

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

**OFFICER-INVOLVED SHOOTING – 014-21**

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

Southeast                      3/16/21

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

Officer A                      10 years, 9 months  
Officer B                      6 months  
Officer E                      12 years, 8 months

**Reason for Police Contact**

Officers responded to a radio call of an Assault with a Deadly Weapon (ADW). The officers located the Subject, who was armed with two knives. As the officers communicated with the Subject, he began stabbing the victim, resulting in an Officer-Involved Shooting (OIS).

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

Subject: Male, 33 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, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on March 1, 2022.

## **Incident Summary**

On March 16, 2021, Victim A and Witness A were the on-site managers for a residential transitional housing/sober living facility that housed multiple individuals, including the Subject, who according to Witness A, had lived at the facility for approximately two years. The location had four bedrooms, all of which were located on the second floor.

According to Victim A, in the weeks leading up to this incident, the Subject had not been himself. Victim A described the Subject's behavior as reclusive and said he had a blank stare on his face. Victim A was cognizant that the Subject was engaged in a child custody dispute with his ex-girlfriend and attributed the Subject's behavior to that ongoing dispute.

Witness B was also a resident of the facility and was Victim A's roommate. According to Witness B, the Subject's demeanor changed in the week leading up to this incident. Witness B described the Subject's behavior as weird. Witness B also believed he could have been under the influence of methamphetamine and/or phencyclidine.

On the day of the incident, Witness B observed the Subject sitting on the couch in the common area and staring down at the floor. According to Witness B, the Subject appeared to be in a trance, which continued for a duration of several hours.

At approximately 1630 hours, Victim A returned home from work and walked upstairs. Victim A observed the Subject seated on a chair inside of his (the Subject's) bedroom. According to Victim A, the Subject invited him inside and they engaged in a brief conversation. Based on the Subject's recent behavior, Victim A asked the Subject if he was okay. According to Victim A, the Subject replied, "Oh, I'm good now." Victim A noted that the Subject appeared to be playing a chess game on his cellular phone. The Subject loved playing chess in his spare time, so Victim A perceived this as a good sign.

According to Victim A, the Subject abruptly changed the conversation and stated, "You know I love my baby mama, right? While still seated on the chair, the Subject reached toward his bed with his right hand and retrieved a knife that was concealed underneath a blanket. Victim A was only able to see the blade of the knife and described it as silver in color. According to Victim A, he did not know the Subject's ex-girlfriend and had never spoken with her before.

After seeing the knife, Victim A fled the Subject's bedroom and closed the door behind him. According to Victim A, he closed the Subject's door to create a barrier between himself and the Subject, which would allow him more time to flee.

Victim A ran to his bedroom, which was just north of the Subject's bedroom. Once inside, Victim A informed Witness B about what transpired. During their conversation, Victim A and Witness B heard someone knock on their bedroom door. According to Victim A, he asked who was there and the Subject replied, "Housekeeping," in a playful voice, as if he were joking.

Believing the Subject could be playing a joke on him, Victim A advised Witness B to open their door. As a precaution, he (Victim A) picked up a hammer so he could defend himself if necessary.

Witness B opened the bedroom door, at which time he observed the Subject standing in their doorway. According to Witness B, the Subject's left shoulder was leaning against the doorframe and he was holding a knife in his right hand. Witness B described the knife as a hunting knife or buck knife. The Subject held the knife near his right hip area with the blade pointed backward, in a westerly direction.

According to Witness B, he asked the Subject if he was okay and the Subject replied, "I got something for you." Witness B was uncertain if he was referring to him and/or Victim A. Witness B then asked the Subject if he was joking with them. Witness B did not recall the Subject's exact response, but believed he replied, "Do I look like I'm joking?" or "Do you see me laughing?" Witness B advised the Subject to take his medication, then closed and locked the bedroom door. Witness B exited the bedroom a short time later and Victim A remained inside.

Victim A called Witness A and advised him of the activity. Victim A then dialed 911 and reported the incident.

At approximately 1721:26 hours, Communication Division (CD) broadcast the call to officers of an Assault with a Deadly Weapon (ADW) Subject, armed with a knife and provided relevant information.

In response to Victim A's phone call, Witness A responded to the location. Witness A walked upstairs and observed the Subject inside of his own bedroom. Witness A spoke with both Victim A and the Subject separately and asked what transpired. According to Witness A, the Subject informed him that nothing was wrong, and he only wanted to speak with Victim A. Shortly thereafter, Witness A walked downstairs.

While waiting for the police to arrive, Victim A remained inside his bedroom with the door locked. Victim A could hear the Subject pacing back and forth in the hallway, outside of his bedroom door. The Subject then kicked the bedroom door open. As he did so, Victim A observed a knife in the Subject's right hand.

According to Victim A, the Subject pointed the blade of the knife in his direction and stated, "This is for you." Victim A picked up the hammer, which appeared to deter the Subject from approaching him. Victim A then picked up his office chair and held it in front of his body, utilizing it as a shield. Victim A held the hammer in one hand and the chair in the other.

Victim A used the bottom of the office chair to push the bedroom door closed. Victim A then noted that his bedroom door was broken and was unable to be locked; therefore,

he utilized the office chair and an additional chair located within his bedroom to create a barricade between himself and the Subject. Victim A then called 911 a second time.

Meanwhile, Witness A walked upstairs and observed the Subject standing in the hallway outside of Victim A's bedroom. According to Witness A, the Subject was holding a knife in his right hand and was swaying back and forth. Witness A described the knife as a steak knife or butcher knife with a brown handle. The Subject raised the knife, as if he were showing it to Victim A and stated, "This is for you." Witness A then observed the Subject retreat back into his bedroom. The investigation later determined that the handle of the Subject's knife was black, not brown.

According to Witness A, he asked the Subject why he had the knife and directed him to put it down. The Subject then peeked his head out of his bedroom and replied, "I don't have a knife." Witness A walked downstairs, then called 911 and reported the incident.

At approximately 1732:38 hours, CD upgraded the call to an emergency call (Code Three) and broadcast that the ADW Subject was "there now," armed with a knife, and inside the location. CD also broadcast other relevant information, including the description of the Subject.

Police Officers A and B were handling an unrelated radio call when they heard the broadcast. Officer A advised CD that they would handle the call upon completion of their current incident.

The Radio Telephone Operator (RTO) verified that Officers A and B were equipped (40-millimeter launcher) and requested they broadcast once en route.

At approximately 1736:22 hours, Officer A broadcast that they were en route to the call. CD Division requested a supervisor respond to the location with Officers A and B, to adhere with the edged weapon protocol. Sergeant A advised CD that he/she would respond.

Meanwhile, the Subject began kicking Victim A's bedroom door. Victim A was concerned because the chairs were moving as the Subject kicked the door and he (the Subject) was able to reach inside of the bedroom. According to Witness A, he heard the sound of scuffle. Witness A went upstairs and observed the Subject kicking Victim A's door. Witness A made an additional 911 call and advised CD that the Subject was on parole and appeared to be on something.

At approximately 1741:26 hours, CD broadcast that the location of the call was transitional housing and that the Subject was inside, kicking a bedroom door, and making threats to the manager, armed with a knife.

As captured on BWV, Officers A and B communicated with one another during their response and began forming a tactical plan. During their conversation, CD broadcast that the Subject was on parole and possibly under the influence of narcotics. Officer A

advised Officer B that the Subject may be resistant to going back to jail, so they should heighten their awareness.

Officer A, aware that the Subject was potentially armed with an edged weapon, directed Officer B to deploy the 40-millimeter launcher upon arrival.

At approximately 1744:26 hours, Police Officer C advised CD that he/she was backing Officers A and B. Officer C activated his/her BWV and responded to the location Code Three.

Police Officers D and E also heard the radio call and decided to respond to the location. According to Officer D, he/she was familiar with this location and handled calls there in the past. Officer D was cognizant that the premises was a halfway house and referred to it as a problem location. Officer D relayed that information to his/her partner and they drove to the location as a priority call, Code Two. According to Officer E, he/she heard multiple units advise CD that they were responding to the radio call; therefore, he/she did not broadcast that the officers were en route.

As they waited for the police officers to arrive, Witness A informed one of the other residents, Witness C, about what transpired. Witness C walked upstairs to speak with the Subject to prevent him from doing something stupid. According to Witness C, he observed the Subject kicking Victim A's bedroom door while holding a knife in his hand. Witness C tried to convince the Subject to give him and knife and leave the location; however, his efforts were unsuccessful. The Subject appeared to be under the influence of methamphetamine.

