

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

OFFICER-INVOLVED SHOOTING – 042-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	7/26/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	12 years, 4 months
Officer D	4 years, 1 month
Officer E	11 years, 1 month
Officer F	1 year, 10 months
Officer G	2 years, 10 months
Officer H	2 years, 10 months
Officer O	10 years, 8 months
Officer P	12 years, 3 months

Reason for Police Contact

On Monday, July 26, 2021, officers responded to a radio call of an “ambulance cutting” (i.e., an ambulance called for a cut/bleeding person) at an intersection. Upon their arrival, the officers located the Subject, who was holding a knife in his right hand. The Subject ran toward an officer, resulting in an Officer-Involved Shooting (OIS).

As a result of the OIS, the Subject fell onto the pavement and dropped the knife. As the officers waited for additional resources to arrive, the Subject stood up and ran toward the officers a second time. As the secondary unit arrived at scene, the Subject turned in their direction and removed a dark-colored object from his right-front pocket. The Subject walked toward an officer, while holding the dark-colored object in his right hand, resulting in an additional OIS.

The dark-colored object was later determined to be a cellular phone.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 43 years of age.

BOPC 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 (FID) 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 July 12, 2022.

Incident Summary

On Monday, July 26, 2021, Victim A, an off-duty police officer from another state, was on vacation in the City of Los Angeles. Victim A was traveling with several immediate and extended family members, both adults and minor children.

During the evening hours, Victim A and his family decided to go sightseeing. They separated into two groups and entered two rental vehicles. Victim A drove one vehicle which had several passengers, including Witnesses A, B, and C and Witness C's minor children.

Victim A's adult nephew, Witness D, drove a second vehicle that contained multiple passengers; including Witness E and minor children. Victim A and Witness D drove in tandem toward an intersection. The area was a combination of both residential and commercial properties. There were strip malls located on the northeast and northwest corners of the intersection that consisted of multiple small businesses.

As Victim A negotiated a southbound turn, followed by Witness D, he observed the Subject standing on the west sidewalk, just south of the intersection. According to Victim A, the Subject was leaning against a wall and appeared to be bleeding from his neck/throat area. Victim A advised Witness A of his observations.

Victim A and Witness D parked their respective vehicles along the west curb, south of where the Subject was located. Victim A and Witness D exited the vehicle, with intentions of entering a nearby market. Victim A was concerned about the Subject's well-being and decided to offer him assistance. According to Witness A, she stayed near her vehicle with the remaining family members as Victim A approached the Subject by himself.

As Victim A approached the Subject, he observed a severe laceration on the Subject's neck and blood on the front of his shirt. Victim A asked the Subject a series of questions in an attempt to establish what transpired and if he was okay. According to Victim A, the Subject was unresponsive to his questions. Instead, he (the Subject) just repeated the word "no" multiple times.

According to Witness A, she observed a small wound on the Subject's neck that was bleeding. Witness A said the Subject appeared to be dazed as Victim A was attempting to communicate with him.

According to Witness D, the Subject appeared to be intoxicated and was stumbling all over the place. Witness D noted that the Subject appeared to be bleeding from the left side of his neck.

At approximately 2044 hours, Victim A called 911 and reported the incident. The Emergency Broadcast Operator (EBO) remained on the line with Victim A and connected him with the Los Angeles Fire Department (LAFD). As Victim A was speaking with the EBO, Witness C also called 911 and reported the incident. During her 911 call, Witness C erroneously advised the EBO that the Subject was on the wrong side of the intersection.

Meanwhile, Victim A was still communicating with both the EBO and LAFD operator. The LAFD operator asked if the Subject was awake and requested Victim A to inquire about what transpired. As captured on the 911 call, Victim A asked the Subject what happened to his neck. Victim A advised the operators, "He's [the Subject is] saying he doesn't want to say anything. You might want to send a PD [Police Department] unit here as well."

Shortly thereafter, the Subject began walking south on the west sidewalk. As he did so, Victim A observed a knife in the Subject's right hand. According to Victim A, the Subject placed the knife against his own neck; causing him to believe the Subject was cutting himself. Victim A reported his observations to the EBO and LAFD operator and informed them that he was an off-duty police officer from outside of California.

According to Victim A, as he waited for resources to arrive, he followed the Subject south from a distance. As he did so, Victim A attempted to communicate with the Subject in Spanish. As captured on the 911 call, Victim A referred to Subject as "camarada" (comrade) multiple times. Victim A asked the Subject what he was doing and why he was cutting himself. According to Victim A, the Subject was unresponsive.

According to Victim A, one of the operators suggested that he follow the Subject. A review of the 911 call determined that neither the EBO nor the LAFD operator requested Victim A to follow the Subject. However, the LAFD operator did ask Victim A to "keep an eye" on the Subject and "keep the situation calm" until they arrived at scene.

Victim A reiterated to both operators that the Subject had a blade in his hand and provided a detailed clothing description. Victim A advised that the Subject was walking north and appeared to be self-inflicting injuries to his neck. Victim A repeated his request for the EBO to notify the responding officers that he was an off-duty police officer and was carrying his off-duty weapon. The EBO advised Victim A to stay a safe

distance away from the Subject and requested that he remain on the line and provide updates. Victim A agreed to do so.

Victim A erroneously advised the EBO and LAFD operator that the Subject was walking north, when the correct direction of travel was south. Although Victim A informed the EBO and LAFD operator that he was an armed off-duty police officer, they never inquired about Victim A's descriptors, nor the type of weapon he was armed with.

At approximately 2046:33 hours, LAFD received an alarm to respond to the location. The comments of the call indicated that the patient (the Subject), had a cut on his throat, was armed with a knife, and was walking north. They responded to the location, along with an LAFD Engine company.

At approximately 2048:19 hours, in response to Witness C's 911 call, Communications Division (CD) generated a radio call and broadcast to Rampart units of an ambulance cutting, and CD provided the location and a brief description.

Police Officers A (driver) and B (passenger) advised CD they would handle the call. Both officers activated their Body-Worn Video (BWV) and responded to the location with emergency lights and siren activated (Code Three).

Communications Division requested that a supervisor respond to the location with Officers A and B, in accordance with the edged-weapon protocol. Rampart Patrol Division uniformed Sergeant A advised CD that he/she would respond.

While en route to the location, Officer B read the comments of the radio call via the Mobile Data Computer (MDC). Officer B advised Officer A that there was no Subject description provided; however, a male at the location had a slash to his neck.

Victim A and Witness D continued following the Subject from a distance as they waited for officers to arrive at scene. According to Witness D, their intentions were to ensure that the Subject was okay. The Subject stopped briefly and leaned against a wall on the west side of the street. Shortly thereafter, the Subject turned toward Victim A, raised the knife, and charged toward him. Victim A and Witness D immediately backed away from the Subject. During a subsequent interview with Witness D, he informed investigators that he never observed the Subject with a weapon. Witness D believed the Subject was approaching him to engage in a fight.

As Victim A backed away from the Subject, he unholstered his pistol and held it in a two-handed shooting position. According to Victim A, he pointed the muzzle in the Subject's direction and began giving him commands. As captured on the 911 call, Victim A ordered the Subject to "get back" multiple times in Spanish, but he did not comply. Instead, the Subject continued walking toward Victim A at a fast pace. According to Victim A, he never identified himself as a police officer to the Subject, nor did he fire his pistol during the incident.

Victim A recalled ordering the Subject to “put the knife down” in English. A review of the 911 call determined that Victim A never gave that command in English or Spanish.

As captured on the 911 call, the sound of sirens can be heard in the background, as Victim A was verbalizing with the Subject and ordering him to “get back.” The investigation determined that the first sirens were from the LAFD Engine company.

At approximately 2049:21 hours, LAFD Engine company arrived at the location, as directed by the comments of their call. The LAFD personnel were unable to locate the patient (Subject) at that location and requested further information.

According to Witness A, she heard sirens, then observed an “ambulance” (LAFD Engine company) turn north instead of south. She heard additional sirens nearing their location and decided to stand in the street so she could get the officers’ attention.

Meanwhile, Officers A and B turned north towards the location and as they did so, their Digital In-Car Video System (DICVS) captured the emergency lights from the LAFD Engine company in the distance. According to Officer B, he/she observed the flashing lights and opined that an ambulance was already at scene treating a potential victim.

According to Victim A, as Officers A and B approached in their police vehicle, he holstered his pistol and flagged them down. As the officers drove north, their DICVS captured Victim A and Witness A standing in the street and Witness D on the west sidewalk of the street. According to Officer A, Victim A and Witness D were waving their arms and pointing at the Subject, who was also on the west sidewalk.

Officer A observed the Subject walking toward Witness D in a threatening manner. As he did so, the Subject’s arms were down along his sides and he was holding a pocket knife in his right hand. Officer A feared that the Subject was going to kill or cause serious bodily injury to one of the citizens; therefore, he/she immediately stopped their police vehicle. According to Officer A, he/she believed Officer B made the same observations as he/she did; therefore, he/she did not communicate his/her own observations with Officer B.

Officer A parked in the street diagonally, facing in a northwesterly direction toward the Subject and Witness D. According to Officer A, he/she parked in that manner to allow him/her and Officer B the opportunity to utilize their vehicle doors as cover. As the Subject advanced toward Witness D, Officer A observed Witness D transition to a fighting stance.

As they arrived at scene, Officer B observed the Subject on the west sidewalk, facing in a northerly direction. According to Officer B, the officers’ police vehicle appeared to get the Subject’s attention.

An image from Officers A and B's DICVS depicts Witness D and the Subject on the west sidewalk. The Subject appeared to be looking over his right shoulder in the officers' direction, while holding a knife in his right hand.

Officer B exited the vehicle first and took cover behind the passenger door. Upon exiting the vehicle, Officer B observed a three-inch blade in the Subject's right hand. Officer B also observed blood on the Subject's right hand. According to Officer B, he/she was unsure if the blood was from the Subject and/or a potential victim. Based on his/her observations, Officer B formed the opinion that the Subject was an assault with a deadly weapon (ADW) suspect.

According to Officer B, since everything happened so fast, he/she did not have time to communicate his/her observations with Officer A.

The investigation determined that Officers A and B did not announce their arrival at scene ("Code Six"). According to Officer B, he/she did not go Code 6 right away over the radio because when he/she was responding, the officers immediately became engaged with the Subject, who was armed. As captured on BWV, as Officer A parked their vehicle, Officer B appeared to reach toward the microphone with his/her right hand; however, he/she did not retrieve the microphone and/or broadcast at that time.

Officer B ordered the Subject to show his hands. According to Officer B, the Subject looked in their direction and focused his attention at him/her and Officer A. As captured on DICVS, the Subject began turning his body in a clockwise direction toward the officers. According to Officer B, you could tell that his eyes were big.

