

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

OFFICER-INVOLVED SHOOTING – 060-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Van Nuys	10/31/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	5 years, 2 months
Officer D	1 year, 7 months
Officer F	1 year, 11 months
Officer J	1 year, 9 months

Reason for Police Contact

On October 31, 2021, at approximately 1527 hours, officers responded to a radio call of vandalism. The Subject was reported to be under the influence of narcotics and breaking property inside his residence. Additionally, it was reported that he was possibly suffering from mental illness. Upon the officers' arrival, they attempted to communicate with the Subject for more than 40 minutes from outside his residence. The Subject refused to exit and meet with the officers. A supervisor arrived at scene who ensured that the Mental Evaluation Unit (MEU) and the Watch Commander were consulted before he/she directed the officers to tactically disengage from the incident and clear the scene.

At approximately, 1709 hours, a second radio call was generated when the Subject was observed on the street. The Subject was armed with two knives and had vandalized several vehicles. Officers responded to the call and encountered the Subject on the street, who was holding a large knife in each hand. The officer verbalized with the Subject for more than five minutes before he walked towards the officers while armed with one of the knives. An Officer-Involved Shooting (OIS) occurred, and the Subject was struck by gunfire. Paramedics from the Los Angeles Fire Department (LAFD) arrived at the scene and determined the Subject was deceased.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 46 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 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 October 4, 2022.

Incident Summary

On October 31, 2021, at approximately 1527 hours, officers responded to a radio call of vandalism at a residence. According to the comments of the call, the Subject possibly suffered from mental illness and had locked himself in his house. Additional information was that the Subject was possibly under the influence of narcotics, was breaking windows, and had turned on the gas. The Person Reporting (PR) turned off the gas valve from the outside and feared that the Subject would hurt himself.

At approximately 1532 hours, Officers A and B arrived at the call and met with the PR. According to the PR, the Subject rented a detached residence on his property but was scheduled to move out that day. Prior to the officers' arrival, the PR observed that the Subject had broken a sliding-glass shower door and window at his residence. Additionally, the Subject had threatened to blow up the property with natural gas from his stove. In response, the PR turned off the gas valve and called the police. The PR also told the officers that the Subject was bleeding and possibly under the influence of drugs and wanted to harm himself. The PR did not believe the Subject had access to weapons but indicated there were knives in his kitchen.

Officers C, D, E, F, G, H, and Sergeant A also responded to the call. Upon his/her arrival, Sergeant A spoke with Officers C and D and formulated a plan to contact the Subject. According to the plan, Officers C and D would attempt to speak with the Subject, while Officer A provided less-lethal coverage with a 40mm Less-Lethal Launcher (LLL), and Officer B provided coverage with his/her duty handgun. Additionally, Officers G and H were assigned as an arrest team. Prior to contacting the Subject, Officer C broadcast a request to have a Rescue Ambulance (RA) stage one block away.

At approximately 1547 hours, the team approached the Subject's residence and Officer C knocked on the front door. After receiving no response, Officer D obtained a ladder and used it to look through a small broken bathroom window located on the west side of the residence. Upon looking through the window, Officer D observed the Subject standing in the shower, fully clothed, with the water running. In response, Officer D asked the Subject if he could hear him/her and told him that the officers were not going to harm him. Immediately after, Officer C, who was standing next to the ladder, told the Subject that he needed to be seen by an ambulance. When the Subject did not respond, Officer C took over the position on the ladder and told the Subject to come outside, but the Subject yelled expletives at the officers. Officer C jumped off the ladder and redeployed to the north side of the structure where he/she continued trying to establish a dialogue with the Subject.

At approximately 1552 hours, the Subject raised himself to the bathroom window and told the officers his name. At that point, Officers C and D could see the Subject's head, shoulders, and both hands. Officer D observed several lacerations on both of the Subject's wrists. According to Officer D, the lacerations seemed superficial, and he/she did not believe the Subject needed emergency medical treatment. After approximately 30 seconds, the Subject disappeared from the window.

The officers attempted to speak with the Subject for more than 40 minutes. During that time, the Subject refused to open the front door or exit the residence. From their positions around the residence, the officers occasionally heard the Subject breaking unknown items inside; however, they could not see what the Subject was doing inside. When the residence was later searched by Force Investigation Investigators (FID) investigators, large amounts of broken glass, broken furniture, and a broken porcelain toilet bowl were found inside.

Two of the Subject's family members responded to the scene after being contacted by the PR. At approximately 1556 hours, the officers allowed one of the family members to speak with the Subject from outside of the residence. The Subject acknowledged his family member and spoke with him in Armenian through the bathroom window.

The family member told the Subject that he loved him and wanted to take him to the hospital for medical treatment. During the conversation, the Subject told his family member that he was "50 percent Satan and 50 percent Christian." Additionally, the Subject indicated that he wanted to die and, at several points, told the officers to shoot him. The Subject's command of the English language appeared to be limited.

After assessing the incident, Sergeant A believed that tactical disengagement was a viable option. At approximately 1558 hours, Sergeant A contacted the Watch Commander, Sergeant B, and briefed him/her on the incident. Sergeant B concurred with the decision to disengage and directed Sergeant A to contact Medical Evaluation Unit (MEU) and advise them of the incident before tactically disengaging.