As they neared the location, Officers A and B discussed the comments of the call and what to expect when responding to a transitional housing location. Officer A advised Officer B that those locations generally have multiple rooms and to expect multiple people at the location. Officer A formed a tactical plan to order all of the occupants out of the location and assess prior to entering the location.

At approximately 1745:42 hours, Officer B broadcast the officers' status and location (Code Six). Officer A parked in the street, facing east, just west of the location. Both officers then exited the vehicle. Officer B retrieved the 40-millimeter launcher from the interior weapon rack and slung it over his/her left shoulder.

At approximately 1746:30 hours, Officers D and E arrived at scene. Officer D parked behind Officer A's vehicle and both officers exited. As they walked toward the location, Officers D and E both activated their BWV.

Officer A walked east on the north sidewalk, followed by Officer B. Officer A met with Witness A, who was standing in front of the location, talking on a cellular phone with Victim A. Shortly thereafter, they were joined by Officers D and E.

As captured on BWV, Officer A inquired about the Subject's whereabouts. Witness A pointed in a northerly direction, toward the residence, and replied, "He's up there." Officer A asked Witness A if the Subject was still armed with the knife and if there were any individuals inside of the location with the Subject. Witness A informed Officer A that his manager (Victim A) was inside the location and unable to leave because the Subject was standing in front of his door armed with a knife.

Officers A, B, D, and E walked east on the north sidewalk, toward the location. As they did so, Officers A and D unholstered their pistols. Officer A unholstered his/her pistol with his/her right hand and held it alongside his/her right leg, with the muzzle pointed toward the ground. As captured on BWV, Officer D unholstered his/her pistol with his/her right hand and held it alongside his/her right leg, with the muzzle pointed toward the ground. The investigation determined that Officer D unholstered his/her pistol on two occasions during this incident. Officer D did not mention the aforementioned unholstering during his/her first interview with investigators. According to Officer D, he/she did not recall unholstering his/her pistol the first time.

As the officers approached the location, there were two males standing on the sidewalk just east of the driveway, and one male seated on a chair in the driveway. In addition, there was a female sitting on the front steps of the adjoining unit. The officers directed those individuals to move away from the property, which they did. Officers A, B, D, and E then walked north in the driveway, toward the open front door.

According to Officer E, he/she was cognizant that the comments of the call indicated that the Subject was possibly under the influence of narcotics, armed with a knife, and had threatened to kill an individual inside of the location. Believing the situation could escalate to one involving the use of deadly force, Officer E unholstered his/her pistol. Officer E held his/her pistol in a two-handed, low-ready position. Officer E recalled unholstering his/her pistol after he/she heard the sound of a door being kicked in. The investigation revealed that the Subject was not kicking Victim A's door when Officer E unholstered his/her pistol.

The officers walked in a northerly direction toward the residence and stopped just short of the front steps. At the time of the incident, there were no rooms or living space on the first floor of the location. There was an interior stairwell just north of the front door that led to the second floor of the building.

At this time, Witness A was still communicating with Victim A via his cellular phone. Officer A told Witness A to have Victim A remain inside of his locked bedroom. Officer A asked if there were any additional occupants inside of the residence. Witness A informed the officers that Witness C was also inside of the location. Witness A advised the officers that Witness C should be able to exit the residence but reiterated that Victim A was unable to do so.

Officer A walked up the front steps, followed by Officer B. Officer A stood on the porch, just south of the threshold, and ordered Witness C to exit the premises. Witness C did not respond to Officer A's command. Officer B then loaded the 40-millimeter launcher with one round. Officer D positioned him/herself in the driveway just east of the front steps, while Officer E remained near the front yard.

Officer A placed his/her left hand on the doorframe and held his/her pistol in his/her right hand, at a low-ready position, with his/her finger along the frame. Officer A verbally identified themselves as police officers and ordered the Subject to walk downstairs with his/her hands up; leaving all weapons inside of the location. The Subject did not respond and/or comply with his/her commands.

According to Witness C, he was standing in the hallway with the Subject when he heard Officer A's commands. Witness C tried to convince the Subject to exit the residence; however, his efforts were unsuccessful. According to Witness C, the Subject stated, "Man, I'm not going nowhere. I'm fixing to do -- finish doing what I'm fixing to do."

After receiving no response, Officer A directed Officer B to back-up. Officers A and B then walked backward down the front steps and positioned themselves just south of the front steps.

Officer E walked toward Witness A and inquired if the location had a rear door. Witness A informed him/her that there was no back door, and Officer E relayed that information to Officer D. Officer D then holstered his/her pistol, walked to the sidewalk, and verified with Witness A that there was no rear door.

Officer A asked if someone could call Witness C and direct him to exit the residence. Witness B heard the request and advised the officers that he would call Witness C on his cellular phone. Nearly simultaneously, Officer E approached Witness A, who was still on the phone with Victim A. Officer E requested him to call Witness C and ask him to exit the residence. Witness A relayed the message to Witness C through Victim A.

Meanwhile, CSPB, uniformed Police Officers F and G arrived at scene. Officer F advised that he/she and Officer G would respond to the rear yard, in the event that the Subject attempted to flee from a window. Officers F and G walked north, along the west side of the property, and set up rear containment.

According to Witness C, Victim A advised him to exit the residence. Witness C continued communicating with the Subject, in an attempt to deescalate the situation. Again, his efforts were unsuccessful. The Subject then told Witness C, "Your best bet is to leave." Witness C then decided to exit the residence.

At approximately 1748:52 hours, Officer A yelled to the Subject, "It's the Los Angeles Police Department. I need you to step outside." Shortly thereafter, Witness C walked down the stairwell toward the front door. As Witness C walked down the stairs, Officer A asked if he was the Subject. Witness C replied, "No." Officer A asked where the

Subject was located, and Witness C stated, "He's upstairs. He's got a knife and he's trying to get in the guys...in the manager's (Victim A's) room."

Officer A asked Witness C what type of knife the Subject was armed with. Witness C held his hands approximately shoulder width apart and stated, "It's a big old knife." Witness C then walked down the front steps and stated, "He's gonna kick the door in and he's gonna go after him." As Witness C was speaking with the officers, a loud noise was captured on BWV that emitted from the second floor.

According to Officer A, he/she heard what sounded like somebody kicking a door. Officer A described the sounds as loud thuds and formed the opinion that the Subject was trying to force his way into Victim A's bedroom.

According to Officer B, he/she heard a commotion upstairs and it sounded as if someone was attempting to break down a door. Officer E also heard the sound and described it as the sound of wood cracking. Based on the sound, combined with the information provided by Witness C, Officer E formed the opinion that the Subject was kicking Victim A's door.

Officer A feared that the Subject was going to kill Victim A. Officer A believed the situation was exigent and it was imperative that they form a contact team and intervene. Shortly thereafter, Officer C arrived at scene and joined Officers A, B, D, and E. Officer A advised the aforementioned officers that they needed to form a contact team and make entry. Officer A also advised that the Subject was armed with a knife and attempting to kick Victim A's door in.

At approximately 1749:33 hours, the contact team approached the front door. Officer D was cognizant that the Subject was inside of the location and potentially armed with a knife. Believing the situation could escalate to the point where lethal force was necessary, Officer D unholstered his/her pistol. Officer D held his/her pistol alongside his/her right leg, with the muzzle pointed toward the ground.

At approximately 1749:36 hours, Officer E retrieved his/her radio with his/her left hand and broadcast that they were making entry. As he/she did so, Officer E held his/her pistol in his/her right hand with the muzzle pointed toward the ground.

Officer A held his/her pistol in a two-handed, low-ready shooting position and negotiated his/her way up the stairwell followed by Officer B (40-millimeter launcher), Officers C, D, and E. Officer C advised the contact team that he/she would handle communications. Officer A then inquired if anyone had a TASER. Officer D advised the contact team that he/she would assume the role of TASER officer. Although Officer D assumed the role of less-lethal/TASER officer, he/she did not holster his/her pistol and transition to his/her TASER at that time.



As the contact team made their way up the stairwell, Sergeant A arrived and joined the officers. Sergeant A lined up behind Officer C and noted that Officer B had a 40-millimeter launcher in his/her possession.

