional units to block north and southbound traffic. It appeared to Officer G that the Subject was under the influence and appeared to be in a panicked state of mind. Officer G also saw other officers at the scene with their weapons drawn and therefore did not unholster his own pistol. Officer G noticed that the Subject had something in his right hand and his neck was bleeding. Officer G retrieved a beanbag shotgun from the trunk of the police vehicle in case the Subject jumped down from the motorhome. Officer G then saw the Subject make his way into the motorhome via a roof vent, feet first, and went directly to the driver's seat. Officer G positioned himself in the street west of the driver's door, behind other officers. Officer G said that he never pointed his beanbag shotgun at the Subject.

According to Officer H, he observed the Subject, who was shirtless, on the roof of the motorhome attempting to gain entry via a small roof vent. Officer H heard Officer G say that he was going to utilize the beanbag. As he said that, the Subject went down through the vent into the motorhome.

Note: Officer G did not recall saying that he was going to beanbag the Subject and had no intention of utilizing it while the Subject was on the roof.

Officer B said he saw one of the responding officers with a beanbag shotgun and designated him the less-lethal officer, with the beanbag.

Note: According to Officer G, he recalled Officer B say to him that he was designated “less-lethal, beanbag.”

With the keys Officer A had obtained from Witness E, Officer A opened the rear side door of the motorhome. According to Officer F, he was with Officer A. Officer F had holstered his weapon and unholstered his TASER.

Upon Officer A opening the door, he saw an approximately three-foot high generator positioned on the floor blocking the entryway into the motorhome.

Note: The only way to enter the motorhome via the rear side door was to step around or step over the generator.

Officer A leaned over the generator with his pistol in his right hand and believed that the Subject was kicking at the bathroom door from inside the bathroom while hanging from the vent. Officer A did not make entry into the motorhome.

Note: Officer A did not tell his partner or any officer who was on the west side of the motorhome that he had opened the door.

According to Officer A, moments later he heard Officer B yell out that the Subject was in the front cab of the motorhome. Officer A maintained his position at the rear door but did not enter. Officer A realized that he was in a crossfire situation because he knew there were officers near the driver’s side door. Officer A redeployed to the front passenger side door, leaving the rear side motorhome door open.

Note: Officer A did not communicate with any officer around the motorhome that he was moving forward to the passenger side door. In a subsequent interview with Officer A, he stated that he moved forward along the passenger side of the motorhome to keep an eye on the open rear side door.

According to Officer F, after unlocking the rear side door, and the Subject had made entry, he and Officer A moved to the front of the motorhome and joined other officers.

Officer B left his position standing on the grassy area in front of the apartment complex, moved around the front end of the motorhome, and stood in the street near the driver's side door.

According to Officer H, he was standing with Officer B. Officer B yelled out that he needed a less-lethal weapon. Officer H had not yet unholstered his pistol, and when he heard Officer B request less-lethal, he unholstered his TASER.

Officer G saw the Subject seated in the driver's seat of the motorhome and thought he had keys in his hand. Officer G said that he was behind other officers who were near the driver's side door with his beanbag shotgun in case the Subject decided to run from the vehicle.

According to Officer J, upon he and his partner, Officer I's arrival, while still seated in his vehicle, he saw the Subject in the driver's seat of the motorhome. Officer I was driving, and briefly stopped so that Officer J could exit. Officer J exited and ran to the driver's door of the motorhome while Officer I continued driving north to block southbound traffic. When Officer J reached the driver's door, Officers B, D and H were already standing near the driver's door of the motorhome. Officer H had his TASER unholstered.

Officer A who was positioned at the front passenger side door, saw the Subject sitting in the driver's seat. He attempted to open the door, but it was locked. Officers continued yelling at the Subject to open the door, with negative results.

According to Officer B, he moved to the passenger side and stood next to Officer A on the east sidewalk, while Officers E, D, H, and J remained standing in the street near the driver's door.

Both Officers A and B believed that they were dealing with an assault with a deadly weapon or possible murder suspect. For public safety concerns, they did not want the Subject driving away in a large vehicle. Officer B moved to the driver's side of the vehicle and yelled out to no one in particular to break the driver's side door window.