Officers C and D continued their attempts to verbalize with the Subject, while Officer G contacted MEU and advised Officer I of the incident. Officer G told Officer I that they were planning to tactically disengage from the incident. Officer I explained the disengagement criteria and advised Officer G that the Subject had no prior contact with MEU.

At this point in the incident, the officers had already attempted to verbalize with the Subject for approximately 41 minutes. According to Sergeant A, he/she considered the Department's policy on tactical disengagement and the fact that the Subject was not wanted for a crime, not a danger to others, and not critically injured. Additionally, Sergeant A believed that the presence of police officers was agitating the Subject. At 1628 hours, Sergeant A directed the officers to tactically disengage from the location.

Approximately 40 minutes later, at 1707 hours, the PR observed the Subject exit his residence with a knife. The Subject then walked to the front of the property before walking south on the street. In response, the PR called 911. The Subject ultimately stopped in the middle of the roadway while holding one knife to his throat and a second knife to his abdomen. The Subject then used the knives to slash tires on two cars that were parked in the area. Then he stopped a third car that was driving north and stabbed the hood of that car with one of his knives.

After receiving the PR's call, Communications Division (CD) received additional 911 calls from community members who were monitoring the Subject's actions. In response, CD updated the call to officers and that the Subject was now armed with two knives and provided a description. After vandalizing the cars, the Subject walked south.

Officers J and K responded to the radio call with their vehicle's emergency lights and siren activated (Code Three). As they approached east to the scene, the Subject walked west in the middle of the roadway towards their police vehicle.

According to Officer J, he/she was driving east, when he/she observed a man standing in the middle of the roadway. Officer J did not know if the man was a bystander who was directing him/her to the radio call or the Subject until he/she observed him holding two knives. Upon realizing it was the Subject, Officer J stopped his/her police vehicle in the left-hand turn lane in the center of the street. Officer J was not at the previous radio call, so he/she did not recognize the Subject.

Officers J and K immediately exited their police vehicle, sought cover behind the ballistic doors on their vehicle, and unholstered their handguns. As they did so, the Subject, who was initially more than 50 feet away, continued walking towards their police vehicle while holding a large knife in each of his hands. The officers repeatedly ordered the Subject to stop, as he approached to within 15 feet of their police vehicle.

Officers A, B, E, and F followed Officers J and K to the radio call and arrived approximately five seconds later as the Subject was advancing. Upon arriving to the

call and observing the Subject was armed with a knife, Officer B broadcast a request for backup.

Officers A and B stopped their police vehicle along the driver's side of Officer J's police vehicle while Officers E and F stopped along the passenger side. All three of the police vehicles faced east towards the Subject. Approximately 35 seconds later, they were joined by Officers C and D who had approached from the east and stopped their vehicle on the south sidewalk before they exited and joined the other officers at their vehicles.

The officers assumed the following positions (listed in order from north to south)

Officer A unholstered his/her handgun and positioned himself/herself behind his/her right front door.

Officer B obtained a 40mm Less-Lethal Launcher (LLL) and joined Officer A on the right side of their police vehicle before he/she ultimately redeployed to the left side and positioned himself/herself behind his/her door.

Officer C remained behind the police vehicles and coordinated the other officers. Additionally, Officer C used his/her police radio to coordinate traffic control.

Officer D obtained a 40mm LLL and positioned himself/herself behind the right front door of Officer E and F's police vehicle.

Officer E obtained his/her TASER and positioned himself/herself next to Officer K at his/her right front door.

Officer F obtained a beanbag shotgun and positioned himself/herself to the right of Officers E and K.

Officer J had initially unholstered his/her handgun upon arriving to the call and observing the Subject armed with a knife. Officer J subsequently holstered his/her handgun and obtained a 40mm LLL before positioning himself/herself next to his/her left front door.

Officer K unholstered his/her handgun and positioned himself/herself behind his/her right front door.

As the officers positioned themselves, the Subject stood facing them with a knife in each hand. Multiple officers ordered the Subject to drop his knives. The Subject remained armed and, at different times, pointed at the officers and made unintelligible statements.

Approximately one minute after Officers J and K arrived, the Subject walked backward approximately fifteen feet (east and away from the officers) before he brought both of his hands to his chest, placed his palms together, and began reciting the Lord's Prayer

in Armenian. As he did so, he held the knives between his palms with the blades pointed down.

The Subject remained facing the officers who were positioned approximately 30 feet away. The Subject then dropped the knife from his right hand but retained the knife in his left hand. Officer F continued giving the Subject repeated commands to drop the other knife. Additionally, Officer F told the Subject that he was “okay” and that he/she wanted to help him.

Audio from Officer F’s body-worn video (BWV) camera was later translated into English and transcribed. According to the transcript, the Subject told the officers (in Armenian), “Shoot me, shoot me. That’s what I want.”

Approximately 32 seconds after dropping the knife from his right hand, the Subject dropped to both knees and held the remaining knife along his chest with both hands. At this point he remained approximately 30 feet away, facing towards the officers.

While the Subject was holding the knife along his chest, Officer B told Officers E, F and J, “If he stabs himself, don’t react to it. Okay? We are not going to rush him.” According to Officer B, he/she wanted to mentally prepare the officers for the potential that the Subject may harm himself in front of them. Additionally, Officer B did not want the use of less-lethal weapons, “...to become a reason for the subject to respond to us negatively and cause us to use deadly force.”

