

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

LAW ENFORCEMENT RELATED INJURY – 040-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	7/3/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	21 years, 8 months
Officer B	21 years, 9 months
Officer C	20 years, 9 months
Officer D	17 years, 11 months
Officer E	17 years, 2 months
Officer F	14 years, 1 month
Officer G	10 years, 10 months
Officer H	8 years, 5 months
Officer I	8 years, 4 months

Reason for Police Contact

The Subject barricaded himself inside a business and armed himself with two swords. The Subject refused to surrender requiring a significant amount of less-lethal force to be deployed, and resulting in a Law Enforcement Related Injury (LERI).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 45 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 June 6, 2017.

Incident Summary

On the day of the incident, the Subject contacted Los Angeles Police Department (LAPD) Communications Division (CD) and requested a Psychiatric Emergency Team (PET) and a medical doctor to meet him. The Subject advised CD he was depressed and takes medication, but he had run out. As the Radio Telephone Operator (RTO) attempted to obtain additional information, the Subject advised CD he would call back in five minutes. As a result, a radio call was generated of a male with mental illness, and LAPD officers responded. While at the scene, the officers determined that the Subject was not a danger to himself or others. The Subject stated that he did not want to hurt himself or anyone else. The Subject requested an ambulance because he had pain all over his body. The officers made a request for a Rescue Ambulance (RA).

According to LAFD Emergency Medical Services (EMS) Records, after entering the apartment and prior to obtaining any vital signs, the Subject stated that he no longer wished to go to the hospital and asked the fire department personnel to leave. The Subject followed them to the door and shut the door, leaving the members of the LAFD and LAPD in the hallway.

A short while later, Witness A, a security guard for the mall, received a call from an employee of a gift shop. The employee told Witness A that for approximately 25 minutes, a man, later identified as the Subject, had been inside the store, and he had not been looking at any of the merchandise or buying anything. The employee asked Witness A to come and talk to him.

Witness A responded and met with the Subject inside the store. Witness A asked him if he needed help. The Subject responded by saying that he did not want any help from anyone. Witness A asked him if he could stand to the side because the store was small and other customers could not get around him. The Subject asked for 10 minutes longer, and then he would leave. After 10 minutes, Witness A asked the Subject to leave again. The Subject told Witness A that he would not leave. The Subject told Witness A to call the police and to notify the news stations.

The store owner, Witness B, called 911. While the police were being called, the Subject picked up a sword from inside the store. The Subject repeatedly pulled the sword in and out of its sheath. Witness A evacuated the customers and employees from the store. The Subject then approached Witness A with the sword out of its sheath and held it in front of him in a threatening manner. According to Witness A, the Subject had a look on his face that made Witness A feel like the Subject wanted to hurt him. Witness A picked up a large piece of bamboo that was for sale in the store. The Subject swung the sword at Witness A, and Witness A blocked the sword with the piece

of bamboo. Witness A believed that had he not blocked the sword, he would have been cut. Witness A wrapped a chain around the U-shaped handles to the double doors to secure the Subject inside the store. The chain also was equipped with a pad lock which Witness A did not lock because he did not have a key.

Meanwhile, CD broadcast the call to the Area units.

The first to arrive was a uniformed sergeant. Moments later, the Subject called CD and advised them to let the news know that he was inside and that he was not harming anyone, but was suicidal. He also advised CD that he had a lot of weapons. CD broadcast the updated information.

After the sergeant arrived, he looked inside the gift store and observed the Subject standing inside, holding a large sword. Through the glass window, he ordered the Subject to put the sword down. The Subject walked to the rear of the store. The Sergeant learned from the store owner, who was present at scene, that there was no one else in the store and the only way out was through the front doors. The sergeant verified that an ADW occurred against Witness A.

The sergeant noted there were over 1,000 people in the courtyard area of the mall, because an animation festival was taking place. He utilized a padlock to secure a chain around the handles of the front double doors so the Subject could not exit and harm any of the patrons attending the festival.

Over the next several hours, additional officers and supervisors arrived and attempted to negotiate with the Subject to surrender.

Simultaneously, members of a specialized unit (SWAT's Forward Advisory Support Team (FAST)) were monitoring the police radio and responded. SWAT FAST team members Sergeant A, tactics supervisor, Police Officer A, tactics team leader, and Police Officers B, D, and J arrived and assessed the situation.

Sergeant A initiated a subsequent SWAT call out due to the fact that the Subject was wanted for an ADW, was armed with large knives, and refused to surrender. The SWAT team members who were on-call and responded included Lieutenant A, Police Officers C, E, F, G, H, and I. These officers ultimately became members of an entry/search team, amongst others.

SWAT officers assigned to the Crisis Negotiation Team (CNT) also responded.

Also present at the scene were LAFD, Tactical Emergency Medical Support (TEMS) personnel, who were also part of a contingent of medical personnel trained to deploy with SWAT during tactical operations.

Sergeant A replaced all regular Area officers from their interior positions with SWAT personnel.

Meanwhile, Captain A responded and assumed Incident Commander (IC) responsibilities. Sergeant A briefed Captain A.

