

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

OFFICER-INVOLVED SHOOTING – 046-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No (X)
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Harbor	8/13/21		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	19 years, 3 months
Officer A	3 years, 11 months
Officer B	26 years, 4 months
Officer C	4 years, 11 months
Officer D	13 years, 9 months

Reason for Police Contact

Officers responded to an “*Attempt suicide*” radio call. The officers contacted the Subject and observed him armed with a knife. Officers repeatedly asked the Subject to drop the knife, but he ignored their commands. The Subject walked toward the officers while holding the knife in his hand. Officers fired a Beanbag Shotgun and a 40 mm Less-Lethal Launcher, which struck the Subject; but he continued to walk toward the officers, resulting in an Officer-Involved Shooting (OIS).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 27 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) 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 (UOFRB) 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 26, 2022.

Incident Summary

On August 13, 2021, Communications Division (CD) received an emergency call for service from a male stating he had a knife; he heard voices telling him to cut, hurt, and kill himself. The caller identified himself as a 26-year-old, later identified as the Subject. The Subject advised that he lived with his grandmother and described that he was wearing blue sweats and a grey shirt.

The radio call was assigned to Officers A and B, who were in a marked black and white police vehicle. Officers A and B were equipped with Body-Worn Video (BWV) and their patrol vehicle was equipped with a Digital In-Car Video System (DICVS).

CD initiated the Department protocols for Weapons Other Than Firearms, verified Officers A and B were equipped with a Beanbag Shotgun or a 40 mm Less-Lethal Launcher and dispatched a supervisor to the radio call.

According to CD recordings of Harbor Area Base Radio Frequency, Officers A and B advised CD they would respond with emergency lights and siren (Code Three) from Harbor Community Police Station. Sergeant A advised CD he/she would respond to the radio call. Additionally, Officers C and D advised CD that they would also respond to the radio call. Sergeant A was in a marked black and white police vehicle, as were Officers C and D. Sergeant A and Officers C and D were equipped with BWV and their patrol vehicles were equipped with DICVS.

According to Officers A and B, this was the first time they had worked together. As they prepared for their shift, Officers A and B discussed tactics, including contact and cover roles and the type of weapon systems each of them carried. While traveling to the call, Officer B read the comments of the call from the Mobile Digital Computer (MDC), and they planned to call the Subject out and avoid entering the apartment. Additionally, Officer B obtained the phone number of the Subject from the comments of the call, and he/she input the Subject's phone number into his/her Department cellular phone in case it was necessary to contact him.

According to Officers C and D, this was the second time they had worked together, and while traveling to the call, they discussed tactics, including contact and cover roles and lethal and non-lethal roles. Officer D, the contact officer, would deploy the Beanbag Shotgun and be the less-lethal officer, and Officer C was assigned the designated cover officer.

Officer D read the comments of the radio call to Officer C, including the Subject's description, and the Subject made it clear that he was mentally unstable and suicidal. Per the comments of the call, the Subject stated his name, that he was armed with a knife, and that he heard voices telling him to cut himself. He also advised that his grandmother was in the apartment. Additionally, Officer D stated that he/she advised

Officer C that if the Subject wanted to kill himself, they would not prevent him from doing it, and they had to ensure there were no potential victims or a hostage inside the apartment.

Sergeant A indicated he/she had just arrived at Harbor Community Police Station when the radio call was broadcast. Sergeant A knew that based on the comments of the call, a supervisor would be required because the Subject was armed with a large knife and Department protocols for edged weapons required his/her response. Sergeant A drove out of the station, pulled into the center median lane, and waited for Officers A and B to drive out from the station to follow behind them. Sergeant A heard additional information broadcast that the Subject had cut his arm. According to Sergeant A, he/she knew that Officers C and D, as well as the Los Angeles Fire Department (LAFD), would respond to the call. Sergeant A began driving to the call, and as he/she traveled west, he/she observed Officers C and D traveling to the call. Sergeant A directed Officers C and D to respond Code Three and then followed behind them.

According to Sergeant A's BWV, Sergeant A utilized his/her patrol vehicle's radio and notified CD that he/she and Officers C and D had arrived on scene (were Code Six) on the call. Officer D indicated he/she pressed the "at scene" button on the MDC to advise CD of the officers' status and location (Code Six).

Officer D retrieved the Beanbag Shotgun from the trunk of his/her patrol vehicle and loaded a round into the shotgun chamber. Officers C and D walked south and approached the apartment complex. Officer D approached a door on the southwest corner of the complex and opened it. Once he/she opened the door, it led to an apartment unit. Officer D believed the door led to a staircase or laundry room that led to the second floor. However, once he/she opened it, he/she observed two people sleeping and knew he/she was in the wrong apartment.

Officers C and D walked east and approached the gated driveway. Officer D made verbal contact with the Subject. The Subject was on the second-floor walkway of the apartment complex and paced back and forth. Officer D asked the Subject, "You have the knife? Can I see your knife?" Officer D turned to Officer C and reminded him/her that he/she was the designated cover officer. Officer D began to communicate with the Subject and asked, "You don't want to hurt us, right?" Additionally, Officer D asked the Subject to show him/her the knife and put it down. The Subject can be heard saying, "I have the knife right here."

According to Officer D, the Subject appeared, "a little upset, agitated, and tense." Officer D asked the Subject to show him/her the knife. The Subject initially refused, but lifted his shirt, and Officer D observed the knife in the left-front pants pocket. The Subject ignored the commands to drop the knife and continued to pace east and west on the second-floor walkway.

Officer C stated that once he/she observed the Subject with a knife, he/she unholstered his/her pistol and described that he/she believed the Subject was a danger to himself

and other people in the apartment complex. Officer C added he/she was the designated cover officer and believed the situation could rise to one involving the level of deadly force.

