

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

LAW ENFORCEMENT RELATED INJURY & K-9 CONTACT REQUIRING HOSPITALIZATION – 005-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No (X)
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Topanga	2/4/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer E /PO II	10 years, 7 months
Officer L /PO III	31 years, 9 months
Officer M /PO III	25 years, 4 months
Officer N /POIII	25 years, 4 months
Officer O /PO III	26 years, 3 months
Officer P /PO III	17 years, 2 months
Officer Q /PO III	26 years, 3 months
Officer R /PO III	11 years, 6 months

Reason for Police Contact

Officers responded to a radio call of a domestic violence suspect that was armed with a knife. The officers arrived at the location and observed the Subject in a vehicle. The Subject refused to exit the vehicle and drove away. Officers became involved in a vehicle pursuit that ended when the Subject drove into an empty dirt lot, causing his vehicle to become disabled. The Subject refused to comply with the officers' commands to exit the vehicle, resulting in a barricaded suspect incident. Metropolitan Division, K-9 officers and Special Weapons and Tactics (SWAT) officers responded to the scene. Patrol and SWAT officers used less-lethal munitions and a K-9 to take the Subject into custody. The Subject was transported to the hospital and admitted for injuries related to the Use of Force, resulting in a Law Enforcement Related Injury (LERI).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 37 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 January 11, 2022.

Incident Summary

On February 4, 2021, A Domestic Violence Advocate telephoned the Los Angeles Police Department (LAPD) Communications Division (CD). She reported that she was receiving text messages from her domestic violence abuse client who was requesting help because she had been located by her domestic violence abuser, the Subject, who was armed with a knife. The Advocate reported that her client was in her vehicle in an alley. The Advocate provided a description of the Subject's vehicle.

At approximately 1700 hours, CD broadcast an ADW call and provided a description of the Subject and his vehicle.

Officers A and B responded to the call. The officers were in a marked black and white police Sports Utility Vehicle (SUV) equipped with emergency lights and siren. The officers acknowledged the radio call and responded Code Three to the emergency call. Officer B and A activated their Body Worn Video (BWV) after receiving the call.

Sergeant A broadcast that he/she was responding to the call. Sergeant A responded to the call without lights or siren.

According to Officer A's BWV, he/she broadcast his/her status and location (Code-Six) in the area.

Officers A and B were traveling east when they observed a vehicle matching the description of the Subject's vehicle, driving in reverse out of the north/south alley, north of the area. The vehicle stopped, blocking the sidewalk. Officers B stopped the police vehicle.

According to Officer B's BWV, he/she exited the police vehicle and simultaneously unholstered his/her firearm. Officer B shouted, "Hey!" as the vehicle accelerated into the alley. According to Officer B, "... I drew my firearm because it's an assault with a deadly weapon suspect known to be armed with a knife, so the threat of deadly force could [...] arise at that situation."

Officer A's BWV captured him/her as he/she exited the police vehicle and walked past the rear passenger side of the police vehicle, as the suspect proceeded to drive north into the alley. Both officers entered the police vehicle and followed the Subject's vehicle into the alley. Officer A broadcast their location, the vehicle license plate, and requested a back-up unit, an Air Unit, and a supervisor. Sergeant A broadcast that he/she was responding and monitoring the incident.

Officer A broadcast the vehicle's direction of travel, and requested a back-up, airship and a supervisor.

Officers A and B momentarily lost sight of the Subject's vehicle and de-activated their BWV. Approximately two seconds later, Officer B reacquired sight of the Subject's vehicle and both officers reactivated their BWV. Officer B followed the Subject's vehicle without lights and siren, as Officer A broadcast their location.

According to Officer B, "as we're following the vehicle attempting to close the distance on it, we observe it make unsafe driving moves. So, we go in pursuit of it."

Officer C and his/her partner joined the pursuit as the secondary unit. Officers D and E joined the pursuit as the third unit.

According to Digital In-Car Video System (DICVS) from Officer B's vehicle, the Subject drove into a dead-end street that had an open access gate leading to the Los Angeles River. The Subject drove through the open access gate into the Los Angeles River and proceeded to drive at a high rate of speed. Due to the conditions in the Los Angeles River, officers maintained a safe speed, as the Subject's vehicle gained distance from them. Officer A requested an Air Unit for tracking.

An Air Support Division Unit responded to the area and located the Subject's vehicle exiting the Los Angeles River. The Air Unit initiated tracking and broadcast the direction of travel of the Subject's vehicle. Units involved in the pursuit lost sight of the Subject's vehicle.

Officers F and G located the Subject's vehicle traveling south, approaching the U.S. 101 freeway. Officer F positioned his/her police vehicle behind the Subject's vehicle and in an effort to stop the Subject, activated the lights and siren of his/her police vehicle. The Subject refused to comply and entered the U.S. 101 freeway, traveling west. Officer G advised CD that they were behind the Subject's vehicle, traveling west on the 101 freeway. A second Tunit joined them as the second unit in the pursuit. A third Topanga Patrol Division unit driven by Officer H joined the pursuit as the third unit. Sergeant A monitored the pursuit.

The pursuit traveled north on the 101 freeway, until it exited and proceeded west on a dead-end street. The Subject drove into the dead-end street and proceeded to drive through a chain link fence, which lead into a vacant dirt lot. The Subject proceeded to drive down the sloped dirt lot. Once at the bottom of the dirt lot, the Subject

maneuvered his vehicle in the soft dirt near the lower perimeter chain link fence, separating the dirt lot and sidewalk, causing his vehicle to become stuck. Officers did not pursue the Subject into the dirt lot.

According to DICV obtained from Officer B's vehicle, units drove out of the dead-end street and proceeded to drive to the street near the Subject's vehicle. Officers positioned their vehicles behind motor homes which were parked along the south curb of the street, using them as cover.

According to Officer B's BWV, he/she exited the police vehicle and unholstered his/her firearm. Officer B positioned him/herself behind a pop-up detached trailer parked on the south side of the street and yelled at the Subject, "Stop reaching! Whatever you're reaching for, don't reach! Do not reach for anything else! I need you to come out with your hands up!"

According to Officer B, "...I unholstered was because he was an armed subject, assault with a deadly weapon subject, armed with a knife and the situation could be deemed that lethal force may be used."

Additional units responded to the area and established a perimeter around the dirt lot. Sergeant A also arrived and positioned his/her vehicle on the street, allowing him/her the ability to look at the Subject and monitor officers' positions and perspectives within the perimeter, as well as the force options deployed.

According to Officer H's BWV, he/she utilized the Public Address (PA) system from a police vehicle just north of the Subject's vehicle and made several commands for the Subject to exit the vehicle with his hands up. Officer H warned the Subject, "We don't want you to get hurt, so come out with your hands up and listen to the officers. If you don't comply, you might be bean-bagged. It's going to cause serious injury to you. Just come out with your hands up immediately."

According to Sergeant A's BWV, he/she requested K-9 for a barricaded suspect over the radio. The Air Unit acknowledged Sergeant A's request for a K-9 and requested his/her cellular phone number. Sergeant A indicated that he/she wanted a K-9 at the location because the area was a large open field, and he/she wanted to be prepared in case the Subject exited the vehicle and ran.

According to Officer C's BWV, Officer H repositioned him/herself behind a motor home in line of sight of the Subject's driver door and yelled, "[C]ome out man. You're not going anywhere. Just come out and talk to us. You don't want to do this." The Subject was heard yelling, "Just give me a little space! Give me space!"

According to Sergeant A's BWV, Sergeant B called him/her and obtained information relating to the incident. Sergeant A provided a summary of the incident and was informed K-9 units were responding.

Metropolitan Division, Special Weapons and Tactics (SWAT), Officer in Charge (OIC), Lieutenant A, called Sergeant A and inquired about the incident. Sergeant A briefed Lieutenant A on the incident and informed him/her that they had not confirmed the crime because the victim had not been located.

Sergeant A indicated Lieutenant A informed him/her that he/she was watching the incident on television. Lieutenant A advised Sergeant A to communicate with officers, manage traffic, reduce the number of officers in sight of the Subject to allow for better communication and maintain command and control.

According to Sergeant A's BWV, he/she received another telephone call from Lieutenant A, who requested the Subject's criminal history and an update on the criminal investigation. Lieutenant A further recommended that Sergeant A brief officers on the incident to maintain command and control to avoid any confusion. At the conclusion of the call, Sergeant A broadcast updated information relating to the incident, verified the size of the perimeter, and addressed concerns relating to the Subject.

Captain A arrived at the location and assumed the role of the IC from Sergeant A.

According to Sergeant A's BWV, he/she established a Command Post (CP) north of the location.

