

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

**OFFICER-INVOLVED SHOOTING – 058-21**

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

Pacific                                      10/13/21

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

Officer A    9 years, 10 months

**Reason for Police Contact**

Officers responded to a radio call of the Subject who was armed with a knife choking his mother (Victim A) inside an apartment. The officers knocked on the apartment door and ordered the Subject to exit the apartment. The Subject refused to exit the apartment and threatened to cut Victim A's head off. The officers were able to see into the apartment through a sliding glass window and observed the Subject placing Victim A in a headlock, as he held a knife. The officers kicked the apartment door open, entered the apartment, and observed the Subject standing over Victim A raising the knife, resulting in an Officer-Involved Shooting (OIS).

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

Male, 36 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 September 20, 2022.

## **Incident Summary**

On Wednesday, October 13, 2021, at approximately 0540 hours, Witness A was on the balcony of her second-floor apartment when she observed her neighbor, Victim A, quickly walk to the middle of the street looking side to side. Witness A indicated she observed Victim A's son (the Subject) following behind her.

Witness A observed the Subject "grab" Victim A and tell her, "Let's go inside! Go inside!" Witness A indicated that Victim A did not want to go and walked to a short concrete wall near the walkway of their apartment building. Witness A asked Victim A if something was wrong and Victim A replied, "No." Witness A observed the Subject position himself next to Victim A and wrap his left arm around her neck. The Subject raised a knife he was holding in his right hand, placing it in front of Victim A as he yelled, "I'm going to cut you!" Witness A described the knife the Subject was holding as a "short knife," similar to the ones used for "chopping meat."

According to Witness A, "He [the Subject] took her down that driveway inside, inside her house. After that, I don't know anything. I didn't see anything because you can't see anything from here. I only heard him slam the door, but after that, I didn't hear anything."

Witness A stated, "You could see the fear in her because she was looking as if saying, 'Someone come help me.'" According to Witness A, "I came from the balcony trembling with fear, and I called the police."

At 0549:41 hours, Witness A contacted the Los Angeles Police Department Communication Division (CD) and reported the incident in Spanish.

At 0551:31 hours, CD broadcast the call to Pacific Patrol Division units as a Code Three (response with emergency lights and siren activated) incident.

At 0551:53 hours, CD received a second call from Witness B requesting for police response. Witness B is the Subject's brother, who was not at the scene.

Police Officers A and B acknowledged the radio call and responded Code Three to the location.

All responding officers were traveling in marked black and white police vehicles. Additionally, all officers were in full uniform and equipped with body-worn video (BWV) cameras.

Officer B indicated he/she has worked with Officer A approximately seven to ten times. According to Officer B, during the times they worked together they, "go over the PATROL [de-escalation training] acronym and go over, you know, what needs to happen, just in case something goes south."

Communication Division verified the officers were equipped with a beanbag shotgun or 40-millimeter less-lethal launcher (40mm LLL).

Communication Division broadcast additional information on the radio call providing the Subject's physical description.

At 0553:31 hours, CD contacted Sergeant A, who confirmed he/she was responding. Sergeant A subsequently arrived on scene at approximately 0613 hours, approximately 10 minutes after the OIS had occurred.

At 0553:51 hours, Police Officers C and D advised CD that they were responding to the call. Police Officers E and F also advised CD they would be responding to the call. Communication Division acknowledged the broadcast.

At 0555:17 hours, Officer A's BWV captured that he/she responded Code Three to the radio call and asked Officer B to read out the comments of the call. Officer A indicated that the additional information added another level of urgency.

At 0557:21 hours, Officer C's BWV captured that he/she read the comments of the radio call to Officer D.

At 0557:40 hours, Officer A's BWV captured that he/she communicated with Officer B, advising Officer B to get the 40mm LLL upon arrival.

At 0558:59 hours, Officer C's BWV captured that he/she and Officer D arrived and parked their police vehicle, one building north of the incident. Officer C exited the police vehicle, removed the beanbag shotgun, from the trunk and loaded a less-lethal round into the chamber. Officer C slung the beanbag shotgun and communicated with Witness A, who was standing on the balcony of her second floor apartment, asking where the Subject was. Officer C indicated he/she deployed the beanbag shotgun and had it patrol ready.

According to Officer D, they were met by Witness A, who was on the top balcony. Witness A explained to them that the location of the incident was to the rear of the property.

At 0559:01 hours, Officer A's BWV captured that he/she parked his police vehicle in front of the location. As Officer A opened his car door, he/she communicated with Officer B confirming that Officer B had the 40mm LLL. Officer B saw that Officer F already was armed with a 40mm LLL so he/she opted not to arm him/herself with a second one.

At 0559:37 hours, Officer F's BWV captured that Officers B and C unholstered their firearms and moved east toward the apartment building, stopping behind Officers D and E. Officers B and C held their firearms down by their side with the muzzle pointing down to the ground.

