

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

**OFFICER-INVOLVED SHOOTING – 023-21**

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

North Hollywood      4/23/21

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

Officer A                                                                                      1 year, 4 months  
Officer C                                                                                      5 years, 4 months

**Reason for Police Contact**

Uniformed police officers responded to a radio call of an Assault with a Deadly Weapon (ADW) cutting investigation. Upon the officers' arrival, they located the Subject lying on the ground-floor breezeway with a kitchen knife protruding from his neck. The officers attempted to verbally deescalate the situation by building rapport and directing the Subject to remove his hands from the knife, but he refused to comply. A TASER was ultimately deployed, and the Subject quickly stood up and moved toward officers with the knife, resulting in a 40mm less-lethal launcher (LLL) round being discharged and an Officer-Involved Shooting (OIS).

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

Male, 32 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 22, 2021.

### **Incident Summary**

On Friday, April 23, 2021, between 0200 and 0224 hours, security video captured the Subject run back and forth on the exterior second and third-floor breezeways of an apartment complex. At approximately 0217 hours, the Subject climbed over the third-floor railing and hung over the edge for several seconds. He then climbed back over the railing and continued running through the breezeways. At approximately 0224 hours, the Subject ran down to the second-floor breezeway via the west apartment stairwell and again climbed over a railing. After hanging momentarily by one arm, the Subject dropped to the ground below in front of a ground-floor apartment.

At approximately 0219 hours, Witness A, called 911 and reported hearing someone running along the third-floor breezeway. Witness A heard what he believed was a lone male “struggling” and “panting.” Witness A saw a knife and blood on the breezeway, but no person.

The investigation determined that at approximately 0216 hours, the Subject dropped an object on the ground. This item was later determined to be a knife with a black handle and a 10-inch blade. The Subject was also observed to be in possession of a second knife as he moved across the third-floor breezeway minutes later.

In response to Witness A’s call for service, Communications Division broadcast the following radio call at 0225 hours, “North Hollywood Units, ADW cutting investigation [at incident location], monitor comments for additional Code Three.”

At approximately 0230 hours, Police Officers A and B, arrived at scene and parked on the south side of the apartment complex. As the officers approached the front of the residence on foot, Officer B heard groaning and observed the Subject lying on the ground in the western portion of the breezeway and notified his/her partner. Officers A and B then entered an unlocked security gate on the northeast corner of the property and walked toward the Subject.

The Subject was lying prone with his head facing east and his hands positioned in front of his face near his neck. Officer B assumed the role of contact officer and immediately started communicating with the Subject to determine if he was injured. As Officer B approached, he/she observed that the Subject was holding a knife and notified his/her partner. According to Officer B, he/she then walked past the Subject approximately 10 to 15 feet so he/she and his/her partner could “triangulate” on the Subject. Officer B believed this distance was sufficient because the Subject was lying down and facing away from him/her. He/she also noted that the Subject was positioned in front of an apartment door and wanted to remain close enough to ensure a resident did not exit, potentially resulting in a hostage situation. Officer B added that he/she was aware of an open laundromat door to his/her right as well as space behind him/her if redeployment became necessary.

Officer A stated that as he/she and his/her partner started communicating with the Subject, he/she observed that the Subject was holding a knife. As Officer B crossed to the other (west) side of the Subject, Officer A stated that he/she positioned him/herself approximately 10 to 12 feet away (east) in an effort to triangulate with his/her partner. Officer A did not know if the Subject was a suspect of a crime and believed it was best to cover him on both sides to control his movement and to prevent him from fleeing.

Officer A continued verbalizing with the Subject and directed him to, "Just drop the knife. Just drop the knife man." The Subject told the officers he did not want to put the knife down, and that he needed an ambulance. Officer B replied that the officers were there to help and would request an ambulance but reiterated several times that the Subject needed to put the knife down.

As the officers continued to talk with the Subject, Officer A noticed he was bleeding from his neck and that the knife he (the Subject) was holding was inserted into his throat. Officer A believed the Subject was actively cutting his neck and communicated that to Officer B.

Based on an analysis of the security video, it appeared the Subject likely inserted the knife in his throat within approximately 37 seconds of falling from the second-floor railing to the ground below. Moments after the officers entered the security gate, the Subject rolled from his left side to his stomach and grabbed the handle of the knife with his left hand as the blade remained in his throat.

At 0231:17 hours, Officer B utilized his/her police radio and requested a Rescue Ambulance (RA) for the Subject.

The Subject placed his left hand on the ground and raised his upper torso while gripping the handle of the knife in his right hand. According to Officer A, he/she observed the Subject's sudden movement and believed the Subject was going to stand up and attack the officers. In response to the Subject's actions, Officer A drew his/her pistol and held it in a two-handed, low-ready position. Officer A commanded the Subject several times to stay where he/she was, affirmed that they were going to help him, and stated, "Get the knife out of your neck dude."

At approximately 0232 hours, Police Officers C and D arrived at the location to back the primary unit.

Officer D indicated that he/she was aware the radio call involved an edged weapon and deployed a 40mm LLL in accordance with Department protocol.

Officer D stated that when he/she and his/her partner approached the Subject, the Subject was lying on the ground holding a knife that was lodged in his neck. At 0232:46 hours, the Subject stated, "I'm going deeper! I'm going deeper man! Hey [expletive], there's a lot of people [expletive] going through this [expletive]. You can shoot me I

don't give a [expletive]. I have [expletive] mental issues." Both Officers C and D observed that Officer B was already speaking with the Subject and that Officer A was the cover officer. Officer D heard the Subject state he was suffering from mental illness, and consequently assumed the role of the less-lethal officer while holding the 40mm LLL in a two-handed, low-ready position. Officers C and D stood several feet behind Officer D, as Officer B continued to communicate with the Subject.