The Air Unit informed Sergeant A that the area was contained and inquired if an additional Air Unit was needed because they were running low on fuel and would need to leave soon. Sergeant A informed Captain A of the information. Captain A declined to have an additional Air Unit respond and released the Air Unit.

Sergeant C contacted Sergeant A and informed him/her the victim had been located and that an Assault with a Deadly Weapon crime report was completed. Sergeant C further contacted Lieutenant A and informed him/her that the Victim had been located.

Lieutenant A notified SWAT personnel of the call-out via electronic mail. The assigned SWAT personnel responded from an off-site training facility. Lieutenant A briefed the responding SWAT members via electronic mail as to the nature of the crime, the Subject's background information, location, and the circumstances of the incident.

Lieutenant A and Metropolitan Division SWAT Sergeant D, designated SWAT tactics leader for the incident, arrived at scene and met with Captain A.

Captain A briefed Lieutenant A and Sergeant D on the deployment of personnel, evacuation of the motorhomes parked on the street, and the Subject's actions, which included spray painting the windows of the vehicle. Lieutenant A provided recommendations to Captain A and briefed responding SWAT officers of the updated information via the radio. Special Weapons and Tactics personnel and equipment began to arrive at the CP.

According to Sergeant D, he/she identified officers deployed with less-lethal munitions and identified two officers as designated cover officers (DCO) as a lethal force option, to reduce the chance of contagious fire. Sergeant D indicated that part of his/her duties are to run the tactical elements of the incident, which included planning and initiating the plan with the assistant squad leader, who is the subject matter expert in all the tactics. According to Sergeant D, once the plan is formed, he/she presents the plan to Lieutenant A, who presents the tactical plan to the IC, who approves or denies the plan. Tactical recommendations of the SWAT Lieutenant would only be initiated with the approval of the IC.

A Crisis Negotiation Team (CNT) was established with Police Officers I and J and the Behavioral Sciences Service Section (BSS) Psychologist, who were directed to respond to the scene.

The CP was established west of the location. Sergeant D and Officer K, the assistant squad leader, handled the tactical component. Officers I and J arrived at the CP, established CNT protocol, and communicated with the Subject.

As they communicated with the Subject, Sergeant D and Officer K conducted a walk-through, assessing the location, and developed a tactical plan which included removing patrol officers, who were in close containment positions and replacing them with SWAT personnel.

According to Officer I, he/she arrived at the CP and met with Lieutenant A, who directed him/her to a female having a three-way cellular phone conversation with the Subject and his father. Officer I asked for the cellular phone and spoke to the Subject. Officer I indicated that he/she had a difficult time hearing the Subject. To have better communication without third party intervention and to establish traditional negotiations, Officer I requested to speak to the Subject alone. The Subject's father agreed and disconnected the telephone call. Once the line was disconnected, Officers I and J interviewed the Subject's friends, who watched the vehicle pursuit on television and responded to the scene. The interviews were conducted to gain information related to the Subject's background that could assist in having the Subject surrender peacefully.

According to Lieutenant A, CNT was informed that the Subject suffered from a mental illness. To have a better understanding of the Subject and what they were dealing with, CNT obtained assistance from BSS and the Mental Evaluation Unit (MEU). The LAPD MEU databases were searched for LAPD contacts with the Subject, but no LAPD contacts involving the Subject relating to his/her mental illness were located.

Lieutenant A indicated that he/she had full situational awareness of the incident and was concerned because the Subject was distraught, irrational, suicidal, and on a methamphetamine binge, all the elements of a suicide-by-cop scenario.

Officer K assigned SWAT members responsibilities, such as less-lethal deployment and designating lethal cover officers. Special Weapons and Tactics personnel were dressed in dark blue utility uniforms, tactical vests, gas masks and ballistic helmets.

Officer K indicated that there were areas of concern which included: the containment of the perimeter at the hilltop, the hillside terrain, which appeared muddy and soft from recent rains, the positioning of the Subject's vehicle, and the Subject's actions. According to Officer K, the Subject "would turn the car back on and then try to move the wheels back and forth to try to get traction to see if he can leave again."

To address the containment and terrain on the hilltop, Officer K devised a plan using two K-9 teams, one at the hilltop and one at the bottom of the hill near the Subject's vehicle. Officer K assigned Officer L with his/her K-9 dog, as part of the team on the hilltop, and Officer M with his/her K-9 dog was assigned to the bottom team.

Upon arriving to the location, Officer L was deployed to the hilltop and advised to formulate a plan, using officers on the hilltop. According to Officer K, he/she advised Officer L, "if the Subject was to get out and go towards the top of the hill, that he/she would be responsible for the K-9 deployment at the top and that Officer M was at the bottom of the hill and if the Subject got out and started running that he/she would be responsible for the bottom portion of the hillside."

According to Lieutenant A, "we wanted to make sure we didn't have crossfire issues, so we broadcast to Officers L and M, who had patrol officers covering them, that we were good for the K-9 deployment in the event he breaks, but I didn't want them creeping past the ridge."

Officer K's BWV captured him/her, along with Sergeant D, Officers N, O, and P, discussing a plan to cut an opening in the fence in case the Subject exited the vehicle. With information that the Subject was communicating with CNT and only armed with a knife, a plan was devised to assemble a team to approach the fence using ballistic shields as cover and using a cordless electrical cable cutter to cut an opening in the fence.

Officer K utilized the laser sight on his/her rifle to point at the area he/she wanted the fence cut. Officer K indicated the laser sight is used as a visible pointer to identify crossfire issues or to point at areas, so that everyone has a visual understanding of the specific area being addressed. This tactic is used, as long as there is no one in the general area.

Officer K broadcast the plan to cut the fence and was informed by Lieutenant A via the radio that CNT was on the phone with the Subject. Sergeant D approved the plan. Officer P and Officer N unholstered their handguns and utilized ballistic shields, placing them side-by-side to provide cover for the team. Officer provided cover with a 40 mm less-lethal launcher (40 mm LLL). Officer O used an electrical cable cutter to cut the fence. Officer K joined the team and used bolt cutters to assist.

According to Officer P, he/she unholstered his/her firearm and held it at a low-ready combat position because the “situation could escalate to the point where deadly force would be justified.” Officer N indicated he/she held his/her firearm at a low-ready position while deployed with the shield and holstered when they returned to cover.

According to Officer J, he/she obtained the Subject’s cellular phone number and contacted him. During the course of CNT communication, the Subject repeatedly demanded for a judge to respond to the scene. Additionally, he requested that officers turn off their lights and leave the location. Officer J indicated, “So, in a good faith gesture to help de-escalate the situation and to get him calmed down and maybe even comply and come out, got on the radio with Officer K and explained that was it possible to turn off the lights or some of the lights and move the armor back.”

Sergeant D advised CNT via the radio that the lights were being used as a distraction and would be turned off when the team backs out from the fence line. The team cut the fence, backed out, and the order to turn off the lights was given.

Officer K’s BWV captured, as he/she briefed Officer R, who was driving an armored vehicle known as a Ballistic Engineered Armored Response Counter Assault Tool (BEARCAT), of the plan. As part of the plan, Officer R would drive the BEARCAT on the sidewalk and position the rear just east of hole in the fence they created.

Officer K informed Sergeant D of the plan to utilize the two BEARCATs to pin the Subject’s vehicle. One BEARCAT would be driven on the sidewalk and positioned facing east, along the fence near the Subject’s vehicle, allowing cover, direct line of sight of the Subject’s vehicle, and relieving patrol officers from containment positions near the Subject’s vehicle. The second BEARCAT would be positioned on the sidewalk facing west toward the Subject’s vehicle. Once in position, lights would be used to allow SWAT members to look inside the Subject’s vehicle. Officer K indicated this is a common vehicle tactic used to pin and immobilize vehicles. Due to the muddy hillside, a modified version of the tactic was deployed.

Officer L’s BWV captured him/her briefing the team on the hilltop of the tactical plan. The hilltop team consisted of various officers assigned as the arrest team, Us-lethal officers, and designated cover officers. According to Officer L, a supervisor was with the team but was not part of the arrest or containment team.

According to Officer N’s BWV, the BEARCAT driven by Officer T was positioned on the sidewalk facing in a south-west direction toward the Subject’s vehicle. Officer N was positioned along the rear passenger side, and Officer U was positioned along the rear driver’s side of the BEARCAT. Another officer was inside the hatch as the DCO.