Officer B pointed his/her left index finger at Subject and yelled, "Hey, hey!" Believing the situation could escalate to the point where deadly force was necessary, Officer B unholstered his/her pistol with his/her right hand. According to Officer B, he/she held his/her pistol in a one-handed shooting position, with the muzzle pointed toward the Subject.

Officers A and B both recalled Officer B ordering the Subject to drop the knife at that time; however, a review of their BWV determined that neither gave that command.

At approximately 2049:44 hours, as Officer B was in the midst of giving commands to the Subject, the EBO broadcast to Rampart Units, "Your ambulance cutting is an ambulance attempt suicide. The Person Reporting (RP) is an off-duty officer. Has a firearm."

As CD was broadcasting the aforementioned information, Victim A yelled to the officers, "Hey, he has a knife. He has a blade in his right hand!" Officer B retrieved his/her radio with his/her left hand and requested a back-up.

A review of Rampart radio frequency determined that CD was in the process of broadcasting when Officer B requested back-up. Therefore, his/her broadcast was not heard on the Rampart radio frequency.

According to Officers A and B, they did not hear the EBO's update, nor did they hear Victim A's statement regarding the Subject being armed with a knife. Although Victim A informed the EBO multiple times that the Subject was armed with a blade and was self-inflicting injuries to himself, that information, as well as the Subject's clothing descriptors, were never broadcast on the Rampart radio frequency.

Meanwhile, Officer A opened his/her door and began exiting the vehicle. As he/she did so, the Subject was standing near the mouth of an alley looking in Officer A's direction. According to Officer A, the Subject had a blank stare and was looking directly at him/her. Officer A stated that the Subject did not show any fear and was focused on him/her.

As captured on BWV, the Subject began sidestepping in a southerly direction. Officer A yelled, "Hey, hey," and exited the vehicle. According to Officer A, he/she knew the tactical situation may escalate to a situation involving the use of deadly force based on his/her observations that the Subject had a knife and the radio call.

Officer A took cover behind the driver's side door and unholstered his/her pistol with his/her right hand. Officer A held his/her pistol in a one-handed shooting position and pointed the muzzle in a northwesterly direction toward the Subject.

According to Officer A, he/she was cognizant of the Subject's background and noted that there were no citizens standing behind or near the Subject at that time.

The Subject continued walking south, while continuously looking in Officer A's direction. Officer A decided to redeploy to the rear of his/her police vehicle and seek better cover. Officer A believed redeploying would provide him/her with more time to verbalize with the Subject and potentially de-escalate the situation. Officer A transitioned his/her pistol into a two-handed, low-ready shooting position and walked backward in a southerly direction.

The Subject continued walking toward Officer A as he/she redeployed. Officer A pointed his/her pistol in the Subject's direction and yelled, "Get the blade" and "get the blade up!" multiple times. The Subject then stepped into the street and began running in a southeasterly direction toward Officer A.

According to Officer A, when he/she yelled, "Get the blade up!" he/she was attempting to communicate with Officer B and inform him/her that the Subject was armed with a blade. Officer A explained that his/her words did not come out exactly how he/she wanted to say them, but he/she was trying to communicate to his/her partner that the Subject had a blade.

According to Victim A, the Subject approached Officers A and B holding the knife like he was wanting to stab them.

As captured on BWV, the Subject pumped his arms up and down as he ran toward Officer A, while still holding the knife in his right hand. Officer B observed the Subject advancing on Officer A and ran toward the rear of their police vehicle. As he/she did so, Officer B held his/her radio in his/her left hand and his/her pistol in his/her right hand, with the muzzle pointed toward the ground. Officer B then broadcast a help call.

As Officer B was broadcasting the help call, the Subject raised his right arm and lifted the knife to shoulder level. According to Officer A, he/she believed the Subject was going to stab and kill him/her. In defense of his/her life, Officer A fired two rounds at the Subject in a westerly direction, from an approximate distance of ten feet.

According to Officer A, he/she was cognizant that Victim A and the other witnesses were north of his/her location at the time of the OIS, and not within the Subject's background.

An analysis of the BWV determined that both of Officer A's rounds were fired within approximately 0.566 seconds.

Officer A estimated that the Subject was approximately three to five feet away from him/her at the time of the OIS. However, an analysis of the BWV determined that the Subject was approximately ten feet west of Officer A.

According to Officer B, he/she heard two gunshots; however, he/she did not see Officer A fire his/her pistol.

Following the OIS, the Subject appeared to stumble; however, he remained standing. The Subject stopped briefly and was still holding the knife in his right hand.

Officer B was in the midst of broadcasting the help call when the OIS occurred and immediately broadcast that shots had been fired.

A review of Rampart radio frequency determined that CD was still broadcasting when Officer B put out the help call; therefore, his/her help call was not heard on Rampart radio frequency.

Officers A and B both backed away from the Subject in a northerly direction. Officer B held his/her pistol in his/her right hand, in a one-handed shooting position, and pointed the muzzle toward the Subject. Officer B ordered the Subject to get on the ground, but he did not comply. Instead, the Subject ran in a northeasterly direction toward Officer A.

According to Officer A, after he/she fired the second round, the Subject kept coming. Officer A attempted to redeploy northbound and tried to find cover; however, there was

no cover, as he/she was in the middle of the street. And fearing that the Subject was going to reach and kill him/her, he/she fired a third round.

Officer A fired one additional round at the Subject in a southerly direction from an approximate distance of 16 feet. The Subject was struck by gunfire and fell onto the pavement, south of the officers.

An analysis of the BWV determined that approximately 2.849 seconds elapsed between Officer A's second and third rounds.

The investigation determined that Officer A's first two rounds did not strike the Subject. The projectiles impacted a vehicle that was parked within the Subject's background at the time of the first volley. The bullet pathway was consistent with projectiles traveling in a southwesterly direction.

As captured on BWV, there were two citizens walking north on the east sidewalk at the time of Officer A's OIS. The citizens left the scene prior to the OIS investigation and remain unidentified.

As captured on BWV, there was vehicular traffic within the Subject's background during the second volley. The vehicles left the scene prior to the OIS investigation and the occupants remain unidentified.

According to Officer A, he/she was unaware that there were vehicles within Subject's background at the time of his/her second volley. Officer A stated that he/she fired the third round as a last resort. Officer A stated that he/she knew the background wasn't great, but he/she did not want to die, so he/she fired.

After falling to the pavement, the Subject rolled onto his stomach and dropped the knife. The knife slid a short distance and came to rest in the street on the yellow dividing line, near the Subject's left leg. The Subject laid face down with both arms tucked underneath his body.

At this time, Officers A and B were triangulated on the Subject; Officer A was positioned northeast of the Subject and Officer B was northwest. Officer B observed the knife lying on the pavement, approximately 6 to 12 inches north of the Subject's body. As captured on BWV, Officer B pointed his/her pistol at the Subject and ordered him not to move.

At approximately 2050:00 hours, Officer B repeated the help call and advised that shots were fired. As Officer B broadcast the help call, Officer A sidestepped in a southerly direction, with his/her pistol pointed toward the Subject. As Officer A redeployed south, he/she and Officer B were briefly standing across from one another with the Subject between them. At that time, both officers were pointing their pistols toward the Subject, who was lying on the ground.

According to Officer A, he/she believed there might have been a slight crossfire issue, however he/she was directing his/her muzzle at the Subject, making sure not to cover his/her partner. Officer A identified the potential crossfire issue and corrected it by adjusting his/her position.

Officer A then walked backward in a southerly direction and positioned himself/herself in the northbound lane, south of the Subject. Officer B remained standing in the southbound lane, northwest of the Subject.

Victim A approached the officers and informed them that the Subject was previously cutting his throat and had a blade in his right hand. Officer B advised Officer A, "I got the blade right here bro." Using his/her right foot, Officer B kicked the knife away from the Subject. Officer B estimated that the knife moved approximately two feet away in a northwesterly direction.

As Officers A and B waited for additional resources to arrive, they continued giving commands to the Subject. Both officers ordered the Subject to put his hands out to his sides, but he did not comply with their commands. Victim A informed the officers that he was an off-duty police officer and offered his assistance. Officers A and B directed Victim A to move away from their location and go further north.

Multiple units responded to the help call, including Officers C, D, E, F, G, H, I, J, K, L, M, N, O, P and Sergeant B.

Upon hearing the help call, Officers C and D activated their BWV and responded to the location Code Three. According to Officer C, he/she wanted to keep the frequency clear for the tactical situation; therefore, he/she did not broadcast that they were en route.

According to Officer D, he/she heard the initial ambulance cutting radio call when it was broadcast, as well as the subsequent update from the EBO. Officer D was cognizant that the radio call was updated to an ambulance attempted suicide call and that the person reporting (PR) the incident was an armed off-duty police officer. Based on the comments of the radio call, Officers C and D inferred that the Subject was armed with a knife.

Officers A and B were cognizant that the Subject sustained a gunshot wound and was in need of medical assistance; however, they believed it was unsafe to approach him at that time. Both officers feared that the Subject could potentially be armed with additional weapons and decided to wait for additional resources, prior to approaching the Subject and taking him into custody.

At approximately 2050:19 hours, Officer B requested a Rescue Ambulance (RA) for the Subject and advised CD that the Subject had sustained gunshot wounds.

Officers C and D heard the RA request indicating that the Subject was struck by gunfire. Based on his/her prior experience at OIS scenes, Officer D opined that the Subject was down and assumed he/she would be assisting with either containment, an arrest team, and/or medical treatment upon his/her arrival.

As captured on BWV, the Subject began moaning and raised his upper body off of the ground. Officer B advised Officer A that they should seek cover and began walking in a southerly direction toward the police vehicle.

The Subject rolled onto his right side, sat up, and faced in a westerly direction. Both officers pointed their pistols at the Subject and yelled, "Don't move," multiple times. The Subject did not comply with their commands. Instead, he placed both hands onto the pavement and attempted to stand up.

At this time, the Subject's knife was still lying in the street, northwest of his location. According to Officer B, it seemed like the Subject knew exactly where the knife was when he was trying to get up. As captured on BWV, the Subject partially stood up, then fell forward in a northwesterly direction. According to Officer B, it appeared as though the Subject was attempting to crawl toward the knife.

Believing the Subject was attempting to rearm himself with the knife, Officer B kicked the knife away from the Subject a second time. Officer B estimated that he/she moved the knife an additional six feet in a northwesterly direction, toward the front of their police vehicle.