According to Officer J, based on the comments of the radio call, the Subject was wanted for stabbing someone and never heard that the knife was in custody. Officer J was standing to the right of Officer H when he saw him holster his TASER and remove his collapsible baton. At that time, Officer J believed the Subject had something in his hand. Officer J unholstered his pistol to provide cover for Officer H, who no longer had a weapon in his hand.

According to Officer H, he was yelling commands for the Subject to come out of the vehicle. Officer H saw the Subject in the driver's seat begin to fiddle underneath the

steering column. Officer H believed the Subject was actually going to try to drive away. He heard someone yell out twice to break the window. Officer H also thought that the Subject could possibly be under the influence of a narcotic or having a mental episode, or both. To prevent the Subject from trying to leave, Officer H struck the driver's side window three times before it shattered, then dropped his baton. Officer H reached in and unlocked and opened the door.

Officer A was standing outside the passenger side window when he saw the driver's side window shatter and realized he was in another possible crossfire situation with officers on the driver's side. According to Officer A, he and Officer B redeployed around to the front of the motorhome. At this time no officers were in a position to cover the rear side door.

As Officer H reached in to unlock the door, he sustained a minor cut on his right hand from the window glass. According to Officer H, the Subject began to move toward the front passenger seat. According to Officer H, the Subject fell between the two front bucket seats onto his back. After Officer H opened the door, he unholstered his TASER. The Subject was still wedged between the two front seats facing Officer H. Officer H saw a knife with a three-inch blade in one of the Subject's bloody hands. Officer H twice ordered the Subject to drop the knife. The Subject did not comply. Officer H stated the reason he deployed his TASER was because the Subject wasn't following commands and possessed a knife, so it was unsafe to approach.

According to Officer H, he was standing outside the driver's door approximately six feet from the Subject, utilizing a bladed stance with his right arm fully extended and his TASER pointed at the Subject. Officer H directed the TASER's red laser dot at the Subject's upper chest, the only available body part exposed. Without giving a warning, Officer H fired his TASER at the Subject's upper chest and stomach area, as the Subject was on his back between the two bucket seats, still holding onto the knife. Officer H recalled the Subject was still shirtless and believed one of the probes struck his chest and the other his stomach. It appeared to Officer H that the Subject became stiff. After the five-second activation, Officer H moved aside while still holding the TASER, thinking that Officer J would move in and try to grab Subject's legs to pull him out.

According to Officer H, he said he did not give the Subject any warning prior to utilizing the TASER because he had already ordered the Subject to drop the knife twice with no response, and the Subject had already cut his neck and was trying to get away. Officer H believed that taking the time to give Subject a warning would utilize additional time, therefore he decided not to give a warning.

Note: Officer J believed it was Officer H who yelled out, "TASER," three times prior to utilizing the TASER. Officer B also heard someone yell out, "TASER," three times prior to it being deployed.

The distance from the TASER to the Subject was approximately four and a half feet.

Officer B was not sure if the tasing was effective, but saw the Subject move from the front cab to the rear living quarters. Officer B was unable to see to the rear of the motorhome because of the hanging blanket and holstered his weapon.

While Officers B and H maintained their position west of the open driver's door, Officer A knew the rear side door was open and did not want the Subject to escape. He, along with Officers D, E, F and J, moved around the front of the motorhome to the rear side door, leaving Officers B, and H to cover the driver's door.

Officer A, who was still unholstered, positioned himself at the side rear door and was standing on the sidewalk leaning over the generator that was on the floor of the motorhome. The generator was positioned in the entryway, effectively blocking the entry into the motorhome. Officer A utilized his attached pistol light to illuminate the interior of the motorhome.

According to Officer A, he had relayed concerns to officers at the front driver's door that there could be crossfire and for them to move. Officer A was advised that there was no longer crossfire but was not sure where those officers who were at the driver's door moved to.

According to Officer B, he recalled an unknown officer yelling out that they were trying to make entry and to be mindful of crossfire. However, at the time of the OIS, Officers B and J were not told that officers had made entry.