The second BEARCAT driven by Officer R was positioned on the sidewalk facing east with the front right fender aligned with the left rear fender of the Subject’s vehicle. The BEARCAT was approximately 10 feet north of the Subject’s vehicle. This BEARCAT

contained Los Angeles Fire Department (LAFD), Tactical Emergency Medical Support (TEMS) personnel, who were part of a contingent of trained Firefighter/Paramedics, who deploy with SWAT members during tactical operations to render immediate medical aid to injured civilians and police personnel. Officer V was inside the hatch as the DCO, Officer P was positioned behind the front driver side quarter panel, as Officer Q, Officer O, Officer W, and Officer M with his/her K-9 dog were positioned behind the BEARCAT as the arrest team. Sergeant B monitored the incident from behind the BEARCAT and approved operations involving K-9 personnel.

Officer K's BWV captured footage as he/she devised several tactical plans based on the Subject's actions with Sergeant D if CNT failed.

Based on information that the Subject was on a methamphetamine drug binge, in addition to his actions where he was using a sleeping bag to shield himself, the use of the SAGE launcher was approved by Lieutenant A.

Officer K's BWV captured him/her briefing SWAT members of the tactical plans and verifying that they understood the plans.

According to Officer I, as part of CNT, they communicated with the Subject for approximately 45 minutes until the Subject stopped answering his telephone. In attempt to reengage communication, CNT obtained approval from Officer K to move-up behind the BEARCAT positioned parallel to the Subject's vehicle and used the LRAD (Long Range Acoustic Device) to communicate with the Subject.

CNT played a recorded message from the Subject's friend, asking the Subject to exit the vehicle. Additionally, Officer J used the LRAD and verbalized with the Subject, asking him to exit the vehicle. Officer J further explained the investigative process and assured the Subject of his safety if he cooperated. Officer I took over communicating with the LRAD, instructing the Subject to answer his phone as Officer J called the Subject on his cellular phone.

According to Sergeant D's BWV, he/she devised a plan with Officer K in which a 40 mm LLL would be used to strike the rear license plate area of the Subject's car. Officer K indicated the tactic was being used to get the Subject's attention and to send the message, "Hey, look, we're not playing around. We're going to have to go tactical."

Officer K approached Sergeant D and reiterated the tactical gas plan if the Subject continued to refuse to communicate and exit the vehicle. As part of the plan, a 40 mm LLL would be used to smash a rear window of the Subject's vehicle. The BEARCAT positioned parallel to the Subject's vehicle would be moved closer, allowing the deployment of Oleoresin Capsicum (OC) vapor gas with a bang pole. If the Subject did not exit the vehicle, SWAT personnel would deploy Chlorobenzylidenemalononitrile (CS) gas, also known as hot gas. Officer K described OC gas as a vaporized gas that does not put off a white smoke, allowing them to see inside the vehicle.

Sergeant D's BWV captured Officer J, as he/she looked at his/her cellular phone and told Officer I, "He's already hurt bad. He said he's already hurt bad." Officer I utilized the LRAD and repeatedly instructed the Subject to answer his phone.

As CNT continued, Lieutenant A called Sergeant D and discussed the tactical plans. Sergeant D informed Lieutenant A that he/she would provide the use of force warning.

Sergeant D informed Officer K that the plan to fire a 40 mm LLL to the rear license plate area of the Subject's vehicle was approved. Additionally, Sergeant D directed SWAT personnel to inform patrol personnel of the deployment of the 40 mm LLL. Officer J approached Sergeant D and updated him/her on CNT communication, stating, "He said he is hurt. He doesn't sound [like] he's in any kind of pain, he doesn't sound like he's in any kind of distress."

According to Sergeant D's BWV, he/she utilized the LRAD and provided a use of force warning. Officer P fired a single 40 mm LLL round, striking the rear license plate area of the Subject's vehicle. As Sergeant D continued verbalizing with the Subject, he/she was informed the Subject was placing an unknown item to his throat. Sergeant D instructed the Subject to answer his phone.

According to Officer R, "At one point during negotiation, I noticed that the Subject placed a knife against his neck. It was a red-handled knife with a red blade, sort of a - - like a ceramic paring knife that comes in a set for like a kitchen. The blade was about three, four inches."

According to SWAT communication frequency, Sergeant D broadcast the Subject's actions and indicated that they could not see him due to the windows being spray painted. Lieutenant A acknowledged the broadcast and verified a medical plan was set. Lieutenant A approved a second deployment of the 40 mm LLL to strike the Subject's vehicle. Additionally, Lieutenant A approved the deployment of the 40 mm LLL to smash a window of the vehicle to allow better visibility into the vehicle.

Officer J is heard on Sergeant D's BWV, communicating on the telephone with the Subject stating, "This is real serious now. You need to come out right now. We tried and tried. You're not going to win this. Come out of the car. Come over here and talk to me."

According to SWAT communication frequency, Lieutenant A requested assistance from the Air Unit due to news helicopters flying at a low altitude and hindering their ability to communicate with the Subject. An Air Unit acknowledged the broadcast and communicated with the news helicopters, which agreed to gain altitude or take a wider flight pattern.

Officer J continued speaking to the Subject over the telephone, as Officer P fired a second 40 mm LLL round to the rear license plate area of the Subject's vehicle. The

Subject did not exit the vehicle and proceeded to turn the steering wheel, causing the tires of the vehicle to move.

Sergeant D is heard asking, "What's he turning?" Officer P responded, "The steering wheel. He's not bleeding or anything." Officer K is heard stating, "He's trying to get that car unstuck." Sergeant D confirmed Officer J was speaking to the Subject and utilized the LRAD, providing a third use of force warning.

According to Sergeant D's BWV, Sergeant D informed Lieutenant A of the Subject's actions stating, "I've given three Garner warnings. He's still on the phone. He's not cooperating. He doesn't seem to be injured. He's turning the steering wheel. Our next option is just to OC vapor."

Sergeant D discussed the possibility of losing sight of the Subject due to the deployment of gas. As Officer K discussed the plan, the Subject lowered the driver side window and yelled, "...all phone ability, I cannot call the news, I cannot call anybody...I am asking you to back off. I am asking you to back away from my car. I am not causing any threat to anybody. Please back away."

Sergeant D utilized the LRAD and instructed the Subject to exit the vehicle and provided a fourth use of force verbal warning. The Subject did not cooperate and covered the driver side windows with a sleeping bag.

Sergeant D informed Lieutenant A of the tactical gas plan. Lieutenant A communicated with Officer I over SWAT frequency, inquiring if there was any option that had not been exhausted. Lieutenant A further inquired if the additional recordings of the Subject's friends would be beneficial. Officer I responded, "He wasn't receptive to the recording from his/her best friend, no response, no reaction. So, I don't think, the other people will have a reaction for him."

Lieutenant A acknowledged and instructed personnel on SWAT frequency; he/she would brief patrol of the tactical gas plan. Additionally, Lieutenant A instructed the team at the hilltop to remain disciplined, holding behind the cul-de-sac, until they have visual of the Subject.

Sergeant D's BWV captured him/her as he/she met with Officer P and stated, "Hey, his head is right, at the." Sergeant D used his/her hand and pointed in the direction of the Subject's vehicle. According to Sergeant D, "...I made sure that Officer P was the one that was going to fire the 40, but I made sure that he/she saw where the Subject's head was and that he/she created that opening to the rearest part of the window, so that we wouldn't hit the Subject."

Sergeant D's BWV captured as Officer J stated, "He said peace out, peace out." Sergeant D asked, "That's what he said?" Officer J responded, "Yeah."

According to Officer J, the Subject advised him/her while on the phone, "Peace out." Officer J further stated, "And for negotiations to work, the other party has to be willing to engage in that process and he just showed that he was not willing to do and, so at that point we declared that we were at an impasse. We could no longer - - nothing else that we - - we had no other options that we could say or do that we felt were going to be beneficial or get him to comply."

According to Sergeant D's BWV, he/she verified the medical plan with Officer K. Lieutenant A informed Sergeant D the tactical gas plan had been approved by Commander A, who had taken over as the IC. The tactical plan to deploy OC vapor gas was initiated. Officer P positioned him/herself behind the driver side fender of the BEARCAT, which was positioned parallel to the Subject's vehicle and fired a 40 mm LLL to the rear driver side window. The impact of the 40 mm LLL shattered the window. According to Officer P, "...we waited till we got some further information where he was leaning forward, and I was shooting towards the C-Pillar."

Officer L's BWV captured as he/she verbalized with the hilltop team, informing them the gas plan was being initiated, "Okay, here we go you guys, get ready." Officer L reiterated the plan for the team, "So, again we are going to let him come up the hill. We will let him come out the hill. We will let him get out on to this field somewhere and we will send the dog. He got to get up to these trees. Just hold, I, may re-adjust myself but just hold until the dog is out." Officer L pointed at the tree line and an open flat area on the top of the hillside, as he/she communicated with the team.