According to Officer D, Officer B attempted to deescalate the situation by building rapport with the Subject and telling him they were going to get him help. Officer B reiterated several times to the Subject that an RA had been requested, but they would not be able to help him if he continued to keep his hands on the knife.

At approximately 0233 hours, Police Officers E and F arrived at scene. Both officers initially entered the complex from the pedestrian gate. Upon approaching Officer C, he/she directed Officer F to return to the front of the building and direct LAFD and additional units as they arrived. As Officer F walked back out to Whitsett Avenue, Officer E remained in the breezeway behind Officer C.

Despite repeated requests from Officer B to place the knife down, the Subject refused, and at one point claimed he was being shot with tranquilizer darts. In an effort to further deescalate the situation, Officer B briefly assumed a kneeling position while speaking with the Subject as a means to build rapport and trust. Officer B's intent was to keep the Subject focused on him/her, while his/her partner provided cover with his/her pistol. Regarding his/her decision to use this tactic, Officer B stated, "I wanted to keep...level eye contact with him. That's something that we learned in the academy and also with other -- for mental health situations that we've been trained on...That's a good way -- a good tactic for us to keep that level with them and trust with them, that we're not over -- standing over them to make them think that we're dominating them or we're superior to them...I knew he/she -- for whatever reason, he/she was -- maybe because my partner had his/her gun drawn on him, but he was more aggressive towards my partner. So, I wanted to make sure he kept his attention towards me."

As additional officers arrived at scene, Officer B directed them not to approach because they were dealing with the Subject in a confined area. Officer B was concerned that if an OIS occurred, officers might become "congested" in the breezeway. Officer B continued to verbalize with the Subject and became aware he resided in an apartment in the complex, possibly with his sister. In an effort to ensure she was not injured or in need of medical assistance, Officer B directed other arriving officers to conduct a welfare check of the apartment.

At 0238:15 hours, Sergeant A, arrived at scene and met with the officers on the first-floor breezeway. Sergeant A initially stood to the left of Officers C and D and approximately 16 feet from the Subject. Although he/she did not declare him/herself the Incident Commander, Sergeant A stated he/she was the only supervisor at scene, and Officer B, who was the senior officer there, verbally acknowledged his/her presence. Sergeant A noted upon his/her arrival that Officer B was communicating with the

Subject, Officer A had assumed the role of Designated Cover Officer, and that Officer D was providing less-lethal cover with a 40mm LLL. Sergeant A indicated he/she began exerting “positive control” over the situation by “directing officers to duties and tactics.” Sergeant A assigned Officer C as the TASER officer and told Officer D, “Hey, if he (the Subject) stands up and comes – takes one step towards us, hit him with the 40mm.” Sergeant A told investigators he/she gave that direction “in the interest to preserve his (the Subject’s) life.”

According to Officer B, although he/she was not able to tell the other officers what to do from where he/she was standing, he/she observed Sergeant A speaking with Officers A, C, and D and believed they were developing a tactical plan. Officer B assumed he/she was the contact officer, Sergeant A would handle radio communications, Officer A was the cover officer, and the other two officers would provide less-lethal coverage. Officer B stated, “So in my mind, we had our tactical plan already set. Even though we didn’t have to say it verbally, we did it through training with one another, because we all work [...] together and these are things that we’ve done as LAPD as well.”

Meanwhile, Police Officers G and H, who arrived just prior to Sergeant A, assembled an entry team to conduct the welfare check. At approximately 0240 hours, Officers G, H, and six additional officers, entered the Subject’s residence and determined no one else was inside. Officer G noted that the apartment had been ransacked and observed a large amount of blood on the floor.

At approximately 0240 hours, LAFD arrived at scene and waited on the street until they were notified that the Subject was disarmed, and it was safe to enter.

Upon his/her arrival, Sergeant A evaluated the location of the officers in relation to the Subject and determined that “in the interest of public safety” they needed to remain in their positions. Sergeant A explained that because the Subject was in the apartment breezeway, the Subject potentially had “access” to residents exiting their doors. Sergeant A considered the idea of tactically disengaging but was concerned the Subject might take a hostage if given the opportunity. Furthermore, Sergeant A believed the Subject was a danger to the public, suicidal, and did not have a grasp of reality, as evidenced by his claim that someone was tranquilizing him. Sergeant A considered contacting the Mental Evaluation Unit (MEU) as a resource; however, he/she believed the tactical situation evolved too quickly for him/her to do so.

Sergeant A noted that officers were triangulating on the Subject by standing on the east and west sides of him in the breezeway. Sergeant A affirmed this as a technique they were trained to use in the Academy when dealing with suspects, and he/she did not believe their positions created a crossfire at the time. Sergeant A chose not to redeploy Officer B, because he/she was effectively blocking the Subject’s from the west stairwell leading to the second and third floors, thus preventing the Subject from gaining access to additional victims. Sergeant A described the breezeway as a long hallway that was approximately eight to ten feet wide. Based on its dimensions, he/she did not believe

the breezeway afforded them cover or concealment and felt redeployment was not practical.

After being at scene for approximately a minute and a half, Sergeant A noted that the Subject was not listening to what Officer B was telling him to do. He/she decided to intervene at that point and motioned to Officer B with his/her hands that he/she was going to take over communicating with the Subject. After introducing him/herself, Sergeant A asked the Subject, who at the time was laying on his back, to sit up. The Subject did not acknowledge Sergeant A and stated that someone was shooting him with tranquilizers.

Sergeant A continued talking to the Subject and asked him to put his knife down. Upon being told by Officer B that the knife was "stuck inside of him," Sergeant A suggested the Subject release both of his hands from the knife and told him that the more he moved it around in his neck the more it was going to hurt. Officer B interjected at that point and informed the Subject that the RA had arrived in front of his apartment building. The Subject was not able to see the RA while lying on his back and expressed doubt that it was at scene. In an effort to direct the Subject's attention, Officer B pointed toward the street and told the Subject that if he were to sit up, he would be able to see that the RA had arrived.