CNT officers began crisis negotiation from outside the store, approximately 20 yards away from the Subject, with another officer acting as his designated cover officer. During this time, the Subject was still armed with two large knives. CNT officers spoke with the Subject for approximately four hours, with breaks in between. They attempted to gain as much history and background from the Subject as possible. Information was also obtained from LAPD's Mental Evaluation Unit (MEU) that the Subject had not been placed on any 72-hour holds, but had 12 contacts with the County Mental Health Department while in County Jail.

During the crisis negotiation, the Subject told officers that he wanted to kill himself. The Subject stated he would come out if he could speak with a doctor. A CNT officer told the Subject that he was there to help him and he would not leave until he made sure the Subject received the help he needed. The Subject said he had mental problems and was supposed to be taking an unknown medication. CNT officers told the Subject if he surrendered one of the knives they would allow him to talk to a doctor on the phone. The Subject complied and slid one of the knives toward the front doors. Special Weapons and Tactics officers retrieved the knife with a pole. In an effort to establish better communication, SWAT members delivered a portable phone; however, the phone did not work when the Subject attempted to use it.

Next, CNT officers had a Behavioral Sciences Services (BSS) Psychologist, who was working with the SWAT team that evening, speak with the Subject from outside the store, with the protection of SWAT officers. The Psychologist attempted to gain medical history from the Subject. During his brief conversation, the Subject placed a knife to his chin and said he wanted to die. CNT officers decided it was best to end the conversation with the doctor based on the Subject's actions.

Note: The Psychologist stated the conversation between him and the Subject did not produce any usable information and lasted just a few minutes before he determined that the Subject was seeking attention for personal gain.

CNT officers continued speaking with the Subject, repeatedly requesting that the Subject surrender. The Subject repeatedly asked for additional time before he would surrender. At times, he would ask for an additional five minutes, and at other times, he would ask for an additional 20 minutes. This was the same tactic he used when he spoke to an Area sergeant. This occurred numerous times during their interaction. Finally, CNT officers advised the Subject that if they had to come in, he may be hit with less-lethal munitions, like beanbags, 40mm and TASERs. They told the Subject that it would hurt, and that they wanted him to submit to arrest so no one would be harmed. They added that gas could be used as well, if the Subject did not exit the store.

The Subject refused to surrender and repeatedly asked for additional time in five-minute increments. The Subject was told he would have one minute to surrender. The Subject

refused to surrender and moved to the rear of the store behind the end cap display approximately 30 feet from the front door.

In the meantime, Commander A assumed the role of IC, relieving Captain A of the responsibility. Commander A assumed the role of IC because he felt the incident at this point could possibly move to a tactical response by SWAT officers. Sergeant A and Lieutenant A met with Commander A and relayed to him that crisis negotiations were at an impasse. Commander A decided to stop crisis negotiation and move forward with a tactical response. All aspects of the tactical plan were discussed and approved prior to being implemented, including the use of gas and less-lethal munitions.

Sergeant A met with his team and provided direction for the entry and arrest. He stated that he directed all of the team's movements while making entry and inside the store.

Note: Sergeant A developed a tactical plan which evolved throughout the incident, based on the Subject's actions. Each tactical plan was approved by Lieutenant A, who briefed Commander A, who was responsible for final approval of the tactical plan. Sergeant A provided continuous updates to Commander A during this incident, keeping him apprised of the Subject's actions, refusal to comply with their commands, and the team's movements inside the store.

Sergeant A stated that throughout each deployment of less-lethal munitions, commands were given to the Subject to drop the knives and surrender.

The Subject remained at the rear of the store. The entry team donned gas masks once the IC approved the use of tear gas and staged just outside the doors, behind tables they obtained from the courtyard and set up as a barricade between them and the front door in the event that the Subject came running out after the gas was deployed. According to Sergeant A he ordered the Subject to surrender and he refused. Officers A and I each threw one hand-held gas canister inside the store. The plan was to throw the gas canisters toward the rear of the store, behind the Subject, and have him come to the front, where the arrest team was waiting. While that was being done, the Shockwave TASER was positioned just inside the front door of the store and was being operated by Officer C.

Once the tear gas began to disperse, from his position inside the threshold of the front door, Sergeant A observed that the Subject initially backed up and then came toward the front doors of the store, armed with two large knives, with the tips of the blades pointing upward. From inside the threshold of the front door, Officer A ordered the Subject to drop the knives. When the Subject approached within a distance of approximately 15 feet of the Shockwave TASER, Officer C deployed one row of cartridges from the Shockwave TASER. Multiple darts struck the Subject in the front of his body. The Subject turned away, pulled, and cut the TASER wires by swiping the knives in front of his chest.

Note: During this incident, the Subject armed himself with a variety of edged weapons which were alternately referred to by the involved officers during their respective interviews as swords, knives, and weapons.

Approximately 10 seconds later, Officer C deployed another row of cartridges from the Shockwave TASER, striking the Subject in the back. The Subject appeared to be hit, because he immediately recoiled and began to pull out several of the wires. The Subject then moved to the rear of the store.