Officers D and E unholstered their firearms and proceeded to walk east in the walkway of the apartment behind Officer A.

At 0559:52 hours, Officer C's BWV captured that Officer F was carrying the 40mm LLL, as he/she positioned him/herself behind Officer E. Officer C positioned him/herself behind Officer B, as he/she carried the beanbag shotgun in a "slung position." Officer C indicated they were walking into a lethal scenario, but he/she slung the beanbag shotgun to have it as a secondary option.

At 0559:54 hours, Officer F's BWV captured that he/she loaded the 40mm LLL.

At 0559:58 hours, Officer A's BWV captured that he/she proceeded into the walkway. Officer A utilized the light attached to his firearm to illuminate the area.

At 0600:01 hours, Officer C's BWV captured that Officer A turned north toward the apartment building and positioned him/herself at the bottom landing of the steps leading to the entrance of the first-floor apartments. Officers D and E held their position in the walkway facing east, as Officers B and F positioned themselves in the walkway. Officer C positioned him/herself in the walkway adjacent to the enclosed patio which was surrounded by large shrubs. Officer A illuminated the doors to the first-floor apartments.

According to Officer C's BWV, he/she turned back and faced Witness A, who was overlooking her balcony. Witness A appeared to be motioning with her left hand to the east, as she communicated, "Next, next." Officers C and F communicated, "Next one." Simultaneously, Officer E communicated, "I think she said next one."

At 0600:04 hours, Officer A's BWV captured that Officer E transitioned to the point position and led the search team, as they continued moving east in the walkway. Officer E utilized the light attached to his/her handgun to illuminate the walkway. Officer D positioned him/herself behind Officer E.

At 0600:06 hours, Officer C's BWV captured that Officer A positioned him/herself in the search team behind Officer D. Officer F was positioned fourth and Officer B was positioned fifth. Officer C was positioned sixth and communicated with the team, providing them with the Subject's name.

At 0600:16 hours, Officer B's BWV captured that Officer F unholstered his/her firearm.

The team moved east and stopped at the second stairway. Officer A's BWV captured Officers D and E as they positioned themselves at the foot of the second stairway landing. Officer A communicated, "You, you guys hold, we'll go on top." Officer D responded, "It's right here," informing the team of the location of apartment number three, which was located on the west side of the first floor.

At 0600:19 hours, Officer C's BWV captured that Officer A positioned him/herself south of the front door, with Officer D to his/her right. Upon doing so, Officer E moved east in

the walkway approximately five feet past the stairway, clearing the shrubs east of the team. Officer E was in view of the officers positioned in the walkway. Officer F holstered his/her firearm, transitioning to the 40mm LLL, and positioned him/herself in the walkway with Officer B. Officer C positioned him/herself west of the team, adjacent to the enclosed patio surrounded by shrubs.

At 0600:24 hours, Officer A removed his/her side-handle baton from the baton ring holder attached to his/her "Sam Browne" (utility belt) with his/her left hand. Officer A knocked four times on the door to apartment number three and identified him/herself out loud, "Police Department!" Officer A placed his/her baton in the holder and stood by for a response from the occupants of the apartment. Officer C communicated, "Arrest team, arrest team. Me and you, [Officer B], arrest team." Officer B responded, "Alright" and side-stepped to his/her left, positioning him/herself near the enclosed patio next to Officer C. Officer B holstered his/her firearm, as Officer C communicated, "You can extract him back to here B." Officer E moved from clearing the bushes and positioned him/herself to Officer F's right side.

At 0600:37 hours, Officer A knocked on the door of apartment number three a second time using his/her left fist. The occupants of the apartment did not respond. Hearing no response, Officer A once again removed his/her side handle baton with his/her left hand and knocked on the door for a third time and announced, "Police Department!"

At 0600:49 hours, Officer A's BWV captured that he/she communicated, "Can you see through the window?" Officer D responded, "It's dark."

At 0600:52 hours, Officer C's BWV captured that he/she positioned him/herself closer to the bushes of the enclosed patio of apartment number three and communicated, "I can see in the window. They are standing right next to each other." Officer D asked, "Oh yeah?" Officer C responded, "Yep."

At 0600:57 hours, Officer B's BWV captured that Officer A asked, "You can see them?" Officer C responded, "Yep." Officer A took a step back, positioning him/herself closer to Officer C and asked, "Okay. What do you got?"

Officer C communicated, "I got one guy to the left. He's just like he's kinda like casually, looks like he's talking to the female. And our male, he's just kinda standing in the middle of the living room there. Kinda, facing his, he's not..." Officer D asked, "Is he holding anything?" Officer C responded, "I can't see if he has anything in his hands from my vantage. He just put his hand up, so one hand is clear." Officer A communicated, "If you got him, can you maybe try to give him orders from over there."