Note: Video evidence showed Officer J crouched in front of Officer B near the driver's door at the time of the OIS.

Officer A could not see the Subject, but heard loud moaning, groaning, and screaming coming from inside the motorhome. At that time, Officer A could not be certain who was making those sounds, but believed it could be another victim.

Note: The moaning, groaning and screaming coming from inside the motorhome could be heard on a video which was obtained during the subsequent canvass for witnesses.

Sergeant A heard the back-up request and responded from the police station. The investigation determined that Sergeant A parked approximately 90 feet north of the motorhome. According to Sergeant A, he walked directly to the officers located at the rear side door of the motorhome. Sergeant A observed Officers A and D positioned by the rear door, covering the interior of the motorhome. Sergeant A positioned himself behind Officers A and D. Officer D had his TASER unholstered and stood behind Officer A.

According to Officer A, as he leaned over the generator to see who was inside, he saw the Subject lying face down on the floor with his head near the dinette/bed area. His head was facing south and his arms and hands tucked underneath his body. Officer A

did not feel it was safe to enter so he gave commands for the Subject to put his arms straight out over his head and received no response. Officer A believed there might have been a language barrier so he repeated the commands in Spanish, again with no response. Officer A then saw the Subject scoot back toward the front cab out of his line of sight. Officer A advised officers who were standing behind him that he could not see the Subject's hands, and it was not safe to enter.

Officer J was outside the motorhome door, and heard Officer A say that he could not see the Subject. Officer J told officers who were around the motorhome rear side door that he would go around and try to see where the Subject was located.

According to Sergeant A, he asked Officer A if he was able to see the Subject. Officer A replied that he could. Based on the comments of the radio call, Sergeant A was concerned about a screaming woman. Sergeant A believed there was a possibility of somebody else injured inside the motorhome. Sergeant A also thought that there was a possibility that the Subject could obtain more weapons coupled with the fact that the Subject had already slit his throat and was in need of medical attention. Without voicing any of his concerns or making further inquiries about the incident, Sergeant A made the decision to have the officers enter the motorhome.

Officer A believed a barricaded suspect scenario was possible and peeked in further to see what exactly the Subject was doing or to see if there was any other person inside. Officer A wanted to see if the Subject was trying to arm himself with something else, possibly a firearm. As Officer A was standing outside the side door of the motorhome peering into the living quarters, he could only see partially into the living area.

Although the generator was blocking entry into the motorhome, Officer A was able to step into the motorhome for a better view of the interior. Officer A could not see the Subject, but he could hear him. Officer A used his supporting hand to help him keep his balance as he stepped up onto the main floor of the motorhome. Officer A regained a two-handed grip of his pistol and activated his attached pistol light as he peered around the corner of the floor to ceiling cabinet. Officer A was then able to see the shoes of someone seated behind the floor to ceiling cabinet; however, he could not see the entire body. Officer A believed it was the Subject. Officer A believed the Subject was in a seated position, but he was not certain. Officer A was yelling out his observations to the officers who were behind him. Officer A advised the officers standing behind him that he could see feet and told them that it appeared the Subject was sitting but that he was not moving. Officer A could hear the Subject moaning and groaning and believed that he was bleeding out and on the verge of dying. Officer A moved slightly further inside and was able to see that it was the Subject seated on a cushioned bench seat. Officer A saw the Subject put both of his hands over his stomach and saw what he believed to be the handle of a knife protruding from his abdomen. Officer A watched the Subject pull the knife out and it appeared to him that the Subject pushed the knife back into his stomach. Officer A believed that they needed to make entry to try to save the Subject's life.

Officer D was standing next to Officer A as Officer A moved into the motorhome. Officer D advised him that he had a less-lethal weapon and unholstered his TASER.

Without advising anyone of his intention to do so, Officer A completed entering the motorhome by stepping around the generator. Officer A entered still further while covering the interior with his pistol. As Officer A continued to enter, he moved as far back as he could go, which was approximately three feet from the generator and approximately eight feet from the Subject. Officer A had a two-handed grip on his pistol, pointed in the direction of the Subject. The Subject remained seated on the bench seat with the knife embedded in his stomach. Officer A continued to yell out commands for the Subject to show the officers his hands.