The Subject again walked out from the rear of the store toward Officer C with the knives in his hands, and from a distance of approximately 15 to 17 feet, he fired the third row of cartridges from the Shockwave TASER, striking the Subject. The Subject turned and pulled the TASER wires from his body. Officers continued to verbalize with the Subject, ordering him to drop the knives.

Simultaneous to the Shockwave TASER being deployed, Officer B observed the Subject lower himself and come at the officers in a hunched position while officers ordered him to drop the knives. From an approximate distance of 15 feet, Officer B fired two rounds from his 40mm multi-launcher. Officer B's intended target area was the Subject's abdomen, as the Subject continued to hold onto the knives. Officer B stated that when he fired his third round, the Subject turned to deflect the shot, and he believed the Subject was struck in the side while he continued to hold the knives. As Officer B prepared to fire he observed that the Subject's abdomen was not available as a target area and accordingly targeted his thigh for his fourth shot as the Subject continued to hold onto the knives. After Officer B fired his fourth round, the 40mm launcher failed to cycle properly. Officer B alerted his team that he had a malfunction and he needed to be replaced.

Officer I took Officer B's position and observed the Subject approaching, still holding the knives. Officer I ordered the Subject to drop the knives. When the Subject refused, Officer I aimed at his abdomen and fired six rounds from his 40mm launcher from an approximate distance of 15 feet. The rounds struck the Subject in the midsection and hands. Officer I assessed between each shot. The Subject failed to drop the knives, but he stopped advancing and retreated to the rear of the store.

Officer A deployed two additional handheld gas canisters. According to Sergeant A, the Subject kicked the canisters back at the officers. Officer D deployed two stinger grenades in the direction of the Subject, and Officer A deployed one stinger grenade in the direction of the front counter as an area deterrent. The plan was to prevent the Subject from moving to the front counter area, because the SWAT officers observed additional knives and swords behind the counter.

Officer A stated the deployment of the stinger grenades had no effect on the Subject. Sergeant A sought and received approval to deploy hot gas into the store. Officer A introduced two canisters of the hot gas to saturate the environment. All members of SWAT redeployed outside the store. The doors remained shut until the gas took effect.

Once the gas was deployed, the Subject remained inside the store alone for approximately six to 10 minutes. When the gas saturated the store, SWAT officers were unable to maintain a visual of the Subject. The officers opened the doors and again called multiple times for the Subject to surrender. The Subject did not respond.

Officer C deployed a remote-controlled robot equipped with a camera. The camera provided the officers with a live video feed to help locate the Subject. Utilizing the robot, Officer C searched the ground floor, but did not locate the Subject. Sergeant A believed the Subject may have secreted himself in the upstairs office area.

Officers A, C, and three other SWAT team members were directed into the store and searched the second floor office area. Prior to entering the office, Sergeant A obtained approval from Commander A to introduce two gas ferret rounds into the office to provide cover for the officers as they entered the room. Officer G fired the ferret rounds via a 40mm launcher. The office area was cleared and the Subject was not located.

Simultaneously, Sergeant A, Officers B, D, F, H, and I cleared the areas of the ground floor that could not be cleared with the robot. Officer B held a position looking down a hallway at a closed bathroom door. Officer B stated he noticed movement on the downstairs bathroom doorknob. Sergeant A notified the team of Officer B's observations. Officers A, C, E, G, and two other SWAT team members joined the group of officers assembled at the open doorway at the entrance of the hallway leading to the bathroom. Sergeant A ordered the Subject, who remained in the bathroom, to surrender peacefully numerous times, but the Subject refused and told the officers to kill him.

The hallway, which led to the bathroom was narrow and lined with merchandise. The space was extremely confined, and only one officer could enter at a time. Sergeant A obtained Commander A's approval to introduce hot gas into the bathroom, using a spike. Sergeant A advised the Subject that more gas could be used and ordered him to surrender again. The Subject did not respond. Officer B placed the spike against the wall near the bathroom door. Officer G used a sledge hammer to push the spike through the wall into the bathroom, while Officer D held the door closed with a fireman's type pole. Once the spike was in the bathroom, the room was filled with hot gas.

Note: Sergeant A stated the Subject was in the closed bathroom for approximately two minutes after the hot gas was deployed. According to Sergeant A, this type of gas being deployed into a small room would normally cause a person to come out within seconds.

The Subject opened the outward opening bathroom door, which led into the hallway and yelled for the officers to kill him. He came out with a sword in his hand and advanced toward the officers who were set up at the hallway entrance. The Subject was holding a sword by the handle, with the blade pointed upward. Sergeant A again ordered the Subject to surrender, but he refused and repeatedly told the officers to kill him.

Note: The below listed uses of force all occurred in the hallway from an approximate distance of 10 feet. Some of the less-lethal volleys occurred simultaneously in response to the Subject's actions. When engaged with SWAT personnel, (armed with less-lethal munitions), the Subject was either armed or attempting to arm himself with knives or swords.