According to Sergeant A's BWV, Sergeant A approached Officers C and D in the driveway, as Officer D asked the Subject to put the knife down and come downstairs. The Subject was on the phone and paced back and forth on the second-floor walkway. Sergeant A utilized his/her hand-held radio and requested back-up. Sergeant A pointed to the metal door leading to east staircase and instructed Officer D to utilize the Beanbag Shotgun if the Subject came down and was still armed with the knife. Sergeant A walked to the metal door and propped it open. Officers C and D remained on the sidewalk near the driveway and Sergeant A walked to the northeast corner of the nearby intersection. Sergeant A stated he/she observed that the Subject had a large knife, his apartment door was open, and he had free access to the second-floor walkway. Sergeant A wanted to contain the Subject and heard Officer A and B's vehicle siren as they approached the scene. Sergeant A was afraid that Officers A and B would drive past the intersection, ahead of his/her and Officer C and D's vehicle.

As Sergeant A walked to the intersection, Officers C and D attempted to de-escalate the situation and continued communicating with the Subject. Officer D advised the Subject that they did not want anyone to get hurt and repeatedly asked him to put the knife down and come downstairs. Officer D asked the Subject to hang up the phone and talk to him/her and Officer C. As the Subject continued to pace back and forth on the second-floor walkway; he was on the phone and held the knife in his left hand.

According to Officer B's BWV, Officer B utilized his/her patrol vehicle's radio and notified CD they were Code Six on the call. Sergeant A described that he/she walked to the intersection to flag down Officers A and B. According to Officer A, he/she observed Sergeant A waving them down, and that is why he/she abruptly stopped the vehicle at the northeast corner of the intersection. Once they arrived on scene, Officer A advised Officer B that he/she would deploy the 40 mm Less-Lethal Launcher (LLL).

According to Sergeant A's BWV, Sergeant A stood on the northeast corner of the intersection, waved his/her hands up in the air at Officers A and B. Officer A abruptly stopped his/her patrol vehicle, facing northeast into the apartment complex. As Officer B exited the front passenger door, Sergeant A briefed him/her of the Subject's location, and that the Subject had east and west access on the balcony. Sergeant A advised Officer B to deploy a less-lethal weapon system, pointed to a staircase on the west side of the complex, and suggested that Officers A and B to go up the west-side staircase.

Officer B began to walk east toward the driveway and told Sergeant A, "Ok! Let's try to get him down and see if he will exit." Sergeant A followed Officer B and emphasized that the Subject was armed with a large butcher knife and refusing to come down. Sergeant A instructed Officer D to use the Beanbag Shotgun if the Subject came down armed with the knife.

Officer B stopped, turned toward his/her patrol vehicle, shouted to get Officer A's attention. Officer B advised Sergeant A that he/she wanted Officer A to move the patrol vehicle to the driveway so that they could use the vehicle's Public Address (PA) system.

Officer B walked to the west-side of the driveway, stopped, and advised Sergeant A that he/she would request additional units. Sergeant A informed him/her that he/she had already upgraded the call to a back-up. Officer A, who deployed the 40 mm Less-Lethal Launcher, walked to the driveway and joined Officer B. Officers A and B approached Officers C and D, while Sergeant A remained on the street near the west-side of the apartment complex.

Sergeant A indicated that he/she wanted Officers A and B to go up the west staircase to contain the Subject and prevent him from entering the grandmother's apartment. Sergeant A was unsure if Officer B observed something that he/she was unaware of because Officer B walked to meet with Officers C and D. Sergeant A pointed out that he/she remained on the west-side of the building because he/she wanted to contain the Subject and have eyes on the west staircase. Sergeant A added that once additional units arrived, he/she would place those units on the west-side of the building.

According to Officer B's BWV, Officers A and B joined Officers C and D in the driveway. Officer B pointed to the driver's side of a silver vehicle parked on the north-side of the street. This vehicle was parked east of the driveway, in front of the metal door leading to the east staircase. Officer B immediately directed Officers C and D to get behind cover. As the officers moved along the driver's-side of the vehicle, Officer A advised Officer D that he/she was equipped with the 40 mm Less-Lethal Launcher and asked if he/she wanted to "switch." Officer C stood in the area between the front-driver's door and the front tire. Officer D moved left of Officer C and stood next to the front bumper. Officer A stood behind Officer C and to the right, and Officer B stood behind Officer D.

Officer D continued giving commands and told the Subject to put down the knife. Simultaneously, Sergeant A can be heard in the background advising the officers that the Subject was walking down with the knife in his left hand.

According to Officer D, the Subject approached the staircase and began walking down. Officer D lost sight of the Subject but heard Sergeant A advising them that the Subject was heading downstairs toward them. According to Officer B's BWV, Officer D took two small steps west, away from the vehicle. Simultaneously, Officer B advised Officer D to move behind the vehicle to get cover.

According to Officer B's BWV, the Subject appeared at the bottom of the staircase and took two steps onto the sidewalk toward the officers. Officer D began shouting commands at the Subject. The Subject turned and walked back into the staircase but immediately turned to face the officers. Officer D continued to give commands to the Subject.

The Subject looked toward the officers while holding a cellular phone next to his right ear with his right hand and a knife in his left hand. The Subject extended his left arm in front of him at shoulder height with the knife's blade forward. He lowered his head, looked down, and began to move toward the officers. Officer B placed his/her right hand on Officer D's back and unholstered his/her pistol. According to Officer B, he/she unholstered his/her pistol because he/she believed the situation could lead to the use of deadly force since the Subject was armed with a knife. Officer B stated he/she moved to Officer D's left side to provide him/her with cover. Officer C remained on the right side as a designated cover officer in case the Subject ran around the parked vehicle. Officer B added that both the left and right sides were now covered.

According to Officer B's BWV, as the Subject moved toward the officers, Officer D fired one Super-Sock Round from his/her Beanbag Shotgun toward the Subject. The round appeared to strike the Subject's left hip, but the Subject continued to move west in the driveway with the knife still in his left hand.

Officer D fired a second round toward the Subject. The Subject continued to move west on the driveway toward Sergeant A, who stood at the crosswalk. Once the Subject reached the west side of the driveway, Officer D fired a third round toward the Subject, which appeared to strike the left lower back area; however, the Subject continued to move west along the sidewalk. Simultaneously, Officer B moved west on the street and repeatedly ordered the Subject to get down and put the knife down.