After the Subject fell onto the pavement, he immediately began to stand back up. As he did so, the officers' BWV captured the sound of an Air Unit and sirens in the background. Officer A inquired if Subject had the knife. Officer B replied, "No, no. I got the knife over here." According to Officer A, he/she was unable to hear Officer B's response due to the noise emitting from the approaching Air Unit.

At approximately 2050:41 hours, Air Support Division Police Officers Q (Pilot) and R Tactical Flight Officer (TFO) arrived over the scene.

According to Officer B, the noise emitting from the Air Unit made the scene more chaotic and difficult to communicate with one another.

The Subject then stood up and faced in a southerly direction, toward Officer A. Officer B pointed his/her pistol at the Subject and ordered him to, "Get on the ground!" The Subject did not comply with the commands. Instead, he ran directly toward Officer A.

Officer A pointed his/her pistol toward the Subject and yelled, "Hey, don't move!" The Subject did not comply and continued running toward Officer A. Officer A backed away from the Subject in a southerly, then westerly direction; around the rear bumper of their police vehicle. The Subject followed Officer A. As the Subject negotiated his way around the rear bumper, he reached into his right front shorts pocket with his right hand.

Meanwhile, Officers C and D arrived at the location and as they neared the location, they broadcast that they were Code Six. According to Officer D, there were no broadcasts specifying which direction he/she should respond from; therefore, he/she took the quickest route.

As they approached the location, Officer C observed the Subject standing in the street and assumed that Officers A and B were giving him commands. Officer C was concerned that the officers' siren could interfere with their ability to give clear commands to the Subject; therefore, he/she directed Officer D to deactivate the siren, which he/she did.

According to Officer D, he/she observed the Subject chasing Officers A and B and believed he/she was actively trying to attack them. Officer D stated that he/she was shocked by his/her observations, considering that an OIS had already occurred.

According to Officer D, Officers A and B had a look of urgency on their faces and were backing away from the Subject, with their pistols drawn. Based on his/her observations, combined with the comments of the radio call, Officer D believed the Subject was armed. Officer D stated that he/she could not see the Subject's right hand, so he/she believed that he had a knife in his hand and was aggressively chasing the officers and was trying to stab them.

At approximately 2050:44 hours, Officer D parked their police vehicle in the street, south of Officers A and B's police vehicle, facing in a northerly direction. Both officers then exited the vehicle.

Based on the comments of the radio call and knowledge that an OIS had previously occurred, Officer C believed the situation could rise to the level where deadly force was necessary. As Officer C exited the vehicle, he/she unholstered his/her pistol and held it in a two-handed, low-ready shooting position, with the muzzle pointed toward the ground.

As captured on BWV, Officer D exited the vehicle and yelled, "Hey, Stop! Stop!" Believing the Subject was armed with a knife, Officer D unholstered his/her pistol and held it in a two-handed shooting position, with the muzzle pointed in a northerly direction toward the Subject.

Officers A and B were standing northwest of the Subject when Officer D pointed his/her pistol in a northerly direction. Although Officers A and B were not directly within the Subject's background, they were standing in close proximity to him.

According to Officer D, he/she was aware of the officers and the Subject's positioning and ensured that his/her firearm remained pointed in the direction of the Subject and away from the officers. Officer D explained that his/her pistol was canted away from Officers A and B and his/her muzzle did not cover them during the incident.

Simultaneously, Officer B, aware that the Subject was no longer armed with the knife, decided to go hands on with the Subject. According to Officer B, his/her intentions were to gain a position of advantage and take the Subject into custody using minimal force. Officer B holstered his/her pistol and ran toward the rear of their police vehicle. Officers A and B crossed paths along the driver's side of the police vehicle. As they did so, Officer A asked if Subject had the knife. A review of Officer B's BWV revealed that his/her response was unintelligible.

Officer B encountered the Subject near the driver's side rear bumper of the police vehicle. As captured on BWV, the Subject stopped and took a few steps back. According to Officer B, he/she observed the Subject remove a dark object from his right front shorts pocket. Officer B, unable to identify what the object was, backed away from the Subject and unholstered his/her pistol. Officer B held his/her pistol in a two-handed shooting position and pointed the muzzle in a southeasterly direction toward the Subject. The investigation later determined that the dark object was a black cellular phone.

Officers C and D were cognizant that they were within the Subject's background and identified potential crossfire issues. Based on the Subject's actions, Officer D feared that Officers A and B may have an additional OIS with the Subject. Due to this, Officer D wanted to quickly redeploy as fast as possible to a better position of cover. Officers C and D decided to redeploy to the west side of the street. As captured on BWV, Officer D held his/her pistol in a two-handed shooting position and walked in a northerly direction in the street, east of the parked vehicles. Simultaneously, Officer C crossed in front of his/her police vehicle, then walked in a northwesterly direction. As he/she did so, Officer C held his/her pistol in his/her right hand, with the muzzle pointed toward the ground.

As Officers C and D were in the process of redeploying, Officer A asked Officer B again if the Subject had the knife. As captured on BWV, Officer B replied, "No, no, no. He doesn't have the knife." According to Officer A, he/she heard Officer B reply; however, was unable to decipher what he/she said, due to the noise emitting from the Air Unit.

According to Officer B, he/she attempted to communicate with Officers C and D and advise them that the Subject was no longer holding the knife. As captured on BWV, Officer B yelled, "He doesn't have the knife!"

According to Officers C and D, the scene was very loud, due to noise emitting from the Air Unit. Officer D heard a lot of yelling and screaming but was unable to determine if it was coming from the officers and/or the Subject. Officer D then heard someone yell, "Knife, knife."

At approximately 2050:48 hours, Officers C and D's BWV captured Officer B yell, "He doesn't have the knife!" According to Officer D, the only words he/she could decipher were, "Knife, knife." According to Officer C, he/she did not hear any mention of a knife upon arriving at scene.

At approximately 2050:50 hours, Officer B ordered the Subject to get on the ground. The Subject did not comply with the command. Instead, he turned in a counterclockwise direction and faced toward Officers C and D as they redeployed toward the west side of the street. As he did so, the Subject placed his right hand, which was holding the cellular phone, behind his back.

Officers C and D positioned themselves in front of a vehicle that was parked on the west side of the street. According to Officer D, he/she utilized the engine block as cover. Officers C and D both held their pistols in two-handed shooting positions and pointed their weapons toward the Subject.

According to Officer D, the Subject's left hand appeared to be empty; however, he/she was unable to see the Subject's right hand, which was concealed behind his back. As the Subject turned in his/her direction, Officer D ordered the Subject to, "Drop it! Drop it!" The Subject did not comply with his/her commands. According to Officer D, he/she ordered the Subject to drop it, because he/she was unable to see the Subject's right hand and believed he was potentially armed with a knife.

As captured on BWV, the Subject stepped in a southwesterly direction toward Officers C and D, then transitioned his right arm from behind his back to his right side. According to Officer D, he/she observed an elongated object in the Subject's right hand that resembled a knife.

According to Officer A, he/she believed the Subject was going to charge toward Officers C and D and hurt them. Officer A believed the Subject had a knife and was going to attempt to stab either Officer C or D.

According to Officer D, the Subject began to approach him/her with an angry face and an aggressive stance. Officer D believed that the Subject was going to attack (stab) him/her; and seeing the object in his hand that looked like a knife and the Subject rapidly closing, Officer D fired his/her weapon about three times in a northeasterly direction, from an approximate distance of 18 feet. The Subject was struck by gunfire and fell onto the pavement. As he fell, the Subject dropped his cellular phone, which landed on the pavement near his body.

An analysis of the BWV determined that all three of Officer D's rounds were fired within approximately 0.708 seconds. According to Officer D, there were no officers or citizens within the Subject's background at the time of his/her OIS; there were only parked, unoccupied vehicles.

During the OIS, Officer D's tactical flashlight fell off of his/her pistol and landed on the pavement.

Officer C was positioned south of Officer D when the OIS occurred. After the second round was fired, Officer C removed his/her left hand from his/her pistol and briefly

placed it on Officer D's right shoulder area. According to Officer C, he/she did so to inform Officer D that he/she was standing behind him/her.

According to Officer B, he/she unholstered his/her pistol the second time, subsequent to Officer D's OIS. However, a review of his/her BWV determined that he/she unholstered his/her pistol when the Subject removed the dark object (cellular phone) from his pocket.

Following the OIS, the Subject was lying on the pavement in a supine position with his head facing in a southwesterly direction. The Air Unit broadcast that shots were fired and directed all units to respond south.

Officer C observed Officers A, B, and D with their pistols drawn; therefore, he/she holstered his/her pistol and assumed the role of the Incident Commander. As captured on BWV, Officer C verified that Officer D was uninjured, then directed the officers to seek cover behind vehicles. Officer D advised Officer C that they should begin rendering aid to the Subject.

At approximately 2051:16 hours, CD broadcast that LAFD personnel were at scene but unable to locate the officers' location. Shortly thereafter, CD provided LAFD with the correct location. According to Officer C, he/she heard the aforementioned broadcast and wanted to ensure the scene was safe for LAFD personnel to enter and begin treating the Subject.

As they waited for additional resources to arrive, Officers A, B, C, and D positioned themselves on the west side of the street. Officers B, C, and D stood behind a parked vehicle, while Officer A sought cover behind the driver's side door of his/her police vehicle. As they did so, Officers A and B pointed their pistols in the Subject's direction.

As captured on BWV, the Subject began rolling from side to side and kicking his feet. Officer D inquired if the Subject still had the knife. Officer B replied, "No, the knife's over there" and pointed in a northerly direction. Officer D then holstered his/her pistol and suggested they provide chest compressions to the Subject. Officer B advised Officer D that they needed to take the Subject into custody first.

At approximately 2051:37 hours, Officers O and P arrived at scene. Officer P exited the vehicle first and ran toward Officers A, B, C, and D. Officer P then unholstered his/her pistol, which he/she held in his/her right hand, with the muzzle pointed toward the ground. According to Officer P, he/she unholstered his/her pistol due to the fact that an OIS occurred and he/she was unsure if the Subject was still armed.

Officer O exited the vehicle and unholstered his/her pistol. According to Officer O, he/she was cognizant that the Subject was not in custody and believed the situation could escalate to one involving deadly force. Officer O held his/her pistol in his/her right hand and jogged in a southwesterly direction, toward the west side of the street.

According to Officer P, there were a lot of officers positioned on the west side of the street. Therefore, Officers O and P positioned themselves on the passenger side of Officer A's vehicle.

Meanwhile, the Subject rolled onto his left side and placed both hands on the pavement. Officer B continued giving commands to the Subject, ordering him to stay on the ground and stop moving. Officer B directed Officer D to get an arrest team and less-lethal option ready.