Officer C called out the Subject's first name, as Officer A knocked on the door with his/her side handle baton. Officer C further called out, "Come outside! It's the LAPD!" The Subject shouted, "No!" Officer C repeated, "Come outside!" The Subject once again shouted, "No!" Officer A announced, "We're not going to hurt you. We just want to talk to you!" Officer C announced, "You're not in trouble man!" The Subject shouted,

"I'm going to cut her head off!" Officer C communicated, "Okay, we got to kick that door in guys." Officer A interrupted, "What you see? Yeah, yeah. Does he have a knife though?" Officer C responded, "I, not, not from my vantage point - - however, he said he's going to cut her. He said he's going to cut her up. She's trying to calm him down, it looks like but he's two feet away from her." Officer C communicated, "He's two feet away from her."

According to Officer A's BWV at 0601:34 hours, Officer C was communicating with the team. He/she announced to the Subject, "... just come outside. We just want to talk to you, make sure you're okay."

At 0601:48 hours, Officer D's BWV captured that he/she communicated, "Entry tools, entry tools." Officer A asked, "You got it?" Officer D repeated, "I got your comms." Officer A responded, "Rog."

At 0601:55 hours, Officer D broadcast, "Can you get me a back-up here? Can I have a unit with entry tools?" Communication Division broadcast a request for a unit with entry tools at the location.

According to Officer D, "I requested a backup with entry tools. That was broadcast. At the same time, C was looking through the house, through the unit, and tried to draw a picture for us. So, C immediately escalated his/her voice: 'Hey, he has a knife; he has a knife.' So we decided with no entry tools present, that door has to be kicked down. He's exigent. We notice it might go sideways really fast. A life is in danger. For us, it became imminent. We decided to kick the door."

Officer A's BWV captured that he/she communicated with Officers E and F. Officer E asked, "You need me to bump up?" Officer A responded, "No, you're fine. Just ugh - - yeah." Officer E moved and positioned him/herself next to Officer A. As Officer A communicated with the team, Officer C can be heard announcing, "Look here man! We're going to bust the door open, if you don't come in - - come outside!"

Officer A communicated with the team. Officer A pointed with his/her left hand at Officer F stating, "He/she's going to be 40." Officer A motioned with his/her left hand at Officer E and stated, "You and me, will be first - - will be first two." Officer A pointed toward his/her left, where Officer C was standing and stated, "You'll be contact." Officer A pointed toward Officer D and stated, "You'll be comms at four. Number four." Officer C communicated to the team, "All right, he's moving toward the window. He's moving toward the window."

Officer A directed Officer E to move closer to him/her, "Come behind me a little bit." Officer E moved closer to Officer A, at which time he/she communicated, "Turn your light off." Officer A communicated with Officer F, "You can chill back here." Officer A told Officer D, "You'll be four." Officer A communicated with the team, "We'll be one, two, three, you'll be four." Officer F positioned him/herself in the third position with the 40mm LLL. Officer A communicated, "If he comes out with a knife, just ... let him have

the forty right away.” Officer F responded, “Rog, okay.” Officer A communicated, “And if we have to back pedal at all, we have a ledge right here. We are going to have to... shoot him.” Officer F responded, “Roger.”

As Officer A communicated with the team, Officer C can be heard in the background calling out for the Subject and communicating his/her observations with the team.

Simultaneously, Officer C’s BWV captured that he/she communicated with the team, “I lost visual.” Officer C moved and attempted to regain sight of the Subject. Officer C announced that they were going to kick the door if the Subject didn’t come out. The Subject can be heard in the background, responding in a low voice. Officer C announced, “We are going to kick the door open if you don’t!”

At 0602:37 hours, Officer C’s BWV captured that he/she advised the other officers that the Subject had Victim A in a headlock. As Officer C repeated his/her observation, the tone in his/her voice began to increase.

At 0602:44 hours, Officer A’s BWV captured that he/she communicated, “Okay.” He/she also guided Officer E’s left wrist down with his/her left hand as he/she stated, “Gun down, gun down.” Officer A pointed at Officer F and communicated, “Boot - - Can you boot it? - - Boot it!” Officer F responded, “Yeah.” Officer C communicated, “He has the knife in his hand. He has the knife in his hands.”

Officer C indicated that he/she gave direction to kick the door open because he/she believed it to be a “situation with immediate defense of life.”

Officer A indicated, “My intention was to - - to - - to get into the apartment and, I mean, render aid, save - - save - - save who - - who - - the - - the - - the - - the woman that the subject was attacking.”

At 0602:50 hours, Officer F positioned him/herself in front of the door of apartment number three and kicked the door with his/her left leg, striking the area near the door knob. Simultaneously, Officer E communicated, “Knife in his hand.” The door did not open. As Officer F positioned him/herself to kick the door a second time, he/she communicated, “Hey, watch the door. Watch the door.” Officer C communicated, “Get, get - - open the door! Open the door! Open the door!” Officers B and C repeatedly shouted, “Boot the door! Boot the door! Boot the door!” Officer F kicked the door a second time with his/her left leg, striking the door handle area. The door did not open.