According to Officer D, the Subject took several steps toward the officers and came within 10 or 12 feet of them. Officer D believed the Subject would stab or kill the officers and considered him "violently resisting." Officer D aimed his/her Beanbag Shotgun at the Subject's navel area and fired one round toward him. Officer D believed the round struck the Subject's center body mass or stomach area and stated, "He reacted in a sense that he definitely didn't drop the knife. He stopped maybe for a second - - a split second, and it looked like, you know, it stunned him, but it didn't prevent him from walking towards us again with the knife in his hand. He never dropped it."

Officer D added that the Subject began walking west while simultaneously moving toward the officers. Officer D estimated that he/she was approximately 15 feet from the Subject, aimed his/her Beanbag Shotgun at the Subject's navel area and fired a second round. Officer D described the reason he/she fired the second round and stated, "I knew the officers were near me and he still had his hand with the knife raised towards us, pointing towards us and he still kept walking towards the other officers that were at scene." Officer D believed the second round struck the Subject's navel or stomach area and stated, "It looked like it stunned him for a split second and then now he started to move more in a south, but definitely more in a westerly direction."

Officer D described that the Subject continued moving west toward Sergeant A while still facing south. He/she believed the Subject would hurt the officers or Sergeant A because he still held the knife in his hand. Officer D aimed the Beanbag Shotgun at the Subject's navel area and fired a third round. Officer D was unsure if the third round

struck the Subject because there was no reaction, and he continued walking west at a faster pace.

According to Officer A, B, C, and D's BWV, the Subject moved west on the sidewalk and his left arm was extended with the knife toward the officers. The Subject stopped approximately 30 feet east of the intersection and faced south onto the street. Officer B stood in the middle of the street, near the west-side of the driveway. Officer D was approximately 12 feet east of Officer B and stood in the middle of the west lane of the street aligned with the east-side of the driveway. Officer A was approximately three feet southeast of Officer D, and Officer C stood next to the parked vehicle's driver's front tire.

The Subject stepped down from the sidewalk onto the street, holding the knife with the blade in Officer B's direction. Officer A pointed his/her 40 mm Less-Lethal Launcher in the Subject's direction and fired one round from a distance of 40 feet.

According to Officer A, the Subject moved west, and the officers moved with him. Officer A observed the Subject stop and turn south to face Officer B. Officer A was not positive which hand the Subject held the knife in but stated that the knife's blade was toward the officers when the Subject approached Officer B. Officer A estimated he/she was approximately 16 feet from the Subject when he/she aimed his/her 40 mm Less-Lethal Launcher at the Subject's abdomen and fired one round. Officer A believed the round struck the Subject's left leg or hip and was ineffective.

According to Officer B's BWV, the Subject continued walking toward Officer B. Officer B pointed his/her pistol at the Subject and fired one round. Simultaneously, according to Officer D's BWV, Officer D pointed his/her Beanbag Shotgun at the Subject and fired his/her fourth round.

The Subject immediately bent forward at the waist, moved his hands in front of him, and dropped to the ground. The Subject placed both hands on the ground and rolled onto the left side of his body. As he rolled and lifted his right hand off the ground, a yellow fabric bag from the Beanbag Super-Sock Round could be seen on the ground. The Subject extended his left arm to the south while still holding the knife in his left hand. The Subject released his grip of the knife; however, his left hand remained in contact with the knife.

According to Officer B, the Super-Sock Rounds struck the Subject, but they did not affect him, because the Subject continued moving west on the sidewalk with the knife in hand. Officer B observed the Subject advancing toward Sergeant A and was concerned that the Subject would attack Sergeant A or any citizens present. Officer B stated that at that moment, he/she thought about the incident in the valley a few years ago when a suspect armed with a knife took a victim hostage, and he/she did not want a repeat of that incident. Officer B immediately moved from cover and paralleled the Subject from approximately 25 feet away and added that there was no immediate cover other than several vehicles on the south side of the street.

As Officer B paralleled the Subject, he/she gave him commands to put the knife down. Officer B heard the 40 mm Less-Lethal Launcher discharged and observed the Subject flinch, but it did not affect the Subject. The Subject turned his attention to Officer B and stepped toward him/her. Officer B felt threatened/afraid and believed the Subject was going to attack, stab, or kill him/her. Officer B aimed his/her pistol at the Subject's stomach and fired one round.

Officer D indicated that he/she aimed at the Subject's navel area and fired his/her fourth Beanbag Shotgun round. Officer D was not positive the fourth round struck the Subject.

According to Officer B's BWV, Officer B told the Subject not to move multiple times. The Subject lay flat on his back and rolled his body to the left with his right arm across his body pointing southwest. Officer B redeployed to the south and stood in the middle of the east lane of the street. The Subject rolled onto his back with his left hand extended next to the knife's handle.

Officer A slung the 40 mm Less-Lethal Launcher across the front of his/her chest and unholstered his/her pistol. Officer A described the reason he/she unholstered his/her pistol and stated, "After he/she went down to the ground, that's when I unholstered my weapon and I was ready to get up on target for lethal just in case my partner's weapon was ineffective or the Subject was still armed with the knife."

According to Officer A's BWV, Officer A holstered his/her pistol, unholstered his/her TASER, and stated, "I got TASER, I got TASER." Simultaneously, Officer D stood east of Officer A holding the Beanbag Shotgun. Officer D stated, "I'm gonna move up and kick the knife back." Officer B stated, "Alright, hit him with the TASER!" while motioning with his/her right hand and stating to Officer D, "No! No! Back up!" and telling Officer A, "Hit him with the TASER."

According to Officer B, he/she ordered a TASER and stated, "At one point I believe Officer D said, 'Hey, let's kick the knife.' None of the less-lethal had any effect, so I said, okay, you know what, let's get the Taser up here. And my thing was to discharge the Taser on the suspect and once - - if the Taser had effect as far as him being immobilized, I was hoping that his body would become rigid and prevent him from reaching for the knife." Additionally, Officer B felt the officers needed to approach the Subject at that moment to take him into custody and render medical aid.