While on his knees, the Subject held the knife to his throat and torso. As he did so, Officer F told the Subject to drop the knife and that they were there to help him. Additionally, Officer F told the Subject that his family was watching him and they wanted to help. According to Officer F, the Subject appeared to understand English, but he was not complying with his/her commands. While on his knees, the Subject repeatedly said, “amen” (in Armenian), and accused the officers of being “devils.”

Officer K mistakenly believed the knife the Subject was armed with was a piece of broken glass. As such, he/she told Officer E that it looked like the Subject had a piece of glass and that the knife was on the ground. Officer E, in turn, relayed the message to Officer F.

The Subject remained on his knees for approximately two minutes and 20 seconds before he stood up and took approximately three steps towards the officers while holding the knife in his right hand. As he did so, the Subject used his right hand to point at each of the officers as he counted them aloud (in English). According to Officer A, immediately after the count had finished, the Subject gestured with his hand, almost like a slit-your-neck type of motion, which to him/her suggested a direct threat that he was going to harm the officers.

On the officers’ BWV footage, after counting the officers, the Subject took several steps back and to his left before he transferred the knife to his left hand and made the sign of

the cross with his right hand. The Subject is not seen making a slitting type motion; however, while making the sign of the cross, the Subject's right hand did move in a straight line from his left shoulder to his right shoulder.

At this point, the officers had been attempting to verbally de-escalate the situation for more than five minutes when the Subject began walking towards Officers E, F, and K from approximately 30 feet away. As the Subject advanced, he used his right hand to point at Officer F while the knife remained in his left hand with the blade tucked back along his forearm. As the Subject advanced, numerous officers commanded the Subject to stop and drop the knife.

Application of Force

As the Subject took his sixth step towards Officers E, F, and K, the below listed actions occurred in less than a second:

Officer A

Officer A fired one round from his/her handgun at the Subject's chest from an approximate distance of 25 feet. This was immediately followed by a second round fired at the same area. According to Officer A, he/she fired the first round because he/she observed the Subject was armed with a knife was approaching his/her fellow officers who he/she knew were in more imminent danger than himself/herself. Officer A stated that he/she was still in danger, but knew other officers were closer to the Subject. According to Officer A, the Subject was closing the distance on them more rapidly than he was on himself/herself and had his attention on other officers.

Officer A stated that the second round was fired after his/her initial assessment, which happened very quickly. Officer A wanted to ensure that the threat was neutralized and the Subject was down.

The investigation determined that Officer A's second round was fired one third of a second after his/her first shot. Additionally, at the point Officer A fired his/her handgun, the Subject was approximately 19 feet from Officers E, F, and K. The investigation determined that both rounds struck the Subject.

Officer D

Officer D discharged his/her 40mm LLL, targeting the Subject's belt line or navel region from an approximate distance of 36 feet. According to Officer D, the Subject was not cooperating with commands to drop his knife and not move closer. Officer D stated that the Subject got up from a praying position, took a standing position, and then started to move towards the officers. Based on his proximity to the officers, which was approximately 20 feet away, his movements forward gave him/her reason to discharge his/her 40mm LLL. The investigation could not determine if this round struck the Subject.

Officer F

Officer F discharged his/her beanbag shotgun at the Subject's lower torso area from an approximate distance of 22 feet. According to Officer F, as officers continued to give him commands to drop the knife, he began to close distance towards him/her and the other officers. Officer F stated that the Subject was ordered to drop the knife and stop, but he failed to comply. As such, Officer F fired one beanbag shotgun round. The investigation determined that the Subject was likely struck by this round.

Officer J

Officer J discharged his/her 40mm LLL at the Subject's navel area from an approximate distance of 26 feet. According to Officer J, the Subject was extremely close and believed if he/she didn't stop him with the 40mm LLL, the Subject would have continued to advance towards the officers. The investigation determined that the Subject was likely struck by this round.

Timeframe Analysis

During the investigation, FID's Video Technology Unit performed a Sound Graph Analysis of the BWV footage to identify when each of the rounds were discharged. The analysis determined all of the lethal and less-lethal rounds were fired in less than $\frac{3}{4}$ of a second.

Round	Relative Time	Action
1	0.000 Seconds	Officer J discharged one 40mm LLL round
2	0.072 Seconds	Officer F discharged one beanbag shotgun round
3	0.345 Seconds	Officer A fired first handgun round
4	0.670 Seconds	Officer A fired second handgun round
5	0.744 Seconds	Officer D discharged one 40mm LLL round

Background Analysis

During the investigation, FID investigators analyzed the scene, physical evidence, and video footage to assess Officer A's background at the point he/she discharged his/her handgun. The investigation determined that at the point Officer A fired at the Subject, his/her background was two parked and unoccupied vehicles located approximately 30 feet beyond the Subject. The investigation determined that both of Officer A's bullets struck the Subject.

After being struck by the gunfire and less-lethal munitions, the Subject collapsed to the ground approximately 20 feet from Officers E, F, and K.