Officer C stated it was an all-out effort by all the officers there who were armed with less-lethal options to prevent the Subject from getting any closer to the SWAT officers. Officer C indicated it became a huge effort by officers to deploy the less-lethal and then get out of the way so the next officer armed with less-lethal could step up and keep the Subject from attacking the officers.

When the Subject exited the bathroom, Officer A deployed OC spray for approximately 15 seconds from an approximate distance of 10 feet. The spray hit the Subject in the face and chest but did not cause him to surrender.

Officer B observed the Subject advancing toward the officers with the knife in his hand. With his 40mm launcher, Officer B aimed at the Subject's torso area, and from an approximate distance of 10 feet, fired six rounds. Officer B assessed between shots and observed the Subject turn and twist while continuing to hold the knife. The Subject moved forward and back while continuing to be fired upon by Officer B with the 40mm launcher. Officer B stated the rounds struck the Subject's torso but did not have any effect. After Officer B fired his sixth round, he advised that he was out of less-lethal ammunition, and was replaced by another member of SWAT armed with a 40mm launcher, who engaged the Subject with less-lethal munitions.

Note: All officers who used force during this incident are documented in this administrative summary. Due to the incident occurring in a gas filled environment with SWAT personnel equipped with gas masks, the exact order of each deployment could not be determined.

Officer B rotated back to the hallway entrance after reloading his 40mm launcher. He observed the Subject behind the bathroom door, armed with swords.

According to Officer B, he observed the Subject approach the officers at the entrance of the hallway with a short-bladed knife in his left hand, and he fired two rounds from his 40mm launcher at the Subject's legs from an approximate distance of 10 feet. Officer B then targeted the Subject's left hand and fired four additional rounds in an attempt to knock the knife out of the Subject's hand. According to Officer B, the knife was knocked out, but the Subject picked up the same or another knife, and armed himself again.

Officer B stated that after firing his final rounds, he rotated to the rear of the group of officers and he became part of a reloading process to reload the 40mm launchers. As the officers ran out of less lethal munitions, he assisted by passing the launchers back,

reloading them and passing them forward to the officer who was in position to engage the Subject with less lethal munitions.

Note: Officer B believed he fired a total of 16 projectiles from a 40mm launcher during this incident. Four rounds were fired at the entryway of the store at the beginning of the tactical incident, and 12 were fired after the Subject was located in the bathroom.

According to Officer G, he observed a fellow SWAT officer fire all their less-lethal 40mm projectiles and rotated into position at the hallway entrance. Officer G was equipped with a 40mm launcher. Officer G stated the Subject stepped back and forth and repeatedly stated that he wanted Officer G to kill him. Officer G observed the Subject lower his shoulders in a boxing stance while holding two knives with the blades pointed in the officers' direction. When the Subject stepped forward, Officer G believed he was going to charge the officers, and he fired six rounds from his 40mm launcher from an approximate distance of 10 feet. Officer G targeted the Subject's navel area and believed that four out of the six rounds struck him in the abdomen and arm. The Subject retreated to the bathroom. Officer G advised that he was out of ammunition and rotated out of his position so another officer equipped with a 40mm launcher could cover the hallway.

When Officer G heard that his replacement, who was equipped with a 40mm launcher, had engaged the Subject and expended all of his less-lethal ammunition, Officer G obtained a beanbag shotgun and took a position at the entrance to the hallway. Officer G stated that the Subject's body was partly obscured by the bathroom door, which was positioned at an approximate 45-degree angle to the hallway. Officer G observed the Subject holding a sword that appeared much larger than the first sword he had when he first observed him.

The Subject advanced toward the officers, repeatedly saying that the officers were going to have to kill him. According to Officer G, he fired three rounds from the beanbag shotgun at the Subject's navel area from an approximate distance of 10 feet. Officer G indicated all three rounds struck the Subject in the navel area. The Subject reacted by bringing his arm in and leg up to deflect the rounds. According to Officer G, the supersock rounds did not appear to be effective. The Subject did not surrender and retreated behind the bathroom door. Officer G then rotated back behind the group of officers and heard additional less-lethal deployments occurring.

According to Officer G, he observed another officer run out of less-lethal ammunition, so he obtained another 40mm launcher that was loaded and moved forward into a kneeling position and fired six rounds from an approximate distance of 10 feet, targeting the Subject's navel area. Officer G believed five of those rounds struck the Subject in the navel or upper thigh area, and the Subject retreated into the bathroom. Officer G was relieved again from his position once he had expended all his less-lethal ammunition.

Officer G observed another officer run out of less-lethal ammunition. Officer G obtained another 40mm launcher. Officer G was advised that it was only loaded with five rounds of less-lethal ammunition. Officer G again took a kneeling position at the entrance to the hallway and observed the Subject exit the bathroom as he emerged, still holding a knife; however, the Subject only exposed his right shoulder, right arm, and a bottom part of his foot. Officer G observed the Subject's arm extended out with the knife in his hand, and fired one round from the 40mm launcher from an approximate distance of 10 feet causing the Subject to drop the knife. According to Officer G, he was not sure if he hit the Subject's arm or if the Subject dropped the knife based on the sound of the 40mm launcher being fired. According to Officer G, the Subject reached for the knife approximately four times. Every time the Subject reached for knife, Officer G fired a 40mm round at the Subject's hand. Officer G stated his intent was to try to prevent the Subject from arming himself. Officer G did not believe he struck the Subject, because the Subject was moving quickly. After Officer G expended all his less-lethal ammunition and he returned to his position behind the other officers.