Officer R drove the BEARCAT east and stopped next to the Subject's vehicle. According to Officer W's BWV, Officer V utilized the bang pole from the hatch and deployed OC vapor gas into the Subject's vehicle through the smashed rear driver side window. The Subject immediately opened the driver's side door and exited the vehicle with the sleeping bag covering him. He quickly turned and ran toward the rear driver's side area, dropping the sleeping bag and running up the hill.

According to Officer V, as the Subject ran up the hill, he/she verbalized to his/her teammates near him/her that the Subject was still armed with the knife. Officer V indicated, "I voiced that out to my teammates around. I wasn't able to broadcast that over the [police radio], because I believe somebody was also broadcasting that simultaneously."

Officer Q's BWV captured the Subject exiting the vehicle. Officer Q was positioned at the rear of the BEARCAT stopped next to the Subject's vehicle. As the Subject opened the driver's side door, Officer Q yelled, "Let me see your hands! The Subject did not comply and continued running towards the back of his vehicle. Officer Q yelled "...he's got scissors. Hit him. Get the dog, get the dog. He's got something in his hands. He's got something in his hands. He had a razor blade in his hands. He had a razor blade in his hands." The Subject ran to the rear of his vehicle and continued up the hillside.

According to Officer Q, "He immediately exited the vehicle and went around the back of the vehicle, and then proceeded up the hill. At that point, I observed him holding - - it looked to me - - at the time, I thought it was maybe a box cutter. It looked like there was a red handle, and it looked like maybe a large razor blade or a carpet cutting tool, but it definitely - - I knew it was an edge weapon of some sort. I then began to verbalize off to my right."

Officer W's BWV captured Officer O, as he/she deployed the 37mm SAGE multi-launcher. Officer O was standing next to Officer Q behind the BEARCAT. According to Officer O, he/she fired a 37 mm LLL, striking the Subject's torso. According to Officer O, the Subject clinched from the impact and continued running toward the back of his/her vehicle. Officer O fired a second 37 mm LLL, targeting the same area as the first time, in the lower body/abdomen/belt line area. The Subject once again absorbed the impact and continued running up the hill. Officer O stated that he/she fired a third 37 mm LLL round striking the Subject on the shoulder/back area.

According to Officer W's BWV, Officer M launched his/her K-9 dog, conducting a directed deployment. The K-9 chased and bit the Subject in the buttocks. Officer Q yelled, "He got something in his hands!" Officer M immediately called the K-9 dog back. The K-9 dog returned to Officer M.

The Subject turned around and continued running up the hillside. Officer O fired a fourth 37 mm LLL round, striking the Subject in the buttocks area. The Subject did not stop and continued running up the hillside, still armed with a knife.

According to Officer O, the Subject was approximately ten yards away when he/she fired the first and second 37 mm LLL rounds. Officer O estimated the Subject was approximately 15 yards away, when he/she fired the third 37 mm LLL round. Officer O further indicated the Subject was approximately 20 yards away when he/she fired the fourth 37 mm LLL round.

Officer O indicated that he/she did not see the knife but had heard it from a teammate yelling it out. Officer O further indicated he/she fired each 37 mm LLL round because he/she was trying to stop the Subject, who was armed and running towards an area where officers were in containment.

Officer L's BWV captured the Subject running up the hill. SWAT personnel at the bottom of the hill held their positions and broadcast, "He's running up the hill, he's running up the hill."

According to Officer L, "Once they go into the gas plan, gas plan is initiated, and radio transmission comes over that subject is out of the driver's door, he's starting to run up the hill. At that point, I hear that there's a dog deployment. You hear some less-lethal going off, and as some point they are advising me, Okay, he is going up towards the top of the hill. He's coming up to you."

According to Officer L's BWV, Officer S communicated with the hilltop team, updating them about what was occurring. Officer S verbalized, "Here we go, here we go, here we go. Dog on him, dog on him." The Subject continued running up the hillside, approaching the tree line. Officer L used his/her flashlight and illuminated the Subject, as Officer S continued to communicate with the hilltop team, "Let him come, let him come."

Officer L stated, "I observed him make the ridge of the hill by a large tree. He's kind of running off in a southwesterly direction which puts him off towards - - there are a bunch of homeless people and those groups that are down by the bowling alley. At that point, I do a directed deployment."

Officer L's BWV captured Officer S communicating with the team of the deployment of the dog, instructing them to hold their positions until the dog makes contact. Officer L released his/her K-9, who contacted the Subject. The Subject fell to the ground and fought with the K-9, which yelped as the Subject fought with it.

Simultaneously, SWAT personnel broadcast over SWAT frequency, "Knife in hand! Knife in hand! You got him on top, [...] you got him on top."

Officer L's BWV captured as he/she instructed the team to move up. Officer L indicated, "At that point, I advise my team to move up. We move up towards the Subject and K-9, who are now on the ground. At this point, the Subject is grabbing the K-9 about his head and ear area fighting with the dog as the dog is holding his bite hold. At that point, I observed a - - edged weapon in his hand."

According to Officer K's BWV, he/she instructed Officers M, O, Q, and R to move up into the area near the Subject's vehicle. They entered the dirt lot through the opening in the fence and monitored the Subject as he ran up the hillside.

According to Officer K's BWV, the hilltop team was moving down in their direction to prevent creating a crossfire situation. Officer K communicated with the bottom team to back up and move toward the Subject's vehicle. Officers M, Q, and R, with the K-9 dog, visually inspected and cleared the Subject's vehicle.

Simultaneously, Officer L's BWV captured the Subject on the ground fighting with a K-9 dog. Officer L yelled, "Let go of the dog! TASE him! TASE him! TASE him!"

According to Officer L, "I don't see him actually try to stab the dog with the edged weapon, but at that point I give a command to tase him, to tase him, to stop his aggressive behavior, and the fact that he's armed."

Officer L further stated, "So, at that point, he's already showed his intent that he's going to fight. He's fighting with the police dog, he's going to fight with us. So, at that point, we are to utilize the TASER to make him ineffective for the edged weapon but also to stop his aggressive behavior towards us and to safely take him into custody."

Officer E's BWV captured the Subject rolling down the hillside fighting with the K-9 dog, holding a knife in his right hand. Officer E indicated that he/she moved up and positioned him/herself, shoulder to shoulder with Officer L, and observed the Subject's violent behavior. Officer E heard the dog being called back.

Officer E stated, "At which point when we got closer, I observed the Subject actually had an edged weapon. He had a knife in his hand."

Officer E further stated, "He began slashing and trying to stab the dog in a violent manner that again, I believed if he were to break free, now officers were right there, you know, ready to make apprehension would pose an immediate threat of violence to, you know, my partners and I."

Officer E's BWV captured, as he/she aimed his/her TASER at the Subject's back. The Subject was on the ground in a seated position, holding a knife in his right hand. Officer E discharged the TASER, causing the Subject to scream and flatten himself onto his back. Officer E applied a five-second application of the TASER.

According to Officer E, "So, he was actually in the seated position, while the dog was still engaged with him. Once the dog was called back, he spun and tried to regain his footing. That's actually, again, that simultaneous moment when I delivered the TASER. And when I say it achieved the desired effect, it absolutely rendered him incapacitated. At which point he began to flatten out, almost like laying down, which caused - - being on a slight slope, it caused him to actually roll a little bit downhill."

Officer E's BWV did not contain audio. According to Officer E, the incident occurred at the end of his/her shift and to preserve the battery of his/her BWV, he/she turned the power off. Officer E further indicated that he/she was reliant on the team leader to communicate with them, if the Subject was going to engage them.

Officer E's BWV captured the Subject as he rolled down the hillside after the application of the TASER. The Subject rolled approximately six times, stopping near a tree. As the Subject stopped, he turned toward the team, who was following him down the hillside, extended his left leg, planting his left foot and right knee on the ground. The Subject grabbed a tree branch with his left hand and swung his right hand back with the knife in his hand. The Subject used the tree branch to assist him in standing up. Upon standing, the Subject backed away, as he held the knife in his right hand.

According to Officer E, "... once that five seconds ended, the Subject regained his footing. He actually stopped, regained his footing. He took what I believe was a fighting stance. His feet were widened, shoulder width, fists were clenched, still armed with an edged weapon or that knife, whatever it was in that hand and at this point officers were still within, I would say, 15 feet of the Subject."

According to Officer E, seeing the Subject still armed with the knife near officers, posing an immediate threat, he/she reactivated the TASER. The Subject was unaffected by the second TASER activation. According to Officer E, "I attempted to tase him a secondary time. However, that second time that I delivered the tasing it was ineffective, because I believe in the - - in that initial tasing after he rolled, I believe one of the probes actually dislodged from his person."