Officer O observed a 40-millimeter launcher inside of Officer A's vehicle. According to Officer O, he/she was unsure if any 40-millimeter launchers had been deployed at scene; therefore, he/she decided to retrieve it. As captured on BWV, Officer O advised Officer P that he/she was going to get the 40-millimeter launcher. Before he/she was able to do so, Officer P directed Officer O to reposition their police vehicle further south. Officer O holstered his/her pistol, ran back to his/her vehicle, and pulled forward a short distance.

As Officer O ran toward his/her police vehicle, Officer D looked in his/her direction and yelled, "Get a less-lethal! Less-lethal!" Officer D's request was not captured on Officer O's BWV. Although Officer O had a 40-millimeter launcher stored within his/her police vehicle, he/she did not retrieve it. When later asked by detectives, Officer O explained that he/she felt like he/she needed to get back to Officer P as soon as possible so he/she did not have time to get it.

During a subsequent examination of the crime scene, it was determined that Officer O inadvertently parked his/her police vehicle over two spent cartridge cases.

Officer P was not comfortable with his/her position on the passenger side of Officer A's vehicle; therefore, he/she redeployed to the west side of the police vehicle and joined the other officers.

After repositioning their vehicle, Officer O sought cover behind the passenger side door of his/her vehicle. Officer O then unholstered his/her pistol and held it in a two-handed shooting position with the muzzle pointed in a southerly direction, toward the Subject. According to Officer O, he/she unholstered his/her pistol a second time because the Subject was still not in custody.

At approximately 2051:58 hours, Officers E and F arrived at scene. Officer F parked on the sidewalk, west of the parked vehicle, and both officers exited the vehicle.

According to Officer F, he/she was cognizant that an OIS occurred and that the comments of the radio call indicated that the Subject was armed. Believing the situation could rise to the level of deadly force, Officer F unholstered his/her pistol and held it in his/her right hand, with the muzzle pointed toward the ground. Officers E and F then walked to the rear of the parked vehicle and joined the other officers.

As captured on BWV, Officer D began identifying roles for a contact/arrest team. Officer D directed Officer F to holster his/her pistol and assigned him/her the role of arrest team with Officer E. Upon receiving their assignments, Officers E and F donned protective gloves.

Officer C reiterated the roles to the contact team and assigned Officer B as point/lethal. Officer C then directed Officer A to holster his/her pistol, which he/she did.

Although there were multiple officers at scene, the role of less-lethal officer was not assigned/assumed by any officers. According to Officer P, he/she joined the contact team after roles were assigned and was not present during the planning. However, a review of Officer P's BWV determined that he/she was present when both Officers C and D assigned roles to the contact team.

According to Officer F, he/she noted that the Subject had both arms out to his sides and was lying in a "T-formation." As captured on BWV, Officer F advised Officer E that he/she intended to grab the Subject's closest hand and roll him over.

At approximately 2052:25 hours, Officers G and H arrived at scene, followed by Sergeants A and B. Sergeant B parked north of the OIS scene. Upon his/her arrival, Sergeant B broadcast that he/she was Code Six and declared him/herself the Incident Commander.

Officers G, H, and Sergeant B exited their vehicles and ran in a southerly direction, toward the OIS scene. They arrived as the contact team initiated their approach. Officer D informed Sergeant B that he/she was one of the involved officers. Sergeant B directed Officer D to stand on the west sidewalk.

According to Officer G, he/she was unsure if there were any outstanding subjects and/or threats. Officer G unholstered his/her pistol and held it in his/her right hand, with the muzzle pointed toward the ground.

At approximately 2052:50 hours, the contact team approached the Subject. The officers were lined up in the following order: Officer B (Point/Lethal), Officers E and F (Arrest Team). Officers A and P followed behind the arrest team. As they did so, Officer P held his/her pistol in a two-handed shooting position, with the muzzle pointed toward the ground.

As the arrest team approached the Subject, Officers A, C, G, H, O, and P stood nearby and observed.

During their approach, Officer B ordered the Subject not to move. Officer B positioned himself/herself west of the Subject's head and provided cover for the arrest team. Officers E and F approached the Subject's left side (north). Using his/her left hand, Officer F grabbed the Subject's left wrist and lifted his left arm upward. Officer F then placed his/her right hand underneath the Subject's left elbow/triceps area and ordered

the Subject to turn around multiple times. The Subject did not comply with the commands.

According to Officer F, he/she noted that the Subject had injuries on his arms and was very bloody. The blood caused the Subject's arms to become slippery and hard to grasp. Officer F added that the Subject was a very heavy man and as he/she was trying to roll him over, he was resisting.

Officer F repositioned his/her right hand onto the Subject's left upper arm/shoulder area and attempted to push the Subject onto his stomach. Officer F then straddled the Subject and used his/her entire strength to roll the Subject onto his stomach. According to Officer F, the Subject continuously moved his left arm and attempted to pull away from him/her.

Nearly simultaneously, Officer E placed his/her left hand on the Subject's upper back and grabbed the Subject's right wrist, using his/her right hand. Officer E pulled the Subject's right arm out from underneath his body, then grabbed the Subject's right forearm using both hands. Officer E extended the Subject's right arm and lifted it upward, off of the ground. According to Officer E, the Subject was sweating and had blood on his arms, which caused him to be extremely slippery.

Once the Subject was on his stomach, Officer F placed his/her right hand on the Subject's upper back and attempted to pull the Subject's left arm behind his back. According to Officer F, the Subject was fighting and resisting his/her efforts. Using his/her left hand, Officer F grabbed the Subject's left hand and stepped over the Subject; transitioning his/her right leg from the north side of the Subject to the south.

Officer E was cognizant that the Subject sustained gunshot wounds during the OIS. Although the Subject was kicking his feet and actively resisting, Officer E tried to control the Subject's right arm without applying bodyweight to his torso area. Officer E was concerned that pressure to the Subject's torso could potentially make the injuries worse. While maintaining control of the Subject's right arm, Officer E placed his/her left foot on Subject's right calf area.

Officer F grabbed the Subject's left wrist with his/her right hand and attempted to pull the Subject's left arm behind his back, with negative results. Officer F placed his/her right hand on the Subject's mid-back area and partially stood up, while maintaining control of the Subject's left hand. Officer F then removed his/her right hand from the Subject's back, gripped the Subject's left forearm with both hands, and successfully pulled the Subject's left arm behind his back.

Simultaneously, Officer E placed the Subject's right arm behind his back. Officer F ordered the Subject to stop resisting multiple times; however, the Subject did not comply. Instead, the Subject screamed and continued to resist the officers' efforts.

Meanwhile, Sergeant B approached the contact team and positioned himself/herself east of the Subject. Sergeant B observed/monitored Officers E and F as they attempted to take the Subject into custody. According to Sergeant B, it was apparent that Officers E and F were having difficulty apprehending the Subject. As captured on BWV, Sergeant B stated, "Put some weight on him."

According to Sergeant B, the Subject was a large individual, therefore, he/she directed the officers to apply bodyweight in order to control the Subject's movements. According to Officer E, he/she did not hear Sergeant B say, "Put some weight on him."

Because the Subject was so slippery, Officer F believed he/she could maintain better control of the Subject's left arm if he/she pinned it to the ground while retrieving his/her handcuffs. Therefore, Officer F moved the Subject's left arm onto the pavement and held it down using his/her left hand. Simultaneously, Officer F placed his/her left knee on the pavement and retrieved his/her handcuffs with his/her right hand.

According to Officer F, both of his/her hands (gloves) were covered in blood at this time. When Officer F retrieved his/her handcuffs, they too became covered in blood, which made them very slippery and difficult to grip. As Officer F attempted to place the handcuff onto the Subject's left wrist, the Subject rolled onto his right side, causing Officer E to lose his/her balance. Officer E's left foot slipped off of the Subject's leg and both officers lost their grips on the Subject's arms. Officer E placed both of his/her hands on the Subject's back and pushed the Subject onto his stomach.

Officer E was concerned by the Subject's resistance and feared that he/she may be attempting to rearm himself. According to Officer E, he/she knew that a deadly force situation had occurred and was did not know where that knife was at and did not know if the Subject was attempting to again arm himself with the knife.

The Subject's right arm was visible and resting on the pavement alongside his body; however, he tucked his left arm underneath his torso. According to Officer F, he/she was concerned because his arms went underneath his stomach, and he/she feared that that the Subject possessed another weapon and was attempting to arm himself.

Officer F placed his/her right hand on the Subject's back and reached under the Subject's torso with his/her left hand. Officer F grabbed the Subject's left arm and pulled it out from underneath his body. Simultaneously, Officer E grabbed the Subject's right wrist with both hands and ordered him to relax.

Officer F believed he/she placed both of his/her knees on the pavement when the Subject tucked his arm underneath his torso. A review of the BWV determined that Officer F kneeled on his/her left knee only.

At approximately 2053:28 hours, Officer B stated that he/she needed additional assistance with the Subject. In response, Officers E, F, G, H, O, and P responded to

assist. Officers O and P holstered their pistols and approached the Subject's legs, while Officer G and approached the Subject's upper body.

According to Officer G, it appeared that the Subject was attempting to turn over. Officer G positioned himself/herself west of the Subject's head, placed both of his/her hands on the Subject's upper back, and applied pressure to keep him from moving. Officer G ordered the Subject to relax multiple times.

Simultaneously, Officer H approached the Subject's right side and placed his/her left hand on the Subject's mid-back area briefly. Officer H then removed his/her hand from the Subject's back and grabbed the Subject's right arm with both hands. Officer H pulled the Subject's right arm behind his back and held it in place. As he/she did so, Officer E released his/her grip on the Subject's right wrist and stood up.

According to Officer P, the Subject was flailing around and kicking his feet. Using both hands, Officer P grabbed the Subject's legs and crossed his left foot over his right foot. Officer P placed his/her right knee on the Subject's right hamstring area and utilized bodyweight to hold his legs/feet down.

According to Officer O, he/she applied bodyweight to the Subject's ankle/calf area in order to control the Subject's movement. Officer O then applied a Hobble-Restraint Device (HRD) around the Subject's ankles. After applying the HRD, Officer O stood up, held onto the HRD cord, and placed his/her right foot on top of the Subject's right foot.

Officer O believed he/she used one of his/her knees to apply the bodyweight to Subject's calf/ankle area; however, he/she was uncertain. Additionally, Officer O could not recall which calf/ankle area the bodyweight was applied to. According to Officer O, he/she did not recall placing his/her foot on top of the Subject's foot after applying the HRD.

At approximately 2053:40 hours, Officer F handcuffed the Subject's left wrist. Officer F advised the contact team, "Alright, I got one hand." According to Officer F, he/she attempted to move the Subject's left arm toward his right arm in order to complete the handcuffing process. Due to the Subject's size and resistance, Officer F was unable to do so. Therefore, he/she decided to utilize two sets of handcuffs.

