

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

OFFICER-INVOLVED SHOOTING – 038-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollenbeck	7/20/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	14 years, 2 months
Officer B	13 years, 4 months

Reason for Police Contact

On Tuesday, July 20, 2021, at approximately 2251 hours, officers responded to an “Intoxicated Male” radio call. While at scene, the officers contacted the Subject, who was inside his/her residence. The Subject exited the residence armed with a kitchen knife and charged at the officers, resulting in one TASER deployment and an Officer-Involved Shooting (OIS).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 52 years of age.

BOPC of Police Commissioners’ Review

This/her is a brief summary designed only to enumerate salient points regarding this/her 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 BOPC of Police Commissioners (BOPC). In evaluating this/her 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 6/22/22.

Incident Summary

On July 20, 2021, at 2214 hours, the Subject called 911. The Subject reported that he/she was going to kill everyone in his/her house, he/she did not want to live any longer, and he/she would shoot the police. A radio call was generated.

According to the Subject, he called the "cops" and said he was fighting with his brother. The Subject further stated that he wanted the "cops" to shoot and kill him; because he wanted to commit suicide. The Subject told investigators that he drinks because he is unsuccessful, just lost his business, lost his girlfriend, and is on disability. The Subject further stated he was mad that his mother was moving to a senior center without him and he was going to be homeless. According to the Subject, he had a pint size bottle of vodka to drink.

Officers A and B responded to the call. The officers activated their Body Worn Video (BWV) cameras and responded with emergency lights and siren (Code Three) to the call generated by the Subject.

Officers C and D also responded. The officers also responded Code Three to the call and activated their BWV cameras.

At 2226 hours, the officers arrived simultaneously and were unable to locate the address. At approximately 2230 hours, Officer B advised the police radio operator (RTO) that the address was not a valid location and requested the RTO call the Person Reporting (PR) back to obtain a better address. The RTO called the Subject's telephone number and the call went unanswered. The officers left the area and cleared themselves from the scene.

At approximately 2241 hours, the Witness called 911. The Witness reported that her the Subject was intoxicated, hallucinating, aggressively yelling, hitting the walls, and she was afraid of him/her. A "390 Man" radio call, meaning that the Subject was intoxicated, was generated for Hollenbeck Area Patrol.

Officers A and B were assigned the call and responded Code 2. The officers discussed whether the calls were related but were not sure.

Officers A and B arrived, exited their vehicle and approached the north facing lobby entrance to the building. The lobby door was unlocked, and Officer A propped the door open with a mail crate that was near the entry door.

According to Officer B's BWV, at 2247:00 hours, the Witness opened a stairwell exit door to the east of the lobby entrance. The officers walked to the Witness and initiated contact.

The Witness spoke to Officer B in Spanish, stating that the Subject was released from the hospital the day prior for alcohol treatment, and he was now drunk. The Witness

requested that the officers take the Subject to the hospital because he would not cooperate with her and allow her to take him to the hospital. The Witness told the officers that the Subject was delusional, imagining that someone was hitting him, and his brother, who was not at the location, was going to beat him up. The Witness said that she could not tolerate his behavior and she was unable to sleep. The Witness stated in English, *"Can you go inside, maybe he left already."* Officer B translated the details to Officer A.

According to Officer A, he/she and his/her partner believed that this call had something to do with the previous call; however, he/she was not sure, so they were going to investigate to find out if they were related.

According to Officer B, he/she asked the Witness if her son had called the police, because he/she began to believe this call was related to the prior radio call.

On the officers' BWV, Officer A can be heard asking if there were any weapons in the apartment, and the Witness replied that there were none.

According to Officer A, due to the comments of the call referring to an angry *"390 man"* punching the walls, creating a disturbance, the witness' comments about his behavior and no weapons, he/she believed it was necessary to investigate to gather more information.

According to Officer B, based on what the Witness was telling them about the drinking, it is not uncommon for people who are drunk to act in a manner that would require their family to call the police and try to help them get some help and take them to the hospital. Officer B further stated that the officers did not take it as him being an actual threat or aggressive toward police at that time.

According to Officer A, he/she propped the locked stairwell door open with a rock, in case additional officers needed to enter. As the Witness led the officers to her apartment, Officer B asked her what the Subject's name was and she supplied it. The Witness opened the apartment door, stepped inside, and held the door open for the officers.