Officer B repeatedly told the Subject to relax. Despite that instruction, the Subject continued to grip the knife, and at times appeared as if he were trying to push it further into his neck. The Subject eventually sat up and placed his back against the south wall of the apartment complex with his legs extended out in front of him.

Officer B told the Subject that he needed to let go of the knife when rescue personnel arrived and then looked in Sergeant A's direction and asked, "Are they coming partner?" Sergeant A told Officer B that the LAFD would not approach the Subject while he was holding the knife. Sergeant A resumed speaking to the Subject and stated, "I can get you help but you need to let go of that knife completely, let go, just let go." While making that statement, Sergeant A simulated the desired action by moving his hands away from his throat, ending with his palms facing outward. The Subject did not comply and instead placed his right hand on the ground while holding the handle of the knife (which remained in his neck) with his left hand. The Subject looked to his left and right and then retracted his left leg and planted his left foot on the ground near his buttocks.

Sergeant A described the Subject as being in an "athletic position" and believed he was preparing to lunge toward Officer D and create a "suicide by cop" scenario. In evaluating the Subject's actions, Sergeant A stated, "[A]t one point he started -- he was basically staring at one officer...he was just entranced and staring at this officer. And to me he just took a position where he was getting ready to lunge at the officers while he still had his hand on that knife and was gritting his teeth."

Sergeant A told the Subject not to stand up and reiterated he needed to let go of the knife. When the Subject did not comply, Sergeant A again instructed the Subject not to

get up and warned him that if he did, an officer would shoot him with the 40mm LLL, which would cause him pain. In providing this warning, Sergeant A considered that the Subject had already made attempts to harm himself. Sergeant A stated he/she chose his/her words carefully, because he/she did not want the Subject to force them to shoot him.

As Sergeant A was in the process of warning the Subject not to stand up, the Subject stated something to the effect of, "You gotta shoot me." The exact verbiage was not determined.

The Subject ignored Sergeant A and moved his left foot closer to his buttock while slightly retracting his right foot and shifting his body weight forward and onto his right side. It appeared to Sergeant A that the Subject was contemplating lunging at officers and can be heard on BWV stating, "Don't do it buddy. Don't do it."

In an effort to preserve the Subject's life and safely take him into custody, Sergeant A directed Officer C to deploy the TASER. In making that decision, Sergeant A considered the Subject's body language, the fact that he was armed with a knife, self-mutilating, and not listening to their commands. Additionally, he/she believed the Subject was getting ready to lunge at them with the knife and considered him an "immediate threat." Sergeant A indicated that he/she chose not to give the Subject a verbal warning, because he/she believed it would have caused the Subject to stand up. Sergeant A wanted to use the "element of surprise" to incapacitate the Subject and safely take him into custody.

Officer C stated that despite Sergeant A's attempt to de-escalate, the Subject continued to mutilate himself with the knife and described his demeanor as uncooperative. Officer C observed the Subject bend his knees and move his body closer to the wall (behind him) as if he was preparing to stand up. Upon being directed by Sergeant A to deploy the TASER, Officer C stepped laterally to his/her left from behind Officer D, moved one to two feet closer to the Subject and announced, "TASER ready, TASER, TASER." While holding the TASER in his/her left hand, Officer C extended his/her left arm outward, and fired from a distance of approximately 13 feet 9 inches.

Officer C explained his/her rationale for deploying the TASER was to cause the Subject to release his hold on the knife and stop mutilating himself. That would then allow officers "to put hands on to detain him [the Subject] and save his life." Officer C chose not to warn the Subject prior to deploying the TASER in order to preserve the "element of surprise." Given that the Subject was suicidal, Officer C was concerned that if he/she gave a warning, the Subject might escalate his attempt at self-mutilation. According to Officer C, he/she targeted the Subject's chest and navel area and believed he/she fired from approximately seven to ten feet.

Officer B drew his/her firearm just prior to Officer C deploying the TASER. In explaining his/her rationale for doing so, Officer B stated, "...I saw that he got aggressive, and he

started trying to stand up...and to protect myself [from] imminent threat of him slashing at my partners or me, I drew my gun out at low ready.”

Video evidence suggests that the TASER was ineffective, because the Subject immediately stood up while continuing to grasp the handle of the knife. The Subject then rapidly moved one to two steps toward Officers A and D, resulting in a simultaneous deployment of lethal and less-lethal munitions.

The Subject was wearing a heavyweight hooded sweatshirt. The investigation determined one TASER dart attached to the sweatshirt; the second TASER dart was recovered from the ground near Apartment No. 3.

According to Sergeant A, following the deployment of the TASER, the Subject immediately “popped up and lunged” at Officers A and D. While stepping backward (east), Sergeant A yelled out, “Hit him, hit him.” As the Subject stepped toward the officers, Officer D fired one 40mm round from a distance of approximately 12 feet 8 inches. Sergeant A indicated his/her statement of, “Hit him, hit him,” was directed specifically to Officer D to utilize the 40mm LLL.

Officer D stated that upon seeing the Subject stand up and begin to approach them, he/she perceived the Subject to be an “imminent threat” and believed he could cause them “serious bodily injury.” Officer D feared the Subject would possibly pull the knife from his neck and stab an officer. Utilizing the attached optic on his/her 40mm LLL, Officer D aimed at the Subject’s navel area and fired from what he/she believed was an approximate distance of six feet. The investigation determined that the 40mm LLL round missed the Subject and struck the apartment wall behind him.