Upon reaching the second floor, Officer A walked in a westerly direction across the living room area. As he/she did so, Officer A observed the Subject standing in the hallway, north of his/her location. According to Officer A, the Subject was holding two knives, one in each hand.

As captured on BWV, Officer A held his/her pistol in a two-handed shooting position, with the muzzle pointed in a northerly direction, toward the Subject. As he/she did so, Officer A stood partially behind a large couch that was located along the west wall of the living room. According to Officer A, the couch was the only available cover/concealment that allowed him/her to keep the Subject within his/her sight; therefore, he/she remained in the same position.

Officer A ordered the Subject, "Hey, let me see your hands." In response, the Subject stepped backward and leaned against the west wall. Officer A immediately advised the contact team that the Subject was armed with a knife.

Officer B was positioned southeast of Officer A and they were slightly offset. Using his/her left hand, Officer A pointed in a northly direction and told Officer B, "You need to be up here." Officer B then walked in a northerly direction and positioned him/herself in front of Officer A. As he/she did so, Officer A transitioned his/her pistol into his/her right hand and lowered the muzzle, pointing it toward the ground. Officer A then placed his/her left hand on the back of Officer B's utility belt.

Officer B held the 40-millimeter launcher in a two-handed, low-ready position, with the muzzle pointed toward the Subject and ordered him to, "Put it down, put it down." Meanwhile, Officer C observed a couch along the north living room wall. As Officer B was giving commands to the Subject, Officer C pushed the couch in a westerly direction; blocking the hallway. According to Officer C, he/she utilized the couch as a barricade between the officers and the Subject. Officer C believed the couch provided the officers with cover and created both time and distance from the Subject, who was armed with a knife.

Sergeant A moved the coffee table into the kitchen area and directed Officer A to continue verbalizing with the Subject.

The Subject faced the officers, with both arms down along his sides. As captured on BWV, the Subject was holding two knives, one in each hand. Officer A ordered the Subject to put the knife down. As Officer A gave the aforementioned command, the Subject bent forward at the waist and placed both knives onto the floor.

After placing the knives on the floor, the Subject rose up and placed both hands in the air. Officer A ordered the Subject to walk toward him/her, and the Subject walked toward Officer A in a southerly direction. As he/she did so, the Subject lowered his hands, placing them down along his sides. Officer A ordered the Subject to, "Keep your hands up on your head." The Subject did not comply with his/her command. Instead, he continued walking toward the officers with both hands down along his sides.

As captured on BWV, Officer E was standing in the living room area, northeast of Officers A and B as they gave commands to the Subject. Officer C directed Officer E to line up, at which time he/she (Officer E) redeployed further south, into the kitchen area. Sergeant A assigned the role of arrest team to Officers C and E.

Officer A ordered the Subject to turn around and place both hands on top of his head. The Subject turned and faced in a northerly direction; however, the Subject did not place his hands on his head. The Subject walked backward, toward the officers, with both hands down along his sides. Officer A ordered the Subject to stop and he complied. Officer A again ordered the Subject to place his hands on his head; however, the Subject did not comply with his/her commands. Instead, the Subject brought both hands in front of his body and appeared to cross his arms.

At approximately 1750:27 hours, Sergeant A advised the officers to have the Subject walk in their direction. Officer A ordered the Subject to walk backward, but he did not comply. The Subject lowered both hands to his sides and remained in the same position. Officer A called the Subject by his first name, at which time he looked over his right shoulder in Officer A's direction. Officer A gave the Subject multiple commands to walk in his/her direction, but he did not comply.

Officer A continued to verbalize with the Subject and told him, "All we're trying to do is figure out what's going on. It's real simple. We don't want to hurt you. You just need to follow my directions."

At approximately 1750:46 hours, Sergeant B arrived at scene and joined the contact team. According to Sergeant A, the location was small, and he/she believed he/she had sufficient resources inside of the location. Sergeant A was cognizant that additional officers may be en route; therefore, he/she advised Sergeant B that he/she would handle the interior scene and requested Sergeant B to handle the exterior scene and provide direction to the responding units.

As captured on BWV, the Subject took one step forward in a northerly direction. Officer A then directed Officer B to fire the 40-millimeter launcher at the Subject if he went for or started moving toward the knives. According to Officer A, he/she provided that direction to Officer B because he/she didn't want the Subject to re-arm himself and attack Victim A or the officers.

As captured on BWV, the Subject stood in the hallway facing in a northerly direction, toward the knives. As he did so, the Subject appeared to be shifting his weight back

and forth between both feet. Officer A continued giving the Subject commands and stated, "Don't take any more steps toward those knives."

Officer A removed his/her left hand from his/her pistol and picked a black crate that was lying on the floor west of his/her location. As he/she did so, Officer A held his/her pistol in his/her right hand, with the muzzle pointed toward the Subject. Officer A handed the crate to Officer C, who placed it in on a nearby chair. Officer A then transitioned back into a two-handed shooting position.

According to Sergeant A, he/she decided to try a different voice in an effort to get the Subject cooperate, which had worked in the past, numerous times. Sergeant A referred to the Subject by his first name and attempted to establish a dialogue with him. Sergeant A tried to convince the Subject to communicate with him/her and advised the Subject that he was not in trouble. The Subject then took one step forward. Sergeant A advised the Subject that no one was going to hurt him and directed him to step back so they could talk; however, the Subject walked in a northerly direction, toward the knives.

According to Officer B, he/she was concerned about the Subject approaching the knives because there was a room (Victim A's) nearby. As captured on BWV, Officer B stated, "I'm going to shoot him." Officer A replied, "Hit him, hit him, hit him."

At approximately 1752:10 hours, Officer B fired the 40-millimeter launcher at the Subject, in a northerly direction, from a distance of approximately 39 feet. As captured on BWV, the Subject raised his left knee and fell forward onto the hallway floor. The Subject landed in a prone position, on top of the knives.

According to Officer A, at the time of the 40-millimeter deployment, the Subject was standing right on top of the knives and started bending down toward them. A review of the BWV determined that the Subject did not bend down toward the knives prior to the 40-millimeter deployment.

When asked if a verbal use of force warning was given, Officer B replied, not the warning that they are told to use in the police academy, but from what Officer A was saying to the Subject, he/she believed that it was a warning. Prior to the 40-millimeter deployment, Officer B recalled Officer A warning the Subject, "If you move towards the knife, we'll have to shoot you." The investigation determined that Officer A did not warn the Subject that he could be shot prior to the 40-millimeter deployment.

According to Officer A, there was sufficient time to give a verbal use of force warning to the Subject; however, there were multiple things happening simultaneously and he/she was focused on the Subject and his/her partner (Officer B).

According to Officer B, when he/she fired the 40-millimeter launcher, he/she was aiming for the back of the Subject's left upper thigh/buttocks area. Officer B believed the projectile impacted the back of the Subject's left thigh. Officer E believed the projectile

impacted the Subject's back. The investigation determined that the Subject did not sustain any visible injuries consistent with being struck by a 40-millimeter projectile.

Following the 40-millimeter deployment, Officer B removed the expended cartridge from the 40-millimeter launcher and reloaded it with a live round. The expended cartridge landed on the floor, north of the contact team.

Simultaneously, Officer A yelled to the Subject, "Hey, I need you to show me your hands," then advised the contact team that the Subject landed on top of the knives. Officer A continued giving commands to the Subject and directed the Subject to place his hands on top of his head; however, the Subject did not comply and remained in the prone position.

Officer D advised the contact team that he/she had a TASER. Officer D then holstered his/her pistol and transitioned to his/her TASER. Officer D held the TASER in his/her right hand, alongside his/her right leg, with the muzzle pointed toward the ground.

Officer A recommended that they move the couch, which was blocking the hallway, in the event that the officers needed to approach the Subject quickly. In response, Officers C and D moved the couch in an easterly direction. Officer C broadcast to CD, requesting a unit with a shield respond to their location.

As captured on BWV, Sergeant A advised Officer C that he/she had a shield in his/her vehicle. Sergeant A recalled directing Officer C to retrieve the shield; however, a review of the BWV determined that Sergeant A did not verbally direct anyone to retrieve it.