Immediately after the OIS, Officers D, E, F, J, and K formed an arrest team. Approximately 56 seconds later, they approached the Subject to take him into custody. Officer F covered the Subject with his/her handgun while Officer D covered the Subject with his/her 40mm LLL. Upon reaching the Subject, Officer E grabbed the Subject's right forearm with both hands while Officer J grabbed his left forearm with both hands. The officers began rolling the Subject onto his stomach, but briefly paused while Officer E removed the Subject's knife and moved it approximately three feet south. Officers E and J then briefly relinquished their grips on the Subject's arms as he rolled onto his stomach. Officer J then grabbed the Subject's right forearm while Officer E grabbed the left forearm. Officers E and J held each of the Subject's forearms behind his back while Officer K applied handcuffs.

Two Rescue Ambulance (RA) requests were made during this incident. The first RA request was made approximately two and a half minutes before the OIS by Officer B. The second RA request was made by Officer C while officers handcuffed the Subject. The investigation confirmed that Los Angeles Fire Department (LAFD) was in the process of dispatching an RA and fire engine to this incident based on Officer B's initial request when the OIS occurred.

Approximately 12 seconds after the Subject was handcuffed, Officers E and J rolled him onto his back. Officer D then cut away the Subject's shirt and assessed him for injuries. The Subject was briefly rolled onto his stomach while Officer K cut away the rest of his shirt and Officer D checked for additional injuries. Officers D, E, and K applied cloth dressings and maintained direct pressure to the gunshot wounds on the Subject's chest and left underarm.

Approximately five minutes after the Subject was handcuffed, Officer D determined that the Subject no longer had a pulse and he/she initiated Cardiopulmonary Resuscitation (CPR). Officer D continued providing CPR to the Subject until he/she was relieved by members of the LAFD approximately 80 seconds later.

Firefighter Paramedics arrived and performed a life status assessment on the Subject. Approximately five minutes later, paramedics determined the Subject deceased at 1733 hours.

BWV and Digital In-Car Video (DICV) Policy Compliance

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

Officer D	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes
Officer K	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 the tactics of Officers B, F, and J to warrant a finding of Administrative Disapproval. The BOPC found the tactics of Officers A, C, D, E, and K to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A, F, J, and K's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officers D, F, and J's less-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be Out of 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 Officers use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

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

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

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

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

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

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

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

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

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation

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 – This was Officers J and K’s first shift as partners. Officers J and K discussed tactics and their roles, specifically contact, cover, lethal, and less-lethal. The Use of Force Review Board (UORRB) noted that Officers J and K did not respond to the first radio call involving the Subject. As a result, neither officer had first-hand information regarding his description or demeanor. After receiving the second radio call, Officer K advised Officer J of the comments, which provided the Subject’s description and described his actions.

Having responded to the first radio call involving the Subject, Officers A, B, E, and F responded to assist the primary unit. Officers A and B had been partners for approximately eight months and had discussed tactics and their roles, specifically contact, cover, lethal, and less-lethal. They also discussed ways of dealing with individuals with mental illness.

Officers E and F were police academy classmates who had been partners for approximately two months. They had attended Mental Health Intervention Training together and had discussed tactics and roles. Per their discussion, the driver was the contact officer, and the passenger was the cover officer. Per their understanding, the passenger was also responsible for deploying less-lethal and for communications.

This was Officers C and D’s third shift as partners. According to Officer C, he/she and Officer D discussed tactics, including traffic stops, pedestrian stops, and incident-related tactics.

Assessment – Observing a man standing in the middle of the roadway holding two knives, Officer J determined that the man was the Subject. In response, Officer J stopped his/her police vehicle approximately 50 feet from him. Arriving at the scene, Officer A exited his/her police vehicle, unholstered his/her service pistol, advised Officer J to retrieve a less-lethal option, and indicated that he/she had lethal cover. Assessing that there were sufficient lethal options, Officer E deployed his/her TASER and Officer F obtained the beanbag shotgun. Arriving at the scene, Officer C assessed the officers' roles, noting that sufficient lethal and less-lethal options were deployed. Officer C also noted that officers were wearing protective gloves. Observing that the incident was occurring in the middle of the street, Officer C assessed the need to secure the scene by having units block traffic and move the Subject's family away. Recognizing a possible language barrier between the officers and the Subject, Officer D requested a translator.

Time – Although Officer J tried to create distance by stopping his/her police vehicle approximately 50 feet from the Subject, he approached within 15 feet of his/her police vehicle before walking 15 feet backward. The BOPC considered that the UOFRB noted that as the Subject moved back and forth, the officers maintained their positions, attempting to maximize distance. As the incident progressed, the Subject walked towards the officers while armed with a knife, resulting in the OIS. At this point, the officers had been attempting to de-escalate the situation for more than five minutes. The Subject's actions limited the officers' ability to use time as a de-escalation technique.

As it pertains to the first radio call, the UOFRB commended the officers for remaining outside of the Subject's residence while communicating with him. The UOFRB opined that this allowed the officers to maintain their distance and use a physical barrier while speaking with the Subject.

Redeployment and/or Containment – Regarding the first radio call, the BOPC noted that the UOFRB commended the officers' decision to tactically disengage. Based on the totality of the circumstances, the UOFRB agreed with Sergeant A's belief that continued contact may result in an undue safety risk to the Subject, the public, and/or the officers. As it pertains to the second radio call, the UOFRB noted that the officers attempted to contain the Subject by securing the scene (blocking traffic and moving his family away). While tactically disengaging during the first call was a viable option, based on the totality of the circumstances, the UOFRB opined that the officers could not safely redeploy or disengage during the second radio call, as the Subject was in public and may have harmed a citizen.