According to Officer A's BWV, Officer A pointed his/her TASER at the Subject from an approximate distance of 10 feet and discharged it in Probe Mode, striking the Subject in the abdomen. Upon being struck with the TASER probes, the Subject's left arm moved away from the knife and toward the right side of his body. Simultaneously, Officer B approached the Subject and kicked the knife away with his left foot. According to Officer B, "I gave the order to Officer A to use the Taser; it immediately incapacitated him. His body became rigid. Actually, his - - both of his fists were up in the air approximately about ten - - ten inches above ground. In my mind, I felt that that was the right moment to go ahead and approach and kick that knife away."

According to Officer A, he/she was approximately eight to ten feet away from the Subject, aimed his/her TASER at the Subject's abdomen, and discharged it. Officer A described the reason he/she utilized the TASER, "I took a Taser out. I then hit the Subject once with the TASER because his hand was still near the knife. So we didn't want to - - I didn't want officers to approach the Subject while the knife was still there. I found it was an immediate threat of their safety, my safety."

Officer A was asked if he/she gave a warning prior to utilizing less-lethal munitions and he/she responded, "I didn't. I didn't because it wasn't feasible. Everything was moving so fast. My train of thought is he's approaching my partner. He's closing the distance with that large knife, so I just took that round."

According to Officer A's BWV, Officer D approached the Subject, rolled him onto his stomach, and handcuffed both wrists behind his back, while Officers A and C held both of his hands. Once handcuffed, the Subject was rolled onto his left side and was checked for injuries. While waiting for paramedics to approach, the Subject was placed in a seated position and then rolled onto his right side.

LAFD Firefighter/Paramedics arrived on scene and medically assessed the Subject. The Rescue Ambulance (RA) transported the Subject to the hospital where he was admitted for a gunshot wound to the left hip.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	Yes	Yes
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

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

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

B. Drawing and Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officer D's less-lethal use of force to be In Policy. The BOPC found Officer A's less-lethal use of force (40 mm Less-Lethal Launcher) to be In Policy. The BOPC found Officer A's other less-lethal use of force (TASER) to be Out of Policy.

D. Use of Lethal Force

The BOPC found Officer B'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/her case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

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

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

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

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

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

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

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same

situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

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

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

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

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

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available

resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

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

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

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

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

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

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

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered

include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

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

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

Definitions

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

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

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

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

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced

to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

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

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

Planning – While responding to the call, Officer B noted the Subject’s cell phone number. Officer B planned to call the Subject and convince him to disarm and step out of his residence. Officers A and B had decided that they would not go inside the residence; instead, they would attempt to call the Subject out and get additional resources to respond. While responding to the call, Officers C and D discussed possible scenarios and designated lethal and less-lethal roles.

Assessment – Observing that the Subject was not complying with directions to drop the knife, Sergeant A assessed the need for additional units to respond Code Three. In response, he/she broadcast a backup request. Arriving at the scene, Officer B assessed the need to function as an Incident Commander (IC). Joining Officers C and D, Officer B assessed the need to use a parked vehicle as cover. As he/she discharged his/her Beanbag Shotgun, Officer D assessed the effectiveness of each sock round. Before discharging his/her 40 mm Less-Lethal Launcher, Officer A assessed the effectiveness of Officer D’s Beanbag Shotgun sock rounds. Before discharging his/her service pistol, Officer B assessed the Subject’s actions and the effectiveness of the less-lethal rounds. Officer B fired one round, assessed, and ceased firing when he/she observed the Subject fall to the ground. Officer B assessed the need to use the TASER to avoid a second OIS.

Time – To create time, Officer B used a parked vehicle as cover. When the Subject came down the east staircase, Officer D attempted to maintain distance by telling him not to get too close to the officers. When the Subject advanced toward the officers with the knife, he limited their ability to use time as a de-escalation technique.

Redeployment and/or Containment – For the safety of the residents, officers called the Subject down from the second floor. Officers tried to convince the Subject to drop the knife, but he refused. When the Subject began to move west, officers paralleled him. When the Subject changed direction and moved toward Officer B, he limited the officers’ ability to use redeployment and/or containment as de-escalation techniques.

Other Resources – From the onset, two units and a supervisor responded to this incident. Arriving at the scene, Officer D immediately deployed a less-lethal option. Assessing the need for additional units to respond Code Three, Sergeant A broadcast a backup request. Arriving at the scene, Officer B directed his/her partner to deploy a second less-lethal option. Immediately after the OIS, Sergeant A requested an RA and additional supervisor. Within two minutes of the OIS, LAFD assumed patient care. Although additional resources were requested promptly, the situation unfolded before more units could arrive.

Lines of Communication – Officer D immediately established communication with the Subject to create rapport, de-escalate the situation, and obtain the Subject’s surrender. Throughout this incident, officers repeatedly ordered the Subject to drop the knife and assured him that they did not want to hurt him. Despite their efforts,

the Subject refused to comply. After the OIS, Officer B continued to communicate with the Subject, telling him not to reach for the knife and move.

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

1. Cover/Concealment

After locating the Subject on the second-floor breezeway, Officers C and D stood on the sidewalk/street in front of the building without the benefit of cover. Arriving at the scene, Officer B directed the officers behind a parked vehicle. As he/she waited for additional units to arrive, Sergeant A stood on the west side of the complex without the benefit of cover. When the Subject began to descend the east staircase armed with the knife, Officer D stepped away from the parked vehicle. In response, Officer B directed him/her back to the vehicle. When the Subject moved west toward Sergeant A, Officers A, B, and D left cover and paralleled him from approximately 25 feet away to contain him. Officer C remained near the parked vehicle's left front tire. Sergeant A did not have cover as the Subject advanced toward him/her. After the OIS, Officer C left cover and joined his/her partners.

The BOPC noted that while Officers C and D initially stood in front of the complex, the Subject was on the second floor and the officers were promptly directed to cover. While the Subject was armed, he did not have a firearm, and there was no indication he was going to throw the knife toward the officers from the second floor.

As it pertains to Officers A, B, and Ds' decision(s) to leave cover and parallel the Subject, the BOPC noted that the Subject was moving toward Sergeant A while armed with the knife. Sergeant A's decision to stand by the west staircase left him/her exposed. The BOPC also noted the pedestrian on the northeast corner of the nearby intersection. While the BOPC generally prefers that officers utilize cover and distance, they opined that the officers did not have the option of remaining behind the parked vehicle and waiting to see if the Subject attacked Sergeant A or the pedestrian.