In total, Officer G believed he fired a total of 17 projectiles from the 40mm launcher and three rounds from the beanbag shotgun.

Simultaneous to Officer G's observations and actions, Officer I observed the Subject push the bathroom door open, look in the officers' direction, and start to approach them with two large knives or short swords in his hands. According to Officer I, he believed the Subject was going cut him or one of his fellow officers. In an effort to stop the Subject, Officer I fired six rounds from his 40mm launcher at the Subject's abdomen from an approximate distance of 10 feet. Officer I believed all six rounds struck the Subject in the abdomen. Officer I handed his empty 40mm launcher off to another officer and was handed a loaded 40mm in exchange.

Note: Officer I believed the Subject was 15 to 20 feet away when he exited the bathroom. The actual distance from the bathroom entrance to the hallway entrance was 10 feet ,5 inches.

After his prior six shots, Officer I observed that the Subject had fallen and dropped the knives. Before commands could be given, the Subject reached for the knives, and Officer I ordered the Subject not to touch the knives and to place his hands on his head. The Subject refused and grabbed one of the knives. Officer I fired the reloaded 40mm launcher six times from an approximate distance of 10 feet at the Subject's arms and abdomen in an attempt to stop him from arming himself and posing a threat to the SWAT officers. After his sixth shot, Officer I transitioned to the TASER that was holstered on his left leg.

From an approximate distance of 10 feet, Officer I then fired his TASER with an intended target area of the Subject's abdomen. Officer I stated his TASER discharged for five seconds. According to Officer I, the TASER did not have an effect on the Subject, so he placed the TASER on safe mode and handed it back to other officers, advising that it was not effective.

Note: The TASER activation report associated with Officer I's TASER indicates there were three five-second activations that occurred, one after another without interruption, and one five-second activation that occurred 46 seconds later.

Officer I stated another officer came up to the hallway entrance with an unspecified form of less-lethal weapon. Officer I stepped back and was given a new TASER with a fresh cartridge by Officer A. Officer I observed the Subject attempting to grab the knives and make his way toward them. Officer I discharged the TASER at the Subject's abdomen from an approximate distance of 10 feet. The Subject fell and dropped the knives. Officer I ordered the Subject to not touch the knives and to back up. The Subject grabbed one of the knives, and Officer I cycled the TASER a second time, but it did not have an effect. Officer I believed the TASER darts struck the Subject in the abdomen area, but could have possibly been caught in the Subject's clothing. Officer I advised his team that the TASER was not working and advised his team that he was out of less-lethal ammunition.

Note: Officer I was not sure if he applied a third five-second activation from the TASER. The TASER activation report associated with Officer A's TASER indicates that only two five-second activations occurred consecutively.

Officer I stated that another SWAT officer took his position with an unknown type of less-lethal weapon, while he went to the front of the store and reloaded the 40mm launcher. Officer I returned to the hallway and heard officers telling the Subject to drop the knives and surrender. Officer I heard one of the officers saying that his 40mm was out of ammunition. Officer I rotated back in as less-lethal cover and observed the Subject holding a large knife up to his neck. Officer I ordered the Subject to drop the knife and to surrender. The Subject refused, lowered the knife, and took one step in the officers' direction. Officer I fired six rounds from the 40mm launcher, targeting the Subject's arms and abdomen from an approximate distance of 10 feet in an attempt to cause the Subject drop the knife. Officer I moved to the rear of the officers positioned at the hallway entrance.

Note: Officer I reported he fired a total of 24 projectiles from a 40mm launcher. Six rounds were fired while positioned in the entryway of the store, and 18 rounds were fired after the Subject was located in the bathroom. Officer I also reported that he utilized two different TASERs during this incident.

During the incident, Officer A observed that Officer I had stopped firing his 40mm launcher. Officer A was handed a 40mm launcher from another SWAT officer because he was near the front of the entry way. Officer A observed the Subject exit the bathroom, holding a large knife that was approximately one foot long and two inches wide. The Subject held the knife in his left hand and was asking for the officers to kill

him. The Subject walked out of the bathroom toward Officer A. Officer A fired three projectiles from the 40mm launcher at the Subject's abdomen from an approximate distance of 10 feet, striking the Subject in the abdomen or chest area. This caused the Subject to retreat into the bathroom.

Note: During this incident, Officer A deployed OC spray and fired a total of three 40mm less-lethal projectiles.

Officer C stated that while he was deployed at the opening of the hallway, at the bathroom door, he observed the Subject armed with a large knife, approximately 18 to 24 inches long. According to Officer C, the Subject held the knife in various positions, including up at his shoulder, with his elbow bent in front of him, as he made slashing motions in front of himself.