Officer B held a flashlight in his/her support hand and illuminated the interior of the apartment as he/she stepped through the doorway. Officer B's BWV depicted the Subject seated on a couch in the living room. According to Officer B, he/she attempted to "open" a rapport with the Subject. Officer B greeted the Subject saying, "Hey, what's up [...], how you are doing?" The Subject calmly responded with, "nothing," then suddenly stood up and yelled, "get the [expletive] out of my house!"

The Subject turned toward Officer B, raised his shirt with his left hand exposed the handle of a pair of scissors concealed in his waistband. He stepped toward Officer B, while reaching for the scissors with his right hand. The Subject later told investigators

he wanted to commit suicide, and that he wanted the officers to shoot and kill him. The Subject further stated he had the scissors in his pants, acting like it was a gun.

Officer B stepped backward out of the apartment, as he/she simultaneously unholstered his/her pistol.

According to Officer A, he/she saw the Subject stand up, reach into his pocket, and produce what he/she believed to be a weapon. As Officer B stepped backward into the hallway, Officer A unholstered his/her pistol, took a two-handed grip, and pointed it in a low-ready position.

Officer A's BWV depicted the Subject approach the doorway holding the scissors in his right hand. The Subject raised the scissors above his head and then swung his arm downward in the direction of the officers. Officer A gave the command, "drop the knife or whatever you have in your hand," as he/she stepped backward away from the Subject. Officer A also broadcast a back-up request for a "415 man with a knife."

The RTO monitoring police radio broadcast the backup call and requested the response of an Air Unit and a supervisor.

Additional officers and supervisors responded to the "help" call, activating their BWVs along the way.

According to Officer B's BWV, Officer B held his/her pistol in a two-handed, low-ready position as he/she moved to his/her left peering past the door frame. Officer B observed the Subject drop the scissors to the floor.

Officer B told Officer A that the Subject had "dropped it." Officer B verbalized to the Subject, "Relax, we're not going to hurt you." The Subject then closed the door.

According to Officer B, as he/she and Officer A held cover positions on the opposite side of the apartment door, he/she recognized there was a possible crossfire, so he/she redeployed to join his/her partner.

According to Officer B, he/she assessed the situation and realized that the hallway was such small quarters that there was no need for both officers to have lethal weapons drawn, so he/she holstered his/her pistol and unholstered his/her TASER to have a less-lethal option available.

As seen on Officer A's BWV, the entry door opened slightly and the Witness and the Subject's voices could be heard on the BWV. The Witness told the Subject, "... [Y]ou have to go to the doctors," and the Subject could be heard saying, "I don't need to do [expletive], just leave me the [expletive] alone," and the door closed again. Officer A held his/her pistol in a low-ready position pointed toward the apartment door, as he/she yelled out to the Subject, "Hey [...], just come out and talk to us, you're not in any trouble yet."

According to Officer B, there was no exigency to go inside the apartment, he/she could hear them talking, the Witness did not seem to be in any distress, and there was no need to go in to protect her at that time. According to Officer A, as he/she assessed the situation as a possible barricaded suspect, the Witness opened the door and stepped into the hallway.

Officer A's BWV then depicted the Witness open the door, step into the hallway and state, "He says he wants to get killed."

The Witness later told investigators that she saw the Subject get a knife from the kitchen and heard him say they are not going to take me. When the Witness exited the apartment, she did not tell the officers that the Subject had armed himself with the knife.

As the Witness stood in the hallway, Officer A lowered his/her pistol and pointed it toward the ground away from her. Officer A released his/her two-handed grip of his/her pistol and used his/her left hand to gesture to the Witness, to move toward him/her. According to Officer A, he/she directed the Witness to walk away from the apartment to get her away from the threat and out of harm's way. The Witness reluctantly complied and walked toward the officers. At that moment the Subject stepped into the doorway, holding a knife in his right hand with his hand extended down by his/her side.

According to the Subject, he retrieved a heavy knife from the kitchen and went outside, because he wanted the police to shoot and kill him.

According to Officer A's BWV, the Subject struck the blade of the knife against the metal door frame twice and then stepped into the hallway. According to Officer A, he/she heard a "metallic clink, like metal on metal," sound and he/she saw the Subject holding a kitchen knife in his right hand. The Subject then charged the officers. Officer A reacquired a two-hand grip on his/her pistol and pointed it toward the Subject and stepped backward. Simultaneously, Officer B reached out with his/her left hand, placed it on the Witness's right arm, and guided her toward the south wall of the hallway.