As the Subject rose to his feet and stepped toward the officers, Officer A fired two rounds in rapid succession while using a two-handed shooting stance. The Subject fell to his left and collided with the north wall of the breezeway, before collapsing onto his left side. The investigation determined Officer A was approximately 10 feet 10 inches away from the Subject when he/she fired his/her first round and 8 feet 11 inches away when he/she fired his/her second round. Both rounds were fired within a fraction of a second of each other. As the Subject was in the process of falling to the ground, Officers A, C, and D can be seen stepping backward away from him.

Prior to the deployment of the TASER, Officer A noticed that as the Subject sat up against the wall, he (the Subject) made eye contact with him/her for approximately five to eight seconds. This led Officer A to believe the Subject was planning to make a movement toward him/herself and/or the other officers. He/she estimated his/her distance from the Subject at that point to be approximately six to eight feet. Officer A said the Subject began to stand as the TASER was deployed, and believed it was ineffective. Upon getting to his feet, the Subject “rapidly” closed the distance between them by making a “lunging sidestep motion” toward him/her. Officer A saw the knife was still inserted in the Subject’s neck and that he was holding it by the handle with his left hand. According to Officer A, the Subject made a sudden movement with his left



hand while charging toward him/her, which caused him/her to believe the Subject was about to pull the knife out of his neck and stab him/her.

Officer A stated, "It wasn't until the [Subject] – he begins to stand up as he's holding the knife still that's in his neck. I just remember the TASER being fired at his direction. It appeared to be ineffective at this time. At that point he proceeded to -- as he was like walking towards me, he made a sudden movement with his hand that was holding the knife as if like he was pulling away. I believed that he was pulling the knife out at that point...I was scared for myself because, he was already looking at me before he decided to stand up. And the sudden movement of – that appeared to be him removing the knife from his neck, I thought he was going to stab [me]. I mean, I had three part -- three other officers off to my left. My partner was off to the right... I was just scared for myself and fellow officers at that point."

Officer A said that as the Subject approached within approximately three to five feet, he/she feared he/she was about to be stabbed. Utilizing a two-handed grip on his/her pistol, Officer A fired two rounds in rapid succession, while targeting the Subject's chest and upper torso. Officer A stopped firing when the Subject began to collapse and was no longer a threat. In reflecting upon his/her actions, Officer A said that he/she believed that if he/she had not shot the Subject, the Subject would have removed the knife from his neck and stabbed him/her. Officer A was cognizant of his/her background and noted there was a wall and an apartment window behind the Subject. At the time Officer A decided to fire, he/she believed the Subject was far enough away from the window that it "would not come into play." Additionally, he/she noted that the lights were off in this apartment and never saw anyone come to the window or door.

The investigation established that Officer D discharged the 40mm LLL prior to Officer A firing his/her pistol. This was determined by an analysis of Officer G's BWV, as Officer G had just completed the welfare check and had stepped out onto the second-floor breezeway. Officer G's BWV captured a partial overhead view of the OIS. It was determined that Officer D discharged his/her 40mm LLL round at 0242:32 hours. Fractions of a second later, Officer A fired two 9mm rounds.

As previously mentioned, after falling to the ground, the Subject rolled to a prone position. Officer A stepped backward and continued to cover the Subject with his/her pistol. Due to the Subject's shifting movement, Officer B was briefly in Officer A's background.

Officer B immediately repositioned by moving to the south side of the breezeway. Sergeant A noted the potential for a crossfire and directed Officer B to move further east toward his/her location.

At 0242:43 hours, Sergeant A broadcast that an OIS occurred. Over the next several minutes, Sergeant A assembled an arrest team to take the Subject into custody.

Officers G and I were assigned the task of securing the Subject's right and left arms respectively. Officers A and B remained as cover officers, while Officer D provided less-lethal coverage with the 40mm LLL.

At Sergeant A's direction, Officers G and I approached the Subject as he laid prone on the breezeway. Both officers utilized a two-handed grip on the Subject's arms and moved them behind his back. Once in that position, Officer I applied a pair of handcuffs to the Subject's wrists and conducted a pat-down search for additional weapons; none were found. At 0245:20 hours, Sergeant A broadcast that the Subject was in custody. Immediately thereafter, LAFD was notified it was safe for them to enter the location.

At 0246:06 hours, LAFD personnel arrived at the Subject's side and directed officers turn him onto his back. According to the LAFD Captain, when the Subject was rolled over, he/she observed the knife sticking out of his neck. While firefighters cut off the Subject's clothing to assess his injuries, the LAFD Captain held on to the handle of the knife to stabilize it. As that occurred, the Subject turned his head several times, causing the knife to eventually become dislodged from his neck. The LAFD Captain then placed the knife on the ground next to the Subject.

Based on their preliminary assessment, LAFD personnel determined the Subject sustained a gunshot wound to his abdomen and right wrist, as well as a laceration to his neck. With the assistance of Officer I, LAFD personnel placed the Subject on a gurney with his hands still cuffed behind his back. The Subject was placed into an RA and transported to a local hospital.

**BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	No	No
Officer A	Yes	Yes	Yes	Yes	No
Officer B	Yes	Yes	Yes	Yes	No
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes

**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 Officers A, B, C, D, and Sergeant A's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

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

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

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

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

The BOPC found Officer A's lethal use of force to be Out of 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, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's 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 officer's 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 involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

#### Tactical De-Escalation Techniques

- **Planning**
- **Assessment**



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

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officers A and B had worked together on previous occasions. At the start of prior shifts, Officers A and B had established that they each would assume the same role during each incident; Officer A was typically the cover officer while Officer B was the contact officer. In this incident, Officer A knew he/she would become the designated cover officer. Officers C and D had been partners for approximately two deployment periods. Officers C and D discussed tactics and roles daily. On the day of this incident, Officers C and D determined that Officer D would be the less-lethal officer. While responding to this incident, Officer D told Officer C that he/she would deploy the 40mm LLL, per Edged Weapons Protocols.