Officer F advised the contact team that he/she was going to retrieve a second pair of handcuffs. Officer F held onto the handcuffs that were secured to the Subject's left wrist with his/her left hand and retrieved his/her second pair of handcuffs with his/her right hand. Officer F connected the second pair of handcuffs to the first pair. According to Officer E, it appeared that the Subject was attempting to roll over. As captured on BWV, Officer E kneeled down and placed his/her right hand on the Subject's upper back/neck area. Officer E stated that his/her hand was positioned on the top part of the Subject's back and below the neckline.

Officer E explained that he/she was trying to prevent the Subject from gaining any leverage and possibly rolling onto the officers because he/she did not know if the Subject was armed with another knife.

Meanwhile, Officer K approached the Subject's left side and stood beside Officer F. Officer K retrieved his/her own handcuffs, leaned forward, and handcuffed the Subject's right wrist. Officer F gripped his/her second pair of handcuffs, pulled them toward the Subject's right arm, and completed the handcuffing process. Officer F then removed Officer K's handcuffs from the Subject's right wrist.

According to Officers E and F, their hands and fingers inadvertently touched wounds on the Subject's arms as they took him into custody. It was later determined that the Subject sustained a gunshot wound to his left forearm.

Once the Subject was taken into custody, Officers E and P rolled him onto his right side. Officer F then searched the Subject's waistband area and pockets for additional weapons. No additional weapons and/or contraband were recovered from the Subject's person. After searching the Subject, Officers F and P released their grip on the Subject, and he rolled onto his abdomen.

LAFD Firefighter/Paramedics approached the scene as the Subject was being taken into custody. Sergeant B informed them that the Subject sustained gunshot wounds as a result of an OIS. Sergeant B then directed officers to establish crime scene containment and traffic control.

Sergeant B assigned Officer F to remain with the LAFD personnel; then Sergeant B walked back to the west sidewalk. Sergeant B identified Officer A as also being involved in the OIS. Sergeant B directed Sergeant A to monitor and obtain Public Safety Statements (PSS) from Officers A and D.

At approximately 2054:58 hours, paramedics began rendering aid to the Subject. Officer F assisted the paramedics as they rolled the Subject onto his right side. As paramedics attempted to examine the Subject, he resisted and rolled onto his left side. Using both hands, Officer F grabbed the Subject's right bicep area and held him on his left side as the paramedics continued their examination.

Because the Subject was resisting their efforts, the LAFD personnel requested assistance placing the Subject onto the gurney. The gurney was lowered and positioned just north of the Subject's body. Together, Officers E, F, and P rolled the Subject onto the gurney and into a supine position.

At approximately 2057:04 hours, Officers F and P assisted the Subject into a seated position with intentions of adjusting his handcuffs; however, the Subject immediately laid back down. Shortly thereafter, LAFD personnel assisted the Subject into a seated position and held him in place as the officers adjusted the handcuffs.

Officer F unlocked the right handcuff that adjoined the two sets together. Once the handcuffs were separated, Officer F maintained control of the Subject's right arm and handcuffed it to the right rail of the gurney. Officer I handcuffed the Subject's left arm to the left rail of the gurney. Officer O escorted the LAFD personnel as they placed the Subject into the ambulance and secured the HRD to the gurney.

At approximately 2103:30 hours, the Subject was transported to a nearby hospital for further treatment. Officers M and N escorted the Subject to the hospital. As directed by LAFD personnel, Officer M rode in the front seat of the ambulance, while Officer N followed in their police vehicle.

At approximately 2150 hours, Sergeant C arrived at scene. Sergeant C relieved Sergeant B and assumed the role of Incident Commander.

On November 2, 2021, the Subject died as a result of the injuries he sustained during this incident.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	No	Yes	No	Yes	Yes
Officer G	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer O	Yes	Yes	Yes	Yes	Yes
Officer P	Yes	Yes	Yes	Yes	Yes
Sergeant B	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' (BOPC) Findings

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

A. Tactics

The BOPC found Officers A, B, C, D, E, F, G, H, O, P, and Sergeant B's tactics to warrant a Tactic Debrief.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officers E, F, G, H, O, and P's non-lethal use of force to be In Policy.

D. Lethal Use of Force

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

Basis for Findings

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

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

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

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody

allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

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

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

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

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

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

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

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

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

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

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

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

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

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

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

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, suspects of a use of force and fellow officers:

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

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

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

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

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

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

Definitions

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

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

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

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

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test

of reasonableness is not capable of precise definition or mechanical application.”

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

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

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

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

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

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

A. Tactics

Tactical De-Escalation Techniques

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

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

Planning

According to Officer A, he/she and Officer B had worked together for approximately three months while assigned to patrol. Prior to that, they had worked in the same gang unit for three years during which time they had discussed tactics, such as contact and cover roles. According to Officer A, both he/she and Officer B were comfortable with switching roles if the situation dictated it.

Officers A and B arrived on the scene approximately one minute and twenty seconds after receiving the call. Due to the nature of this incident and their proximity to the call, Officers A and B had limited time to formulate a tactical plan. The Subject's subsequent actions limited the officers' ability to plan before the first two volleys. To avoid an additional OIS, Officer B kicked the knife away from the Subject's reach. Before apprehending the Subject, Officers A and B formulated a plan and designated roles. Officers A and B subsequently apprehended the Subject using non-lethal force.

While the Subject's actions limited Officers A and B's ability to plan, the BOPC would have preferred they had used the available time to discuss a more comprehensive plan, such as the designation of a less-lethal officer.

Assessment

Observing flashing lights, Officer B assessed that the scene was north of him/her and that LAFD was Code Six. As officers continued to assess, they observed Victim A and Witness D directing their attention to the Subject. Observing the Subject walking toward Witness D in a "threatening" manner while holding a knife, Officer A feared that the Subject was going to kill or seriously injure Witness D. Officer B opined that their police vehicle drew the Subject's attention. Observing the knife in the Subject's bloody hand, Officer B believed he/she was an Assault with a Deadly Weapon (ADW) Subject and determined they needed backup units. When the Subject ran toward Officer A with the knife in his hand, Officer A assessed a deadly threat. After the first volley of gunfire, the Subject continued to chase Officer A. Officer A assessed that the Subject was still a deadly threat. After the second volley, Officers A and B assessed the need for additional units before apprehending the Subject.

According to Officer D, Officers A and B had a look of urgency on their faces. Officers A and B had their service pistols drawn and were backing away from the Subject as he chased them. Based on his/her observations, combined with the comments of the radio call, Officer D believed the Subject had a knife. As the Subject turned toward Officer D, he/she observed an elongated object resembling a knife in his right hand. Believing the Subject was going to stab him/her, Officer D assessed a deadly threat. Officers A, B, C, and D assessed the need for additional units before apprehending the Subject.

Time

There is a formula that saves lives: “distance plus cover, equals time.” Observing the Subject walking toward Victim A in a “threatening” manner while holding a knife, Officer A feared that the Subject was going to kill or seriously injure Victim A. In response, Officer A immediately stopped the police vehicle in a position that allowed the officers to use the ballistic door panels as cover while maintaining distance from the Subject. However, the officers were forced to redeploy when the Subject ran toward Officer A, effectively chasing him/her around the rear of the police vehicle. Officer A then tried to maintain distance by running backward. After the second volley, Officers A and B were deploying to cover when the Subject stood up and ran toward Officer A. Having kicked the knife away, Officer B ran toward the Subject, believing he was unarmed. Observing the Subject retrieve an object from his pocket, Officer B redeployed creating space. The Subject’s actions limited the officers’ ability to use time as a de-escalation technique.

Redeployment and/or Containment

As stated above, Officer A stopped the police vehicle in a position that allowed Officers A and B to use it as cover while maintaining distance from the Subject. Despite the officers’ efforts to redeploy before and after the first two volleys, the Subject ran toward them. After the third volley, Officers A and B were able to contain the Subject until an arrest team formed. The Subject’s actions limited the officers’ ability to redeploy and contain him.

Other Resources and Lines of Communication

While responding, Officers A and B discussed the location and the comments of the call, including the fact that the Subject’s description was not provided. Observing the knife in Subject’s hand, Officer B told the Subject to show his hands and then requested backup units. Because CD was simultaneously broadcasting updated information, Officer B’s backup request was not heard by CD. As the Subject ran toward Officer A, he/she said, “Get the blade up,” warning Officer B that the Subject had a knife. Observing the Subject running toward Officer A, Officer B broadcast an officer “help” call. After the second volley, Officer B told the Subject not to move and repeated the officer “help” call, advising CD that shots had been fired. Officer B also communicated the knife’s location and his/her intention to kick it away from the Subject. After the Subject stood, Officer B tried to communicate that he no longer had the knife. Before apprehending the Subject, officers formed an arrest team, designated roles, and developed a plan to mitigate the need for additional force.

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

1. Code Six

Responding to the call, Officers A and B negotiated a northbound turn, and their DICVS captured LAFD emergency lights in the distance. According to Officer B,

he/she observed flashing lights north of him/her and opined that a RA was at the scene. As Officers A and B continued north, their DICVS captured Victim A and Witness A standing in the street, with Victim A on the west sidewalk. According to Officer A, Victim A and Witness D were waving their arms and pointing at the Subject. The Subject was walking toward Witness D in a “threatening” manner. The Subject’s arms were down by his sides, and he was holding a knife in his right hand. Fearing that the Subject was going to kill or seriously injure Witness D, Officer A immediately stopped the police vehicle. According to Officer B, he/she attempted to go Code Six but immediately became engaged with an armed Subject. While broadcasting a subsequent help call, Officer B advised CD of his/her location.

The BOPC noted that the Code Six policy intends to advise CD of an officer’s location and activity, should he/she need assistance. While the Department expects that officers go Code Six when they arrive at the scene, the BOPC noted that there are times when a deviation from this expectation is justified.

Here, the BOPC noted the dynamic nature of this incident. Officers A and B arrived on the scene approximately one minute and twenty seconds after receiving the call. While the officers believed the scene was north of them, Victim A and Witness D suddenly hailed them, south of where they believed the call to be. Victim A and Witness D were waving their arms and pointing at the Subject, who was walking toward Witness D in a “threatening” manner, armed with a knife. The BOPC noted that Officer B draped the police radio’s microphone over the spotlight handle as he/she stepped out of the police vehicle. Based on this action, the BOPC opined that he/she intended to advise CD they were Code Six. However, the frequency was occupied, and the officers were forced to address an armed suspect.