As captured on BWV, the Subject was moving his arms and legs as he laid in the prone position. Officer A advised the Subject that he/she needed the Subject to place his hands on the top of his head and not reach for a weapon, otherwise officers were going to shoot him with the beanbag (shotgun) and it would hurt. Officer A asked the Subject if he could hear him/her, but he did not respond. Officer A warned the Subject that if he kept reaching for stuff, the officers may use more force.

At approximately 1753:16 hours, Sergeant A broadcast to CD and requested a unit to respond to the rear of their location. Sergeant A advised CD that the Subject was on the second floor of the location. Officer F responded to Sergeant A's broadcast and advised that he/she was already positioned to the rear of the location.

Multiple units responded to the scene, including the below listed personnel:

- Sergeant C and D
- Police Officers H and I

In addition to the above noted personnel, there were additional units that responded to the help call which are not listed in this summary. The investigation revealed those officers did not witness the OIS, nor were they involved in taking the Subject into custody; therefore, they were not interviewed. Additionally, some of those responding officers unholstered their pistols during the incident. Unless the officers were involved the OIS or were part of the contact/arrest team, the drawing and exhibiting of their firearms was not included as part of this report.

As captured on BWV, Officer C retrieved a broom from the kitchen area and used the bristles to move the expended 40-millimeter cartridge in an easterly direction. According to Officer C, he/she moved the cartridge because he/she was concerned an officer might step on the cartridge and potentially injure themselves.

At approximately 1753:32 hours, Officer A asked the Subject in Spanish if he spoke English or Spanish. The Subject did not respond to Officer A's inquiry. Officer E gave commands to the Subject in Spanish, ordering him to move away from the knives. The Subject did not comply.

Officer A directed Officer C to go outside and inquire if the Subject spoke English or Spanish. Officer C exited the residence and asked Witness A if the Subject spoke Spanish. Witness A informed Officer C that the Subject spoke both English and Spanish. Officer C asked what medication the Subject took, and Witness A advised that the Subject did not take medication and that he was on something. Officer C then retrieved the shield from Sergeant A's vehicle and rejoined the contact team.

At approximately 1754:18 hours, while Officer C was speaking with Witness A, Sergeant A reiterated to Officer D that he/she had a shield in his/her police vehicle. Officer D advised Sergeant A that he/she believed Officer C was retrieving it.

Meanwhile, Officers A and E continued verbalizing with the Subject and giving him commands in both English and Spanish. Officers A and E ordered the Subject to crawl away from the knives; however, he remained non-compliant and did not verbally respond to their commands.

At approximately 1755:09 hours, Officer A ordered the Subject to stand up and walk in his/her direction with his hands empty. As captured on BWV, the Subject raised up onto his hands and knees. As he did so, Officer A told him to leave the knives on the ground. The Subject planted his right foot onto the floor in front of his body, while he continued kneeling on his left knee. Officer A advised the Subject that if he followed his/her commands, he would not get hurt.

Officer A directed the Subject to stand up and leave the knives on the ground. The Subject replied, "I'm not even touching it" and remained in the kneeling position. Officer A advised the Subject that he appeared to be upset, and he replied, "I'm not upset." Officer A informed the Subject that he/she was not comfortable communicating with him while he was standing on top of the knives. Officer A ordered the Subject to stand up,

place his hands on his head, and walk backward in his/her direction. The Subject did not comply with his/her commands.

Officer D asked Sergeant A if he/she wanted a Rescue Ambulance (RA) to standby. Sergeant A then requested an RA to their location and stage in the area

Officer A advised the Subject to backward crawl toward him/her if he was unable to stand and asked the Subject if it hurt to stand up. The Subject responded; however, it was unintelligible on BWV. Officer A directed Officer B to watch the Subject's left hand, which was north of his body and not visible to the officers. Officer B informed Officer A that he/she could no longer see the knives. Officer A also advised the Subject that an ambulance was en route to treat his bruise.

According to Officer A, the 40-millimeter projectile struck the Subject from behind; however, he/she could not specify which part of his body was impacted. The investigation determined that the Subject did not sustain any bruising consistent with being struck by a 40-millimeter projectile.

Sergeant A asked Officer A what the east side of the hallway looked like. Officer A informed him/her that there were multiple doorways along the hallway. Additionally, Officer A advised that there was a bedframe and spare doors leaning against the wall in the hallway area.

At approximately 1758:04 hours, the Subject abruptly stood up and lunged in an easterly direction, toward Victim A's bedroom door. The Subject appeared to use his right shoulder to force entry into Victim A's bedroom. The door partially opened due to the chairs Victim A placed against the other side of the door, that he utilized as a makeshift barricade. Victim A described the Subject's actions as resembling a scene in the movie "The Shining."

According to Victim A, the Subject pushed the door open with his right arm, while holding a knife in his left hand. The Subject then began wildly swinging the knife in Victim A's direction. Fearing that he was going to get stabbed, Victim A attempted to close the door by pushing on the chairs that were blocking his door. Victim A recalled the Subject stuck his head through the door and was swinging wildly. Victim A opined that if the Subject was going to jail, he was going to stab him.

According to Victim A, he thought that he was going to be stabbed and needed to close the door. Victim A believed that he might have to get stabbed in order to close the door and that's what occurred. According to Victim A, the Subject raised the knife above his (Victim A's) head. Victim A feared the Subject was going to stab his head; therefore, he lifted his right hand to block the knife as the Subject swung it down at him. As a result, Victim A sustained lacerations to the right side of his head and right ring finger.

According to Officer A, the Subject suddenly popped up, grabbed the knives and charged toward the door where he/she believed this victim (Victim A) was located. As

soon as the Subject did that, Officer A could hear the victim screaming, and therefore made the decision to make contact with him.

Although Officer A believed the Subject picked up both knives, the investigation determined that one knife was still located on the hallway floor, just west of Victim A's bedroom, when the contact team made its subsequent approach. According to Officer E, he/she observed the Subject pick up one knife with his right hand prior to forcing entry into Victim A's bedroom.

As captured on BWV, Officer A stated, "come on," and began walking in a northerly direction. As Officer A did so, the sound of Victim A screaming was captured on the officers' BWV. According to Officer A, the scream sounded as if Victim A was being attacked.

Officer E heard loud screaming and believed the Subject was going to kill Victim A. According to Officer E, based on the comments of the call and the Subject having already threatened to kill the manager (Victim A), he/she honestly did believe that the Subject was going to kill him.

Officer A formed the opinion that the Subject was in the process of stabbing Victim A. Officers A, B, and E jogged in a northerly direction toward the Subject, followed by Officer C (Shield), Officer D (TASER), and Sergeant A.

As Officer A jogged north in the hallway, he/she held his/her pistol in a two-handed shooting position. As Officer E jogged in the hallway, he/she held his/her pistol in his/her right hand, with the muzzle pointed in a northerly direction. As captured on BWV, his/her right index finger was on the trigger. According to Officer E, he/she was southeast of Officer A and slightly offset as they moved down the hallway. Officer E stated that he/she was conscious of his/her muzzle and does not believe he/she covered Officer A.

During their approach, Officer A observed the Subject leaning into Victim A's bedroom, as he (Victim A) continued to scream. At that time, Officer A was only able to see the Subject's lower body and could not see his hands. Officer A noted that Victim A's door was partially open, as if something were blocking it. Although Officer A could not see Victim A from his/her position, Officer A opined that Victim A was on the other side of the door, preventing it from fully opening.

Although Officer A was unable to see the Subject's hands, his lower body and hips were moving in a manner that caused him/her to believe that the Subject was actively stabbing Victim A. Officer A opined that the victim (Victim A) was either underneath the Subject or right in front of him and that the Subject was still engaging in attacking the victim, therefore Officer A decided to shoot him. Officer A fired seven rounds at the Subject in a northeasterly direction from an approximate decreasing distance of five to four feet.

According to Officer A, as the shooting progressed, the Subject started falling into the room. The fourth shot was somewhere between standing and falling or leaning and falling. A review of Officer A's BWV showed that almost immediately following Officer A's third round being fired, the Subject started to collapse to the ground. Both of the Subject's legs can be seen moving forward towards the floor. Investigators asked Officer A if he/she had time to assess in between each shot that he/she fired, and Officer A stated, "No."

According to Officer E, the Subject was facing in an easterly direction and making a stabbing or jabbing motion with his right hand. Officer E added, "And then I briefly observed what appeared to be the handle of a knife in his -- right hand -- as he was swinging it around. So in fear that he was going to kill the victim that was inside the room -- I discharged my weapon."