Officer K's BWV captured him/her, as he/she pointed at the Subject standing at the tree and verbalized, "Watch it right here, crossfire." Officers M, O, Q, and R redeployed, moving further southeast flanking the Subject.

According to Officer R's BWV, the Subject turned away from the tree and proceeded to run down the hillside toward the sidewalk. Officers can be heard verbalizing, "Hey, he got a blade. He has a blade in his hand." The Subject took two steps and stumbled down to the ground.

According to Officer R, "As he's coming down the hill, I still saw that knife in his hand - - his right hand."

Officer R unholstered his/her TASER, pointing the aiming light at the Subject's back. The Subject rolled and quickly stood up, still holding the knife in his right hand. The Subject attempted to run and once again stumbled to the ground, falling through the fence opening. Officer R followed the Subject, still aiming the TASER light at him. The Subject rolled onto the sidewalk, still holding the knife in his right hand.

According to Officer W's BWV, Officer P moved up and fired a 40 mm LLL round at the Subject. At 2018:09 hours, Officer P fired a second 40 mm LLL round at the Subject.

Officer W's BWV captured the incident from his/her position on the sidewalk, west of the opening in the fence.

Officer P indicated, "...I was at the actual sidewalk itself where the Subject rolled down. At which point he falls out the fence on the sidewalk and he's still armed with a knife. Suspect is still armed. He's fled, shown a propensity to violence. He's still unsafe to approach and approaching him would go ahead and put us in some serious - - in a position where he can create serious bodily injury to myself or my partners. I utilized the 40-millimeter to hopefully disarm the Subject."

According to Officer P, "I shot two rounds from the 40-mill approximately seven to ten feet away in the navel area." Officer P indicated Sergeant D gave the use of force warning.

Officer R's BWV captured as he/she moved toward the sidewalk, following the Subject stumbling down the hillside. Officer R's TASER was unholstered with the aiming light pointed at the Subject.

According to Officer Q's BWV, he/she unholstered his/her TASER and activated the aiming light. Officer Q was positioned in the dirt lot near the fence, south of the Subject and next to Officer R. Officer Q reached over the fence and pointed his/her TASER at the Subject's back area. Officer Q did not discharge his/her TASER.

According to Officer Q, "I then observed the K-9 fall - - no, the Subject falling kind of in through the hole that we had created. I then transitioned to my TASER. I pulled out a TASER and I - - while this is all occurring, I could hear officers yelling, 'he's still armed, he's still armed. He has a knife, he has a knife.' So, I tried to move up with the TASER. I relinquished my primary cover - - lethal cover duties and went up with the TASER, when I finally got up the Subject was on the sidewalk. He'd gone through the hole on the sidewalk and I hear officers still saying he has a knife."

According to Officer R's BWV, he/she stood near the Subject and yelled, "Get down!" The Subject yelled, "Leave me alone!" as he was in a seated position with both hands planted on the sidewalk with the knife in his right hand. The Subject moved his left leg inward toward his body, as if attempting to plant his foot to stand. Officer R discharged his/her TASER, striking the Subject on the back. The five second application of the TASER caused the Subject to yell and flatten out on to his back. The Subject released the knife, tossing it near his right leg. The Subject yelled, "I'm done." Officer R re-positioned him/herself on the Subject's right side and moved the knife further away from the Subject with his/her foot. Officer R verbalized, "I got the knife! I got the knife! Knife secured!"

According to Officer R, "I was trying to aim for his back - - his back portion of - - not his front because he would be able to pull it off. The target that I had was his upper left portion of his back at a distance about, I want to say, seven feet. Yeah, because I know optimum distance for TASER is between seven and - - seven to 15 feet. So, I got within seven feet of the Subject to deploy the TASER."

Officer R stated, "I moved up and Officer K moved up on the Subject. I observed that he was in the seated position. He had both hands on the ground underneath him. At the same time, I was observing his right hand. He still had the knife in his hand. I gave the commands to get down, get down. He said - - I think he said like to the effects of, 'Leave me alone', and it appeared that he was trying to push himself up to stand up again. So, I fired my TASER at his upper right portion of his back. Observed the effects of my TASER was effective. He dropped the knife and he laid flat on his/her back."

According to Officer Q's BWV, he/she went through the opening in the fence and positioned him/herself on the Subject's left side, as he was on his back facing up. Officer Q lowered him/herself and reached for the Subject's left arm with his/her left hand. Officer Q raised the left arm and moved it across the Subject's body, as he/she verbalized "Rollover." The movement caused the Subject to roll to his right on to his stomach. Simultaneously, Officer Q positioned his/her left knee on the Subject's buttocks area. Officer N took control of the Subject's left arm and placed his arm behind

his back, verbalizing, "I got this hand. I got this hand." Simultaneously, Officer N positioned his/her left knee on the Subject's left shoulder.

Officer Q holstered his/her TASER and reached for the Subject's right arm, verbalizing, "Let me see your hand." The Subject replied, "I'm done dude." Officer Q controlled the right arm and moved it behind the Subject's back.

According to Officer N's BWV, Officer T approached and verbalized, "I got it," and handcuffed the Subject. Officer Q verbalized, "He's cuffed. He's cuffed." Officer Q raised the Subject's shirt and searched the waist area and shorts pockets from the outside of the clothes. Once completed with the search, Officer Q verbalized, "Sit him up, sit him up." Officer T indicated the Subject was placed into a seated position and TEMS were requested.

Officer Q assisted the Subject to a seated position. The Subject leaned his back against Officer Q's and Officer N's legs, who were standing behind him.

According to Officer K's BWV, he/she requested TEMS personnel out of the BEARCAT to provide medical treatment. At 2019:25 hours, TEMS personnel proceeded to provide medical treatment. At 2021:21 hours, Officers N and Q assisted the Subject to a standing position and placed him on the Fire Department Rescue Ambulance gurney. A Los Angeles City Fire Department, Rescue Ambulance transported the Subject to the hospital.

The Subject was transported to the hospital due to his injuries sustained from the less-lethal munitions and the dog bites.

This case was originally being handled by Topanga Patrol Division Sergeant E as a NCUOF. Sergeant E received information that the Subject was being admitted to the hospital for a lacerated liver which was caused by the less lethal munitions deployed by the officers, which triggered the protocols for handling this incident as a Categorical Use of Force (CUOF).

Force Investigation Division reviewed all documents and circumstances surrounding the separation and monitoring of the involved officers. Initially, the incident was investigated as a Non-Categorical Use of Force (NCUOF) and no separation or monitoring was required.

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
Sergeant D	Yes	Yes	Yes	N/A	N/A
Officer K	Yes	Yes	Yes	N/A	N/A
Officer L	Yes	Yes	Yes	N/A	N/A
Officer O	Yes	Yes	Yes	N/A	N/A
Officer Q	Yes	Yes	Yes	N/A	N/A
Officer N	Yes	Yes	Yes	N/A	N/A
Officer M	Yes	Yes	Yes	N/A	N/A
Officer V	Yes	Yes	Yes	N/A	N/A
Officer R	Yes	Yes	Yes	N/A	N/A
Officer E	No	No	No	N/A	N/A
Officer P	Yes	Yes	No	N/A	N/A

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 Sergeant D and Officers E, K, L, M, N, O, P, Q, R, Q, and V's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers N and P's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers N and Q's non-lethal uses of force to be In Policy.

D. Less-Lethal Use of Force

The BOPC found Officers E, O, P, and R's less-lethal uses of force to be In Policy.

E. K-9 Deployment

The BOPC found the K-9 deployment to be consistent with established criteria.

F. K-9 Contact

The BOPC found the K-9 contact to be consistent with established criteria.

G. Post K-9 Contact Procedures

The BOPC found the post-K-9 contact procedures to be consistent with established criteria.

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 scenario, 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 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 – While speaking to Sergeant A, Lieutenant A advised him/her to contain the scene and continue his/her efforts to de-escalate the situation. Arriving at scene, Lieutenant A gathered information and discussed tactical plans with Sergeant D and Officer K. Lieutenant A, Sergeant D, and Officer K created tactical plans for different scenarios based on the Subject's behavior. Lieutenant A, Sergeant D, and Officer K

also developed a medical plan utilizing LAFD TEMS personnel. The plan allowed TEMS personnel to safely stage in a BEARCAT to render immediate medical aid if necessary.

Assessment – While speaking with Sergeant A, Lieutenant A began his/her assessment of the incident. After being briefed, Lieutenant A determined the incident met SWAT criteria for a barricaded suspect. Lieutenant A also believed the Subject may have been contemplating suicide. While formulating tactical plans with Sergeant D and Officer K, Lieutenant A considered a suicide-by-cop scenario. Lieutenant A continued to assess throughout the incident. After each stage of their tactical plan was implemented, Lieutenant A reassessed and adjusted as necessary.