In terms of Sergeant A's position, the BOPC would have preferred that he/she had sought cover. Sergeant A could have joined his/her officers at the parked vehicle, or in the alternative, sought cover behind one of the vehicles parked along the south curb. By remaining in the open, he/she prompted his/her officers to leave cover when the Subject moved west toward him/her.

The BOPC considered that Sergeant A was attempting to contain the Subject inside the complex while waiting for the next unit to arrive. The BOPC believed that had Sergeant A not taken a position by the west staircase, the Subject would have had unabated access to the surrounding neighborhood. Unfortunately, the

situation escalated before the next responding unit could arrive. Once the Subject began moving toward Sergeant A, there were few immediate cover options. Redeploying behind one of the parked police vehicles would have placed Sergeant A in the crossfire of the officers addressing the Subject's threatening behavior. Therefore, Sergeant A chose to gain distance by moving south into the street, away from the Subject and out of the officers' lines of fire.

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

2. Firearm Safety Rules

Officer A's BWV footage depicted Officer D placing his/her finger on the trigger of his/her Beanbag Shotgun before discharging the first sock round. Officer D was initially holding the shotgun at a low-ready position while standing behind the parked vehicle, ordering the Subject to drop the knife. FID investigators were unable to determine how long his/her finger was on the trigger before discharging his/her first round. According to Officer D, because it was a "fluid situation" that happened "real quick," he/she did not remember where his/her index finger was on the Beanbag Shotgun. After the OIS, Officer C and D's BWV depicted Officer D's finger on the trigger of his/her Beanbag Shotgun as he/she covered the Subject handed the Beanbag Shotgun to another officer.

When the Subject raised the knife and advanced toward officers from the east staircase, Officer B raised his/her service pistol toward the Subject, and his/her BWV depicted his/her finger on the trigger of his/her service pistol. FID investigators were unable to determine how long Officer B's finger was on the trigger or if it remained there as he/she followed the Subject west down the street.

The BOPC noted that while FID was unable to determine the full duration, based on the BWV footage, it appeared that Officer D placed his/her finger on the trigger as he/she held the shotgun at a low-ready position. The BOPC noted that per Basic Firearm Safety Rule No. 3, an officer's finger remains off the trigger until his/her or her sights are aligned on the target and he/she or she intends to shoot. Here, Officer D did not recall the position of his/her index finger as he/she held the Beanbag Shotgun at a low-ready position, nor did he/she articulate his/her intention to shoot as he/she covered the Subject, post OIS. Also, the BOPC concluded that Officer D would not have intended to discharge his/her Beanbag Shotgun as he/she handed it to another officer. The BOPC noted that by prematurely placing his/her finger on the trigger, he/she risked unintentionally discharging a sock round.

As it pertains to Officer B, the UOFRB had determined that there was insufficient information to evaluate this issue. As such, FID was tasked with conducting a supplemental interview to address why Officer B placed his/her finger on the trigger of his/her service pistol. During the interview, Officer B stated that once he/she observed the Subject's actions, he/she felt threatened and believed the Subject was about to attack him/her or his/her partners. In response, Officer B immediately raised his/her service pistol on target. As he/she did so, Officer B placed his/her finger on the trigger because he/she intended to possibly shoot if the Subject attacked him/her. Officer B continually assessed and determined the Subject had changed direction. As such, he/she removed his/her finger from the trigger. Officer B estimated that his/her finger was on the trigger for less than one second.

An officer's decision to place his/her or her finger on the trigger of a firearm must generally not be a preparatory move but rather a fluid motion that occurs only when the use of deadly force is imminent. A purpose of the basic firearm safety rules is to prevent the potential of an unintentional discharge. By preemptively placing their finger on the trigger, especially under stressful conditions, officers increase the risk of unintentionally discharging their firearms. Here, Officer B stated that his/her intention was possibly to shoot if the Subject attacked. While the BOPC commended Officer B for his/her ongoing assessment, this indicates that Officer B had not decided to shoot when his/her finger went to the trigger. Also, based on the BWV footage, it appears that Officer B placed his/her finger on the trigger before his/her sights were aligned on a target.

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

- The BOPC also considered the following:
 - **Tactical Planning** – Locating the Subject on the second floor, Officers C and D attempted to call him down. Alternatively, the officers could have waited for an additional unit before attempting to call the Subject down. While Officer B planned to use the TASER to incapacitate the Subject, Officers A, B, C, and D did not designate roles before approaching him. As a result, Officers A and D approached him to go hands-on, while holding a 40 mm Less-Lethal Launcher and Beanbag Shotgun, respectively. Alternatively, the officers could have taken a moment to designate roles before approaching the Subject.
 - **Simultaneous Non-Conflicting Commands** – While attempting to convince the Subject to drop the knife, Officers C and D gave simultaneous, non-conflicting commands. After the Subject advanced toward the officers, Officers B and D

gave simultaneous non-conflicting commands to drop the knife. As the incident progressed, several officers were giving the Subject simultaneous, non-conflicting commands. Alternatively, one officer could have communicated with the Subject.

- **Use of Force Warning** – Although Officer D advised the Subject that officers did not want to hurt him, a use of force warning was not provided. According to Officer D, he/she was unable to give a warning because the Subject “lunged” toward the officers. Alternatively, Officer D could have issued a warning while the Subject was on the second floor or when he first came down the stairs armed with the knife.
- **TASER Protocols** – Before approaching the Subject, Officer B ordered Officer A to tase the Subject. Officer B wanted to immobilize the Subject, to prevent him from reaching for the knife. The BOPC determined that the Subject was not violently resisting, nor did he pose an immediate threat of violence or physical harm when he was tased.
- **Preservation of Evidence** – After the Subject was transported by paramedics, Officer A picked up a live 40 mm Less-Lethal Launcher sponge round from the ground that he/she had dropped during the incident. Sergeant A observed Officer A with the round in his/her hand and advised everyone that all evidence needed to remain in place. Officer A placed the round back on the ground. After the OIS, Officer B moved the Subject’s cell phone from the street to the curb.
- **Non-Medical Face Coverings** – Officers A, B, D, and Sergeant A were not wearing a non-medical face covering at the scene as directed by the Chief in May 2020. Any additional Department personnel at the scene not wearing non-medical face coverings will be addressed at the divisional level.