Believing the Subject was going to kill or cause serious injury to Victim A, Officer E fired four rounds at the Subject in a northeasterly direction from an approximate decreasing distance of four to three feet.

The Subject was struck by gunfire and fell onto the floor. He landed in a prone position, with his upper body inside of Victim A's bedroom and legs in the hallway. The Subject then rolled onto his left side.

According to Victim A, the Subject was swinging the knife at him at the time of the OIS. Victim A added, "Well, in the midst of that the officers did a damn good job and saved my damn life."

An analysis of the BWV determined that all of the officers' rounds were fired within approximately 2.960 seconds.

According to Officer A, there was a wall in the Subject's background at the time of the OIS. Officer A believed Victim A was east of his/her location when he/she fired; and not within his/her line of fire. Officer A said he/she stopped firing when the Subject stopped attacking Victim A.

According to Officer E, the Subject was making the jabbing/stabbing motion with his right hand as he/she fired all four rounds. Officer E said he/she stopped firing once the Subject was down. According to Officer E, he/she was behind Officer A when he/she fired; however, they were off-set. Officer E was positioned southeast of Officer A.

Additionally, Officer E recalled the doorframe being within the Subject's background at the time of the OIS. According to Officer E, Victim A was south of the Subject when he/she fired and not within his/her line of fire.

During the OIS, Officers B and C both unholstered their pistols. Officer C held the shield in his/her left hand and unholstered his/her pistol with his/her right hand. As captured on BWV, Officer C raised his/her right arm and pointed the muzzle in a



northerly direction. According to Officer C, he/she unholstered his/her pistol upon hearing shots fired. Officer C was initially unsure if the officers or the Subject was firing.

As captured on Officer C's BWV at approximately 1758:14 hours, his/her muzzle appeared to be pointed in a northerly direction for several seconds. During that time, Officers A, B, and E were north of his/her location in the hallway.

According to Officer C, he/she held his/her pistol at a high ready position and pointed it in the direction of a closet that was behind Officers A, B, and E. Officer C was cognizant of the officers' positions; therefore, he/she canted his/her muzzle toward the wall, as to not cover them.

Officer B slung the 40-millimeter launcher in front of his/her body and unholstered his/her pistol, which he/she held in a two-handed, low-ready position. According to Officer B, he/she unholstered because the situation had escalated to a point where he/she may need to use lethal force.

As captured on BWV, Officer B holstered his/her pistol approximately three seconds after he/she unholstered it. According to Officer B, he/she holstered because there were too many officers in that space.

At approximately 1758:17 hours, Sergeant A broadcast to CD, advising that shots had been fired. Sergeant A inquired if the Subject had been hit and Officer A replied, "Yes, he's hit." Officer C holstered his/her pistol and walked north in the hallway carrying the shield. Officer C advised the contact team that the shield was available by yelling, "shield up," multiple times. Officer A advised the contact team that he/she was able to see the Subject's hands and advised the officers to chill and calm down.

Officer A began communicating with Victim A and ensured that he was okay. Officer A asked Victim A if he was the only person in the room and he replied, "Yeah." Officer A then requested Victim A to move toward the northwest corner of his bedroom, in the event that additional force was necessary. Victim A complied.

At approximately 1759:46 hours, as captured on BWV, Officer A advised the contact team the Subject was still moving, and he/she was no longer able to see the Subject's hands. Officer A began giving commands to the Subject, ordering him to show his hands. The Subject did not comply. As captured on BWV, Officer A advised the contact team that the Subject was shaking his head no.

Officer A advised the Subject that he/she had to ensure he was not armed prior to providing him with help. Shortly thereafter, the Subject raised his hands and Officer A was able to determine that he was not holding any weapons. As captured on BWV, the contact team began formulating a plan to approach the Subject and take him into custody. They considered utilizing the shield; however, it was not feasible due to the limited space and narrow hallway.

At approximately 1801:04 hours, Officer C approached the Subject. As Officer C did so, Officer A provided cover for him/her, by pointing his/her pistol in a northeasterly direction, toward the Subject. Using both hands, Officer C grabbed the Subject's right leg and pulled him in a southerly direction, toward the hallway. As captured on BWV, the Subject's left foot pressed against the west hallway wall. Officer C maintained his/her grip on the Subject's right leg with his/her right hand and released his/her left hand. Officer C then grabbed the Subject's left leg, using his/her left hand, and pulled the Subject into the hallway.

Officer C ordered the Subject not to move and released his/her grip on the Subject's legs. Officer C straddled the Subject and grabbed his right arm using his/her left hand. Officer C raised the Subject's right arm and handcuffed his right wrist. Officer C placed his/her left hand on the Subject's right tricip area and pulled his right arm behind his back.

Using his/her left hand, Officer C grabbed the Subject's left forearm and pulled his left arm behind his back. Officer C then handcuffed the Subject's left wrist. As captured on BWV, Officer C searched the Subject and removed a wallet from his left rear pant pocket. Officer C placed the wallet onto the hallway floor. After searching the Subject, Officer C advised him that they were going to get him some help. Officer C placed Subject onto his left side, into a recovery position.

Officer C did not don protective gloves prior to approaching the Subject and taking him into custody. As a result, Officer C got blood on both of his/her hands. According to Officer C, the Subject was still in a close proximity to a weapon and his/her main concern was taking the Subject into custody; therefore, he/she wasn't able to don protective gloves.

Sergeant A announced to the contact team that the incident had been resolved (Code Four) and directed Officer H to request the RA to respond, which he/she did. At approximately 1802:35 hours, Sergeant B broadcast that he/she was the Incident Commander (IC).

Officer A requested Officer C to reposition the Subject further south so he/she could get Victim A out of the bedroom. Officer C straddled the Subject and grabbed his right elbow area with his/her left hand. Nearly simultaneously, Officer A holstered his/her pistol and grabbed the Subject's right ankle, with his/her right hand. Together, they pulled the Subject in a southerly direction down the hallway. According to Officer C, he/she and Officer A moved the Subject into the living room to allow more working room for the RA to provide medical treatment.

As they negotiated their way down the hallway, Officer A briefly grabbed the Subject's left ankle, with his/her left hand. Officer A then released the Subject's left ankle and grabbed his right ankle with both hands. Officers A and C continued pulling the Subject in a southerly direction and into the living room area. Officers A and C released their grips on the Subject; leaving him in a prone position on the living room floor.

At approximately 1802:51 hours, Officer A began searching the Subject's person. As he/she did so, the Subject asked Officer A for some water. Officer A then placed the Subject onto his right side.

Officer A did not don protective gloves prior to searching the Subject's person. According to Officer A, he/she was trying to make sure that the Subject didn't have any knives on him and that was more important at the time.

As additional resources arrived at scene, officers conducted a protective sweep of the location for additional Subject's and/or victims. There were no other occupants inside of the location.

Sergeant A identified the involved officers and ensured that Officers A and E were separated and monitored.

Officer C relieved Officer A and took custody of the Subject. Officer C gripped the Subject's shirt with his/her left hand and ensured the Subject remained on his right side. A short time later, Officers H and I donned protective gloves and relieved Officer C. Officers H and I communicated with the Subject and ensured he remained on his side until the RA arrived at scene.

Officer C recalled placing the Subject on his left side, into the recovery position; however, a review of the BWV determined that the Subject remained on his right side until the RA arrived at scene.

According to Officer H, he/she did not provide medical treatment to the Subject; however, he/she was prepared to perform Cardiopulmonary Resuscitation (CPR) if necessary. Officer H stated that the Subject was talking and breathing; therefore, CPR was not necessary. According to Officer H, the Subject did not appear to be bleeding excessively; therefore, he/she was not concerned about him losing consciousness due to blood loss.

At approximately 1808 hours, Los Angeles Fire Department (LAFD) personnel arrived at scene and rendered aid to the Subject. The Subject was transported to a nearby hospital where he was treated for multiple gunshot wounds.

## **BWV and DICVS Policy Compliance**

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICVS ACTIVATION</b>	<b>DICVS RECORDING OF ENTIRE INCIDENT</b>
Sergeant A	Yes	Yes	Yes	N/A	N/A
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	N/A	N/A

Officer A did not have his/her DICVS microphone on his/her person during this incident. Officers D and E responded Code 2 to this incident and as such were not required by policy to activate their DICVS. The officers' DICVS was activated approximately four minutes after they arrived on the scene and was deactivated approximately six minutes later.