Approximately four seconds after the officers arrived at the scene, CD began broadcasting updated information. Approximately eight seconds after arriving at the scene, Officer B attempted to broadcast for a backup; however, the frequency was still occupied by CD. Approximately four seconds later, Officer B broadcast an officer “help” call. Repeating the “help” call, Officer B provided his/her general location. While the BOPC would have preferred that Officers A and B had advised CD they were Code Six when they arrived at the scene, the BOPC opined they were immediately confronted by an imminent deadly threat to themselves and the witnesses. Based on the Subject’s actions combined with the radio traffic, the BOPC opined that the officers placed themselves Code Six as soon as practical.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, with justification, from approved Department tactical training.

2. Tactical Planning/Communications

Responding to the scene, Officer B advised Officer A that the comments did not provide a Subject description but did indicate that a male had a slash on his neck. As Officers A and B continued north, they encountered Victim A, Witness A, D, and the Subject. The Subject was walking toward Witness D in a “threatening” manner. The Subject’s arms were down by his side, and he was holding a knife in his right hand. As the Subject advanced toward Witness D, Officer A observed Witness D assume a fighting stance. According to Officer A, he/she did not communicate his/her observations because he/she believed Officer B had seen the same thing. According to Officer B, since everything happened so fast, he/she did not have time to communicate his/her observations with Officer A.

As the incident progressed, the Subject approached Officer A with the knife. In response, Officer A stated, “Get the blade up!” According to Officer A, he/she was attempting to communicate to Officer B that the Subject had a knife. When the Subject stood after the second volley, Officer A asked if the Subject still had the knife. Officer B replied, “No, no, no! He doesn’t have the knife!” Due to the noise from the Air Unit, Officer A was unable to decipher what Officer B said. According to Officer B, he/she attempted to tell Officers C and D that the Subject no longer had the knife. According to Officers C and D, the scene was very loud due to the noise from the Air Unit. According to Officer D, the only words he/she could decipher were, “Knife, knife!”

The BOPC noted that Officers A and B had worked together for approximately three months while assigned to patrol. Prior to that, they had worked in the same gang unit for three years during which they had discussed tactics, such as contact and cover roles. According to Officer A, both he/she and Officer B were comfortable with switching roles if the situation dictated it.

The BOPC noted that Officers A and B arrived on the scene approximately one minute and 20 seconds after receiving the call. While responding, Officers A and B discussed the location and the comments of the call, including the fact that the Subject’s description was not provided. Although the officers were not aware they were responding to a call of a potentially armed suspect, they observed the Subject armed with a knife soon after arriving at the scene. While the BOPC noted the dynamic nature of this incident, they would have preferred that Officers A and B had advised each other of their observations. The BOPC also noted that the Subject’s subsequent actions limited the officers’ ability to plan and communicate before the first two volleys. Soon after they arrived, the Subject shifted his focus to the officers. The Subject then moved toward Officer A. In response, Officer A stated, “Get the blade up,” to warn his/her partner that the Subject had a knife. The Subject then ran at Officer A, resulting in an OIS.

The BOPC noted that after the second volley, Officers A and B covered the Subject with their service pistols while waiting for additional units to arrive. To avoid another OIS, Officer B kicked the knife away from the Subject's reach. The BOPC noted that when the Subject stood after the second volley, Officer B tried to advise his/her partner and responding units that the Subject no longer had the knife; however, they were unable to hear him/her due to the ambient noise. While the Subject's continuing actions limited the officers' ability to plan, the BOPC would have preferred they had used the available time to discuss a more comprehensive plan, such as the designation of a less-lethal officer.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were not a deviation from approved Department tactical training.

3. Cover/Concealment

Arriving at the scene, Officer A stopped the police vehicle in a position that allowed them to use the ballistic door panels as cover while maintaining distance from the Subject. However, the officers were forced to redeploy from cover when the Subject ran toward Officer A, effectively chasing him/her around the rear of the police vehicle. Following the second volley of gunfire, the Subject lay toward the middle of the roadway, face down, with both arms under his body. Officer A positioned himself/herself northeast of the Subject; Officer B was northwest. As Officer A redeployed south, he/she and Officer B briefly stood across from one another with the Subject between them; both officers had their service pistols pointed toward the Subject. As the Subject began to push off the ground after the second volley, Officer B suggested they seek cover. Officers A and B were deploying to cover when the Subject stood up and ran toward Officer A. Having kicked the knife away, Officer B ran toward the Subject believing he was unarmed. Observing the Subject retrieve an object from his pocket, Officer B redeployed back from the Subject.

Arriving at the scene, Officers C and D deployed south of Officers A and B. To avoid a crossfire situation, Officers C and D redeployed to the west side of the street. Officers C and D positioned themselves in front of a parked vehicle on the west side of the street. According to Officer D, he/she used the engine block of the vehicle as cover.

The BOPC assessed Officers A, B, C, and D's use of cover during this incident. The BOPC noted that while Officer A attempted to position the police vehicle in a manner that allowed the officers to use it as cover, the Subject negated his/her efforts by changing direction and running toward Officer A. The BOPC noted that to evade the Subject, Officer A had to leave cover as he/she ran around the rear of the police vehicle. Officer B was also forced to redeploy away from the police vehicle to evade the Subject. Based on Subject's actions, the BOPC opined that the officers did not have time to seek alternative cover before the first two volleys. While Officers A and B were deploying to cover when the Subject stood,

the BOPC would have preferred they sought cover sooner. The BOPC did note that despite Officer A's efforts to seek cover, the Subject chased him/her around the rear of the police vehicle again. In terms of Officer B's decision to run toward the Subject, the BOPC noted that he/she knew the Subject no longer had the knife and intended to apprehend him. While the BOPC would generally prefer that officers contain a Subject until sufficient resources arrive, despite being shot, the Subject continued to chase the officers. As such, containment may not have been feasible at that point.

As it pertains to Officer C and D's utilization of cover, the BOPC noted that to avoid a crossfire situation, they redeployed away from their police vehicle to the west side of the street. The BOPC also noted that based on the BWV footage, Officers C and D were moving toward the front of the parked vehicle when Officer D discharged his/her rounds. Per the footage, as Officer D discharged his/her rounds, Officer C placed his/her hand on Officer D's shoulder and guided him/her toward the parked vehicle. After Officer D discharged his/her rounds, Officer C directed him/her to the parked vehicle's passenger side, behind the engine block. While the BOPC would have preferred that Officer D moved behind the parked vehicle's passenger side sooner, they opined that he/she was seeking a position that would allow him/her to render aid to his/her partners and that he/she deployed behind the parked vehicle as quickly as possible.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A, B, and C were not a deviation from approved Department tactical training. The BOPC also determined that the tactics employed by Officer D were not a substantial deviation from approved Department tactical training.

4. Required Equipment – TASER

During this incident, Officer B's TASER was inoperable due to a dead battery. According to Officer B, the battery had been dead for approximately three months. While he/she attempted to obtain a new battery from Rampart Division's Training Unit, he/she was advised none were available. During this incident, Officer C was not equipped with a TASER. According to Officer C, he/she did not carry his/her TASER because the battery was dead. While Officer C attempted to obtain a new battery from Rampart Division's Training Unit, he/she too was told none were available.

In assessing Officers B and C's deviation from the TASER policy, the BOPC noted that FID's investigation revealed there were eight TASERs in Rampart Division's kit room during this incident; however, all eight had dead batteries. The BOPC also noted that when Sergeant D, Rampart Division Training Unit (RTU), contacted Rampart Training Division regarding the battery issue, he/she was advised none were available.

During the Use of Force Review Board (UOFRB) meeting relating to this case, members recalled a Department-wide shortage of TASER batteries at the time of this incident. According to Officers B and C, although they had attempted to obtain new TASER batteries, none were available. Also, due to the battery issue, they did not have the option to borrow a TASER from Rampart's kit room. The UOFRB noted that with the deployment of TASER 7, the battery issue has since been resolved.

Following the UOFRB meeting, Force Investigation Division (FID) was asked to conduct a follow-up investigation to determine the supply, functionality, and overall maintenance of TASER 6, Model XP26 batteries at Rampart Patrol Division, as well as RTU's responsibility in these areas. In response, FID investigators interviewed Officers Q, R, and Sergeant D. The below information was discovered during the interviews.

Sergeant D oversaw the issuance and maintenance of the TASER batteries for Rampart Division's patrol personnel. However, Sergeant D designated the daily task related to the issuing and maintenance of the TASER batteries to Officers Q and R. Officer Q conducted weekly inspections of the kit room's TASERs, which included a battery check. If it was discovered that batteries were needed, Officer Q or R would transport the depleted batteries to Davis Training Facility (DTF) for a "one for one" exchange. The obtained batteries would be used to replace the depleted batteries from the kit room TASERs, and any additional batteries would be provided to officers on a "one for one" exchange. Typically, there were no additional batteries available for individual exchanges with officers. Because none of the battery exchanges or kitroom inspections were documented, RTU personnel could not provide specific dates, times, or persons involved in the exchanges.

Each member of the RTU staff described unofficial divisional procedures that were disseminated to patrol personnel at various times and settings. The settings were either individual or group discussions. RTU personnel advised patrol officers with depleted TASER Model XP26's batteries that they had the option of checking out a TASER from the kit room and returning it at end of watch; or if a supply of batteries was available at Rampart Division, the officers could conduct a "one for one" exchange with either Officer Q or Officer R. If batteries were not available at Rampart Division, then the officers were given an option during day watch hours to go to Training Division (TD), DTF, and complete a "one for one" battery exchange with DTF's "TASER office."

According to Officer Q, it was discovered that most of the batteries in the TASERs located in the kit room were missing. RTU personnel learned that instead of checking out a TASER, unknown patrol officers would remove the batteries from the kit room TASERs and place them in their assigned TASERs. It was unknown who removed the batteries. This hindered RTU's ability to perform

“one for one” battery exchanges with DTF personnel. This also led to the lack of functioning TASERS available from the kit room.

According to Officer Q, before July 26, 2021, there were no functional TASER batteries available at Rampart Division. According to Sergeant D, DTF did not have any fully-charged TASER batteries during the month of July 2021. The only batteries available were those with various partial battery life remaining, and at a certain point, there were no partial batteries available for distribution. According to the RTU personnel, the TASER 6 battery shortage was due to the impending Department-wide transition to the TASER 7. RTU personnel received this information from the Department Training Coordinator meetings, or through the Department TASER coordinator. None of the RTU personnel recalled if Officer B or C informed them that their TASER battery was depleted.