Officer C stated the Subject walked slowly towards him and the other officers. Officer C fired his TASER at the Subject from approximate distance of 10 feet. Officer C believed the darts contacted the Subject's chest, and he dropped the knife. Officer C believed the Subject pulled the wires out of his chest and armed himself with the knife again.

Officer E stated he took a kneeling position against the left side of the entrance to the hallway, armed with the 40mm launcher, and observed the Subject come out of the bathroom, armed with two knives. Officer E fired six rounds from his 40mm launcher from an approximate distance of 10 feet at the Subject's abdomen and hands. The projectiles struck the Subject in the hands and the Subject dropped the knives, but he immediately picked them back up again. Officer E ran out of ammunition. Officer E was replaced by another team member, and he moved behind the officers assembled at the opening of the hallway. The officer who replaced Officer E continued to fire less-lethal munitions until he ran out of ammunition. Officer E was handed another 40mm launcher and took a kneeling position on the left side of the hallway. Officer E observed the Subject still armed with knives, and fired an additional six rounds from his 40mm launcher from an approximate distance of 10 feet. This caused the Subject to wince in pain, jump, and drop the knives. The Subject picked them up immediately and retreated to the bathroom. Officer E was replaced by another officer, and he moved to the rear of the officers assembled at the opening of the hallway.

Note: Officer E believed he fired a total of 12, 40mm projectiles during this incident.

Officer F stated that when the Subject was located in the rear bathroom, he was to the rear of the searching officers and initially could not see the Subject coming out of the bathroom. He heard officers yell for the Subject to drop the knives or drop the sword. He heard the Subject asking for the officers to kill him. He brought the pinning pole up to the front of the line and placed it in the hallway. Officer F stated that he observed officers using 40mm launchers.

Officer F observed the Subject approaching him, while holding a large knife in his hand saying, "shoot me," repeatedly. According to Officer F, the Subject alternated holding

the knife between his left and right hand. Officer F fired approximately 20 Supersock rounds at the Subject's hands from an approximate distance of 10 feet. Officer F stated he would fire one round at the Subject's hands striking him in the hands causing him to drop the knife. The Subject would immediately pick the knife back up or use his feet to drag it closer to him. Officer F stated that every round he fired was very deliberate and that he assessed between each round. He would only fire if the Subject was armed or attempting to gain control of the knife after he had dropped it. While engaging the Subject, Officer F remained in his position and reloaded as necessary. Officer F stated that after he fired his final round, the Subject retreated into the bathroom, and there seemed to be a lull in the action.

Note: Officer F believed he fired approximately 20 Supersock rounds during this incident.

Officer D stated the Subject exited the bathroom unarmed. Officer D utilized the fireman's pole to close the bathroom door behind the Subject. According to Officer D, after the door was closed, the Subject started to walk toward the officers, but hesitated, stopping momentarily and when he was approximately three to four feet away from the officers, the Subject stated he just needed a moment. Officer D believed the Subject was once again trying to stall. When the Subject took an additional step forward, Officer D dropped the fireman's pole, stepped forward, grabbed the Subject by his left arm and guided him towards the arrest team. Officer D stated that he then guided the Subject down to the floor, assisted by Officers C and E. While on the ground, the Subject initially resisted by placing his hands under his chest.

Officer G stated he assisted by pulling on the Subject's right wrist and removing the Subject's right hand out from underneath his body. Officer G transitioned to a wrist lock and utilized bodyweight to keep the Subject down as the Subject attempted to lift his shoulders. Officer B assisted in securing the Subject's right hand and bringing it behind his back, while Officer C applied bodyweight to the Subject's shoulder. Officer E applied bodyweight to the Subject's lower back. The Subject's left arm was removed from under his body, and Officer E secured the Subject with flex cuffs. The Subject was searched by Officer E, who walked him to the front of the store.

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 Commander A and Sergeant A, along with Officers A, B, C, D, E, F, G, H, I, and J's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- The BOPC found Officers A, B, C, D, E, F, G, H, I, and J's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- The BOPC found Officers A, B, C, D, E, G, and H's non-lethal use of force to be in policy.

D. Less-Lethal Use of Force

- The BOPC found Officers A, B, C, E, F, G, and I's less-lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

1. Reverence for Human Life

Sergeant A, along with Officers A, C, B, I, D, G, F, E, H, and J utilized various less-lethal force options to repeatedly disarm a suspect and take him into custody without using lethal force. In this case, SWAT personnel went to extensive lengths to de-escalate the situation and avoid the use of lethal force on a suspect who continuously re-armed himself and approached the officers with various knives and swords, while stating, "you're going to have to kill me, you're going to have to kill me."

Throughout this incident, Officer J was assigned as the lethal cover officer. Due to the coordinated use of less-lethal force options by his fellow officers, he did not have to resort to the use of deadly force.

2. Deployment of OC

Officer A sprayed the Subject with an approximate 15 second burst of OC spray after the Subject exited the bathroom armed with knife.