Arriving at the CP, Sergeant D began assessing the incident. Given the opportunity, Sergeant D believed the Subject would drive away. In response, Sergeant D and Officer K established safeguards against a third vehicle pursuit with the Subject. Sergeant D and Officer K formulated a plan to contain the Subject's vehicle using two BEARCATs. Sergeant D and Officer K began assessing force options and designating roles to SWAT officers. As the event unfolded, Sergeant D assessed as each force option was deployed.

Officers E, O, P, and R assessed the Subject's behavior before utilizing their less-lethal force options. Before utilizing less-lethal force options, officers allowed the Subject to surrender. Before deploying their K-9 partners, Officers L and M assessed the Subject's behavior. Realizing that the Subject was armed, Officer M immediately recalled the K-9 dog. Observing the Subject stabbing/slashing at the K-9 dog, Officer L directed Officer E to deploy his/her TASER. Officer L recalled the K-9 dog. Observing his/her violent behavior, Officer E opined that the Subject presented an immediate threat of violence or physical harm to the other officers.

Time – After the Subject's vehicle became immobilized, Sergeant A ensured that officers maintained their distance and established containment. Utilizing distance and cover to create time, Sergeant A designated an officer to communicate with the Subject while he/she requested additional resources. Lieutenant A, Sergeant D, and Officer K utilized time to create tactical plans and ensure officers understood their roles.

Redeployment and/or Containment – Sergeant A redeployed to the street near the lower portion of the hill. Sergeant A immediately coordinated containment and established a perimeter. Sergeant D and Officer K formulated a plan to contain the Subject's vehicle using two BEARCATs. Observing the Subject coming back down the hillside, Officers K, Q, and O recognized a potential crossfire situation, and immediately redeployed.

Other Resources – Recognizing the incident as a barricaded suspect, Sergeant A requested assets from Metropolitan Division. In response to Sergeant A's request,

both K-9 and SWAT officers responded to the scene. LAFD TEMS personnel also responded to the scene.

Lines of Communication – Arriving at scene, Sergeant A immediately communicated with officers, delegating their roles. Lieutenant A was alerted to the incident by Sergeant B and subsequently briefed by Sergeant A. Sergeant D and Officer K communicated with each other regarding tactical plans and ensured the other officers knew their roles. Sergeant D maintained constant communication with Lieutenant A regarding tactical plans and IC approval. As the tactical plan progressed, Officer K ensured the hilltop team received updates.

The BOPC noted that Lieutenant A, Sergeant D, and Officer K discussed plans to address different scenarios based on the Subject's behavior. The BOPC noted that these plans helped officers understand their roles and prepare for a variety of scenarios. Additionally, the BOPC noted that Lieutenant A, Sergeant D, and Officer K created a plan to address medical emergencies. The BOPC also noted Lieutenant A's, Sergeant A's, Sergeant D's, and Officer K's extensive utilization of de-escalation techniques during this incident.

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

1. Situational Awareness

After the Subject ran up the hillside, Officers K, O, and Q entered the hillside area to clear the Subject's vehicle. Observing the Subject coming back down the hillside, the officers recognized a potential crossfire situation and immediately redeployed, consistent with Department tactical training.

While Officer Q provided lethal cover, Officer O inadvertently stepped in front of him/her. Consistent with his/her training, Officer Q immediately raised his/her rifle to a high-ready position to avoid covering Officer O.

2. Tactical Communications

Tactical plans were developed for when the Subject exited the vehicle. If the Subject exited the vehicle with a knife in his hand, refused to drop the knife, and submit to arrest, 37mm Sage rounds would be utilized. If the Subject exited the vehicle without the knife in his hand and ran, K-9 personnel would initiate an off-leash direct deployment. Due to radio traffic, limitations of the gas mask, and ambient noise, Officers L and M were unaware that the Subject had the knife in his hand before initiating the directed deployments.

3. Initiating Contact with TASER in Hand

Officer Q unholstered his/her TASER as the Subject came down the hill in his/her direction, knife in hand. After the Subject was disarmed, Officer Q approached to take him into custody. While taking hold of the Subject's left arm, Officer Q held his/her TASER in his/her right hand. Officer Q subsequently holstered his/her TASER and continued assisting in the Subject's apprehension.

4. Non-Medical Face Coverings

Officer E was not wearing a Non-Medical Face Covering at scene, as directed by the Chief on May 20, 2020. Issues related to other Department personnel at scene not wearing non-medical face coverings will be addressed at the Divisional level.

These topics were to be discussed at the Tactical Debrief.

Tactical Discharge

- **Officer P** – (40mm LLL, three 40mm eXact iMPact rounds from an approximate distance of seven to 10 feet)

First and Second 40mm Rounds

According to Officer P, a tactical plan was formulated which involved utilizing a 40mm LLL to strike the rear license plate of the Subject's vehicle to encourage him to surrender. Officer P utilized his/her 40mm LLL to discharge two rounds to the Subject's license plate area; however, the Subject did not surrender.

Third 40mm Round

According to Officer P, after Sergeant D provided use of force warnings to the Subject, the tactical plan involved breaking the rear driver's side window to allow the deployment of OC Vapor gas into the Subject's vehicle. Officer P stood on the south sidewalk of the street when he/she discharged a 40mm round at the Subject's rear driver side window. To ensure the Subject would not be injured, Officer P aimed at the "C" pillar of the Subject's vehicle.

Based on the totality of the circumstances the BOPC determined that Officer P's actions were not a deviation from approved Department tactical training.

Command and Control

- After the vehicle pursuit, Sergeant A ensured the Subject was contained in the hillside area, that pedestrian and vehicular traffic was stopped, and that a CP was established. Sergeant A notified the Topanga Watch Commander, kept him/her

apprised of the incident, and advised CD to notify the DOC. Since the Subject was barricading himself in his vehicle, Sergeant A requested K-9 personnel to respond. Upon their arrival, Sergeant A provided an incident briefing to K-9 and SWAT personnel. Sergeant A ensured that MEU was notified and requested an RA to standby in the event the Subject needed medical aid.

Arriving at scene, Officer K formulated a tactical plan with Sergeant D, briefed K-9/SWAT personnel, delegated lethal/less-lethal roles, and directed SWAT/K-9 personnel into position. During the incident, Officer K provided direction to SWAT personnel and communicated incident updates.

Arriving at scene, Sergeant D met with Officer K and discussed tactical plans. Sergeant D directed SWAT personnel to brief patrol officers, provided UOF warnings to the Subject, and communicated his/her observations of the Subject throughout the incident. Sergeant D formulated a plan to contain the Subject's vehicle using two BEARCATs. The BEARCATs also afforded officers greater cover. To provide a means of ingress/egress to the hillside area, Sergeant D directed SWAT personnel to create a hole in the fence separating it from the street. When Sergeant D learned the Subject placed a knife to his neck, he/she ensured emergency medical personnel were staged nearby.

As CNT personnel continued communicating with the Subject, Sergeant D and Officer K discussed a diversionary tactic utilizing the 40mm LLL to strike the Subject's vehicle, encouraging the Subject to surrender. In the event the Subject did not surrender, Sergeant D planned to use the 40mm LLL to break a window, allowing the delivery of OC Vapor gas into the Subject's vehicle. To maintain a visual on the Subject, the plan involved using a clear OC gas.

After the Subject ended talks with CNT, Sergeant D ensured that personnel were in place, provided UOF warnings to the Subject, and directed the delivery of OC gas into his vehicle. Sergeant D continued to monitor and assess the situation as the Subject exited his vehicle, resisted arrest, and was apprehended.

Before arriving at scene, Lieutenant A spoke with the IC and assessed the incident. Throughout the incident, Lieutenant A ensured there was clear communication between the IC, patrol, SWAT, and K-9 personnel. Lieutenant A took active leadership by creating tactical plans with the IC, Sergeant D, and Officer K. Lieutenant A ensured de-escalation techniques were implemented after each tactical portion of the plan was enacted. Lieutenant A ensured all viable options were exhausted before delivering OC gas into the Subject's vehicle.

Arriving at scene, Captain A was briefed by Sergeant A and assumed the role of IC. Arriving at scene, Commander A assumed the role of IC from Captain A. Throughout the incident, Commander A and Captain A continually assessed the incident, maintained situational awareness, and discussed/approved tactical plans with Lieutenant A.

The BOPC noted the dynamic nature of the incident and Officer K's response. Recognizing the complexities of the incident, Officer K communicated with team members and Sergeant D on how to best address concerns. Sergeant D and Officer K discussed tactical plans with team members to ensure they understood their roles.