**Assessment** – Officers A and B initially approached the Subject as he was lying in a prone position on the ground of the breezeway. Officers A and B were unsure if the Subject was the suspect or the victim of the radio call. Officers A and B slowly approached the Subject to assess the incident and extent of the Subject's injury. Officers C and D arrived at the scene and remained near Officer A. Officers C and D observed the Subject self-mutilating with the knife in his neck. After the OIS occurred, Officer A assessed after his/her first round and observed that the Subject continued to advance towards him/her with his hand on the knife handle. After firing a second round, Officer A determined the Subject was no longer charging at him/her. Officer A's thorough assessment allowed him/her to utilize the minimal force required to stop the threat posed by the Subject.

**Time** – Officers A and B utilized the time to their advantage as they approached the Subject. They slowly approached the Subject and attempted to determine the Subject's involvement in the radio call. Officers A and B attempted to establish rapport with the Subject and requested additional resources such as LAFD and a supervisor. After the OIS occurred, Sergeant A assembled an arrest team and assigned roles to each officer. Sergeant A also used the time to communicate his/her instructions to the officers and ensure they understood their roles.

**Redeployment and/or Containment** – After observing the Subject on the ground holding onto a knife, Officers A and B determined they would triangulate on the Subject. Their decision to triangulate was based on their belief that the Subject should be contained on both sides to minimize his ability to escape and/or gain access to additional victims. Officer B walked approximately 10 to 15 feet past the Subject and stopped northeast of him while Officer A remained northwest of the Subject to triangulate on him with his/her partner. Officer B believed this distance

was sufficient because the Subject was lying down and facing away from him/her. He/she also noted that the Subject was positioned in front of an apartment door and wanted to remain close enough to ensure a resident did not exit, potentially resulting in a hostage situation

**Other Resources** – Officer B requested LAFD to respond and stage outside of the location until the Subject was safe to approach and receive aid. After the OIS occurred, Sergeant A requested additional supervision at the scene to assist with the investigation.

**Lines of Communication** – Throughout the incident, Officers A and B tried to reassure the Subject that they were there to help him and asked him to release his grip on the knife so aid could be rendered to him. To further deescalate the situation, Officer B briefly assumed a kneeling position while speaking with the Subject as a means to build rapport and trust. According to Officer B, this was a technique he/she had learned during academy training for dealing with persons with mental health issues. Officer B intended to keep the Subject focused on him/her, while his/her partner provided cover with his/her pistol. However, Officers A and B discovered their communications with the Subject were ineffective and that the Subject would not release his grip on the knife.

Upon Sergeant A's arrival, he/she determined the Subject was not responding to Officer B's attempts at communication and took over communications. Sergeant A attempted to reassure the Subject that they would aid him and asked him to release his grip on the knife. The Subject did not respond to Sergeant A's requests and did not comply. After the OIS occurred, Sergeant A communicated a plan with the officers at the scene and ensured they each understood their roles. As the team approached the Subject to take him into custody, Sergeant A continued to communicate, warning officers of the potential for crossfire and instructing them to be cautious when rolling the Subject out of the prone position.

The BOPC noted that Officers A and B did not discuss a plan while responding to the scene and did not create a plan while approaching the complex or the Subject. The BOPC would have preferred that Officers A and B had created a plan before their approach and that they would have re-established their roles of contact and cover. The BOPC also noted Officers A and B's decision to deploy close to the Subject. The BOPC noted additional distance from the Subject would have provided more time to react to the threat posed by the Subject. The BOPC also would have preferred that Sergeant A had redeployed the officers upon his/her arrival.

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

### **1. Cover/Concealment**

Upon arrival, Officers A and B observed the Subject lying on the ground in a prone position. Officer B assumed that the Subject was the victim because he was “groaning in pain.” Officer B walked toward the Subject and began speaking with the Subject. While speaking with the Subject, Officer B observed the Subject holding a knife near his head and neck area. Officer B notified his/her partner about the knife then walked past the Subject, to triangulate on him. As Officers A and B continued to speak with the Subject, they stood in the breezeway without seeking cover, as did Officers A, C, and Sergeant A. As the incident progressed, Officer C deployed the TASER from approximately 13 feet 9 inches, Officer D discharged his/her 40mm round from approximately 12 feet 8 inches, and Officer A discharged his/her two rounds from a decreasing distance of 10 feet 10 inches to 8 feet 11 inches, from the Subject. When officers used lethal and less-lethal force, they did not have the benefit of cover.

The BOPC was critical of Sergeant A and Officers A, B, C, and D’s decision to remain close to the Subject without the benefit of cover. The BOPC noted that Officers A, B, C, D, and Sergeant A all knew the Subject had a knife. While the BOPC recognized that Officers A and B were still assessing the Subject’s role in this incident as they approached, the BOPC would have preferred Officers A and B had continued to assess the Subject from a greater distance. The BOPC discussed available positions for cover/concealment and noted that officers could redeploy to the end of the breezeway, near the northeast gate of the breezeway. The BOPC would have preferred for Sergeant A to have recognized the danger of the officers’ proximity to the Subject and made the necessary adjustments. The BOPC also noted Officer B’s statements regarding his/her deployment to a position west of the Subject. Officer B stated the Subject was lying near the first-floor apartment doors. Officer B was concerned that residents of those apartments might exit their doors as the incident was unfolding and would possibly be harmed by the Subject. However, the BOPC was critical of this decision due to Officer B having no available cover options on the west side of the breezeway.