The BOPC considered the circumstances surrounding this incident and ultimately concluded that Officer A's decision to spray the Subject with an extended deployment of OC was in an effort to stop him from advancing on the officers, while armed with a large knife, in a confined space.

The BOPC further concluded that due to the proximity of the Subject in relation to the officers, the Subject posed an imminent threat while armed with the knife and the extended deployment of the OC spray was justified.

Based on the totality of the circumstances, the BOPC determined that in this circumstance, Officer A's extended deployment of OC spray was a substantial deviation, with justification, from approved Department tactical training.

- Tactical De-Escalation

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.

During this incident, the officers assessed the situation and developed a plan that included verbal communications by officers and a Crisis Negotiation Team with a Department psychologist with several attempts to resolve the issue without the use of force. After many attempts to de-escalate the situation, chemical agents and various less-lethal tools were used to effect the arrest. As a result of their efforts, the officers were able to contain the Subject and maintain control of the situation without the need to use a higher level of force.

- 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.

The BOPC found Commander A and Sergeant A, along with Officers A, B, C, D, E, F, G, H, I, and J's tactics to warrant a Tactical Debrief and that the specific identified topics should be discussed.

B. Drawing/Exhibiting

- After the Subject was determined to be an armed barricaded subject, SWAT personnel responded and relieved the Area personnel. As SWAT Officers A, B, C, D, E, F, G, H, I, and J assumed their positions at the location, they drew and exhibited their respective weapon systems.

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

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

C. Non-Lethal Use of Force

- **Officer A** – (Oleoresin Capsicum (OC))

According to Officer A, after the officers located the Subject in the bathroom, a chemical agent was deployed inside, and the Subject exited with a knife in his hand. He then used OC spray to stop the Subject's actions.

- **Officer B** – (Takedown and firm grip)

According to Officer B, he assisted with taking the Subject to the ground and used a firm grip to bring his arm behind his back and assist with handcuffing.

- **Officer C** – (Bodyweight)

According to Officer C, he used his bodyweight to control the Subject's left shoulder during the handcuffing process.

- **Officer D** – (Firm grip and takedown)

According to Officer D, he used a firm grip to assist other officers with taking the Subject to the ground.

- **Officer E** – (Firm grip and bodyweight)

According to Officer E, he utilized bodyweight to control the Subject's legs and hips to assist with taking the Subject into custody. Additionally, he used a firm grip on the Subject while applying cord cuffs.

- **Officer G** – (Firm grip, takedown, physical force, wrist lock, and bodyweight)

According to Officer G, he used a firm grip to assist other officers with taking the Subject to the ground.

According to Officer G, the Subject put his hands underneath his body and would not submit to handcuffing. He then used a firm grip, physical force, wristlock and bodyweight to pull his right arm out from underneath his waist to assist with handcuffing the Subject.

- **Officer H** – (Firm grip and bodyweight)

According to Officer H, he used a firm grip and bodyweight to control the Subject's legs to assist with taking the Subject into custody.

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

Therefore, the BOPC found Officers A, B, C, D, E, G, and H's non-lethal use of force to be objectively reasonable and in policy.

D. Less-Lethal Force

- **Officer A** – Stinger grenade and 40mm Less-Lethal Launcher, three sponge rounds.

Stinger Grenade

According to Officer A, he used a stinger grenade as part of a tactical plan to deny the Subject access to swords located behind the cashier's counter at the location.

40mm Less-Lethal Launcher - Three 40mm sponge rounds from an approximate distance of 10 feet.

According to Officer A, he observed the Subject still advancing toward the officers while still armed with a knife and used his 40mm Less-Lethal Launcher to prevent the Subject from reaching the officers.

- **Officer B** – (40mm Less-Lethal Launcher, 16, 40mm sponge rounds)

40mm (First Sequence) - Four rounds in a northerly direction from an approximate distance of 15 feet.

According to Officer B, he observed the Subject approach the front of the store armed with two knives and used his 40mm Less-Lethal Launcher to stop the threat and prevent him from exiting the store.

40mm (Second and Third Sequences) – 12, 40mm sponge rounds in a westerly direction from an approximate distance of 10 feet.

According to Officer B, he observed the Subject exit the bathroom with two knives and then advance toward the officers. He then used his 40mm Less-Lethal Launcher in two sequences of six 40mm rounds to stop the Subject from advancing on the officers.

- **Officer C** – (TASER Shockwave, three activations; TASER, one five-second activation in probe mode)

According to Officer C, he was assigned to activate the Shockwave device if the Subject attempted to exit the front of the location while armed. During the incident, the Subject attempted to exit the front of the location while armed with two knives. As the Subject approached the front door of the store, he used the Shockwave to stop the Subject from exiting the store. The Subject then retreated to the rear of the location.

TASER, Shockwave – (Three activations in probe mode)

After and additional chemical agent was introduced, the Subject approached the front of the location again, armed with knives. He then activated the Shockwave again to stop the Subject's actions.