With TD having the overall responsibility of the Department’s management and supply of its TASERS and batteries, Sergeant D stated he/she did not notify Rampart’s Area Commanding Officer of the TASER battery shortage within the division, as it was a Department-wide issue. Based on the above information, Sergeant D presumed it was information known to all Command Staff, including the Rampart Area Command. Moreover, Sergeant D stated he/she at no time informed any police officer to deploy out into the field without a functional TASER. However, Sergeant D stated he/she informed any officer with a non-operational TASER to notify his/her Watch Commander of its status and document it on his/her log.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers B and C were a substantial deviation, with justification, from approved Department tactical training.

- The BOPC also considered the following:

Situational Awareness – After the second volley, as Officer A redeployed south, he/she and Officer B briefly stood across from one another with the Subject between them; both officers had their service pistols pointed toward the Subject. Officer A identified a potential crossfire and adjusted his/her position. Arriving at the location, Officers C and D exited their police vehicle and deployed south of Officers A and B. Officers C and D identified the potential crossfire issues and redeployed themselves to the west side of the street. While the arrest team was apprehending the Subject, Officer O stood behind Officer E, providing lethal cover. While his/her muzzle was pointed toward the ground, based on his/her position, Officer E may have been in his/her foreground had he/she elevated it.

As the Air Unit was overhead, Officer B had tried to advise that the Subject did not have the knife. Due to the noise from the Air Unit, Officer A was unable to decipher what Officer B said. While Officer D’s BWV captured Officer B saying, “He doesn’t

have the knife,” based on the ambient noise, the only words Officer D could decipher were, “Knife, knife!”

Less-Lethal Options – After the second volley, Officers A and B both had their pistols drawn. Alternatively, Officer A could have deployed his TASER. As officers were forming an arrest team, Officer D looked toward Officer P and yelled, “Get a less-lethal!” Officer P had already decided to retrieve his/her 40mm launcher, but before he/she could, Officer O had directed him/her to reposition their police vehicle. After moving the police vehicle, Officer P felt it was necessary to join his/her partners as soon as possible and that he/she did not have time to retrieve the 40mm launcher. Alternatively, Officer P could have retrieved his/her 40mm launcher before joining his/her partners.

Stepping on Subject’s Foot – As officers were attempting to place a Hobble Restraint Device (HRD) on the Subject, Officer P placed his/her foot on the bottom of the Subject’s foot. The Subject was lying prone, with the top of his foot against the ground. Based on the BWV footage, the BOPC opined that it was inadvertent and there was no risk of Officer P being thrown off balance.

Recovery Position – After applying an HRD and searching the Subject, Officers F and O released their grip on the Subject and he rolled prone, where he remained for approximately 20 seconds before LAFD personnel assumed patient care. Per policy, once the HRD is secured, officers shall immediately search the waistband area and then immediately place the individual in an upright, seated position or on his or her left side (left lateral recumbent position). If this is not possible due to medical or tactical issues, then placing the individual on his/her right side is an acceptable substitute. This minimizes the time the Subject spends on his/her stomach after being restrained.

The above topics were to be discussed during the Tactical Debrief.

Command and Control

Observing that Officers A, B, and D had their service pistols drawn, Officer C holstered his/her service pistol and assumed the role of Incident Commander (IC). Officer C verified that Officer D was uninjured and directed officers to seek cover. Officer B directed Officer D to form an arrest team and designate a less-lethal officer. Officer D directed Officer F to holster his/her service pistol and assigned him/her to the arrest team with Officer E. Officer C reiterated the roles and assigned Officer B as lethal cover. Officer C then directed Officer A to holster his/her service pistol.

Arriving at the location, Sergeant B declared himself/herself as the new IC. While Sergeant B was assessing the scene, Officer D informed him/her that he/she was one of the involved officers. In response, Sergeant B directed him/her to stand on the west sidewalk. Sergeant B oversaw the Subject’s apprehension and directed

additional officers to assist as needed. According to Sergeant B, it was apparent that Officers E and F were having difficulty apprehending the Subject, so he/she directed additional officers to apply bodyweight to control his movements. After the Subject was apprehended, Sergeant B directed officers to establish a crime scene and control traffic. After identifying Officers A and D as the involved officers, Sergeant B directed Sergeant A to monitor them and obtain their Public Safety Statement (PSS).

As a senior officer, the BOPC would have preferred Officer C to have taken more of a command role when establishing the arrest team, specifically the designation of a less-lethal officer, which the BOPC noted is generally a vital component of an arrest team.

The BOPC determined that the overall actions of Officers C, D, and Sergeant B were consistent with Department training and the BOPC's expectations of supervisors and senior officers during a critical incident.

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A, B, C, D, E, F, G, H, O, P, and Sergeant B's were not a deviation from approved Department tactical training. The BOPC also determined that the actions of Officer D were not a substantial deviation from approved Department tactical training. The BOPC further determined that the actions of Officers A, B, and C were a substantial deviation, with justification, from approved Department tactical training.

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

The BOPC found Officers A, B, C, D, E, F, G, H, O, P and Sergeant B's tactics to warrant a finding of Tactic Debrief.

B. Drawing and Exhibiting

- **Officer A**

As Officer B was ordering the Subject to show his hands, Officer A exited the police vehicle. The Subject looked in Officer A's direction and then began moving south. Based on his/her observations and the nature of the radio call, Officer A believed that the situation may escalate to the use of deadly force. In response, Officer A used his/her ballistic door panel as cover and unholstered his/her service pistol.

- **Officer B – 1st Occurrence**

Observing blood on the Subject's right hand, he/she was unsure if it was the Subject's blood or a victim. Based on his/her observations, Officer B opined the Subject was an ADW Subject. Believing the situation could escalate to the point where deadly force may be necessary, Officer B unholstered his/her service pistol and ordered the Subject to show his hands.

- **Officer B – 2nd Occurrence**

As the Subject chased Officer A around the rear of the police vehicle, Officer B holstered his/her service pistol and ran toward the Subject. Officer B had intended to apprehend the Subject but backed away when he/she observed him removing a dark-colored object from his pocket. Unable to identify the object, Officer B unholstered his/her service pistol.

- **Officers C and D**

As they approached the scene, Officer C observed the Subject in the street and assumed that Officers A and B were giving him commands. According to Officer D, Officers A and B had a look of urgency on their faces. Officers A and B had their service pistols drawn and were backing away from the Subject as he chased them. Based on his/her observations, combined with the comments of the radio call, Officer D believed the Subject had a knife and was going to stab Officers A and B. Officer D also believed the Subject was under the influence and that any previous rounds fired by officers may have failed to stop him. In response, Officer D unholstered his/her service pistol. Based on the comments of the radio call and knowledge that an OIS had previously occurred, Officer C believed the situation may rise to the level where deadly force may be necessary. In response, he/she unholstered his/her service pistol.

- **Officers O and P – 1st Occurrence**

Because an OIS had occurred, and because he/she was unsure if the Subject was armed, Officer O unholstered his/her service pistol. Officer P also unholstered his/her service pistol. According to Officer P, he/she was cognizant that the Subject was not in custody and believed the situation may escalate to one involving deadly force.

- **Officer P – 2nd Occurrence**

Officer O directed Officer P to reposition their police vehicle to provide officers with better cover. Because the Subject was still not in custody, Officer P unholstered his/her service pistol after moving the police vehicle.

- **Officer F**

According to Officer F, he/she observed officers standing behind a parked vehicle with their service pistols drawn. Officer F was cognizant that an OIS had occurred and that the comments of the call indicated that the Subject was armed. Believing the situation could rise to the level of deadly force, Officer F unholstered his/her service pistol and joined the other officers.

- **Officer G**

According to Officer G, he/she heard the “officer needs help” broadcast. Arriving at the location, Officer G ran to where the incident occurred. Unsure if there were any outstanding Subjects/threats, Officer G unholstered his/her service pistol.

The BOPC evaluated Officers A, B, C, D, F, G, O, and P’s drawing and exhibiting of their service pistols. As it pertains to Officers A and B, the BOPC noted that when they arrived on the scene, they observed the Subject holding a knife in his bloody hand. The Subject was approaching in a “threatening” manner, prompting Witness D to assume a fighting stance, ostensibly to defend himself. Based on their observations and the comments of the call, specifically an ambulance cutting, the BOPC opined that it was reasonable for the officers to believe the situation may escalate to the point where deadly force may be necessary. In terms of Officer B’s second drawing/exhibiting, the BOPC noted that he/she unholstered his/her service pistol as he/she observed the Subject removing a dark-colored unidentified object from his pocket. Based on the BWV video footage, the Subject appeared to blade his body as he removed the object from his pocket. While the investigation would reveal that the object was a dark-colored cellular phone, based on the Subject’s actions and the lighting conditions, the BOPC opined that it was reasonable for Officer B to believe that the situation may still escalate to the point where deadly force may be necessary.

As it pertains to Officers C, D, F, G, O, and P, the BOPC noted that they responded to an officer “help” call where shots had been fired. Officers C and D were one of the first backup units to arrive. When they arrived, the Subject was standing in the street. Officers A and B appeared to be giving him commands. According to Officer D, Officers A and B had a look of urgency on their faces. Officers A and B had their service pistols drawn and were backing away from the Subject as he chased them. Based on their observations, combined with the “help” call, the BOPC opined that it was reasonable for Officers C and D to believe the situation may escalate to the point where deadly force may be necessary. Officers F, G, O, and P also responded to the “help” call. The Subject had not been apprehended when they arrived. In terms of Officer P’s second drawing/exhibiting, the BOPC noted that he/she unholstered his/her service pistol after moving his/her police car closer to the Subject, who was still not in custody. While it is important to limit the number of lethal options, the BOPC opined that when the officers unholstered their service

pistols, they reasonably believed that the situation may escalate to the point where deadly force may be necessary

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

C. Non-Lethal Use of Force

- **Officer E** – Firm Grip, Bodyweight, and Physical Force
- **Officer F** – Physical Force, Firm Grip, and Bodyweight

Using his/her left hand, Officer F grabbed the Subject's left wrist and lifted his left arm upward. Officer F then placed his/her right hand underneath the Subject's left elbow/triceps and ordered him to turn around but the Subject did not comply. Officer F repositioned his/her right hand onto the Subject's left upper arm/shoulder and attempted to push him to his stomach. Officer F then straddled Subject and rolled him to his stomach. Nearly simultaneously, Officer E placed his/her left hand on the Subject's upper back and grabbed his right wrist. Officer E pulled the Subject's right arm out from underneath his body, then grabbed the Subject's right forearm using both hands. Officer E extended Subject's right arm and lifted it upward, off the ground. Once the Subject was on his stomach, Officer F placed his/her right hand on the Subject's upper back. Officer E then attempted to pull the Subject's left arm behind his back. Using his/her left hand, Officer F grabbed the Subject's left hand and stepped over him. While maintaining control of the Subject's right arm, Officer E placed his/her left foot on the Subject's right calf area. Officer F grabbed the Subject's left wrist with his/her right hand and attempted to pull his left arm behind his back. Officer F placed his/her right hand on the Subject's mid-back area and partially stood up while maintaining control of his left hand. Officer F then removed his/her right hand from the Subject's back, gripped his left forearm with both hands, and successfully pulled his left arm behind his back. Simultaneously, Officer E placed the Subject's right arm behind his back. Officer F moved the Subject's left arm onto the pavement and held it down using his/her left hand. Simultaneously, Officer F placed his/her left knee on the pavement and retrieved his/her handcuffs with his/her right hand. As Officer F attempted to place the handcuff onto the Subject's left wrist, the Subject rolled onto his right side, causing Officer E to lose his/her balance. Officer E's left foot slipped off of the Subject's leg, and both officers lost their grips on Subject's arms. Officer E placed both of his/her hands on the Subject's back and pushed the Subject onto his stomach. Officer F placed his/her right hand on the Subject's back and reached under the Subject's torso with his/her left hand. Officer F grabbed the Subject's left arm and pulled it out from underneath

his body. Simultaneously, Officer E grabbed the Subject's right wrist with both hands. Officer F handcuffed the Subject's left wrist. Unable to move the Subject's right arm toward his left arm, Officer F used a second set of handcuffs to secure him.