The BOPC noted that Sergeant D created various tactical plans in conjunction with Officer K, Lieutenant A, Commander A, and Captain A. Sergeant D ensured the plans were thoroughly communicated and understood. Sergeant D also created contingency plans to reduce the risk of injury to the Subject and officers. The BOPC noted that Sergeant D and Officer K displayed active leadership throughout the incident.

The BOPC noted that Lieutenant A conducted thorough assessments of the incident before and after his/her arrival at scene. Lieutenant A ensured there was clear communication between the IC, patrol personnel, SWAT personnel, and K-9 personnel throughout the incident. Lieutenant A took active leadership by creating tactical plans with the IC, Sergeant D, and Officer K. Lieutenant A ensured de-escalation techniques were implemented after each portion of the tactical plan was implemented. The BOPC opined that Lieutenant A maintained situational awareness throughout the incident.

The actions of Commander A, Captain A, Lieutenant A, Sergeants A and D, and Officer K were consistent with Department training and the BOPC's expectations of supervisors and senior officers 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 Sergeant D and Officers E, K, L, M, N, O, P, Q, R, Q, and V's tactics did not 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 the involved officers to discuss individual actions that took place during this incident.

The BOPC found Sergeant D and Officers E, K, L, M, N, O, P, Q, R, Q, and V's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer N (Pistol)**

According to Officer N, he/she received information that the Subject drove down a hillside after a vehicle pursuit and was barricaded inside his vehicle, refusing to surrender. Officer N was designated as lethal cover for officers who approached a chain-link fence to cut an access hole in it. Officer N unholstered his/her service pistol, held his/her ballistic shield, approached the fence, and provided lethal cover for Officers K and O.

- **Officer P (Pistol)**

According to Officer P, he/she received information that the Subject was armed and was in violation of a restraining order. Officer P was designated as lethal cover while officers approached the chain-link fence to cut a hole in it. Officer P held his/her ballistic shield, unholstered his/her service pistol, and approached the chain-link fence with Officer N as they provided lethal cover for Officers K and O.

The BOPC conducted an evaluation of the reasonableness of Officers N and P's drawing and exhibiting of a firearm. The BOPC noted that the Subject barricaded himself in his vehicle and armed himself with a knife. Concerned for their safety, and their partners' safety, Officers N and P unholstered their service pistols while guarding Officers K and O as they cut an access hole in the fence. The BOPC concluded that it was reasonable for Officers N and P to believe this incident may escalate to the point where deadly force may be necessary.

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

C. Non-Lethal Use of Force

- **Officer Q – ((2) Firm Grips and Bodyweight)**

According to Officer Q, he/she heard the Subject say, "I give up", observed that he was not resisting, and heard that the knife was custody. Officer Q took hold of the Subject's left arm, moving it across the Subject's body (Firm Grip-1). After the Subject rolled onto his stomach, Officer Q placed his/her left knee on the Subject's buttocks area (Bodyweight). Officer Q utilized both of his/her hands to take hold of the Subject's right hand (Firm Grip - 2) and place it behind his back while Officer T handcuffed the Subject's wrists. According to the FID investigation, upon Officer Q's

initial approach, the Subject placed his arms underneath his chest and appeared to hold them under his body.

- **Officer N** – ((1) Firm Grip and Bodyweight)

According to Officer N, after observing that the Subject was not armed with the knife, he/she “grabbed” the Subject’s left hand and took control of the Subject’s left arm (Firm Grip). Officer N simultaneously positioned his/her left knee on the Subject’s left shoulder as he/she continued to control the Subject’s hand (Bodyweight).

The BOPC conducted a thorough review and analysis of Officers N and Q’s use of non-lethal force. The BOPC noted that as Officers N and Q approached the Subject to take him into custody, he held his arms against his chest and would not release them when ordered to do so. The BOPC also noted that the force utilized by Officers N and Q in response to the Subject’s physical resistance, was minimal. The BOPC opined that Officers N and Q’s utilization of firm grips and bodyweight was reasonable to gain control of the Subject’s arms and handcuff his wrists.

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

- Therefore, the BOPC found Officers N and Q’s non-lethal use of force to be In Policy.

D. Less-Lethal Use of Force

- **Officer O** – (37mm LLL, (4) Sage K01 37mm Foam Baton Impact Rounds)

First 37mm Round

According to Officer O, he/she was the designated less-lethal officer for the team at the bottom of the hill. Due to the Subject’s reported methamphetamine “binge” and use of a sleeping bag as a barrier, Officer O believed the 37mm LLL was the appropriate force option based on its range and kinetic energy. After the OC vapor gas was deployed into the Subject’s vehicle, Officer O observed the Subject exit the vehicle. Officer O paused to observe the Subject’s reaction. The Subject began running. While he/she did not see a weapon in the Subject’s hand, Officer O heard his/her partners shout that the Subject was armed with a sharp metal object. Believing that he/she posed a threat of violence or physical harm to officers at the top of the hill, Officer O deployed one 37mm round at the Subject’s torso from approximately 30 feet away. Officer O knew the Subject had already been given multiple use of force warnings.

Second 37mm Round

According to Officer O, he/she observed that the first 37mm round did not stop the Subject. The Subject turned from the rear driver's side corner of his vehicle and began to run up the hill, armed with the knife. Officer O fired a second round from his/her 37mm LLL at the Subject's abdomen from approximately 30 feet away.

Third 37mm Round

According to Officer O, he/she observed that the second 37mm round did not stop the Subject. The Subject continued running up the hill holding a knife. To stop the Subject, Officer O fired a third round from his/her 37mm LLL at the Subject's shoulder and back area from approximately 45 feet away.

Fourth 37mm Round

According to Officer O, following his/her third 37mm round, the Subject continued to run up the hill toward the team of officers at the top of the hill. To prevent the Subject from reaching the top of the hill and injuring officers with the knife, Officer O fired a fourth round from his/her 37mm LLL at the Subject's buttocks area from approximately 60 feet away.

The BOPC conducted a thorough evaluation of Officer O's use of less-lethal force. In conducting their evaluation, the BOPC considered the Subject's actions throughout the incident. The BOPC noted that the Subject was the suspect in a domestic violence/assault with a deadly weapon radio call. To avoid apprehension, the Subject had led officers in two vehicle pursuits, drove through a fence, down a hillside, and had barricaded himself in his vehicle. While barricaded in his vehicle, the Subject spray-painted his windows and wrapped himself in a sleeping bag, ostensibly to defeat less-lethal munitions. During negotiations, the Subject had refused to surrender, armed himself with a knife, and expressed suicidal ideations. To encourage the Subject to surrender, officers had struck his vehicle with two 40mm impact rounds. Despite multiple UOF warnings, when gas was used to disrupt the environment in his vehicle, the Subject emerged armed with a knife and fled towards containment officers.

Assessing his/her first 37mm round, the BOPC noted that Officer O heard his/her fellow teammates shout that the Subject was armed with scissors or a sharp metal object. The BOPC also noted Officer O's belief that the Subject would continue his violent behavior at the top of the hill. Due to the Subject's behavior, the BOPC determined it was reasonable for Officer O to believe the Subject posed an immediate threat of violence or physical harm to officers at the top of the hill. The BOPC opined that Officer O's first 37mm round was proportional to the threat that the Subject posed.

Assessing his/her second 37mm round, the BOPC noted that Officer O's first round did not stop the Subject. The Subject ignored commands to drop the knife as he ran up the hill towards officers. The BOPC noted that it was reasonable for Officer O to believe the Subject still posed an immediate threat of violence or physical harm to officers on top of the hill. The BOPC opined that Officer O's second 37mm round was proportional to the threat that the Subject posed.

Assessing Officer O's third and fourth 37mm rounds, the BOPC noted that the Subject continued holding his knife while still running towards officers at the top of the hill. The BOPC noted that Officer O fired his/her fourth 37mm round at the Subject after he ostensibly fought with a police K-9 dog. The BOPC noted that Officer O used his/her 37mm LLL to prevent another officer from having to use lethal force. The BOPC opined that Officer O's third and fourth 37mm rounds were proportional to the threat the Subject posed.

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

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

- **Officer E** – (TASER, (2) probe mode activations)

First Activation – five-second activation from approximately 15 feet.

According to Officer E, he/she was part of a team of officers on top of the hill. Following the first K-9 directed deployment, officers approached the Subject. Officer E observed that the Subject was slashing and stabbing at the K-9 dog. Officer E opined that if the Subject were to break free and stand, he would pose a threat of violence or physical harm to officers. As the K-9 dog was recalled by Officer L, the Subject spun and tried to regain his footing. Believing that the Subject posed an immediate threat of violence or physical harm to the officers, Officer E discharged his/her TASER at the Subject's back for a five-second burst from approximately 15 feet away.