TASER – (One five-second activation in probe mode from an approximate distance of 10 feet)

According to Officer C, after the Subject was located in the bathroom, he observed him exit and approach the officers while armed with a knife. He used his TASER, in probe mode to stop the Subject's actions.

- **Officer D** – (Two, Stinger grenades)

Stinger Grenade

Officer D used two stinger grenades to deny the Subject access to swords located behind the cashier's counter at the location.

- **Officer E** – (40mm Less-Lethal Launcher, twelve 40mm sponge rounds)

40mm (First Sequence) – (Six 40mm sponge rounds, in a westerly direction from a distance of approximately 10 feet)

According to Officer E, he observed the Subject exit the bathroom with a knife and used his 40mm Less-Lethal Launcher to disarm him.

40mm (Second Sequence) – (Six 40mm sponge rounds in a westerly direction from a distance of approximately 10 feet)

According to Officer E, he was replaced by an officer armed with less-lethal. He obtained a 40mm Less-Lethal Launcher and reassumed a position of less-lethal cover officer. He observed the Subject holding a knife and walking toward him. He then used his 40mm Less-Lethal Launcher to disarm the Subject and stop the Subject from advancing toward them.

- **Officer F** – (Beanbag shotgun, approximately 20 super sock rounds in a westerly direction from an approximate distance of 10 feet.)

According to Officer F, he observed the Subject holding a knife and walking toward the officers. He then used the beanbag shotgun to disarm the Subject and stop him from advancing on the officers.

- **Officer G** – (40mm Less-Lethal Launcher, 17, 40mm sponge rounds. Beanbag shotgun, three Supersock rounds)

40mm (First Sequence) - Six 40mm sponge rounds in a westerly direction from an approximate distance of 10 feet.

According to Officer G, he observed the Subject exit the bathroom with two knives and approach the officers. He then used a 40mm Less-Lethal Launcher to stop the Subject's advancement.

Beanbag Shotgun - three super sock rounds in a westerly direction from an approximate distance of 10 feet.

According to Officer G, he was replaced by an officer armed with less-lethal. He obtained a beanbag shotgun and assumed a position of less-lethal cover officer. He observed the Subject holding a knife and walking toward him. He then used the beanbag shotgun to stop the Subject from advancing on the officers.

40mm (Second Sequence) - Six 40mm sponge rounds, in a westerly direction, from a distance of approximately 10 feet.

According to Officer G, he was replaced by another officer who was armed with less-lethal. He retrieved another 40mm Less-Lethal Launcher and assumed a less-lethal cover position. He observed the Subject holding a knife and walking toward him and the other officers. He then used his 40mm Less-Lethal Launcher to stop the Subject from advancing toward them.

40mm (Third Sequence) - Five 40mm sponge rounds, in a westerly direction, from a distance of approximately 10 feet.

According to Officer G, he was replaced by an officer armed with less-lethal. He obtained a 40mm Less-Lethal Launcher and reassumed a position of less-lethal cover officer. He observed the Subject holding a knife and walking toward him. He then used his 40mm Less-Lethal Launcher to disarm the Subject and stop the Subject from advancing toward them.

- **Officer I** – (40mm Less-Lethal Launcher, 24, 40mm sponge rounds. TASER, six five-second activations in probe mode)

40mm (First Sequence) – (Six, 40mm sponge rounds a northerly direction from an approximate distance of 15 feet)

According to Officer I, the Subject started to approach the officers armed with swords. He then used a 40mm Less-Lethal Launcher to stop the Subject's attack.

40mm (Second Sequence) – (Six, 40mm sponge rounds from a distance of approximately 10 feet.)

According to Officer I, he observed the Subject exit the bathroom with two knives and approach the officers. He then used a 40mm Less-Lethal Launcher to stop the Subject's advancement.

40mm (Third Sequence) – (Six 40mm sponge rounds in a westerly direction from an approximate distance of 10 feet.)

According to Officer I, he was given a loaded 40mm Less-Lethal Launcher after he ran out of 40mm rounds. He observed that the Subject had dropped the knives and then began reaching for them again. He then used the 40mm Less-Lethal Launcher to prevent the Subject from re-arming himself.

TASER – (Six five-second activations in probe mode from an approximate distance of 10 feet.)

According to Officer I, he ran out of 40mm sponge rounds and transitioned to his TASER. He observed that the Subject was still attempting to arm himself with knives and advance toward the officers. He then activated his TASER in probe mode to stop the Subject's attack.

40mm (Fourth Sequence) – (Six 40mm sponge rounds in a westerly direction from a distance of approximately 10 feet.)

According to Officer I, he was replaced by another officer who was armed with less-lethal. He reloaded his 40mm Less-Lethal Launcher and heard officers stating that they had run out of less-lethal munitions. He assumed the position of less-lethal cover officer and observed the Subject holding a knife, walking toward the officers. He then used the 40mm Less-Lethal Launcher to stop the Subject's advancement.

- Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, E, F, G, and I while faced with similar circumstances, would believe the application of less-lethal force options to stop the Subject's actions were objectively reasonable.

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