As the Subject advanced toward the officers, Officer A yelled, "Don't do it." The Subject took two steps toward Officer A and raised the knife up from along his side to chest level with the blade pointed toward the officers. Simultaneously, the Witness turned and faced the Subject, as both officers stepped backward. According to the Subject, he told investigators he heard the officers tell him to drop the knife as he charged at them.

Officer A's BWV captured Officer A firing three shots while moving backward, as the Subject moved toward him/her. All three shots were fired from an approximate distance of six feet. According to Officer A, the hallway was an empty, well-lit corridor with closed doors, and the Witness was to the left of the Subject and two steps closer to the officers.

Simultaneous to the OIS, Officer B discharged the TASER in "probe" mode from an approximate distance of six feet, which struck the Subject's left bicep and left torso.

The TASER trigger was activated for a full five second cycle.

According to Officer B, the Subject exited the room and was carrying a butcher knife, approximately nine inches in length. The Subject advanced toward him/her at a fast pace and aggressive manner. Officer B fired his/her TASER, striking the Subject, and heard three "loud bangs," which he/she believed was his/her partner firing his/her service weapon, and the Subject immediately went down.

According to Officer A's BWV, the Subject laid on the floor as the five second trigger activation cycle came to an end. The Subject tossed the knife away toward his feet; where it came to rest on the hallway floor. The Subject was then taken into custody and transported to the hospital for treatment of a non-life-threatening gunshot wound (GSW).

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A

Los Angeles BOPC 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 and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

Basis for Findings

In making its decision in this/her 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/her 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/her 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 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 Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her/hers 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 worked as partners on three prior occasions during the past six months. According to Officers A and B, at the start of watch that day they discussed tactics, contact and cover, and their lethal and less-lethal roles for the day; Officer B handled the contact role while Officer A was the cover officer. Officer B was a fluent Spanish speaker and could communicate clearly with the Witness, who primarily spoke Spanish. Before entering the apartment complex, Officer A asked if there were any weapons inside the apartment. The Witness advised there were none. Before entering the apartment complex, Officer A believed the exit door would lock, so he/she placed a small rock in the door to keep it ajar for other responding units if necessary.

Assessment – Officers A and B speculated that the two radio calls may be related. Unsure, they decided to investigate further. Officer B asked the Witness if the Subject had called the police, and she acknowledged that he had. When asked by Officer A if there were any weapons in the apartment, the Witness said no. With no indication that the Subject was armed, Officer A did not feel that additional units were necessary at that point. According to Officer B, it was common for people who

are drunk to act in a manner that would require family members to call the police for assistance. Officer B did not assess the incident as the Subject being an actual threat or aggressive toward police at that point.

Assessing that there was no exigency to reenter the apartment after the Subject closed the door, Officers A and B remained in the hallway. Officer B could hear the Subject and the Witness talking and did not identify any signs of distress at that point. Standing on opposite sides of the front door, Officer B assessed the need to join his/her partner to avoid a potential crossfire situation. As Officer A was assessing if the Subject was a barricaded suspect, the Subject exited the apartment and rapidly approached officers with a knife. After the OIS, Officers A and B assessed the need to handcuff the Subject instead of waiting for additional officers to arrive, to prevent a second OIS and to render medical aid.

Time – As the Subject stood up from the couch and approached the officers, armed with scissors, Officers A and B redeployed into the hallway, away from the front door. Creating distance allowed Officers A and B time to assess the situation, request backup units, and transition to a less-lethal option. The BOPC noted Officers A and B's sound judgment and restraint when the Subject approached them, armed with scissors. As the officers continued to assess the situation, the Subject exited the apartment and rapidly approached them with a knife, limiting their ability to use time as a de-escalation technique.

Redeployment and/or Containment – As the Subject stood up from the couch and approached the officers, armed with scissors, Officers A and B redeployed into the hallway, away from the front door. As officers stood in the hallway, the Witness's front door opened slightly. In response, Officers A and B moved further back from the door. Officers were containing the apartment when the Subject exited and rapidly approached, armed with the knife. The Subject's actions limited the officers' ability to contain him and the hallway's layout limited their ability to redeploy.