These topics were to be addressed at the Tactical Debrief.

Command and Control

- Sergeant A arrived at the scene at the same time as Officers C and D; however, he/she did not declare him/herself as the Incident Commander (IC). After Officer D made verbal contact with the Subject and confirmed he was armed with a knife, Sergeant A requested a backup. He/she then pointed to the metal door leading to the east staircase and instructed Officer D to use the Beanbag Shotgun if the Subject came down armed with the knife; however, he/she did not direct the officers to use cover. Sergeant A walked to the metal door and propped it open while Officer D continued to verbalize with the Subject.

As Officers A and B approached the scene, Sergeant A walked to the nearby intersection to flag them down. He/she briefed Officer B on the Subject’s location and access to the west staircase. Sergeant A advised Officer B to deploy less-lethal

munitions, pointed west, and asked him/her and Officer A to ascend the west staircase. Officer B did not acknowledge the request. Instead, he/she walked toward the front of the complex, stating, *"Let's see if we can get him down."* Sergeant A followed, advising that the Subject was armed with a large knife and refusing to come down. Sergeant A also advised that Officer D would use the Beanbag Shotgun if the Subject came down armed with the knife. As Officers A and B joined Officers C and D, Sergeant A remained at the west side of the building. According to Sergeant A, he/she wanted to contain the Subject, maintain a visual on the west staircase, and position responding units on the building's west side.

According to Officer B, he/she felt *"compelled"* to act as the IC while Sergeant A was getting additional resources. Observing that Officers C and D were without cover, Officer B directed them to move behind the parked vehicle in the street, adjacent to the metal door/east staircase. When the Subject approached the east staircase, Sergeant A advised the officers that he/she was heading toward them. When the Subject began to descend the east staircase armed with the knife, Officer D stepped away from the parked vehicle. In response, Officer B directed him/her back to the vehicle.

Following the OIS, Officer B ordered the Subject not to move multiple times. Officer B observed that the Subject was no longer in possession of the knife, but the knife was on the ground in the *"immediate vicinity"* of the Subject's hand. When Officer D advised he/she would move up to kick the knife, Officer B told him/her to stay back. Officer B then ordered Officer A to deploy the TASER so that the Subject's body would become *"rigid."* Officer B approached the Subject, kicked the knife away, and directed officers to apprehend the Subject.

Following the OIS, Sergeant A broadcast "shots fired" and requested an additional supervisor and an RA. Sergeant A broadcast that LAFD was clear to enter and advised Officers A and C that LAFD was at the scene. Sergeant A directed responding officers to set up a crime scene. Because he/she was a witness to the OIS, Sergeant A did not separate and monitor the involved officers.

Sergeant B was the first supervisor to arrive at the scene post-OIS and was briefed by Sergeant A. Sergeant B separated and monitored Officers A, B, and C and obtained their Public Safety Statements (PSS). Sergeant C separated, monitored, and obtained Officer D's PSS. Detective A separated, monitored, and obtained Sergeant A's PSS. The overall actions of Sergeants B, C, and Detective A were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

The BOPC noted that before the OIS, Sergeant A did not embed him/herself with his/her officers. Instead, he/she chose to take a position near the west staircase to contain the Subject and coordinate the response and deployment of additional resources. However, Officer B assumed command and control of the tactical team, while Sergeant A communicated with CD. After the OIS, Sergeant A broadcast the

“shots fired” call, requested the response of the RA, and observed the Subject’s apprehension.

As it pertains to Officer B, while the BOPC was concerned with his/her interpretation of Sergeant A’s directions, they noted that he/she embedded him/herself with the officers and functioned as an IC while Sergeant A was on the west side of the complex. While Officer B ensured the officers had cover, the BOPC would have preferred that he/she had designated Officer A as the less-lethal officer with the 40 mm Less-Lethal Launcher, allowing Officer D to focus solely on communicating with the Subject. The BOPC would also have preferred that Officer B had ensured that Officer C was prepared to function as the lethal officer so he/she (Officer B) could focus solely on command and control.

While the BOPC would have preferred that Officer B had ensured that Officer A did not attempt to go hands-on while in possession of the 40 mm Less-Lethal Launcher, the BOPC did note that he/she prevented Officer D from prematurely approaching the Subject.

The overall actions of Sergeants A, B, C, Detective A, and Officer B were consistent with Department supervisory training and the BOPC’s expectations of field supervisors and senior officers during a critical incident

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this incident, the UOFRB determined, and the BOPC concurred, that the actions of Officers A and C, and Sergeant A were a substantial deviation, with justification, from approved Department tactical training. The UOFRB also determined, and the BOPC concurred, that the actions of Officers B and D were a substantial deviation, without justification, from approved Department tactical training.

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

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

B. Drawing and Exhibiting

- **Officer C:** Officer C stated that once he/she observed the Subject with a knife, he/she unholstered his/her pistol and described that he/she believed the Subject was a danger to him/herself and other people in the apartment complex. Officer C added that he/she was the designated cover officer and believed the situation could rise to the level of deadly force.
- **Officer B:** Officer B stated that the Subject looked toward the officers while holding a cellular phone next to his right ear with his right hand and a knife in his left hand. The Subject extended his left arm in front of him at shoulder height with the knife's blade forward. He lowered his head, looked down, and began to move toward the officers. Officer B placed his/her right hand on Officer D's back and unholstered his/her pistol.

According to Officer B, he/she unholstered his/her pistol because he/she believed the situation could lead to the use of deadly force since the Subject was armed with a knife. Officer B stated he/she moved to Officer D's left side to provide him/her with cover. Officer C remained on the right side as a designated cover officer in case the Subject ran around the parked vehicle. Officer B added that both the left and right sides were now covered.

- **Officer A:** Officer A said that the Subject rolled onto his back with his left hand extended next to the knife's handle. Officer A slung the 40 mm Less-Lethal Launcher across the front of his/her chest and unholstered his/her pistol.