At 0602:58 hours, Officer F kicked the door a third time, causing it to swing open. Officer F communicated, “Door’s open, door’s open.”

Officer F further stated, “The officer that was looking through the window observed the suspect grab the victim and put her in a headlock. At that point, the primary officer told me to kick the door open, due to the exigent circumstance that the radio call had

mentioned a knife and the suspect stated that he was going to chop her head off. So with my 40-millimeter sling - - or slung and my two cover officers, I kicked the door.”

At 0602:57 hours, Officer A’s BWV captured that he/she (Officer A) entered the apartment. The Subject was standing in the living room near a walkway holding a knife in his right hand over his head. The Subject swung the knife down at Victim A, who was on the floor with both her hands up.

Officer E’s BWV captured that Officer A took three steps into the apartment. Officer A was holding his/her pistol in front of him/her with two hands.

At 0602:59 hours, Officer A’s BWV captured the Subject with his back toward Officer A. The Subject was standing over Victim A, who was on the floor in a seated position with her right knee up and her left leg extended. Victim A’s hands were extended above her toward the Subject, who was holding a knife over his head. The Subject raised the knife above his head a second time, as Officer A entered further into the room. Victim A yelled in Spanish, “La puerta, la puerta” (“The door, the door” in English). The Subject turned his head toward Officer A, while standing over Victim A with the knife in his right hand. Officer A fired two rounds at the Subject. The Subject fell back, dropping the knife on the floor. Officer A advanced toward the Subject ordering, “Roll over! Roll over! Roll over! Roll over!” Victim A rolled to her knees and stood up.

At 0603:06 hours, Officer E’s BWV captured he/her and Officer D entering the apartment. Officer D was standing to Officer E’s left side. Both Officers D and E were holding their pistol in a two-hand low-ready position.

Officer E’s BWV captured that he/she walked toward Victim A and ordered her to “move” multiple times. Officer E grabbed the left arm sleeve of Victim A’s sweatshirt and moved her away from the Subject. Officer D assisted Officer E in ushering Victim A through the hallway into a bedroom.

At 0603:07 hours, Officer F’s BWV captured that he/she broadcast the shots fired, officer -needs -help call. Communications Division repeated the broadcast. Simultaneously, Officer C’s BWV captured that Officer B and other officers entered the apartment behind Officer E. Officer F stopped at the doorway of the apartment, unholstered his/her pistol, and entered the apartment.

At 0603:08 hours, Officer A’s BWV captured that he/she holstered his/her pistol and lowered him/herself, using his/her right hand to turn the Subject to the right and positioned him/herself on his stomach. Officer A positioned the Subject’s left arm behind his back. Officer B lowered him/herself down and positioned his/her right knee on the Subject’s right buttocks. Officer A communicated, “He was stabbing her.” Officer B handcuffed the Subject. Officer D asked, “You want me to put it out?” Officer A responded, “Put it out.” Officer D requested a rescue ambulance (RA).



Upon entering the bedroom with Victim A, Officer E observed a young child and a woman sitting on a bed. Officer E communicated, "Two people inside." Officer E holstered his/her pistol and guided Victim A to a bed, sitting her down and asking, "Are you hurt?" Victim A responded in Spanish, "No, it's okay. He was only threatening me." Officer E asked, "English? You speak English?"

According to Officer E, "I grabbed her. I'm not sure if with one hand or two, but I did grab her and assisted her, in a walking motion, to the first bedroom that I saw. The first bedroom that I saw had a light on. I had her sit down. I asked her if she needed a paramedic. Simultaneously, as making entry into that room, I did notice one adult female and one juvenile female, who I asked if they were okay and also asked to translate, to make sure the language barrier didn't get in the way of making sure she needed medical attention, or if she had any injuries that she was unable to communicate with me."

After verifying that there were no other suspects or additional threats, Officer F holstered his/her pistol and walked into the living room.

At 0603:50 hours, Officer F's BWV captured that he/she communicated, "I got gloves," and handed the 40mm LLL to Officer B. Officer F placed gloves on his/her hands. Officer A placed gloves on his/her hands and communicated with the Subject, "Keep breathing, stay with me."

At 0604:22 hours, Officer F obtained a sweater from a couch in the living room and used it to apply pressure on the Subject's chest wound. Officer A communicated, "... you're going to be okay." Officer F continued to apply pressure on the Subject, as he/she communicated, "... keep breathing, keep breathing." The Subject's chest continued to move up and down as Officer F applied pressure to the wound in his chest.

Officer F indicated that for the past six years, he/she has been in the United States Army. According to Officer F, "In the United States Army, I'm a combat lifesaver. I went through that school. I'm currently CPR and AD certified with - - from the Los Angeles Police Department. And last week, I just completed an active shooter training with the Los Angeles Police Department's Metro Division, where we conducted medical care scenarios and training."