Other Resources – Within five seconds, three units arrived at the scene of the second radio call. Observing the Subject armed with the knives, Officers B requested backup units. Recognizing a need to secure the scene, Officer C requested backup units for traffic control and to address the Subject's family. Before the OIS, Officer D requested an officer who could act as a translator in Armenian due to a possible language barrier with the Subject.

Lines of Communication – Throughout this incident, multiple officers communicated with the Subject, attempting to obtain his surrender and convince him to drop the knives. Recognizing that there were multiple officers giving commands to the Subject, Officer E directed everyone to stop talking and let Officer F communicate with the Subject. Communicating with him, Officer F used multiple techniques to de-escalate the situation and gain the Subject's compliance. Officer F told the Subject that his family loved him and that there was time to fix the problem. Officer F also implored him to relax and asked him to drop the knife. Unfortunately, the Subject refused to comply. After the OIS, Officer C issued clear commands to his/her fellow officers as he/she directed them to move as a team and safely take the Subject into custody.

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

1. Tactical Planning/Tactical Communication

Before the OIS, officers had limited communication regarding a plan to apprehend the Subject and their specific roles.

The BOPC considered that the UOFRB noted the limited time the officers had to plan before arriving at the scene. Although the UOFRB appreciated the dynamic nature of this incident, and the extensive efforts at de-escalation, they would have preferred that the officers had formulated a tactical plan after contacting the Subject. The UOFRB also would have preferred that, as a senior officer, Officer C had ensured that a tactical plan had been developed. However, the UOFRB also noted that he/she was still attempting to secure the scene when the OIS occurred. The UOFRB further noted that immediately after the OIS, he/she directed the officers to hold their positions and ensured that they approached the Subject in a controlled manner. Although the UOFRB would have preferred there had been clear communication amongst the officers as to who was assigned to what role, the officers managed to self-regulate, limiting the number of lethal options deployed while increasing the number of less-lethal options. While it is generally preferred that a supervisor or senior officer designates roles, based on the officers' self-regulation, the UOFRB opined, and the BOPC agreed, that there was an understanding as to each officer's role.

Regarding tactical planning and communication, based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A, B, C, D, E, F, J, and K were not a substantial deviation from Department-approved tactical training.

2. Cover/Concealment

As officers attempted to obtain the Subject's surrender, Officers F and J did not stand directly behind cover.

The BOPC noted that the UOFRB assessed Officers F and J's tactics as it relates to their use of cover. The UOFRB noted that after exiting his/her police vehicle, Officer J unholstered his/her service pistol and stood to the left of his/her police vehicle's driver's side ballistic door panel as he/she ordered the Subject to drop his knives. After obtaining his/her 40mm LLL, Officer J stood in a similar position. The UOFRB also noted that after deploying his/her beanbag shotgun, Officer F stood to the right of Officer J and K's passenger side ballistic door panel as officers attempted to obtain the Subject's surrender.

Regarding Officer J, the UOFRB noted that although he/she was not directly behind his/her ballistic door panel, he/she was near it. According to Officer J, he/she was approximately one foot to the left of his/her door panel. The UOFRB opined that had he/she needed to seek cover, he/she could have quickly and safely stepped to his/her right and used his/her police vehicle's door. The UOFRB also noted that the Subject was not armed with a ballistic weapon. While the Subject could have thrown the knives at the officers, the UOFRB opined that Officer J could have reacted in time to avoid being struck. The UOFRB also opined that based on Officer J's height, his/her position allowed him/her to better assess the Subject's actions; the Subject was to the right of his/her police vehicle.

As it pertains to Officer F, the UOFRB noted that he/she too was near a ballistic door panel. Although Officers E and K were using the same door panel as cover, the UOFRB opined that Officer F could have quickly and safely stepped behind them had he/she needed to seek cover. The UOFRB noted that Officer K was providing lethal cover and Officer E was armed with a TASER. The UOFRB also opined that had he/she needed to quickly seek cover, Officer F could have stepped behind the ballistic door panel to his/her left as well. Like Officer J, the UOFRB opined that Officer F could have reacted in time to avoid being struck had the Subject thrown the knives at the officers.

While the UOFRB would have preferred that Officers F and J had stood directly behind the ballistic door panels, based on the totality of the circumstances, the UOFRB opined, and the BOPC agreed, that their actions were reasonable and not a substantial deviation from Department-approved tactical training.

Regarding cover and concealment, based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers F and J were not a substantial deviation from Department-approved tactical training.

3. Basic Firearm Safety Rules

As officers were communicating with the Subject and attempting to obtain his surrender, Officer J placed his/her index finger on the trigger of his/her 40mm LLL for approximately five minutes before discharging an impact round. As officers were communicating with the Subject, Officers B and F also placed their fingers on the triggers of their less-lethal weapons for an undetermined amount of time. Officer F was armed with a beanbag shotgun and discharged one impact round. Officer B was armed with a 40mm LLL but did not shoot.