Other Resources – After the Subject approached with the scissors, Officer A requested backup units. CD rebroadcast the backup call, requesting Air Support and a supervisor. Standing in the hallway, Officer B determined that he/she should deploy a less-lethal option. In response, Officer B holstered his/her service pistol and unholstered his/her TASER. After the OIS, Officer A broadcast an officer "help" call request. After the Subject was taken into custody, Officer A requested a Rescue Ambulance (RA) for the Subject.

Lines of Communication – Throughout this incident, Officers A and B communicated with each other, CD, the Witness, and the Subject. Arriving at the scene, officers asked the Witness if there were any weapons in the apartment, and the Witness said no. Entering the Witness's apartment, Officer B attempted to establish rapport with the Subject. Despite the officers' efforts, the Subject refused to cooperate/collaborate. Observing that the Subject had dropped the scissors, Officer B advised Officer A. Believing he/she should be on the same side of the

door as his/her partner, Officer B advised Officer A that he/she was redeploying. Believing that a less-lethal option was needed, Officer B advised his/her partner he/she had deployed a TASER. Standing in the hallway, Officer A asked the Subject to come out of the apartment and talk, adding that he was not in trouble. The Subject's subsequent actions limited the officers' ability to use communication as a de-escalation technique. After the OIS, the officers continued to communicate with the Witness and the Subject, preventing the use of additional force.

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

1. Approaching an Armed Suspect

After the OIS, Officer B asked Officer A if they should handcuff the Subject. According to Officer A, the knife was directly behind the Subject and still posed a threat should he reach for it. To prevent a second OIS and to render medical aid, Officers A and B elected to handcuff the Subject instead of waiting for additional officers to arrive. As he/she approached the Subject, Officer B handed his/her TASER to Officer A. As Officer A provided lethal cover, he/she held his/her pistol in his/her right and the TASER in his/her left.

The BOPC noted that Officers A and B wanted to secure the Subject to prevent him from rearming himself, possibly resulting in a second OIS. The knife was by the Subject's feet at this point. The BOPC also noted the officers were concerned that the Subject had been struck by gunfire and needed medical aid.

The BOPC noted that during handcuffing process, the Subject offered passive resistance in the form of muscle rigidity. Regardless, Officer B was able to quickly secure the Subject without using reportable force.

Based upon the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were not a substantial deviation from approved Department tactical training.

- The BOPC also considered the following:
 - **Holding Service Pistol in One Hand, Taser in the Other** – As he/she approached the Subject, Officer B handed his/her TASER to Officer A. As Officer A provided lethal cover, he/she held his/her pistol in his/her right hand, in a low-ready position, and the TASER in his/her left hand, down along his/her left side with his/her finger along the frame.
 - **Building Search** – As Officers E and F cleared the Witness's apartment, they briefly entered rooms alone.

- **Non-Medical Face Coverings** – Officers A and B were not wearing non-medical face coverings at the scene.
- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that 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 and B's actions did not substantially deviate from approved Department tactical training.

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

Although it was determined that Officers E and F would not receive formal findings, the BOPC determined that they would also benefit from attending the Tactical Debrief.

Thus, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief

B. Drawing and Exhibiting

- **Officers A and B**

Observing the Subject sitting on a couch in the living room, Officer B attempted to establish rapport by talking to the Subject. The Subject turned toward Officer B, raised his shirt, exposing the handle of a pair of scissors concealed in his waistband, then quickly walked toward him/her while reaching for the scissors. Believing that the Subject was arming himself, Officer B stepped back out of the apartment as he/she simultaneously unholstered his/her service pistol. According to Officer A, he/she observed the Subject stand up, reach into his pocket, and produce what he/she believed to be a weapon. Officer A unholstered his/her service pistol and stepped back into the hallway.

The BOPC evaluated Officers A and B's drawing and exhibiting of their service pistols. The BOPC noted that the Subject rapidly escalated the situation by standing up from the couch and quickly approaching the officers while armed with an edged weapon. The BOPC also noted that when interviewed by FID, the Subject told investigators he wanted to commit suicide and wanted the officers to shoot and kill him. The BOPC further noted that the Subject also told investigators he acted as if the scissors in his pants were a handgun. The BOPC noted Officers A and B's sound judgment and restraint when the Subject approached them, armed with scissors.