The BOPC noted that Officers A, B, C, and D were confronted with a difficult situation, compounded by the complex’s layout, specifically the long narrow breezeway. The BOPC also noted that the officers’ intention was to de-escalate the situation and preserve the Subject’s life. While the BOPC understands why the officers were initially near the Subject, the BOPC would have preferred they had redeployed further away from him as the incident progressed. The BOPC also would have preferred that soon after he/she arrived on the scene, Sergeant A had redeployed the officers further away from the Subject. Had Sergeant A and the officers not already done so, they should have recognized the need to

create space when it appeared the Subject was preparing to lunge toward the officers. As the officers were equipped with a 40mm LLL, they could have created distance while maintaining a less-lethal option. Also, greater distances allow more time for less-lethal options to take effect.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Sergeant A and Officers A, B, C, and D were a substantial deviation, without justification, from approved Department tactical training.

## **2. Ballistic Vest/Body Armor**

When Sergeant A responded to the radio call location, he/she was not wearing body armor. According to Sergeant A, before responding to the radio call, he/she had downloaded his/her patrol vehicle and removed his/her body armor at North Hollywood Community Police Station (CPS), preparing to assume Watch Commander duties. After hearing the radio call broadcast, Sergeant A waited to hear if another supervisor would respond to the radio call. When he/she heard no response, Sergeant A responded from North Hollywood CPS without donning his/her body armor. Sergeant A did not don his/her vest due to “an emergency call of that nature,” and responded immediately.

The BOPC discussed Sergeant A’s decision to remove his/her body armor while on duty. The BOPC discussed the Department’s expectation that officers and supervisors assigned to field duties wear body armor. The BOPC opined that the same expectation applies to Watch Commanders. Regardless, the BOPC opined that Sergeant A’s decision to deploy to the field without body armor violated Department policy and was a substantial deviation, without justification, from approved Department tactical training.

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

## **3. 40mm LLL Protocols**

Officer D responded to a radio call involving an edged weapon. Upon his/her arrival, Officer D deployed his/her 40mm LLL and responded to Officers A and B’s location. Officer D stood next to Officer A and observed the Subject on the ground with a knife in his neck. The Subject held onto the handle of the knife, indicated he had a mental illness, and was self-mutilating. Sergeant A arrived and assigned Officer D as the less-lethal officer and advised him/her to use the 40mm LLL if the Subject stood and approached officers with the knife. Following the TASER deployment (which was deemed ineffective), the Subject stood and “quickly” approached the officers while holding onto the knife handle. To stop the Subject, who presented an “imminent threat,” Officer D discharged one 40mm impact round at the Subject’s navel area from what he/she believed was

approximately six feet. The round missed the Subject, striking a wall behind him. According to the investigation, Officer D discharged his/her 40mm LLL from a distance of 12 feet, 8 inches.

The BOPC noted the Subject's actions when Officer D discharged his/her 40mm LLL. Despite officers' attempts to de-escalate the incident and have the Subject release his grip on the knife, the Subject continued to hold the knife's handle. The Subject then stood and charged at Officers A, C, and D while holding onto the knife. In response, Officer D discharged his/her 40mm LLL to stop the Subject's actions. The BOPC also noted that Officer D discharged his/her 40mm LLL from a recommended distance and aimed at an approved target area on the Subject's body. Although Officer D's round missed the Subject, the BOPC opined that the Subject's use of the 40mm LLL conformed to Department protocols.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer D were not a deviation from approved Department tactical training.

#### **4. Situational Awareness**

Due to the Subject's dynamic movement and Officer B's deployment west of the Subject, a crossfire situation occurred immediately after Officer A discharged his/her service pistol. Before the OIS, Officer B was 14 feet, 6 inches northwest of the Subject while Officer A was 13 feet, 3 inches northeast of the Subject. After the Subject stood up while holding onto the handle of the knife, Officer A pointed the muzzle of his/her service pistol at the Subject and fired. The Subject's forward movement continued, then stopped at a point between Officers A and B. Simultaneous to the OIS, Officer B had his/her service pistol drawn and momentarily pointed toward the Subject's back. Based on Officers A and B's BWV footage, it appeared the muzzles of their service pistols were momentarily pointed toward each other after the OIS.

The BOPC was critical of Officer B's decision to deploy between the Subject and Officer A in a confined space, which the Board opined ultimately lead to the crossfire situation. The BOPC noted the Subject's behavior was volatile and posed a threat to officers. When the Subject charged at Officers A and D, there was nowhere for Officer B to deploy without creating even a momentary crossfire situation. As Officer A and B tracked the Subject, their muzzles moved toward each other. When the Subject was directly between Officers A and B, their muzzles were momentarily pointed at each other. This occurred moments after Officer A discharged his/her second round. The BOPC opined that one or both officers may have been injured had additional rounds been discharged at the Subject at that point. The BOPC opined that this occurrence could have been avoided if Officer B had not deployed west of the Subject from the onset or had readjusted after his/her initial triangulation.

The BOPC noted that while officers are taught to triangulate on a suspect, this generally occurs during initial contact before officers have determined if a suspect is armed. While officers will triangulate on armed suspects, it is generally done from positions of cover, such as a police vehicle. Here, the officers did not have cover when they triangulated, nor did they have the ability to redeploy back as the Subject approached; they could only make lateral movements. Based on the totality of the circumstances, the BOPC would have preferred that Officer B remained with Officer A and not triangulated in this situation.

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

- The BOPC also considered the following:
  - **TASER/40mm LLL Protocols** – Sergeant A provided the Subject with a use of force warning by saying that he/she did not want officers to “shoot” him with “this gun” while pointing to the 40mm LLL, explaining that it could cause injury. The BOPC would have preferred that Sergeant A’s warning had avoided the word “shoot” and “gun,” instead, referring to the 40mm LLL by name.