The BOPC noted that the UOFRB assessed the facts and circumstances surrounding Officers B, F, and J's, placement of their fingers on the triggers of their respective less-lethal weapons. Regarding Officer J, the UOFRB determined that his/her finger remained on the trigger for approximately five minutes before he/she discharged his/her 40mm LLL. As it pertains to Officers B and F, the UOFRB noted that while the total time was undetermined, per the BWV footage, Officer F's finger was on the trigger of his/her beanbag shotgun for no less than 23 seconds. Per the BWV footage, Officer B's finger was on the trigger of his/her 40mm LLL for no less than 30 seconds.

The UOFRB noted that according to his/her transcript, Officer J stated that his/her finger was on the trigger the "whole time" he/she was on target because he/she would have discharged his/her 40mm LLL "if the suspect would have taken one step." Based on his/her statement the UOFRB opined that when Officer J placed his/her finger on the trigger he/she did not intend to shoot, rather he/she was anticipating what may occur. The UOFRB also noted that during their FID interviews, Officers B and F did not recall placing their fingers on the triggers during the above-noted time frames. As such, the UOFRB opined that Officers B and F did not intend to shoot at these points.

The UOFRB noted that an officer's decision to place his/her finger on the trigger of a firearm or less-lethal weapon is generally not a preparatory movement but rather a fluid motion that occurs when the officer intends to shoot. Although Officers B, F, and J, were faced with a stressful situation, by prematurely placing their fingers on the triggers of their less-lethal weapons and leaving them there for prolonged periods, they increased the risk of unintentional discharges, especially under these conditions.

Thus, regarding basic firearms rules, based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers B, F, and J were a substantial deviation, without justification, from Department-approved tactical training.

4. Broadcasting Code Six

Officers A and B arrived at the scene at the same time as Officers E and F. Officers A and B were the second of the three units to arrive at the scene. Although Officer A picked up the microphone to his/her vehicle's police radio as he/she and Officer B arrived, he/she did not advise CD that they had arrived on scene (were Code Six).

The BOPC considered that the UOFRB noted that the purpose of officers advising CD that they are Code Six is to inform other officers of their location if assistance is needed. While the UOFRB would have preferred that Officers A and B had broadcast that they were Code Six, the UOFRB noted they were the second unit to arrive at the scene. The UOFRB also noted that they arrived with Officers E and F approximately five seconds after the primary unit arrived at the scene. As such there were three units at the scene when Officers A and B arrived. Had Officers A and B needed assistance, other officers would have known their location and been present to render aid. Although Officer A did not advise CD that they were Code Six after he/she picked up the microphone, the UOFRB also noted that the frequency was occupied at the time.

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

The BOPC also considered the following:

- **Situational Awareness** – Because officers at the scene had not broadcast a direction of travel, Officers C and D responded westbound. To avoid a potential crossfire situation, Officers C and D drove onto the south sidewalk. Alternatively, officers at the scene could have provided a direction of travel, for responding units and/or Officers C and D could have negotiated a U-turn.
- **Simultaneous Non-Conflicting Commands** – Although it did not appear to create confusion, Officers A, F, J, and K, gave simultaneous non-conflicting commands to the Subject while attempting to have him drop his knives. Alternatively, one officer could have been designated as the contact officer, reducing the potential for confusion, and increasing the chances of effective communication.
- **One-Handed Shooting Platform** – Officer D was broadcasting when the Subject advanced on the officers; Officer D was holding his/her 40mm LLL in his/her left hand and his/her radio in his/her right hand. As a result, he/she used a one-handed shooting platform when he/she discharged his/her impact round. Whenever possible, Officers should use a two-handed shooting platform. Alternatively, Officer D could have briefly secured his/her 40mm LLL while broadcasting or he/she could have safely discarded his/her radio and acquired a two-handed grip before discharging the 40mm LLL.

- **Encounters With Armed Self-Mutilating Subjects** – While the Subject was holding the knife to his chest, Officer B told Officers E, F, and J, “If he stabs himself, don’t react to it.” During his/her interview with FID, Officer B indicated he/she did not think Department policy allowed officers to use less-lethal on self-mutilating subjects.
- **Profanity** – While ordering the Subject to drop the knives, Officer A used profanity. While directing a citizen away from the scene to safety, Officer E used profanity. In both cases the profanity was not excessive or derogatory and was intended to gain compliance; however, it is not a best practice.

Command and Control

Officer C was the senior officer on the scene, and although he/she did not declare himself/herself as the Incident Commander (IC), he/she immediately initiated command and control. Officer C requested units to block traffic east of the Subject, preventing citizens from driving into the officers’ background. Officer C requested units to block traffic and traffic west of the officers and Subject, for the safety of officers and citizens. Officer C also requested a unit to move the Subject’s family away from the scene. Officer C then clarified that he/she was requesting a backup, allowing additional units to respond Code Three. Before the OIS, Officer C walked from vehicle to vehicle and determined there were sufficient lethal and less-lethal options deployed and that officers were wearing protective gloves. Immediately after the OIS, Officer C advised the officers to reload their less-lethal weapons, hold their positions, don protective gloves, and keep less-lethal options deployed. Before the officers moved forward, Officer C requested an arrest team to form on him/her. Recognizing that an arrest team had formed he/she advised them to move forward, towards the Subject. Officer C then moved forward and oversaw the Subject’s apprehension, directing officers as they handcuffed him. As the Subject was being handcuffed, Officer C requested an RA to respond to the scene. Officer C then provided officers with first aid equipment, specifically a chest seal. Officer C also identified Officer A as an involved officer and advised him/her to separate from other officers until a supervisor arrived on the scene.