Officer A stated he saw the Subject drop his hands from his stomach and relax them for a second. Officer A believed that possibly the Subject was losing consciousness and acting lethargic because he was bleeding out and needed to enter the motorhome.

Officer D followed closely behind Officer A. Officer D carefully stepped over and around the generator but went no further. Officer D was approximately seven feet south from where the Subject was seated. The Subject was seated and leaning back on a bench seat using both hands to cover his stomach area. When the Subject removed his hands from his stomach, Officer D saw a knife in his stomach with just the handle of the knife showing. Officer D saw the Subject moving his hands back to the knife. Officer D yelled out commands for the Subject to keep his hands up. The Subject continued to move his hands toward the knife. Officer D did not give any warning and fired his TASER at Subject, believing both prongs struck the Subject on his left side.

Officer D said it appeared to him that the TASER activation energized the Subject. Officer D saw the Subject's eyes get bigger, he immediately stood up, and began pulling out the prongs. Officer D saw the Subject remove the knife from his abdomen and pointed it in the direction of Officer A. The Subject then began to charge toward Officer A.

According to Officer A, he gave commands for the Subject to drop the knife and show his hands. Officer A saw that Officer D had Tased the Subject while he was seated. Officer A believed the TASER prongs struck the Subject on his left side. Officer A heard the TASER activation and saw the Subject jump to his feet. Officer A saw the Subject reach down with his right hand and pull the knife out of his abdomen, then point the blade toward him. Officer A recalled as he was focusing on the Subject, he saw the blanket that was hanging behind the front seats moving and then being removed.

According to Officer B he was never advised that Officers A and D had made entry into the motorhome.

According to Officer A, he held his pistol with both hands, arms fully extended and pointed at the Subject as he continued to yell out commands for the Subject to drop the knife. The Subject continued moving rapidly toward Officer A with his right arm

extended, holding the knife with the blade pointed at Officer A. Officer A was already to the rear of the motorhome, as far back as he could go. Officer A continued to yell out commands for the Subject to drop the knife. According to Officer A, he attempted to get the Subject to stop so as to prevent the use of deadly force, however the Subject would not follow his direction. As the Subject got within five feet of Officer A, Officer A believed the Subject was going to try to stab him and fired six rounds at the Subject. Officer A stopped shooting when the Subject fell to the floor, the knife still in his hand. Officer A continued to yell out commands for the Subject to drop the knife with no acknowledgement from the Subject. According to Officer A, he saw an officer enter the motorhome and grab the knife. Officer A then saw officers handcuff the Subject and he holstered his pistol.

Officer E saw Officer A standing inside the motorhome giving commands to the Subject. Officer E was able to see the knife in the Subject's stomach and momentarily looked down because his footing was not stable and immediately looked up when he heard footsteps.

According to Sergeant A he entered the motorhome immediately after the OIS and saw the Subject lying on the floor. Sergeant A asked Officer A where the knife was. Officer A said it was in the Subject's right hand. Sergeant A grabbed the Subject's right wrist and shook it, causing the knife to fall to the floor. Sergeant A believed the Subject was alive but near death and left the knife where it fell to the floor. Sergeant A broadcast that an officer needed help, shots had been fired, and requested an RA for the Subject who appeared to be unconscious. Sergeant A exited the motorhome and directed officers to handcuff the Subject.

Note: According to Sergeant A, he went inside the motorhome because he did not see another officer in the immediate area. However, video evidence showed other officers around Sergeant A when he entered the motorhome after the OIS.

Officer H stated he entered the motorhome and assisted Officer E with handcuffing the Subject. Officer E then left the motorhome. According to Officer H, the Los Angeles Fire Department (LAFD) arrived and he assisted the paramedics with lifting the Subject onto the gurney and out of the motorhome. The Subject was transported to a nearby hospital.

Note: According to Officer E, he asked Officer H to enter the motorhome and assist him with handcuffing the Subject.