According to Officer F, "I went to - - back into the living room. I relinquished my 40-millimeter to another officer. And due to my training and experience with the medical field, I gloved up, I found the best thing to - - to use pressure on the gunshot wounds on the vic - - vic - - suspect's chest. I applied pressure, spoke with the suspect, had him to - - had him continue to breathe, to try and talk to me, to keep breathing."

At 0605:10 hours, Officer A broadcast a second request for an RA.

At 0608:11 hours, Pacific Patrol Division uniformed watch commander, Sergeant B, broadcast, "... show me responding to the incident..."

According to Sergeant B, "I was sitting as the watch commander when this call came out. I remember hearing a request for breaching tools, which caught my attention. Moments later, I would say within seconds, I heard a help call that shots were being fired or shots had been fired. The ACC from where I sit is just two feet away from me. So, I remember going to the ACC, trying to look at the incident, trying to see the location, trying to get the printout, and trying to listen to the radio to see what else had transpired. I recall, I got the incident, and this time there was a request for an RA, suffering - - subject suffering from a gunshot wound. So, I knew that an officer-involved shooting had occurred."

At 0608:59 hours, Officer F's BWV captured that he/she communicated, "Yeah, he's still breathing," as he/she maintained pressure to the Subject's chest.

At 0610:19 hours, Officer F communicated, "He still has a pulse and he's still breathing for right now."

At 0611:20 hours, Los Angeles City Fire Department (LAFD) paramedics entered the apartment. As paramedics cut the Subject' shirt, Officer F communicated, "So for right now, we have GSW [gunshot wound] to the chest right now. Shallow breathing still has a pulse. Let me know, when you want me to let go."

According to Officer F, "I stated to them what injuries that I'm taking care of at that time. What I told them, I had two gunshot wounds to his chest area and to advise me when they want me to let go of the pressure. So they cut off his clothes to expose the wound, and that's when they had me let go of the pressure." Officer F stopped applying pressure to the wound and moved back at the direction of paramedics.

At 0611:20 hours, Officer G identified the officers involved in the incident and escorted them to street. Officer G informed Officers A, B, C, D, E, and F that he/she was separating them and not to talk about the incident.

At 0612:51 hours, Sergeant B advised CD that he/she was on scene.

At 0613:11 hours, Sergeant A advised CD that he/she was on scene.

At 0615:32 hours, Officer A's BWV captured Sergeant B instructing him/her to shut off his/her BWV. According to Sergeant B, he/she arrived at scene and was briefed on the incident, "Once I was briefed, I recalled getting on the radio and establishing myself as the incident commander. I directed those officers to stay within my eyesight, not to talk to each other, and to surrender their cameras to me."

According to Officer C's BWV, at approximately 0616 hours, Sergeant B instructed Officers C, D, E, and F to shut down their BWV. Sergeant B monitored the officers until the arrival of additional supervisors.

At 0617:00 hours, a LAFD RA transported the Subject to the hospital. At 0653 hours, the doctor pronounced the Subject deceased.

**BWV and Digital In-Car Video System (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	No	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	No	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	No
Officer F	Yes	Yes	Yes	Yes	No

**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, B, C, D, E, and F’s tactics to warrant a finding of Tactical Debrief.

**B. Drawing and Exhibiting**

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

**C. Lethal Use of Force**

The BOPC found Officer A’s lethal use of force to be In Policy.

**Basis for Findings**

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

enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

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

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

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Warning Shots:** It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need

to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

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

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

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

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

## Definitions

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

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

**Imminent:** Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a

reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

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

**Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

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

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

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

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

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

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



## A. Tactics

- **Tactical De-Escalation**

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

### **Tactical De-Escalation Techniques**

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

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

**Planning** – Officers A and B worked together at least six prior times, Officers E and F were regular partners for approximately one year, and Officers C and D worked together approximately ten prior times. With their respective partners, all officers discussed the roles of contact and cover officer, less-lethal force, redeployment, and switching roles, if the situation required it. Upon Officer C establishing communication with the Subject, Officer A verified a less-lethal force option was present and assigned roles to the other officers in case of entry, with him/herself first as point officer with his/her service pistol, Officer E second with his/her service pistol, Officer F third with the 40mm LLL, Officer D fourth with radio communications, and Officer C fifth as contact officer to communicate with the Subject. Recognizing the front door as the Subject's immediate point of exit, Officer A advised Officer F that his/her 40mm LLL would be the first force option used if he exited with the knife. Officer A also indicated that if the Subject's actions forced the officers backward, it could necessitate deadly force due to their limited ability to redeploy.