Based on the Subject's actions, the BOPC opined that it was reasonable for Officers A and B to believe the Subject was an imminent deadly threat and that the situation could escalate to the point where deadly force would be justified.

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

C. Less-Lethal Use of Force

- **Officer B** – TASER, one five-second activation in probe mode, from approximately six feet.

Assessing, Officer B determined that based on the size of the hallway, there was no need for both officers to have lethal options. In response, Officer B holstered his/her service pistol and unholstered his/her TASER, to have a less-lethal option. According to Officer B, he/she observed the Subject exit the apartment carrying a "butcher" knife. The Subject advanced toward the officers at a "very fast" pace and in an "aggressive" manner. Believing the Subject was going to stab him/her and his/her partner, Officer B discharged the TASER in probe mode at the Subject from approximately six feet.

The BOPC noted that the Subject rapidly approached the officers while holding what Officer B described as a butcher knife. The BOPC also noted that when interviewed by FID, the Subject told investigators he retrieved a heavy knife from the kitchen and went outside because he wanted the police to shoot and kill him. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer B to believe he posed an immediate threat of violence or physical harm to the officers. Based on the totality of the circumstances, the BOPC opined that Officer B was responding to the Subject's attack when he/she discharged the TASER and did not have time to give a use of force warning.

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 use of less-lethal force was proportional and objectively reasonable.

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

D. Lethal Use of Force

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

Background – Officer A’s background was the apartment complex’s empty hallway.

The Witness’s movement placed her in front of the Subject and to his left.

According to Officer A, as he/she assessed the situation as a possible barricaded suspect, the Witness opened her front door. The Witness stepped into the hallway and stated to the officers, “He says he wants to get killed!” Officer A heard a metal clinking sound and observed the Subject holding a “butcher’s” knife in his right hand. According to Officer A, the Subject appeared serious and agitated, and his eyes fixated on Officer A. The Subject emerged from the Witness’s apartment and rapidly approached Officers A and B, holding the knife down along his right side. As the Subject approached, Officer A yelled, “Don’t do it.” As the Subject continued toward the officers, he raised the knife to chest level, placing his left hand on the back of the handle, with the blade pointed toward the officers. While moving back, Officer A discharged three rounds at the Subject as he rapidly approached. Observing the Subject fall to the ground, Officer A ceased firing. Officer A stated he/she feared for his/her life and believed the Subject was going to stab him/her. According to Officer A, the hallway was an empty, well-lit corridor with closed doors. The Witness was in front of the Subject and to his left.

The BOPC assessed the proportionality, reasonableness, and necessity of Officer A’s use of lethal force. The BOPC noted that the Subject exited the apartment armed with what Officer B described as a butcher’s knife. According to Officer A, the Subject’s eyes fixated on him/her, and he appeared serious and agitated. The Subject rapidly approached the officers, leading Officer A to believe the Subject was going to stab him/her and his/her partner. In response, Officer A discharged three rounds at the Subject, ceasing fire when he fell to the ground. While unknown to the officers, the BOPC noted that when interviewed by FID, the Witness told investigators she had seen the Subject get a knife from the kitchen and heard him say, “They’re not going to take me!” The BOPC also noted that when interviewed by FID, the Subject told investigators he retrieved a heavy knife from the kitchen and went outside because he wanted the police to shoot and kill him. As previously stated, the BOPC noted Officers A and B’s sound judgment and restraint when the Subject approached them, armed with scissors. Based on the Subject’s actions, the BOPC opined that it was reasonable for Officer A to believe that the Subject posed an imminent threat of death or serious bodily injury to the officers.

The BOPC noted the near-simultaneous lethal and less-lethal deployments. The BOPC also noted that the Subject had rapidly closed the distance and was approximately six feet away when the officers discharged their weapons. While the BOPC noted that it is generally preferable for officers to allow time to see if less-lethal is effective before using lethal force, here the BOPC opined that the Subject’s speed, combined with the hallway’s layout, did not allow time to wait. The BOPC also noted the Subject’s grip on the knife as he rapidly approached. Instead of holding the knife in one hand, the Subject placed his left hand on the back of the knife, ostensibly to generate greater force should he stab an officer. While it is

preferable to allow time to see if less-lethal is effective before using lethal force, the BOPC opined that officers are not expected to unnecessarily risk their lives to do so.

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 proportional, objectively reasonable, and necessary.

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