The BOPC note that while the UOFRB would have preferred that Officer C had discussed a tactical plan and ensured everyone knew their roles, the UOFRB opined, and the BOPC agreed, that it was reasonable for him/her to prioritize scene safety by ensuring traffic and the Subject’s family were addressed. Unfortunately, the OIS occurred as he/she was securing the scene.

Sergeant B arrived after the OIS and established an inner and outer perimeter, assigned roles to officers on the crime scene, and ensured there was ingress and egress for the RA. Sergeant B also separated Officer A, monitored him/her, and obtained his/her Public Safety Statement (PSS). According to Sergeant B, he/she did not declare himself/herself as the IC because he/she believed Sergeant A had assumed the role. Regardless, the UOFRB opined, and the BOPC agreed, that Sergeant B functioned as an IC and initiated command and control.

Having responded to the first radio call involving the Subject, Sergeant A advised CD that he/she was responding to the second call. Based on his/her distance from the scene, Sergeant A arrived after the OIS. While he/she initially responded Code Two (urgent, but with no emergency lights and siren activated), he/she upgraded his/her response to Code Three when backup units were requested. Arriving at the scene, Sergeant A directed officers to secure the scene, start a crime scene log, and canvas the area for witnesses and victims. Although he/she did not declare himself/herself as the IC, the BOPC noted that the UOFRB opined that he/she assumed the role and initiated command and control. Due to his/her distance from the scene, the UOFRB would have preferred that he/she had advised CD of his/her starting location and or asked if there was a supervisor with a shorter response time.

Sergeant C arrived at the scene and declared himself/herself as the IC. At 1824 hours, Sergeant D notified the Department Operations Center (DOC) of the OIS.

Regarding command and control, the BOPC determined that the overall actions of Sergeants A, B, C, and Officer C were consistent with Department supervisory training and expectations of field supervisors and senior officers during a critical incident.

Tactical Debrief

- The BOPC conducted an objective assessment of this case and recommended that the actions of Officers A, C, D, E, and K were not a substantial deviation from Department-approved tactical training. The BOPC also determined that the actions of Officer A were a substantial deviation, with justification, from Department-approved tactical training. Additionally, the BOPC determined that the actions of Officers B, F, and J, were a substantial deviation, without justification, from Department-approved tactical training.

The BOPC found the tactics of Officers B, F, and J to warrant a finding of Administrative Disapproval. The BOPC found the tactics of Officers A, C, D, E, and K to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- **Officer A**

According to Officer A, upon arriving at the scene, he/she observed the Subject holding a knife in each hand. The Subject was near the front of a police vehicle. Based on the threat the Subject posed to the officers, Officer A unholstered his/her service pistol and positioned himself/herself behind the right front door of his/her police vehicle. According to Officer A, he/she advised the other officers at the scene that he/she was assigning himself/herself as a lethal cover officer.

- **Officer F**

According to Officer F, after the OIS, Officer C set up an arrest team; Officer F's role was the lethal cover officer. Officer F noted that the Subject's knife was still near him. Officer F unholstered his/her service pistol because he/she believed the situation could escalate to where deadly force would be necessary.

- **Officer J**

According to Officer J, he/she observed that the Subject was bleeding and armed with two knives. Believing the situation may escalate to the use of deadly force, Officer J unholstered his/her service pistol. Officer J subsequently holstered his/her service pistol and obtained a 40mm LLL.

- **Officer K**

According to Officer K, he/she observed the Subject standing in the middle of the street armed with a knife in each hand. Believing that the situation may escalate to the point deadly force would be necessary, Officer K unholstered his/her service pistol and positioned himself/herself behind the right front door of his/her police vehicle.

The BOPC noted that the UOFRB assessed Officers A, F, J, and K's drawing and exhibiting of their service pistols. The UOFRB noted that when they arrived at the scene, Officers A, F, J, and K observed the Subject armed with a knife in each hand. Officers J and K were the first unit to arrive and confront the Subject. Officer A had not seen a lethal option deployed when he/she unholstered his/her service pistol. The UOFRB also noted that Officer J transitioned from his/her service pistol to his/her 40mm LLL, appropriately limiting the number of lethal options, while increasing the number of less-lethal options. The UOFRB further noted that Officer F unholstered his/her service pistol after the OIS when he/she was functioning as the arrest team's lethal cover officer.

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

Less-Lethal Use of Force

- **Officer D** – One 40mm LLL eXact iMPact Sponge Round from approximately 36 feet.

According to Officer D, despite repeated orders to drop the knife, the Subject refused. The Subject stood from the praying position and then advanced to within

20 feet of the officers. In response, Officer D targeted the Subject's navel region and fired one impact round from his/her 40mm LLL using his/her left hand.

- **Officer F** – One Beanbag Super Sock Round from 22 feet.

Officers had attempted to de-escalate the situation by ordering the Subject to stop and drop his knife; however, the Subject did not comply and continued to approach the officers while armed with a knife. Believing that the Subject posed an immediate threat of physical harm to himself/herself and his/her partners, Officer F discharged one beanbag super sock round at the Subject.