**Assessment** – As CD broadcast additional information, officers assessed the less-lethal force options needed for the radio call. Meeting with Witness A, the officers encountered an apparent language barrier; however, Witness A's body language and gesticulations led officers to assess that a serious crime was in progress. Upon locating the apartment, Officer C positioned him/herself by the bushes of the apartment's enclosed patio to observe inside the residence and communicated his/her observations to the other officers. As Officer C contacted the Subject and ordered him to exit, the Subject refused and stated he would cut off Victim A's head. When Officer C advised that the Subject was holding Victim A in a headlock, Officer

A assessed the need to make entry based on the tone and “fear” he/she heard in Officer C’s voice. Officer A assessed Officer F as best positioned and capable to kick open the front door. Entering the apartment, Officer A observed the Subject holding a large meat cleaver-type knife while standing over Victim A. As the Subject began to swing the knife down toward Victim A a second time, Officer A assessed the necessity to use deadly force in defense of Victim A’s life. Officer A stopped discharging his/her service pistol after assessing the Subject was no longer an imminent deadly threat.

**Time** – When the Subject threatened to cut off Victim A’s head, Officer C advised that officers needed to make entry. In response, Officer A asked if Officer C had observed a knife. This caused Officer C to further assess the Subject’s actions, affording Officer D time to request backup units, and Officer A time to assign roles and give directions, if officers had to force entry. When he placed Victim A in a headlock while holding the knife, the Subject escalated the situation, limiting the officers’ ability to use time as a de-escalation technique.

**Redeployment and/or Containment** – The Subject was contained inside the residence and refused to exit. Officers positioned themselves at the front door of the residence and Officer C positioned him/herself by the bushes of the apartment’s enclosed patio. Based on the Subject’s subsequent actions, officers could not redeploy.

**Other Resources** – After Officers A and B were assigned the radio call, Officers C, D, E, and F responded with them; all officers arrived at the scene at approximately the same time and approached the location together. Officer F retrieved a 40mm LLL and Officer C retrieved a beanbag shotgun. When the Subject threatened to cut off Victim A’s head, Officer D requested backup units and breaching tools. Immediately following the OIS, Officer F broadcast an officer help call, summoning additional resources; Officer G requested an RA.

**Lines of Communication** – After contacting Witness A and arriving at the front door of the apartment, Officer A maintained lines of communication with the other officers at the scene and directed their roles. Officer C observed inside the residence and contacted the Subject. Officers A and C ordered the Subject to exit the residence. The Subject responded and appeared to understand their orders; however, the Subject refused to exit. Officer C continued to communicate his/her observations of the Subject and Victim A to the other officers, ultimately advising them to make entry when the Subject held Victim A in a headlock. Officer A advised the order in which they would enter the residence and directed Officer F to kick open the front door.

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

## **Basic Firearm Safety Rules**

After the Subject was observed holding Victim A in a headlock, Officer A directed Officer F to kick open the front door. As Officer F attempted to kick open the front door, he/she briefly covered his/her partners with the muzzle of his/her 40mm LLL.

The BOPC noted that the UOFRB noted that Officer F held his/her 40mm LLL with his/her left hand on the fore grip and his/her right hand on the pistol grip, with his/her index finger along the frame. The UOFRB further noted that as he/she kicked the front door, Officer F was focused on saving Victim A's life. At that moment, the Subject was holding her in a headlock after previously stating he would cut her head off. Based on the BWV footage, the UOFRB opined that the muzzle of Officer F's 40mm LLL covered his/her fellow officers at least once. Because the Basic Firearm Safety Rules apply to the 40mm LLL, the UOFRB opined that Officer F violated Basic Firearm Safety Rule No. 2 when he/she allowed the muzzle to cover his/her partner officers. While the UOFRB understood the urgency to make entry, they would have preferred that Officer F had handed off his/her 40mm LLL to another officer or slung it behind his/her back, before attempting to kick open the door.

The UOFRB Majority noted that the Subject's actions suddenly escalated the situation, forcing Officer F to kick open the front door to save Victim A's life. The UOFRB also noted that Officer F had limited space to build momentum as he/she prepared to kick the door. As he/she prepared to kick the door, Officer F held his/her 40mm LLL with the muzzle pointed in a safe direction. However, after his/her first kick, Officer F appeared to lose his/her balance, and the muzzle of his/her 40mm LLL covered his/her fellow officers as he/she regained his/her footing. The Majority further noted that Officer F then kicked the door an additional two times, pointing the muzzle of his/her 40mm LLL in a safe direction; the muzzle did not cover any officers following the latter kicks. The Majority opined that during the first kick, the resistance from the door caused Officer F's momentum to unexpectedly propel him/her back. As he/she struggled to gain his/her footing, Officer F unintentionally covered his/her partners with the muzzle of the 40mm LLL. Officer F then adjusted his/her approach based on the door's resistance and safely delivered the remaining kicks. Based on the totality of the circumstances, the Majority determined that the tactics employed by Officer F were a substantial deviation, with justification, from Department-approved tactical training.