The BOPC evaluated Officer A, B, and C's drawing and exhibiting of their service pistols. The BOPC noted that Officer C responded to an attempt suicide radio call involving an armed suspect. Arriving at the scene, Officer C and his/her partner located the Subject pacing a common hallway, armed with a knife. The Subject was visibly upset and refused to discard the knife. Based on his/her observations, Officer C believed the Subject posed a danger to people inside the complex and him/herself. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer C to believe the situation may escalate to the point where deadly force may be necessary.

As it pertains to Officer B, the BOPC noted that he/she unholstered his/her service pistol after the Subject exited the staircase armed with the knife. The Subject had begun to walk toward the officers, turned away, then turned back toward them. The Subject was facing the officers and refused to drop the knife. The BOPC noted that Officer B held his/her service pistol down along his/her side until the Subject raised the knife and advanced toward the officers. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer B to believe the situation may escalate to the point where deadly force may be necessary.

In terms of Officer A, the BOPC noted that after the OIS, he/she observed the Subject fall to the ground. While the Subject released the knife, it lay near his left hand. The BOPC noted that the Subject was laying on his left side and appeared to move back and forth as if trying to sit up. According to Officer A, the Subject was still conscious and posed a “threat.” Officer A wanted to have a lethal option in case Officer B’s round had been ineffective. Based on the Subject’s actions, the BOPC opined that it was reasonable for Officer A to believe the situation may escalate to the point where deadly force may be necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and C would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A, B, and C’s drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

- **Officer D** – (4) Beanbag Super Sock Rounds.

First Round – According to Officer D, the Subject took several steps toward the officers and came within 10 or 12 feet of them. Officer D believed the Subject would stab or kill the officers and considered him “*violently resisting.*” Officer D aimed his/her Beanbag Shotgun at the Subject’s navel area and fired one round toward him. Officer D believed the round struck the Subject’s center body mass or stomach area. According to Officer D, the round seemed to “*buzz*” the Subject, but the Subject did not drop the knife. According to the FID investigation, Officer D discharged his/her sock round from 12 feet, and it appeared to strike the Subject’s left hip; but the Subject continued to move west in the driveway with the knife still in his left hand.

According to Officer D, he/she was in the process of giving the Subject a less-lethal warning, when he/she “lunged” toward officers, which inhibited his/her attempt to complete the warning.

Second Round – Officer D added that the Subject began walking west while simultaneously moving toward the officers. Officer D estimated he/she was approximately 15 feet from the Subject, aimed his/her Beanbag Shotgun at the Subject’s navel area, and fired a second round. According to the FID investigation, Officer D fired the second round from a distance of 21 feet toward the Subject. Although Officer D believed the sock round briefly “stunned” the Subject, the FID investigation was unable to determine if the sock round struck the Subject.

Third Round – Officer D described that the Subject continued moving west toward Sergeant A while still facing a southerly direction. He/she believed the Subject

would hurt the officers or Sergeant A because he still held the knife in his hand. Officer D aimed the Beanbag Shotgun at the Subject's navel area and fired a third round from approximately 20 feet. Officer D was unsure if the third round struck the Subject because there was no reaction, and he continued walking west at a faster pace. According to the FID investigation, Officer D fired his/her third round from a distance of 28 feet, which appeared to strike the Subject's left lower back area; however, the Subject continued to move west along the sidewalk.

Fourth Round – According to Officer B's BWV, the Subject continued walking toward Officer B. Officer B pointed his/her pistol at the Subject and fired one round from a distance of 17 feet. Simultaneously, according to Officer D's BWV, Officer D pointed his/her Beanbag Shotgun at the Subject and fired his/her fourth round from a distance of 29 feet. According to Officer D, the Subject was not listening to the officers' command to drop the knife. Officer D observed that the Subject still had the knife pointed toward officers and believed he was walking toward Sergeant A. Officer D feared for Sergeant A's life and the lives of his/her partners. Officer D estimated the Subject was approximately 20 to 25 feet away when he/she fired the fourth round at his naval area. Officer D was not sure if his/her fourth round struck the Subject.

The BOPC evaluated Officer D's use of less-lethal force. The BOPC noted the Subject's actions before and while Officer D discharged his/her Beanbag Shotgun. Despite repeated commands to drop the knife, the Subject refused. The Subject raised the knife and advanced toward the officers, at which point, Officer D discharged his/her first sock round. Despite being struck by the round, the Subject continued to move west while holding the knife. In response, Officer D discharged his/her second round. Although the investigation was unable to determine if the second round struck the Subject, he continued to move west toward Sergeant A, while pointing the blade toward the officers. Fearing for the safety of his/her sergeant and his/her partners, Officer D discharged his/her third round. Based on the Subject's action, the BOPC opined that it was reasonable for Officer D to believe that he posed an immediate threat of violence or physical harm to Sergeant A and the officers. In terms of his/her fourth round, the BOPC noted that while Officer D perceived the Subject as advancing toward Sergeant A, per the BWV footage, the Subject had changed direction and was advancing toward Officer B with the blade pointed toward the officers. Based on the Subject's behavior, the BOPC determined that it was reasonable for Officer D to believe the Subject still posed an immediate threat of violence or physical harm to officers when he/she discharged his/her fourth round.

As it pertains to the UOF warning, the BOPC would have preferred a warning had been issued while the Subject was on the second floor or when he first came down the stairs armed with the knife. Once the Subject advanced toward the officers, a warning was no longer feasible. The BOPC opined that this was best addressed as a topic for the tactical debrief.

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 less-lethal force was proportional and objectively reasonable.

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

- **Officer A** – (1) 40 mm Less-Lethal Launcher Sponge Round.

According to Officer A, the Subject moved west and the officers moved with him. Officer A observed the Subject stop and turn south to face Officer B. Officer A was not positive which hand the Subject held the knife in but stated the knife's blade was toward the officers when the Subject approached Officer B. Officer A estimated that he/she was approximately 16 feet from the Subject when he/she aimed his/her 40 mm Less-Lethal Launcher at the Subject's abdominal area and fired one round. Officer A believed the round struck the Subject's left leg or hip and was ineffective.