## **Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

### **A. Tactics**

The BOPC found Officer E's tactics warrant a finding of Administrative Disapproval. The BOPC found Officers A, B, C, D, and Sergeant A's tactics warrant a finding of Tactical Debrief.

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

The BOPC found Officers A, B, C, D and E's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found Officer B's less-lethal use of force to be In Policy.

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

The BOPC found Officers A and E's lethal use of force to be In Policy.

## **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department’s guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

**Use of De-Escalation Techniques:** It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

**Verbal Warnings:** Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

**Proportionality:** Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

**Fair and Unbiased Policing:** Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

**Use of Force – Non-Deadly:** It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

**Factors Used to Determine Objective Reasonableness:** Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;

- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

**Drawing or Exhibiting Firearms:** Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

**Use of Force – Deadly:** It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

**Note:** Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

**The Department's Evaluation of Deadly Force:** The Department will analyze an Officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

**Rendering Aid:** After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and

emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the Officers training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

**Warning Shots:** It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

**Shooting at or From Moving Vehicles:** It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an Officers use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

**Note:** It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

**Requirement to Report Potential Excessive Force:** An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

**Requirement to Intercede When Excessive Force is Observed:** An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.



## Definitions

**Deadly Force:** Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

**Feasible:** Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Imminent:** Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

**Necessary:** In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

**Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

**Serious Bodily Injury:** Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;

- A wound requiring extensive suturing; and,
- Serious disfigurement.

**Totality of the Circumstances:** All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

**Vulnerable Population:** Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

**Warning Shots:** The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

## A. Tactics

### Tactical De-Escalation

#### Tactical De-Escalation Techniques

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

**Planning** – While en route to the radio call, Officer A began to formulate a tactical plan. Officer A assigned Officer B to the 40mm LLL and took into account the Subject's physical description, the fact that he was armed with a weapon, and his parole status. Officer A planned to call out any additional residents at the location, establish containment, and not enter the residence prematurely.

While en route to the call, Officers D and E discussed tactics, specifically command and control. They also discussed de-escalation and the need for additional units/resources.

Officer A was in the process of gathering information and implementing his/her original plan to call the Subject out of the residence when he/she heard the Subject ostensibly forcing his way into Victim A's bedroom. Officer A quickly developed an entry plan by assigning specific roles to each officer assigned to the contact team.

Sergeant A arrived at the scene and ensured that a comprehensive tactical plan was in place. Sergeant A also designated Officers C and E as the arresting officers. After the OIS, Officer A instructed Victim A to move to the opposite side of the room, clearing his/her potential background, in the event that further deadly force was

needed. Officer A appropriately recognized that the use of the ballistic shield was not feasible given the narrow hallway that the OIS occurred in. Officer A directed the officers to handcuff the Subject as he/she provided cover. Officer A also directed officers to move the Subject into the living room where medical aid could be provided.

**Assessment** – Officers A, B, D, E, and Sergeant A constantly assessed the ongoing tactical situation. The contact team maintained their distance from the Subject, which allowed them the time to assess the tactical situation and the Subject’s demeanor/actions. Officers D and E spoke to community members, obtaining situational awareness and a layout of the residence.

Officer A continuously requested and received information from CD while en route to the location, obtaining situational awareness. Before contacting the Subject, Officer A met with Witness A and Witness C to further assess the situation. Officer A recognized and adapted to the exigent circumstances that occurred during the incident. The first instance occurred while he/she was outside the residence and ostensibly heard the Subject forcing his way into Victim A’s bedroom. The second instance occurred when the Subject picked up a knife from the floor and charged Victim A’s bedroom door, requiring Officer A to lead the arrest team down the hallway. After the OIS, Officer A assessed the situation and ensured that Officer C did not approach the Subject until he/she was able to see that the Subject was no longer armed with the knife.

**Time** – Officers used time to their advantage from the moment they arrived at the scene. They debriefed community members and reporting parties and did not enter the residence until the Subject, armed with knives, began ostensibly forcing open Victim A’s bedroom door; Victim A was inside the bedroom. When the officers entered the residence, they did not over-penetrate the living room, keeping a safe distance from the Subject, who was armed with knives.

According to Officer C, he/she utilized a couch as a barricade to block the hallway between the officers and the Subject. Officer C believed the couch provided the officers with cover and created both time and distance from the Subject.

Officer A communicated with the Subject for approximately eight minutes and eleven seconds, from first contact with the Subject until the OIS. This time allowed for resources to arrive and provided the Subject the opportunity to comply with the officers’ commands.

**Redeployment and/or Containment** – Sergeant A ensured there was containment to the rear of the residence during this incident. Due to the location’s layout, redeployment was not a viable option. The officers contained the Subject to the second-floor hallway of the residence while maintaining their distance and communicating with/monitoring the Subject’s actions.

**Other Resources** – After the deployment of the 40mm LLL, Sergeant A requested a RA to stage near the location, to provide the Subject with prompt medical aid. Additionally, Sergeant A directed Officer C to retrieve a ballistic shield from his/her police vehicle and directed Sergeant B to take charge of the additional officers outside of the residence.

**Lines of Communication** – Officer A advised Officer B of his/her role as the less-lethal officer. Officer A communicated with officers at the scene, advising them of his/her plan to call out the occupants inside of the residence before entering the location. Throughout the incident, Officer A continued to communicate with Officer B and the other members of the contact team. Officer A clearly directed Officer B on where to stand and when to deploy the less-lethal munitions. This communication was essential as it was Officer B's second day in the field, in a high-stress and violent situation.

Officer A told the Subject numerous times, "We don't want to hurt you." Once the Subject dropped the knives he was holding on the ground, Officer A began giving the Subject orders to walk toward him/her and put his hands on top of his head. The Subject walked toward the officers; however, he refused to place his hands on top of his head. Officer A communicated to the Subject that officers cared about his safety and needed his compliance. The Subject stopped walking toward the officers and stepped back towards the knives on the ground. Officer A continued to try to communicate with the Subject and gain his compliance for approximately eight minutes and eleven seconds.

Sergeant A continued to allow Officer A to communicate and give direction to the Subject. Sergeant A recognized that Officer A was effectively communicating with the Subject, to gain his compliance, and de-escalate the situation. Sergeant A did not unnecessarily interject him/herself and allowed Officer A to maintain lines of communication with the Subject.

During the incident, Sergeant A attempted to communicate with the Subject, hoping that he may respond to his/her voice. Sergeant A hoped to establish rapport and gain the Subject's compliance. Officer E also attempted to communicate with the Subject and provided the Subject with commands in Spanish.

After the OIS occurred, Officer A continued to communicate with the Subject. Officer A immediately began giving the Subject calm, clear orders to show his hands. Officer A maintained his/her composure as he/she advised the arrest team of his/her observations.

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

### **1. Code-Six**

Officer C broadcast that he/she was responding to the incident as a backup unit for Officers A and B. Upon arrival, Officer C noted that his/her Mobile Digital Computer was not functioning, and he/she was unable to use it to notify CD that he/she had arrived at the location. Due to the ongoing tactical situation, Officer C made the decision not to utilize his/her radio to broadcast that he/she was Code-Six because he/she believed that it was imperative that the frequency remain clear for the primary unit to relay important tactical information.

The BOPC noted that had Officer C broadcast his/her Code-Six location, Officer A may have benefitted from that knowledge that he/she was at the scene while developing his/her tactical plan. The BOPC further noted that the purpose of broadcasting a Code-Six location is for officers to advise CD and other officers of their location and the nature of their activity. Officer C was the third unit to arrive at the scene and immediately joined the other officers in front of the location. The BOPC concluded that Officer C's failure to broadcast his/her arrival at the location did not jeopardize his/her safety or place officers at a tactical disadvantage.

Based on the totality of the circumstances the BOPC determined that Officer C's actions were a substantial deviation, with justification, from approved Department tactical training.

### **2. Basic Firearms Safety Rules**

As Officer E followed Officer A down the hallway, he/she placed his/her index finger on the trigger of his/her service pistol, which was pointed horizontally to the floor, approximately chest height. At this point, Officer E's sights were not aligned on the target, and he/she did not intend to shoot.