While directing Officer D to discharge a 40mm round, Sergeant A stated, “Hit him, hit him!” After Officer D discharged his/her 40mm round, Officer A discharged his/her service pistol. According to Sergeant A, he/she was directing Officer D to discharge the 40mm LLL round; Sergeant A was not directing Officer A to use lethal force. Based on the investigation, Sergeant A’s direction did not create confusion in how lethal or less-lethal force could be applied. The BOPC would have preferred that Sergeant A had included “40mm” as part of his/her command.

- **Non-Conflicting Simultaneous Commands** – While attempting to de-escalate the situation, Officers A and B gave the Subject non-conflicting simultaneous commands. Sergeant A and Officer B also gave the Subject simultaneous non-conflicting commands while attempting to de-escalate the situation. To avoid confusion, officers should avoid simultaneous commands.

These topics were to be discussed at the Tactical Debrief.

## **Command and Control**

- Sergeant A responded to the radio call and met with Officers A, C, and D. Sergeant A observed that Officer A was the lethal cover and Officer D had deployed the 40mm LLL. Sergeant A assigned Officer C as a less-lethal officer with a TASER. Sergeant A provided the Subject with a use of force warning. The Subject stared at Officer A

and appeared to begin to stand up. Sergeant A told Officer C to discharge his/her TASER at the Subject. The TASER had no effect on the Subject. The Subject stood up and charged in Officers A, C, and D's direction. Sergeant A told Officer D "Hit him, hit him!" after which, Officer D fired his/her 40mm LLL, and Officer A subsequently fired his/her service pistol at the Subject. After the Subject fell to the ground, Sergeant A called Officer B over and told the officers to hold their positions. Sergeant A broadcast on the police radio that an OIS had occurred and then assembled an arrest team. Sergeant A communicated with the officers about the location of the knife concerning the Subject. Sergeant A ensured all officers on the team understood their assignments and the tactical plan to approach. After the officers approached the Subject and took him into custody, Sergeant A directed the officers to search the Subject for additional weapons and to be cautious when they rolled him over from the prone position. Sergeant A notified CD that it was safe for LAFD to enter and render aid. Sergeant A assigned officers to check the welfare of occupants in the apartments near the OIS. Sergeant A separated Officer A and requested an additional supervisor to begin separating officers. Sergeant A contacted the Watch Commander and informed him/her that an OIS occurred.

The BOPC noted that only four minutes elapsed between Sergeant A's arrival at the scene and the OIS. Based on the limited time he/she had before the OIS, the BOPC felt that Sergeant A took an active leadership role, designating roles and communicating tactical plans. Sergeant A ensured that officers understood their roles before enacting them. After the OIS, Sergeant A separated Officer A once the Subject was handcuffed and requested additional supervisors to assist with scene management and subsequent separation of witnessing officers. The BOPC also noted that despite plans to relieve the Watch Commander, Sergeant A responded to this incident when it went unanswered by other supervisors.

Based on the dynamic nature of this incident, the BOPC would have preferred that Sergeant A had refrained from assuming communications and had focused solely on command and control of the incident. As numerous officers were at the scene, it was unnecessary for Sergeant A to briefly become the primary communicator. The BOPC also felt Sergeant A should have recognized that Officers A and B's triangular configuration was not advantageous and may place them in a crossfire situation if the Subject advanced toward the officers. The BOPC would have preferred that Sergeant A had redeployed Officer B. The BOPC would have also preferred that Sergeant A had redeployed all officers in the breezeway further away from the Subject. The BOPC opined that additional distance would have allowed officers more time to react to the Subject's actions. Additionally, the BOPC was critical of Sergeant A's decision to remove his/her body armor while on duty.

The BOPC appreciated that Sergeant A was willing to respond to this incident when it went unanswered by other supervisors. The BOPC also recognized Sergeant A's efforts to oversee and manage this incident. However, his/her actions overall were not consistent with Department supervisory training and the BOPC's expectations of supervisors during a critical incident.

While monitoring this incident via his/her police radio at North Hollywood CPS, Sergeant B heard that the suspect had a knife to his neck. Based on that information, Sergeant B opined the situation could escalate to a use of force. Sergeant B “deployed” to the radio call to assist. As Sergeant B arrived, he/she heard officers broadcast the OIS. BWV showed that Sergeant B responded to the front of the complex and met with Officer G. According to Officer G, Sergeant A had enough officers with him/her. BWV showed that Sergeant B began directing containment and establishing a CP. When Sergeant A requested additional officers, Sergeant B facilitated the request. Approximately three minutes after arriving at the scene, Sergeant B met with Sergeant A inside the apartment complex. At Sergeant A’s direction, Sergeant B further separated and monitored Officer A and took his/her PSS. Tasked with monitoring/separation, Sergeant B requested that an additional supervisor establish the CP. Sergeant B transported Officer A to the North Hollywood police station, monitored him/her, and ordered him/her to not discuss the incident until investigators arrived.

The overall actions of Sergeant B were consistent with Department supervisory training and met the BOPC’s expectations of supervisors 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, C, D, and Sergeant A’s actions were a substantial deviation, without justification, from approved Department tactical training, requiring a finding of Administrative Disapproval.

The BOPC found Officers A, B, C, D, and Sergeant A’s tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer A**

According to Officer A, the Subject made a sudden movement, placing his left hand on the ground and raising his upper torso while gripping the handle of the knife in his right hand; the Subject did not listen to Officer A’s commands to stop. Officer A believed the Subject might stand and attack him/her and his/her partner. Believing that deadly force may be necessary, Officer A unholstered his/her service pistol.

The BOPC noted that Officer A had responded to an ADW investigation when he/she located the Subject with a knife embedded in his neck. The BOPC also



noted that the Subject ignored officers' commands to release his grip on the knife protruding from his neck. The BOPC further noted that the Subject made a sudden movement by raising his torso while gripping the handle of his knife, posing a potentially deadly threat, if he was to approach officers with the knife. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer A to believe the situation may escalate to the point where deadly force may be necessary.