The UORFB Minority was critical of Officer F's handling of his/her 40mm LLL as he/she kicked the front door. While the Majority noted one instance where Officer F covered his/her partners with the 40mm LLL's muzzle, based on the BWV footage, the Minority opined that he/she pointed the muzzle in the direction of the entry team three times while kicking the door. While the Minority agreed that Officer F's momentum following his/her first kick contributed to the first instance, it did not account for his/her subsequent violations of Rule No. 2. The Minority did note the lack of breaching tools and the exigency to enter the residence; however, the Minority also noted that officers must safely perform their tasks. The Minority opined

that Officer F's actions unduly placed other officers at risk, and determined that his/her actions were a substantial deviation, without justification, from Department-approved tactical training.

Based on the totality of the circumstances, the BOPC found that the tactics employed by Officer F were a substantial deviation, with justification, from Department-approved tactical training.

- The BOPC also considered the following:

**Loading Standards** – According to Officer F, the 40mm LLL was loaded when he/she removed it from the police vehicle's storage rack. However, according to the FID investigation, Officer F loaded the 40mm LLL as he/she walked toward Victim A's apartment; the BWV footage was inconclusive. Per Training Division, at the time of this incident, there was no written policy stating that the 40mm LLL could not be loaded while in the storage rack. Since this incident, Training Bureau has published a notice indicating that the 40mm LLL shall be unloaded when stored in the police vehicle's 40mm LLL mount.

**Situational Awareness** – As Officer E directed Victim A through the hallway and into a bedroom, Victim A briefly pulled away toward the Subject, pausing their momentum. As Officer D followed Officer E and Victim A, he/she held his/her service pistol in a close-contact, low-ready position. While the muzzle of his/her service pistol could have briefly covered Officer E and Victim A, the BWV footage was inconclusive as to whether this occurred. Alternatively, Officer D could have pointed the muzzle straight down.

- **Command and Control**

Arriving at Victim A's apartment, Officer A assigned him/herself as point officer with his/her service pistol, Officer E as a secondary lethal officer with his/her service pistol, Officer F as a less-lethal officer with his/her 40mm LLL, Officer D as the radio communications officer, and Officer C as the communications officer with the Subject. Officer C advised Officer B that they would be the arrest team. Officer A directed Officer C to begin communications with the Subject and later directed Officer F to kick open the front door.

Following the OIS, Officer G requested an RA. Officer G established an inner and outer perimeter and assigned roles to officers for the crime scene. Officer G broadcast that he/she was incident commander (IC), identified the involved officers, and escorted them to the street. Officer G advised the involved officers that he/she was separating them and not to talk about the incident.

Sergeant B was the first supervisor to arrive at the scene. He was briefed by Officer G and assumed the role of IC. Sergeant C arrived, monitored Officers A and B, separated them, and obtained their public safety statements (PSSs).

Sergeant A had been assigned by CD to respond to the radio call. Sergeant A arrived, monitored Officers C and D, and obtained their PSSs. Detective A arrived and monitored Officers E and F. Sergeant B notified the Department Operations Center (DOC) of the OIS.

As it pertains to Sergeant A, the BOPC noted that the UOFRB noted that he/she received the call at approximately 0553 hours. At 0601 hours, officers requested backup units and at 0603 hours, they requested help. At approximately 0613 hours, Sergeant A arrived at the scene, approximately one minute after the watch commander, Sergeant B. Per an internet search, the approximate driving time from Pacific Station to the scene is approximately 10 minutes. Per Sergeant A, as he/she received the initial call, he/she was preparing to use the restroom; however, he/she did not advise CD that he/she was responding with a delay. The UOFRB opined that had Sergeant A advised he/she was responding with a delay, it may have prompted Sergeant B to respond to the scene sooner or request that a supervisor from another division respond.

The UOFRB also noted that with his/her BWV camera recording, Sergeant A conducted a group interview with Officers C and D, during which he/she simply asked, "what happened?" as opposed to using standardized PSS questions. The BOPC determined that the actions of Sergeants B and C along with Officers A and G were consistent with Department training and the BOPC's expectations of field supervisors and senior officers during a critical incident. The BOPC also determined that the overall actions of Sergeant A were not consistent with Department training and expectations of field supervisors and senior officers during a critical incident.

- **Tactical Debrief**

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

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

Although it was determined that he/she would not receive formal findings, the BOPC determined that Sergeant A would benefit from attending the tactical debrief.

## **B. Drawing and Exhibiting**

### **Officer A**

- According to Officer A, he/she had been advised that the Subject was armed with a knife and was acting hostile toward his mother (Victim A). According to Officer A, he/she believed that the situation may escalate to the point where deadly force may be justified.

### **Officer B**

- According to Officer B, the comments of the radio call stated that the suspect was observed holding his mother in a “choke hold” and held a knife “to her throat.” According to Officer C, he/she believed that the situation may escalate to the point where deadly force may be justified.

### **Officer C**

- According to Officer C, he/she responded to a radio call involving a male armed with a knife “to his mom.” Officer C unholstered his/her service pistol to have lethal cover in the event they were engaged by the Subject.

### **Officer D**

- Officers D and E unholstered their firearms and proceeded to walk east in the walkway of the apartment behind Officer A.