As the OIS occurred, Officer E's support hand was on Officer A's right shoulder/back while using a one-handed shooting platform. Officer E bladed his/her body and reached to the right of Officer A to acquire sight picture/alignment and fired with a one-handed grip on his/her service pistol. Following the OIS, Officer E assumed a two-handed grip. According to Officer E, he/she was offset from Officer A and aware of his/her muzzle direction. Officer E did not recall placing his/her finger on the trigger of his/her service pistol until he/she was ready to fire, nor did he/she recall firing from a one-handed grip.

The BOPC noted that the image included in the FID investigation captured from Officer E's BWV, appeared to depict Officer E's finger on the trigger of his/her service pistol with the muzzle pointed in the direction of Officer A's back as the

officers were moving down the hallway to engage the Subject. The BOPC was further critical of Officer E's decision to physically touch Officer A as they both fired their service pistols. This action is not taught in any Department training and could have disrupted Officer A's shooting platform as he/she was actively engaged with the Subject. The stability of an officer's shooting platform is paramount to the accuracy of the rounds discharged. The BOPC further noted that while the Department does train officers to shoot one-handed (both primary and off-hand), this tactic is meant to be used in the case that an officer injures one hand. The BOPC would have preferred that Officer E had acquired a two-handed grip on his/her service pistol before discharging it at the Subject.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officer E were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
  - **40mm LLL Protocols** –Officers A, B, and Sergeant A provided the Subject a partial use of force warning before the utilization of less-lethal force. According to the FID investigation, Officer A advised the Subject, “We don’t want to hurt you. You just need to follow my directions” and “Don’t take any more steps toward those knives.” Additionally, Officer B did not give the preparatory announcement, “40 ready,” before firing the 40mm LLL.
  - **Contact/Cover Roles** – While Officer E was designated as part of the arrest team, he/she ultimately became a second Designated Contact Officer, (DCO). While the BOPC understood why Officer E unholstered his/her service pistol, they would have preferred that Officer E had maintained his/her role on the arrest team. As the officers entered the residence, Officer D volunteered to be the TASER officer; however, he/she did not transition to his/her TASER at that point. The BOPC would have preferred that Officer D had transitioned to his/her TASER immediately after being assigned that role.

These topics were to be discussed at the Tactical Debrief.

## **Command and Control**

Officers A and B were the primary unit assigned to this incident. Before they arrived at the location of the radio call, Officer A began to develop and discuss a tactical plan with Officer B. Officer A ensured that Officer B was aware of his/her assignment as the less-lethal officer equipped with the 40mm LLL. Officer A advised Officer B that the location likely consisted of multiple rooms and several additional inhabitants. Officer A discussed his/her plan with the officers at the scene to call all the occupants out of the residence before entering the location. Officer A confirmed the Subject's description with the RTO and ensured that Officer B was aware of this

information. Officer A further advised Officer B that the comments of the radio indicated that the Subject was on parole and may resist arrest.

Arriving at the radio call, Officer A met with Witness A. Officer A was advised that the Subject was on the second floor of the residence armed with a knife and that Victim A was in his bedroom and unable to leave without encountering the Subject. Officer A called for all other occupants to clear the location. Witness C then exited the residence and advised Officer A that the Subject was actively attempting to kick Victim A's bedroom door down. According to the FID investigation, Officer A shouted into the residence, "It's the Los Angeles Police Department. I need you to step outside." According to Officer A, he/she then heard somebody "kicking" a door.

Officer A formed the opinion that the Subject was going to kill Victim A and the situation was now exigent. Officer A informed all the officers at the location of his/her observations and his/her intent to form a contact team to enter the location. As the team entered the location, Officer A ensured that an officer was assigned as less-lethal equipped with a TASER.

Sergeant A quickly responded and arrived as the contact/arrest team made their way up the interior stairs of the residence to the second floor. Sergeant A noted that Officer B had deployed the 40mm LLL. Sergeant A established command and control and took the initiative to oversee the tactical portion of the incident. According to Sergeant A, he/she directed Officer E to watch for crossfire. Sergeant A ensured that specific roles were delineated to the contact team.

Officer A clearly demonstrated to the other officers that he/she was the team leader. Officer A exerted a calm and decisive demeanor as he/she led the arrest team up the stairs. Officer A directed areas of responsibility as they cleared the location until they located the Subject in a hallway. Officer A directed the Subject to drop the knives he had in his hands. Officer A physically moved Officer B into a better tactical position next to him/her. After the Subject dropped the knives, Officer A instructed Officer B to utilize the 40mm LLL if the Subject attempted to rearm himself. As Officer A continued to verbalize with the Subject, Officer A assessed his/her surroundings and moved various objects, preventing them from impeding the officers' movement. Officer A exercised outstanding focus and restraint in a highly stressful situation.

Sergeant B arrived at the location and joined the contact team on the second floor of the residence before officers took the Subject into custody. According to Sergeant A, the location was small, and he/she believed that he/she had sufficient resources in the interior of the location. Sergeant A was cognizant that additional officers may be en route; therefore, Sergeant A advised Sergeant B that he/she would take command and control of the interior tactical incident and asked Sergeant B to handle the exterior management of additional resources. According to Sergeant B, he/she then de-activated his/her BWV and walked back to his/her police vehicle in anticipation of conducting a non-categorical use of force investigation.

When the Subject moved toward the knives on the floor, Officer B stated that he/she was going to deploy the 40mm. Officer A confirmed its necessity by replying, "Hit him, hit him, hit him." According to Officer A, at the time of the 40mm LLL deployment, the Subject was standing right on top of the knives and started bending down toward them. Officer B was a probationary police officer at the time of the incident and it was his/her second day in the field.

Sergeant A utilized his/her hand-held police radio and broadcast a request for a unit to respond to the rear of the location to ensure that the area was contained. Sergeant A ensured that the officers avoided simultaneous commands to the Subject throughout the incident.

Officer A noted that the Subject was not responding to his/her commands and directed another officer to attempt commands in Spanish. Officer E provided the Subject with commands in Spanish to no avail.

Sergeant A requested an RA to pre-stage near the scene, demonstrating the Department's guiding principle of reverence for human life.

After the OIS, Sergeant A broadcast an "Officer Needs Help" call to CD, and Officer A communicated his/her observation of the Subject to the arrest team. Officer A advised officers to "calm down" and appropriately recognized that the ballistic shield would have been ineffective due to the hallway's size. Officer A ensured that the Subject was safely taken into custody and moved into a position where medical aid could be rendered.

Sergeant A utilized his/her hand-held police radio to advise that there was a Code Four and directed an officer to summons the RA. Sergeant A remained calm and composed throughout the incident, upholding the confidence in the officers around him/her. Sergeant A later ensured that Officers A and E were separated and monitored.

Upon hearing that an OIS had occurred and the Subject had been taken into custody, Sergeant B utilized his hand-held police radio and declared him/herself as the Incident Commander. Sergeant B approached the residence and began coordinating with exterior resources to manage the scene. Sergeant B verified that an RA was en route to provide medical aid to the Subject and directed additional responding supervisors to separate, monitor, and take public safety statements from the involved officers and Sergeant A. Sergeant B established a Command Post and secured the crime scene noting items of evidence. Sergeant B also directed officers to complete Field Interview cards for civilian witnesses and briefed the Watch Commander and Commanding Officer upon their arrival to the location.

The actions of Officer A and Sergeant A were consistent with Department training and the BOPC's expectations of a senior officers and field supervisors during a critical incident. Although the initial actions of Sergeant B were not consistent with



the BOPC's expectations of a field supervisor during a critical incident, upon being notified that a Categorical Use of Force occurred, Sergeant B took an active leadership role as the Incident Commander and from that point forward his/her actions were consistent with Department training and the BOPC's expectations of a field supervisor during a critical incident.

- 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.

In conducting an objective assessment of this case, the BOPC determined that Officers A, B, D, and Sergeant A's actions did not deviate from approved Department tactical training. The BOPC also determined that Officer C's actions were a substantial deviation, with justification, from approved Department tactical training. The BOPC further determined that Officer E's actions were a substantial deviation, without justification, from approved Department tactical training.

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

The BOPC found Officer E's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers A, B, C, D, and Sergeant A's tactics to warrant a finding of Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer A** – pistol

According to Officer A, prior to responding to the location, he/she read the comments of the radio call and learned that the Subject was armed with a knife and had threatened to kill Victim A. Upon arrival, Officer A was advised by multiple witnesses that the Subject was still inside the location armed with a knife and Victim A was locked in a bedroom. Officer A drew his/her service pistol because he/she believed that the Subject could cause serious bodily injury or death and that the tactical incident could escalate to a situation involving the use of deadly force.