- **Officer B**

According to Officer B, he/she had observed the Subject become aggressive while holding the handle of the knife in his throat. Observing the Subject begin to stand, Officer B believed he was an imminent threat and was going to slash at officers. In response, Officer B unholstered his/her service pistol to protect him/herself and the officers near him/her.

The BOPC noted that Officer B had responded to an ADW investigation when he/she located the Subject with a knife embedded in his neck. The BOPC also noted that the Subject ignored officers' commands to release his grip on the knife protruding from his neck. The BOPC further noted that Officer B observed the Subject begin to stand and believed he was going to slash at officers. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer B to believe the situation may escalate to the point where deadly force may be necessary.

- **Officer C**

According to Officer C, after discharging his/her TASER at the Subject, he/she observed that the TASER was ineffective. The Subject continued toward Officer C while holding onto the handle of a "big" kitchen-type knife. Officer C unholstered his/her service pistol to provide lethal cover due to the deadly threat posed by the Subject. After observing other officers with their service pistols drawn, Officer C holstered his/her service pistol.

The BOPC noted that Officer C had responded to an ADW investigation involving an edged weapon. The BOPC also noted that Officer C had observed the Subject, unaffected by the TASER, continue toward officers while holding a big knife. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer B to believe the situation 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, and C, 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, and C's drawing and exhibiting of a firearm to be In Policy.

## C. Less-Lethal Use of Force

- **Officer C – (TASER)**

According to Officer C, he/she observed the Subject self-mutilating with the knife in his throat. Officer C drew his/her TASER with his/her right hand, transitioning it to his/her left (primary) hand. Officer C stated a plan was in place to discharge the TASER to stop the Subject from self-mutilating. Officer C waited until Sergeant A made attempts at de-escalation by communicating with the Subject. When the de-escalation techniques failed to stop the Subject from self-mutilating, Sergeant A directed Officer C to discharge the TASER. Officer C believed the element of surprise was necessary. Officer C believed if the Subject was given a use of force warning, he may further harm himself, possibly slitting his own throat. Officer C aimed his/her TASER at the Subject's chest and naval area and discharged his/her TASER. Officer C believed the TASER did not affect the Subject.

In evaluating Officer C's use of less-lethal force, the BOPC considered the Subject's actions leading up to Officer C discharging his/her TASER. The BOPC noted that the Subject likely inserted the knife in his throat, and at one point stated, "I'm going deeper!" indicating his intent to self-mutilate. The Subject was uncooperative, indicated he had mental health issues, and that he had told officers to shoot him. Despite repeated commands to release his grip on the knife protruding from his neck, the Subject resumed self-mutilating. The BOPC also noted that before the TASER deployment, it appeared the Subject was going to stand and approach officers. Additionally, while the Department's criteria for using the TASER on a self-mutilating individual changed in August 2021, the BOPC opined that Officer C's actions conformed to the relevant criteria at the time of this incident.

In terms of Officer C's decision not to provide a use of force warning for the TASER, the BOPC noted that while the relevant TASER directive states that an officer shall, when feasible, give a verbal warning prior to using the TASER, it also states that a warning is not required if a tactical plan requires the element of surprise to control an individual. The tactics directive also provides "a subject threatening suicide" as an example of when a warning is not required. Additionally, the BOPC opined that the surprise/tactical element was still needed at the actual time the TASER was fired.

As the Subject had already been provided a warning regarding the 40mm LLL, the BOPC also opined that Officer C would have had objectively reasonable grounds to believe that the Subject was aware that less-lethal force would be used and that he may be injured. While the BOPC would have preferred that a use of force warning specific to the TASER had been given, the Board opined that Officer C's decision conformed to policy.

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

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

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

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

According to Officer A, as the Subject was seated against the apartment wall, he had stared at Officer A for approximately 5-8 seconds; Officer A estimated he/she was approximately six to eight feet from the Subject. Officer A had observed that Officer C's TASER was ineffective. When the Subject stood and charged at Officer A, he motioned as if he was going to remove the knife from his neck and stab Officer A or his/her partners. The Subject rapidly closed the distance, coming within approximately three feet of Officer A. Based on the Subject's actions, Officer A believed he was a deadly threat. In response, Officer A discharged one round from his/her service pistol at the Subject's center mass. After firing his/her first round, Officer A observed the Subject continuing to advance toward him/her with his hand on the knife handle. In response, Officer A discharged a second round at the Subject. After discharging his/her second round, Officer A observed the Subject fall to the ground. In response, Officer A stopped firing his/her service pistol.

In its adjudication of Officer A's use of lethal force, the BOPC took account of the significant tactical concerns identified in its analysis of the case. In particular, the BOPC noted Officer A's failure throughout the incident to adhere to Department tactical training when he/she remained in close proximity to, and without cover from, a Subject who was armed with a knife. This tactical concern played a significant role in creating the circumstances under which the use of lethal force occurred, as it unduly exposed Officer A to the Subject and limited Officer A's ability to employ de-escalation techniques when the Subject rose to his feet and approached Officer A.

In addition to the tactical concerns associated with the shooting, the BOPC noted that at no time did the Subject verbally threaten to harm officers, and that the Subject's knife remained embedded in his own neck throughout the incident. The Subject's actions indicated that he was intent on harming himself, but did not support a reasonable belief that the use of lethal force was necessary and proportional for the self-defense of Officer A or his/her fellow officers.

Based on the totality of the circumstances, the BOPC found that the available evidence did not support an objectively reasonable belief that the Subject's actions posed an imminent threat of death or serious bodily injury and that the use of lethal force was necessary and proportional.

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