- **Officer G – Bodyweight**

According to Officer G, the arrest team was having difficulty controlling the Subject as they attempted to handcuff him. Officer G assisted by taking a position near the Subject's head, placing both of his/her hands on the Subject's upper back, and applying bodyweight to prevent him from moving. As the Subject was resisting, Officer G advised the Subject to relax multiple times.

- **Officer H - Firm Grip and Physical Force**

According to Officer H, he/she observed the Subject resist as officers attempted to handcuff him. Officer H approached the Subject and placed his/her left hand on the Subject's mid-back. Officer H then removed his/her hand from the Subject's back and utilized a firm grip to grab the Subject's right arm with both hands. Officer H pulled the Subject's right arm behind his back and held it in place.

- **Officer O - Bodyweight**

According to Officer O, as the arrest team attempted to handcuff the Subject, he resisted, flailing and kicking his legs. Officer O assisted the officers by placing both of his/her hands on the Subject's legs and crossing his left foot over his right foot. Officer O then placed his/her right knee on the Subject's right hamstring, using bodyweight to control his legs.

- **Officer P - Bodyweight**

According to Officer P, the Subject was resisting arrest. Officer P helped control the Subject's movements by applying bodyweight to his ankle/calf area. Officer P then applied an HRD around the Subject's ankles. BWV captured Officer P placing his/her right foot on the bottom of the Subject's right foot after the HRD was applied. According to Officer P, he/she did not recall placing his/her foot on the Subject during the incident.

The BOPC evaluated the proportionality and objective reasonableness of Officers E, F, G, H, O, and P's use of non-lethal force. The BOPC noted that throughout this incident, the Subject demonstrated his intent to assault officers. The Subject was ostensibly under the influence of narcotics, was behaving erratically, and refused to surrender, despite being shot multiple times. When officers attempted to handcuff the Subject, he resisted arrest. Based on his actions, the BOPC opined that the Subject would have assaulted the officers had he regained his footing. The BOPC also opined that the officers used only the force needed to overcome the Subject's resistance and effect his arrest.

The BOPC noted that during the use of force, Officer E placed his/her foot on the Subject's calf to keep him from standing. While Department policy prohibits an officer from stepping on a suspect's limbs, the BOPC opined that in this situation, Officer E's actions were objectively reasonable to control the Subject. The Subject was resisting arrest and attempting to get up from the ground. While the BOPC understood the public perception of placing a foot on a suspect's limb, the BOPC felt that applying bodyweight to Subject's back or torso would have resulted in greater public criticism than applying it to his lower limbs. The BOPC opined that due to the totality of the circumstances, an officer with similar training and experience as Officer E, in the same situation, would reasonably believe that the use of non-lethal force was proportional and objectively reasonable.

The BOPC noted that Officer E placed his/her foot on the Subject's calf for a relatively short duration during the non-lethal use of force in an effort to prevent further injury to him. It is also noted that Sergeant B provided oversight and monitored the non-lethal use of force. Had Sergeant B observed any distress, he/she was in a position to intervene and prevent further injury to the Subject.

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

Therefore, the BOPC found Officers E, F, G, H, O, and P's non-lethal use of force to be In Policy.

D. Lethal Use of Force

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

Volley One – Two rounds in a southwesterly direction from approximately 10 feet.

Background – Volley one occurred as Officer A was on the west side of the street. There were parked vehicles along the west curb, facing south. There was a parked vehicle, clear sidewalk, and chain-link fence west of the Subject. Officer A's first two rounds struck the parked vehicle.

The Subject continued south while looking toward Officer A. To obtain distance and better cover, Officer A redeployed to the rear of his/her police vehicle. However, the Subject continued south, toward him/her. In response, Officer A pointed his/her service pistol toward the Subject and yelled, "Get the blade up!" Undeterred, the Subject moved into the street and began running in a southeasterly direction toward

Officer A. Body Worn Video (BWV) footage captured the Subject pumping his arms up and down as he ran toward Officer A while holding the knife in his right hand. Believing that the Subject was going to stab and kill him/her, Officer A discharged two rounds from his/her service pistol at the Subject, but neither round struck him. Officer A estimated that the Subject was three to five feet away when he/she discharged his/her first two rounds. According to the FID investigation, the Subject was approximately ten feet west of Officer A at the time of volley one.

Volley Two - One round in a southerly direction from approximately 16 feet.

Background – Volley two occurred on the street in the northbound lane. There was one occupied vehicle in Officer A's background during the OIS. The vehicle was northbound on the street and left the scene before the OIS investigation. Unfazed by the gunfire, the Subject briefly paused and then continued toward Officer A as he/she moved back, away from the Subject. While Officer B ordered the Subject to get on the ground, he did not comply. Still holding the knife, the Subject ran toward Officer A. Fearing the Subject was going to stab and kill him/her, Officer A discharged one round from his/her service pistol at the Subject, from approximately 16 feet. Struck by Officer A's third round, the Subject fell to the ground, rolled to his stomach, and dropped the knife.

The BOPC evaluated the proportionality, objective reasonableness, and necessity of Officer A's lethal use of force. The BOPC noted that Officer A observed the Subject walking toward Witness D in a "threatening" manner while armed with a knife. While Officer A attempted to use the police vehicle as cover, the Subject negated his efforts by moving toward him/her. In response, Officer A redeployed to create more time to verbalize with the Subject. Despite Officer A's efforts to de-escalate the situation, the Subject continued toward him/her. As the Subject continued toward him/her, Officer A pointed his/her service pistol toward the Subject and yelled, "Get the blade up!" Undeterred, the Subject began running toward Officer A while lifting the knife to shoulder level. In response, Officer A discharged two rounds from his/her service pistol and then ceased firing. Based on Subject's actions, the BOPC opined that it was objectively reasonable for Officer A to believe the Subject was going to stab and kill him/her. Based on the BWV footage, Officer A appeared to cease firing when the Subject momentarily paused.

As it pertains to his/her second volley, the BOPC noted that after briefly pausing, the Subject continued to run toward Officer A while brandishing the knife. Despite Officer A's ongoing efforts to move backward, the Subject continued to run toward him/her. At this point, the Subject had chased Officer A away from readily available cover. Based on the Subject's actions, the BOPC opined that he likely would have continued to chase Officer A behind any cover he/she sought. As individuals can generally run faster forward than backward, the BOPC opined that the Subject would have caught Officer A had he not been struck by his/her third round. The BOPC noted that after discharging his/her third round, Officer A observed the Subject fall to the ground and drop the knife. In response, he/she ceased firing.

In terms of his/her background, the BOPC noted that during the second volley, Officer A did not recall seeing the vehicle driving northbound toward them. However, the BOPC also noted that Officer A was faced with an immediate threat during the second volley and was essentially running for his/her life.

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

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

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

As the Subject turned in his/her direction, Officer D ordered the Subject to “drop it!” According to Officer D, he/she said to drop “it,” because he/she believed the Subject had a knife but could not see his right hand. As the Subject continued to turn, Officer D observed an elongated object resembling a knife in the Subject's right hand. Believing the Subject was going to stab him/her, Officer D discharged three rounds at the Subject from approximately 18 feet. Struck by gunfire, the Subject fell to the ground. As the Subject fell, the object dropped from his right hand and landed on the pavement. According to the FID investigation, the object was a dark-colored cellular phone. While Officer B had yelled, “He doesn't have the knife!” before Officer D discharged his/her rounds, according to Officer D, the only words he/she could decipher were, “Knife, knife!”

The BOPC evaluated the proportionality, objective reasonableness, and necessity of Officer D's lethal use of force. The BOPC noted that when Officer D arrived at the scene, the Subject was in the street near Officers A and B. The Subject was chasing Officers A and B as they backed away with their service pistols drawn. According to Officer D, Officers A and B had an urgent look on their faces. Based on his/her observations, combined with the comments of the radio call, Officer D believed the Subject was trying to stab Officers A and B. Officer D also believed the Subject was under the influence and that any previous rounds fired by officers may have failed to stop his actions.

The BOPC noted that as Officer D approached Officer A and B, the Subject turned in his/her direction. Unable to determine if the Subject was holding a knife in his right hand, Officer D gave Subject a generic order, telling him to “drop it!” The Subject refused to drop the object and continued to turn toward Officer D. As the Subject continued to turn, Officer D observed an elongated object in the Subject's right hand he/she believed resembled a knife. The Subject then began to move toward Officer D. In response, Officer D discharged three rounds from his/her service pistol. Based on the totality of the circumstances, the BOPC opined that it was reasonable for Officer D to believe the Subject was going to stab him/her.

The BOPC noted that Officer D ceased firing when the Subject fell to the ground. The BOPC also noted that before Officer D discharged his/her rounds, Officer B had tried to advise that the Subject did not have the knife. While Officer D's BWV captured Officer B saying, "he doesn't have the knife," based on the ambient noise from the Air Unit, the BOPC opined it was reasonable that Officer D only heard "knife."

In terms of Officer D's decision to redeploy from his/her police vehicle, the BOPC noted that by redeploying to the west side of the street, he/she avoided a crossfire with Officers A and B. As it pertains to his/her background, while Officer D noticed pedestrians, he/she opined they were not in his/her background when he/she discharged his/her service pistol. Additionally, when Officer D discharged his/her service pistol, he/she was responding to what he/she perceived was an imminent deadly threat.

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

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