Second Activation – two-second activation from approximately 15 feet.

According to Officer E, after the first TASER activation, the Subject stood and took a fighting stance with the knife still in hand. The Subject was approximately 15 feet away from Officer E and the rest of the hilltop team. Believing that the Subject still posed an immediate threat of violence or physical harm to him/her and his/her team, Officer E delivered a second TASER activation. Officer E observed that the second activation was ineffective.

The BOPC conducted a thorough evaluation of Officer E's use of less-lethal force. In conducting its evaluation, the BOPC considered the Subject's actions throughout

the incident. The BOPC noted that prior to the second K-9 deployment, the Subject had refused to drop his knife despite the first K-9 deployment and being struck by four 37mm rounds. The BOPC also noted that during the second K-9 deployment, the Subject slashed and stabbed at the dog. Officer E believed that if the Subject stood, he would engage officers. The BOPC opined that it was reasonable for Officer E to believe the Subject's violent actions posed an immediate threat of violence or physical harm.

Regarding Officer E's second TASER deployment, the BOPC noted that following the first deployment, the Subject regained his footing and took a fighting stance. The Subject's fists were clenched, and he was still armed with the knife. The Subject ignored officers' orders to drop the knife. The BOPC opined it was reasonable for Officer E to believe the Subject still posed an immediate threat of violence or physical harm.

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

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

- **Officer P** – (40mm LLL, two 40mm eXact iMPact rounds from an approximate distance of seven to 10 feet)

First and Second 40mm Rounds

According to Officer P, the Subject "fell" through the hole in the fence, armed with the knife. Officer P knew the Subject had a "propensity" for violence. To prevent the Subject from inflicting serious bodily injury to him/her or his/her partners, Officer P discharged two 40mm rounds at the Subject's naval area from an approximate distance of seven to ten feet. Officer P observed the rounds to be effective, causing the Subject to fall to the ground. However, the Subject still held onto the knife.

The BOPC conducted a thorough evaluation of Officer P's use of less-lethal force. In conducting its evaluation, the BOPC considered the Subject's actions throughout the incident. The BOPC noted that prior to Officer P's use of less-lethal force, the Subject had refused to drop his knife and continued to violently resist despite two K-9 deployments, being struck by four 37mm rounds, and being TASED twice. The BOPC also noted that despite officers' orders, the Subject refused to drop his knife. The BOPC opined that it was reasonable for Officer P to believe that the Subject was unsafe to approach and that his/her actions posed an immediate threat of violence or physical harm.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer P would reasonably believe the Subject's

actions presented an immediate threat of violence or physical harm, and that the use of less-lethal force was proportional and objectively reasonable.

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

- **Officer R** – (TASER, one probe mode activation from an approximately seven feet)

According to Officer R, after rolling through the hole in the fence, the Subject sat on the sidewalk, holding the knife. The Subject had both hands on the ground and appeared to be attempting to stand. Officer R commanded the Subject to get down, but he refused. In response, Officer R discharged his/her TASER at the Subject's back for a five-second activation from approximately seven feet away. Officer R observed the Subject drop the knife.

The BOPC conducted a thorough evaluation of Officer R's use of less-lethal force. In conducting its evaluation, the BOPC considered the Subject's actions throughout the incident. The BOPC noted that prior to Officer R's use of less-lethal force, the Subject had refused to drop his knife and continued to violently resist despite two K-9 deployments, being struck by four 37mm rounds, being TASED twice, and struck by two 40mm rounds. The BOPC also noted that despite officers' orders, the Subject refused to drop his knife. The BOPC opined that it was reasonable for Officer R to believe that the Subject was unsafe to approach and that his/her actions posed an immediate threat of violence or physical harm.

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

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

Accordingly, the BOPC found Officers E, O, P, and R's less-lethal uses of force to be In Policy.

E. K-9 Deployment

- Sergeant B completed a K-9 Contact investigation for this incident, evaluating the K-9 deployments, contacts, and post-contact procedures for both K-9s (see K-9 Contact No. 21-0036). Based on his/her investigation, Sergeant B determined that due to the Subject's erratic behavior, the violence of his crime, his repeated attempts to escape from patrol officers, and the threat he posed were he able to gain access to additional victims, the Subject met the criteria for a directed deployment.

Sergeant B opined that once the Subject began running, and less-lethal munitions proved ineffective, the only means of preventing his flight was the use of a K-9 dog. Sergeant B further determined that the deployments, contacts, and post-contact procedures for both K-9s were consistent with established criteria. The Assistant

Commanding Officer, Counter-Terrorism Special Operations Bureau, concurred with Sergeant B's findings.

F. K-9 Contact

In assessing the K-9 deployments and contacts, the BOPC noted that this incident began when the Subject pointed a knife at his former girlfriend and then held the knife towards his neck. The girlfriend subsequently signed a crime report for assault with a deadly weapon, naming the Subject as the suspect. When officers attempted to contact the Subject, he fled, leading officers on two separate vehicle pursuits. The first pursuit terminated after the Subject drove into a flood channel, eluding officers. The second pursuit terminated when the Subject drove through a fence, down a hillside, and became stuck in the mud. Despite officers' orders, the Subject refused to surrender, repeatedly attempted to free his vehicle and attempted to conceal himself from view by obscuring the windshield and driver's window. While barricaded in his vehicle, the Subject held a knife to his neck and terminated contact with crisis negotiators. The BOPC also noted that according to a friend of the Subject's at the scene, the Subject had threatened to commit suicide on numerous occasions and was currently on what she described as a "meth binge." The BOPC further noted that in addition to the officers inside the perimeter, there were members of the public outside the perimeter. Based on the Subject's actions and girlfriend's allegations, the BOPC believed there was reasonable suspicion of the Subject's involvement in criminal activity. Based on the Subject's actions, the BOPC also believed that his escape from the perimeter would have created an escalation in the threat to public and officer safety.

The BOPC noted that one of the plans was to deploy K-9 personnel on directed deployments if the Subject attempted to break containment. Per the plan, a clear line of demarcation had been established to avoid simultaneous deployments. The BOPC also noted that per the K-9 Procedures and Guidelines Handbook, a K-9 officer may direct his/her dog to bite a suspect and or apprehend a fleeing or otherwise evading suspect by biting when it is objectively reasonable as outlined in the UOF policy. As per the UOF policy, officers may use force that is objectively reasonable and proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. While the tactic involves the use of a bite, the purpose of the bite is to hold the suspect, slowing or stopping his/her escape.

The BOPC noted that before Officer M sent his/her K-9 dog on a directed deployment, less-lethal munitions had proven ineffective in stopping the Subject. Per the video footage, the Subject appeared unfazed by the K-9 dog, ostensibly turning to fight the dog. The BOPC also noted that before Officer L sent his/her K-9 dog on a directed deployment, both less-lethal munitions and the first directed deployment had proven ineffective in stopping the Subject. Per the video footage, the Subject appeared to fight the K-9 dog to overcome the bite hold, further demonstrating his level of resistance and determination to evade apprehension.

While officers are trained to consider other force options when one has proven ineffective, it was reasonable for Officer L to attempt a bite hold after the first directed deployment failed to stop the Subject.

The BOPC noted that following the first directed deployment, Officer M immediately recalled the K-9. Per Officer M, the Subject had evaded the K-9's bite hold and was continuing to run up the hillside. Officer M did not want the K-9 dog to pursue the Subject past the line of demarcation, risking simultaneous K-9 deployments. The BOPC also noted that following the second directed deployment, Officer L immediately recalled his/her K-9 dog after he/she was free of the Subject.

Due to the Subject's erratic behavior, the violence of his crime, his repeated attempts to escape from patrol officers, and the threat he posed were he able to gain access to additional victims, the BOPC agreed that the Subject met the criteria for a directed deployment. Based on the totality of the circumstances the BOPC also determined that the directed deployment was consistent with the Department's UOF policy. While officers are responsible for their own actions, the BOPC did note that prior to sending their K-9s on directed deployments, the plan had been vetted and approved by Sergeants D and B.

G. K-9 Post Contact Procedures

- In terms of the post-contact procedures, the BOPC noted that TEMS personnel were on the scene before the Subject's apprehension and tended to his/her injuries without delay. Following the Subject's apprehension, per the K-9 Contact Report, Officers L and M were separated and interviewed separately by Sergeant B. Officers L and M were also interviewed by FID.

Therefore, the BOPC found Officer L and M's K-9 Deployments, Contacts, and Post-Contact procedures to be consistent with established criteria.