- **Officer J** – One 40mm LLL eXact iMPact Sponge Round from approximately 26 feet.

As the Subject took his sixth step towards Officers E, F, and K while holding the knife in his left hand, Officer J discharged his/her 40mm LLL at his navel area from approximately 26 feet. According to Officer J, the Subject was approximately five to ten feet from him/her and his/her partners. Officer J believed that if he/she did not stop him, the Subject would have kept walking towards him/her and his/her partners.

The BOPC noted that the UOFRB assessed Officers D, F, and J's use of their less-lethal weapons during this incident. The UOFRB noted that before less-lethal rounds were discharged, the Subject had been provided use-of-force warnings. Although he spoke limited English, the UOFRB opined that the Subject would have understood the warnings. The UOFRB also noted that the Subject was possibly under the influence of narcotics, was behaving erratically, and would not comply with the officer's commands to stop and drop his knife. The UOFRB further noted that when the impact rounds were discharged, the Subject was advancing on the officers while armed with a knife. Based on his actions, the UOFRB opined that when the impact rounds were discharged, the Subject presented an immediate threat of violence and physical harm to the officers. Additionally, based on the officers' articulation and the number of impact rounds fired, the UOFRB opined that the rounds were deployed in a controlled manner, with assessments made by each officer during and after each discharge.

As it pertains to the officers' background, the UOFRB noted that there was vehicular traffic attempting to travel west during the incident as well as people gathered on the north sidewalk. Due to the distance and trajectory, the UOFRB opined that the impact rounds presented little to no danger to the public.

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

Lethal Use of Force

Officer A – Two rounds in a southeast direction, in approximately 0.32 seconds, from approximately 25 feet.

Background – According to FID's investigation, Officer A's background was two parked unoccupied vehicles approximately 30 feet beyond the Subject. The Subject remained on his knees for approximately two minutes and twenty seconds before taking approximately three steps towards the officers while holding the knife in his right hand. As he did so, the Subject used his right hand to point at each of the officers as he counted them aloud. After counting the officers, the Subject took several steps back and to his left before transferring the knife to his left hand and making the sign of the cross with his right hand. While making the sign of the cross, the Subject's right hand moved in a straight line from his left shoulder to his right shoulder. Officer A perceived this as a "slit-your-neck type of motion" and an indication that he was going to harm the officers. The Subject then began walking towards Officers E, F, and K, from approximately 30 feet away. As the Subject advanced, he used his right hand to point at Officer F while the knife remained in his left hand with the blade tucked back along his forearm. As the Subject took his sixth step towards Officers E, F, and K, Officer A discharged one round from his/her service pistol at the Subject's chest from approximately 25 feet. This was immediately followed by a second round fired at the same area. At the point Officer A fired his/her handgun, the Subject was approximately 19 feet from Officers E, F, and K. According to Officer A, he/she fired to protect himself/herself and his/her partners.

According to Officer A, before the OIS, the Subject had forcefully pressed the knife's blade into his body. Based on the Subject's actions, Officer A believed that if he/she was willing to harm himself with the knife, he would be willing to use it against officers.

The BOPC noted that officers had been attempting to gain the Subject's compliance for more than five minutes when he began walking towards Officers E, F, and K. As the Subject advanced, he used his right hand to point at Officer F while holding a knife in his left hand, with the blade tucked back along his forearm.

As the Subject took his sixth step towards Officers E, F, and K, Officer J discharged his/her 40mm LLL at the Subject from an approximate distance of 26 feet. A split-second later, Officer F discharged his/her beanbag shotgun at the Subject from an approximate distance of 22 feet, and Officer D discharged his/her 40mm LLL at the Subject from an approximate distance of 36 feet. These less-lethal rounds were all fired within 0.75 seconds of each other.

Approximately 0.345 seconds after Officer J fired the first of the less-lethal rounds discharged during this incident, Officer A fired a round from his/her handgun at the Subject from an approximate distance of 25 feet, followed approximately 0.325

seconds later by a second round. According to FID's report, at the time Officer A fired his/her pistol, the Subject was approximately 19 feet from Officers E, F, and K.

In its evaluation of the force used during this incident, the BOPC noted that the officers at the scene had tried and failed to gain the Subject's compliance by issuing verbal commands to him, and that the Subject had begun to walk towards the officers while holding a knife. The BOPC also noted that multiple officers had less-lethal weapons deployed, and that the officers were behind, or had immediate access to, the cover of their vehicles. The pace at which the Subject was walking towards the officers was not rapid, and the Subject was approximately 19 feet from the nearest officers at the time Officer A fired.

Based on the Subject's actions, the use of less-lethal force was appropriate to prevent him from continuing to walk towards the officers while holding a knife. However, given the pace at which the Subject was moving and his distance from the officers, the BOPC determined that it was not objectively reasonable for Officer A to believe that the Subject's actions presented an imminent threat of serious bodily injury or death. Nor, given the less-lethal resources deployed by his fellow officers, was it reasonable for Officer A to believe that the use of lethal force was necessary at the time he/she (Officer A) used lethal force. Accordingly, by a vote of three-to-one, the BOPC found Officer A's lethal use of force to be Out of Policy.