According to the FID investigation, Officer A discharged his/her sponge round from a distance of 40 feet. According to Officer A, he/she did not give a UOF warning because it "*wasn't feasible*" due to the incident "*moving so fast,*" as the Subject was "*closing the distance*" on Officer B while holding the knife.

The BOPC evaluated Officer A's use of less-lethal force. The BOPC noted the Subject's actions before and when Officer A discharged his/her 40 mm Less-Lethal Launcher. Despite repeated commands to drop the knife, the Subject refused. The Subject raised the knife and advanced toward the officers. Despite being struck by at least two sock rounds, the Subject continued to move west while holding the knife. The Subject paused then advanced toward Officer B with the blade pointed toward the officers. Based on the Subject's behavior, the BOPC determined that it was reasonable for Officer A to believe the Subject posed an immediate threat of violence or physical harm to officers when he/she discharged his/her sponge round.

As it pertains to a UOF warning, the BOPC noted that when Officer A discharged his/her 40 mm Less-Lethal Launcher, he/she was responding to the Subject's attack. As such, a UOF warning was not required at this point.

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 less-lethal force was proportional and objectively reasonable.

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

- **Officer A** – TASER, Model X26P.

According to Officer A's BWV, Officer A pointed his/her TASER from an approximate distance of ten feet at the Subject and discharged it in Probe Mode, striking the

Subject in the abdomen. Upon being struck with the TASER probes, the Subject's left arm moved away from the knife and toward the right side of his body. According to Officer A, he/she was approximately eight to ten feet away from the Subject, aimed his/her TASER at the Subject's abdomen, and discharged it. Officer A had observed that the Subject's hand was still near the knife. Officer A did not want officers to approach the Subject because he/she believed the Subject still posed an immediate threat. According to Officer B, he/she ordered Officer A to use the Taser.

The BOPC evaluated Officer A's use of less-lethal force. Although the knife was near the Subject's hand, he was lying supine and was not moving. Based on the BWV footage, there was no indication that the Subject was attempting to get up or rearm himself when he was tased. As such, the BOPC opined that he was not violently resisting, nor did he pose an immediate threat of violence or physical harm when he was tased. Although the TASER achieved its desired result, neuromuscular incapacitation, the BOPC opined that its use did not conform to Department policy. While the BOPC understood the officers intended to prevent a second OIS, they would have preferred the officers had approached in a safe and controlled manner after formulating a plan to use less-lethal force if the Subject violently resisted or posed an immediate threat of violence or physical harm.

As it pertains to Officer B's direction to use the TASER, the BOPC opined that this was a command-and-control issue and should be addressed during the tactical debrief. Although Officer B was a senior officer, Officer A was expected to know the use of force policy and was responsible for the force he/she used.

The BOPC noted that before the OIS, the Subject had shown a propensity for violence, repeatedly approaching officers while brandishing a knife, despite being struck by several less-lethal rounds. However, after the OIS, the BOPC noted the Subject was not moving at the time he was tased.

The available evidence indicated that prior to the OIS, the Subject had posed an immediate threat of violence or physical harm to the officers on scene, resulting in the OIS. However, after the OIS, the Subject fell to the ground, dropped the knife, and no longer posed an immediate threat to the officers.

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 not reasonably believe that the use of less-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officer A's less-lethal use of force (TASER) to be Out of Policy.

D. Lethal Force

- **Officer B** – (pistol, one round)

Background – The FID investigation determined the background was the southwest corner of the apartment building and a police vehicle.

As Officer B paralleled the Subject, he/she gave him commands to put the knife down. Officer B heard the 40 mm Less-Lethal Launcher discharged and observed the Subject flinch, but it did not affect the Subject. The Subject turned his attention to Officer B and stepped toward him/her. Officer B felt threatened, afraid, and believed the Subject was going to attack, stab, or kill him/her. Officer B aimed his/her pistol at the Subject's stomach and fired one round from an approximate distance of, *"About 20 feet, maybe max 25 feet."* Officer B believed he/she could not retreat because he/she did not want to turn his/her back to the Subject or step backward, fearing he/she would trip and fall. Officer B also believed the Subject could close the distance between them in two to four seconds. Officer B believed he/she had no other choice but to discharge his/her service pistol.

The BOPC evaluated Officer B's use of lethal force. The BOPC noted that the Subject had ignored repeated commands to drop the knife and had advanced toward the officers. The Subject then moved west toward Sergeant A. While the Subject briefly paused, he changed directions and advanced toward Officer B, holding the knife at shoulder height with the tip pointed toward the officers. The BOPC noted that before discharging his/her service pistol, Officer B observed that Officer A's 40 mm Less-Lethal Launcher sponge round had failed to stop the Subject. While Officer B stated he/she could not retreat, the BOPC noted that based on the video footage, it appeared he/she attempted to move back before discharging his/her round. The BOPC noted that based on his/her statement, Officer B indicated the Subject could advance faster than he/she (Officer B) could safely move back. The BOPC also noted that Officer B fired one round, assessed, and ceased firing when the Subject fell to the ground. Based on the totality of the circumstances, the BOPC opined that it was reasonable for Officer B to believe that the Subject posed an imminent deadly threat.

The BOPC noted the simultaneous deployment of Officer B's service pistol and Officer D's Beanbag Shotgun sock round. While the BOPC generally prefers that when dealing with weapons other than firearms, officers allow time to see if less-lethal force is effective before using deadly force, the Subject had already been struck by at least two Beanbag Shotgun sock rounds and a 40 mm Less-Lethal Launcher sponge round, all of which had failed to stop the Subject's actions. Based on the totality of the circumstances, the BOPC opined that it was reasonable for Officer B to believe less-lethal force was ineffective when he/she discharged his/her service pistol.

As it pertains to Officer B's decision to leave cover and parallel the Subject, the BOPC noted that the Subject was moving toward Sergeant A while armed with the knife. Sergeant A was standing by the west staircase without the benefit of cover. The BOPC also noted the pedestrian on the northeast corner of the intersection.

While the BOPC generally prefers that officers utilize cover and distance, they opined that Officer B did not have the option of remaining behind the parked vehicle and waiting to see if the Subject attacked Sergeant A or the pedestrian.

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

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