According to Officer D, he/she received information that the Subject was holding a knife to Victim A’s neck.

### **Officer E**

- Officers D and E unholstered their firearms and proceeded to walk east in the walkway of the apartment behind Officer A. According to Officer E, he/she believed that Victim A was in an “escalated” situation and her life was in jeopardy.

### **Officer F – First Occurrence**

- At 0600:16 hours, Officer B’s BWV captured that Officer F unholstered his/her firearm. According to Officer F, the comments of the radio call stated that the suspect was armed with a knife and had a victim “at knifepoint.” According to Officer F, he/she believed that the situation may escalate to the point where deadly force may be justified.

## Second Occurrence

At 0603:07 hours, Officer F's BWV captured that he/she broadcast, "... shots fired, shots fired. Officer needs help." Communications Division repeated the broadcast. Simultaneously, Officer C's BWV captured Officer B and other officers enter the apartment behind Officer E. Officer F stopped at the doorway of the apartment, unholstered his/her pistol, and entered the apartment.

The BOPC noted that the UOFRB evaluated Officers A, B, C, D, E, and F's drawing/exhibiting. The UOFRB noted that Officers A, B, C, D, E, and F articulated they were responding to a radio call of a subject armed with a knife who posed a violent threat to his mother. Additional radio calls were broadcast, and the officers met with Witness A, whose body language indicated the situation had not been resolved and a serious or violent crime was likely in progress. The UOFRB opined that based on comments of the radio call and the officers' subsequent observations, it was reasonable for them to believe a serious, violent crime was in progress and that the situation may escalate to the point where deadly force may be necessary. Regarding Officer F's second occurrence, the UOFRB noted that he/she holstered his/her service pistol after he/she was assigned the role of less-lethal officer with the 40mm LLL. Officer F unholstered his/her service pistol immediately following the OIS. Officer F then assisted with clearing the apartment for additional suspects. Because the Subject had not yet been taken into custody and the residence had not yet been cleared, the UOFRB opined that it was reasonable for Officer F to believe that the situation may again 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, E, and F 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, E, and F's drawing/exhibiting to be In Policy.

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

- Officer A – .45 caliber, semi-automatic pistol, two rounds.

Background – The FID investigation determined the background was the north interior wall of the living room, north hallway, and north bathroom of the location.

At 0602:57 hours, Officer A's BWV captured that he/she entered the apartment. The Subject was standing in the living room near a walkway holding a knife in his right hand over his head. The Subject swung the knife down at Victim A, who was on the floor with both her hands up.

At 0602:59 hours, Officer A's BWV captured the Subject with his back toward Officer A. The Subject was standing over Victim A, who was on the floor in a seated

position with her right knee up and her left leg extended. Victim A's hands were extended above her toward the Subject, who was holding a knife over his head. The Subject raised the knife above his head a second time, as Officer A entered further into the room. Victim A yelled in Spanish, "La puerta, la puerta" ("the door, the door" in English). The Subject turned his head toward Officer A while standing over Victim A with the knife in his right hand. Officer A fired two rounds at the Subject. The Subject fell back, dropping the knife on the floor. Officer A advanced toward the Subject ordering, "Roll over! Roll over! Roll over! Roll over!"

The BOPC noted that the UOFRB assessed the proportionality, objective reasonableness, and necessity of Officer A's lethal use of force. The UOFRB noted that before officers entered the residence, the Subject demonstrated that he was aware of the officers' presence when he responded to their orders for him to exit. Instead of complying, the Subject refused to exit and yelled that he would cut off Victim A's head. The Subject then placed Victim A in a headlock, causing officers to fear for her life. The UOFRB noted that as Officer A entered the residence, the Subject swung a meat cleaver down toward Victim A twice, in what Officer A described as a "chopping motion." When Officer A discharged his/her service pistol, he/she observed the Subject was not merely holding the knife in his hand; rather he was actively swinging it at Victim A. The UOFRB opined that the Subject had the present ability, opportunity, and apparent intent to cause serious bodily injury or death to Victim A. The UOFRB also noted that Officer A discharged his/her service pistol only twice, stopping once he/she assessed that the Subject had dropped the knife, fell to the floor, and no longer posed a deadly threat.

The UOFRB opined that despite the officers' attempts to de-escalate the situation, the Subject's actions drove the incident and compelled officers to act quickly to save Victim A's life. Based on the Subject's actions, the UOFRB opined that it was objectively reasonable for Officer A to believe that the Subject presented an imminent threat of death or serious bodily injury to Victim A, and that Officer A needed to use deadly force in defense of her life. The UOFRB also opined that attempting to first use less-lethal force likely would have resulted in the Subject causing serious bodily injury or death to Victim A; Officer A simply could not wait to see if the Subject would stab, chop, or cut her.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the use of deadly force was proportional, objectively reasonable, and necessary. Therefore, the BOPC found Officer A's lethal use of force to be In Policy.