According to Officer J, he attempted to ride with the RA Unit but there was no room. Officer J and his partner followed the RA to the hospital. The Subject was subsequently pronounced dead at the hospital.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found Sergeant A and Officers A, B, D, and J's tactics to warrant Administrative Disapproval. The BOPC found Officers E and H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officer D's less-lethal use of force to be out of policy. The BOPC found Officer H's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officer A's use of lethal force to be out of policy.

Basis for Findings

A. Tactics

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

1. Back-Up Unit Request

Officers A and B did not request Back-up after being assigned a radio call of an armed Subject.

Although officers are given discretion regarding the appropriate time to broadcast, a request for an additional unit or back up would have been tactically advantageous based on the comments of the radio call.

In this case, the officers knew that they had been assigned a radio call with a Subject possibly armed with a knife. As a result, they requested and received several updates on the status of the Subject while they were en-route to the location. Upon being advised that the Subject was still at the scene, armed with a knife, the officers immediately requested the response of an air unit for assistance.

Based on the totality of the circumstances, the BOPC determined the officers' actions were reasonable and were not a substantial deviation from approved Department tactical training.

2. Tactical Communication/Tactical Planning

Officers A and B did not effectively communicate with each other throughout the incident or formulate a tactical plan to safely take the Subject into custody.

Operational success is based on the ability of the officers to effectively communicate during critical incidents. The officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officer A had obtained the keys to the motor home from the owner without taking the time to ask the owner questions that would have provided them with the information necessary to make a sound tactical decision and then did not advise any of the other officers that he had obtained the keys. Additionally, Officer A did not advise any of the officers when he unlocked and opened the door. As a result, the officers were confronted with a fluid tactical situation that placed the officers in a tactical disadvantage and unnecessary risk. When Sergeant A arrived, the tactical situation was unfolding, and he did not effectively communicate with the officers. As a result, he ordered the officers to go into the motor home to confront an armed Subject without assessing the situation or formulating a tactical plan.

Based on the totality of the circumstances, the BOPC determined that Sergeant A and Officers A and B's inability to effectively communicate and lack of tactical planning was a substantial deviation, without justification, from approved Department tactical training.

3. Barricaded Subject

Officers A and B, as well as Sergeant A, failed to recognize that the situation met the criteria for a barricaded Subject, which requires notifying SWAT.

In this case, the officers and supervisor knew the Subject had already displayed extremely violent behavior and was still inside the motor home armed with a knife, refusing to comply with their commands.

Based on the totality of the circumstances, the BOPC determined that Sergeant A and Officers A and B's failure to identify the situation as a barricaded Subject was a substantial deviation, without justification from approved Department tactical training.

4. Approaching Armed Subject with Weapon other than a Firearm

Officers A and D entered a motor home to confront an armed suspect. Sergeant A allowed the officers to enter the motor home after being advised that the Subject was still armed with a knife.

Based on the totality of the circumstances, the BOPC determined that Sergeant A's decision to allow the officers to enter the motor home and Officers A and D's decision to enter the motorhome while the Subject was still armed with a knife, was a substantial deviation, without justification, from approved Department tactical training.

5. Crossfire

Officer A fired six rounds at the Subject while Officer J was inside the front cab of the motor home. Officers B and J then placed themselves in the line of fire by redeploying around the front of the motor home after the OIS occurred.

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The ability to adjust to a tactical situation ensures minimal exposure to the officers.

In this case, the officers ended up in a crossfire situation because of their lack communication with each other as the incident unfolded.

Based on the totality of the circumstances, the BOPC determined that the officers' action unnecessarily placed them in a crossfire and was a substantial deviation, without justification, from approved Department tactical training.

These topics will be discussed during the Tactical Debrief.

The BOPC additionally considered the following:

1. Simultaneous Commands

The investigation revealed that several officers gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

2. Preservation of Evidence

Following the OIS, Sergeant A observed that the Subject was still holding the knife and then grabbed his right wrist and shook it until the knife dropped to the floor. Officer E then entered the motor home to handcuff the Subject, observed that the knife was near his hand, and picked it up to prevent him from being able to rearm himself. The officers are reminded that whenever tactically feasible, it is preferable to leave the evidence undisturbed until Force Investigation Division investigators can properly document and preserve the scene.