- **Officer B** – pistol

According to Officer B, he/she was armed with the 40mm LLL as the arrest team made its way down the hallway to engage the Subject. Officer B heard Officer A direct the Subject to drop the knife and then observed Officers A and E fire their service pistols. Officer B slung his/her 40mm LLL and drew his/her service pistol as

the OIS ensued and the situation had escalated to the point that Officer B believed he/she may need to use lethal force.

- **Officer C** – pistol

During the OIS, Officer C unholstered his/her service pistol. Officer C held the shield in his/her left hand and unholstered his/her pistol with his/her right hand. Officer C then raised his/her right arm and pointed the muzzle of his/her service pistol in a northerly direction.

According to Officer C, he/she unholstered his/her service pistol upon hearing shots being fired. Officer C was initially unsure if it was the officers or the Subject who was discharging rounds. Officer C held his/her service pistol at a “high ready” position and pointed the muzzle in the direction of a “closet” that was behind Officers A, B, and E. Officer C was cognizant of the officers’ position and canted his/her muzzle toward the wall to ensure he/she did not cover them.

- **Officer D** – pistol, two occurrences

According to Officer D, he/she did not recall unholstering his/her pistol the first time. Officers walked east on the north sidewalk, toward the location of the radio call. As they did so, Officer D unholstered his/her service pistol. As captured on BWV, Officer D unholstered his/her service pistol with his/her right hand and held it alongside his/her right leg, with the muzzle pointed toward the ground. Officer D holstered his/her service pistol when he/she walked to the sidewalk to verify with Witness A that the residence did not have a rear entrance/exit (**First Occurrence**).

The contact team approached the front door of the radio call location. According to Officer D, he/she was cognizant that the Subject was inside of the location and potentially armed with a knife. Believing the situation could escalate to the point where lethal force was necessary, Officer D unholstered his/her service pistol (**Second Occurrence**).

- **Officer E** – pistol, two occurrences

According to Officer E, he/she heard the comments of the radio call and was aware that the Subject was armed with a knife and had threatened to kill Victim A. Upon arrival, officers were advised that the Subject was inside the residence and still armed with a knife. Officer E heard the sound of a door being forced open and drew his/her service pistol because he/she had reason to believe that the situation may escalate to one involving the use of deadly force (**First Occurrence**). Following the Subject’s apprehension, Officer E holstered his/her service pistol. Officer E drew his/her service pistol a second time as he/she assisted a search team in clearing the location for additional suspects and/or victims. (**Second Occurrence**).

The BOPC evaluated each instance that the officers unholstered their service pistols. The BOPC noted the comments of the radio call indicated that the Subject was an Assault with a Deadly Weapon suspect armed with a knife and threatening Victim A. Each officer clearly articulated their observations or beliefs that the Subject was armed with a knife during this incident. The BOPC concluded that it was reasonable for the officers to believe this incident may escalate to the point where deadly force may be necessary.

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

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

- **Officer B** – (1) 40mm LLL eXact iMpact Sponge Round

While the FID investigation determined that the Subject did not sustain any visible injuries consistent with being struck by a 40mm projectile, based on the BWV footage, the BOPC determined that Officer B's 40mm round struck the back of the Subject's left thigh, below the buttock.

According to Officer B, Officer A directed him/her to utilize the 40mm LLL if the Subject attempted to rearm himself with the knives. Officer B observed the Subject move forward toward the knives and fired one round at the Subject from his/her 40mm LLL to prevent the Subject from rearming himself and harming Victim A, who was near the Subject.

Following the 40mm LLL deployment, Officer A advised the Subject, "I need you to put your hands on top of your head. Do not reach for a weapon, otherwise, we're going to hit you with the beanbag again and it's gonna hurt."

The BOPC evaluated the proportionality and reasonableness of Officer B's use of less-lethal force. The BOPC noted that the Subject had already threatened Victim A with the knives. The Subject confirmed his propensity for violence before the officers' arrival by forcing open Victim A's bedroom door. The Subject also failed to comply with Officer A's clear and concise orders by walking toward the knives that were a few feet from Victim A's bedroom door. The BOPC concluded that the Subject posed an immediate threat to Victim A's safety and that Officer B's use of less-lethal force was justified.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, in the same situation, would reasonably

believe that the Subject presented an immediate threat of violence or physical harm to Victim A and that the use of less-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officer B's application of less-lethal force (40 mm LLL) to be In Policy.

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

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

**Background** – According to Officer A, his/her background was an interior wall with a closet on the other side. Officer A believed that at the time he/she fired his/her service pistol, Victim A was inside the bedroom, facing the Subject; however, he/she opined that Victim A was not in his/her line of fire. Officer A fired in a direction “perpendicular” to Victim A.

According to Officer A, the Subject kneeled near the knives and failed to comply with his/her commands. The Subject picked up the knives and charged the door to Victim A's bedroom. Officer A led a contact team down a hallway and heard Victim A screaming. Officer A was unable to see the Subject's upper body; however, he/she believed Victim A was either underneath him or right in front of him being attacked. The Subject was leaning on something, and Officer A believed the Subject was stabbing Victim A in an attempt to kill him. Officer A fired his/her service pistol to defend Victim A and to stop the Subject's deadly actions. Officer A stopped firing his/her service pistol when the Subject's deadly actions stopped.

The BOPC assessed the proportionality, reasonableness, and necessity of Officer A's lethal use of force. The BOPC noted that the Subject was given commands throughout the incident to submit to arrest. Officer A directed the use of less-lethal force before he/she was ultimately required to use lethal force as a last resort to stop the Subject's deadly actions. Additionally, the BOPC noted that Officer A's observations and articulation that the Subject was in the act of stabbing Victim A were later confirmed by Victim A, who stated that the Subject tried to kill him and that Officer A had saved his life. The BOPC concluded that Officer A acted in the immediate defense of Victim A's life and that his/her use of deadly force conformed to policy and law.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the use of deadly force was necessary, proportional, and objectively reasonable.

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

- **Officer E** – (pistol, four rounds)

**Background** – According to Officer E, the Subject was by the entrance to Victim A's bedroom. When Officer E fired his/her service pistol, his/her background was the doorframe. Victim A was positioned near the south wall as he/she fired in a northeasterly direction.

According to Officer E, he/she believed the Subject was determined to kill Victim A. The Subject failed to comply with the officers' commands, which they provided in both English and Spanish. The officers utilized less-lethal force; the Subject was still undeterred. The Subject picked up a knife with his right hand, and in an aggressive manner swung and jabbed the knife at Victim A. Officer E believed that the Subject was going to cause serious bodily injury or death to Victim A if he/she did not stop the attack by the Subject. Officer E fired his/her service pistol to stop the Subject's deadly actions.

The BOPC assessed the proportionality, reasonableness, and necessity of Officer E's lethal use of force. The BOPC considered the need for Officer E to use lethal force, given that Officer A was ahead of him/her, using lethal force. The BOPC noted that the entire duration of the OIS occurred in less than three seconds.

Additionally, officers involved in critical incidents justifiably may experience tunnel vision and auditory exclusion. This may contribute to the officers' inability to identify the simultaneous actions of other officers during a violent and dangerous incident. It is reasonable for an officer's focus to remain on the imminent threat presented before them. The BOPC also questioned Officer E's sight picture as he/she discharged his/her service pistol. Although Officer E's BWV was not angled in a way that captured the Subject or his/her actions at the time he/she discharged his/her weapon, Officer E articulated that he/she was able to see the Subject "stabbing" Victim A.

The BOPC noted that images captured on BWV can be distorted and, in some instances, do not accurately capture what an officer is experiencing and able to see. In this case, Officer E clearly articulated his/her observation of the Subject in the act of stabbing Victim A and his/her belief that the Subject posed an immediate threat of serious bodily injury or death to Victim A. The BOPC also noted that the Subject was successful in stabbing Victim A, which caused various injuries. Based on the totality of the circumstances, the BOPC concluded that given the Subject's actions and the immediate need to defend Victim A's life, Officer E's use of deadly force conformed to law and policy.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer E would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was necessary, proportional, and objectively reasonable.

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