3. Maintaining Equipment

The investigation revealed Officer H dropped his collapsible baton on the ground after he broke the window to transition to his TASER. Officer H is reminded of the importance of maintaining control of his equipment prior to transitioning to other force options.

4. Agitated Delirium

The investigation revealed that the Subject had displayed behavior that was consistent with a person suffering from a state of Agitated Delirium. In an effort to improve future tactical performance, the officers should also review the Department policy related to this topic.

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

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

In conclusion, the BOPC found Sergeant A and Officers A, B, D, and J's tactics to warrant a finding of Administrative Disapproval. The BOPC found that Officers E

and H's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he exited the vehicle and followed his partner toward the motorhome. Based on the comments of the call, he believed the situation may possibly escalate to a scenario involving the use of deadly force, and drew his service pistol.

According to Officer B, as he exited the vehicle he observed the Subject standing on top of the motor home, pacing around, armed with a knife in his hand. The Subject appeared to be sweating profusely and had blood on his hands and face. Based on his observations, and believing that the situation could escalate to a scenario involving the use of deadly force, Officer B drew his service pistol.

According to Officer E, he exited his police vehicle and observed that the Subject matched the description of the suspect, and was armed with a knife in his hand. Believing the situation could possibly escalate to a scenario involving the use of lethal force, he drew his service pistol.

According to Officer H, he was near the passenger side of the motorhome and observed Officer J removing the partition. As he moved toward the side door, he heard approximately four to six gunshots and immediately drew his service pistol, believing that the Subject was possibly firing shots.

According to Officer J, he drew his service pistol to provide cover for Officer H after he broke the window because he knew the Subject had an object in his hand and believed the tactical situation could escalate to a scenario involving the use of deadly force.

According to Sergeant A, he heard shots being fired and believed that there was an active shooting situation. Sergeant A drew his service pistol in case he needed to take action.

Based on the totality of the circumstances, the BOPC determined that a sergeant and an officer with similar training and experience as Sergeant A and Officers A, B, E, H and J, while faced with similar circumstances, would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant A and Officers A, B, E, H and J's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer H** – (TASER, one activation in probe mode)

According to Officer H, he observed the Subject with a knife in his hand and gave him several verbal commands to drop the knife. The Subject just stared at him, and ignored his commands. Officer H then activated his TASER in probe mode, striking the Subject in the chest and upper stomach.

The BOPC determined that an officer with similar training and experience as Officer H would reasonably believe that the application of less-lethal force to overcome the Subject's resistance and effect an arrest was reasonable and would have acted in a similar manner.

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

- **Officer D** – (TASER, one activation in probe mode)

According to Officer D, he observed that the Subject still had the knife in his hands and gave him additional commands. The Subject did not comply and continued to put his hands down while still holding onto the knife. Believing the Subject was unsafe to approach, Officer D activated his TASER in probe mode, striking the Subject on his left side.

In this case, the BOPC concluded that the officer's actions of entering the confined space of a motor home to confront an armed Subject was not reasonable, and as a result caused the officer's use of force to occur unnecessarily.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D, while faced with the same or similar circumstances, would not have entered the motorhome to confront a Subject who was armed with a knife and refusing to comply.

Therefore, the BOPC found Officer D's use of less-lethal force was not objectively reasonable and out of policy.

D. Lethal Use of Force

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

According to Officer A, the Subject took the knife out from his stomach and turned the knife blade towards him (Officer A). The Subject then began to approach Officer A with the knife in his hand. To protect himself and Officer D from serious bodily injury or death, Officer A fired his service pistol at the Subject to stop his actions.

In this case, the BOPC concluded that the officer's actions of entering the confined space of a motor home to confront an armed, barricaded Subject was not reasonable, and as a result caused the officer's use of force to occur unnecessarily.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D, while faced with the same or similar circumstances, would not have entered the motor home to confront a Subject who was armed with a knife and refusing to comply.

Therefore, the BOPC found Officer A's use of lethal force was not objectively reasonable and out of policy.