

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

OFFICER-INVOLVED SHOOTING – 064-21

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

Newton 12/18/21

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

Officer A 12 years, 5 months
Officer B 5 years, 10 month

Reason for Police Contact

Officers responded to a suicidal male armed with a knife radio call. While at scene, the officers contacted the subject and an Officer-Involved Shooting (OIS) occurred.

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

Male, 22 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 November 1, 2022.

Incident Summary

On December 18, 2021, at 1654 hours, Witness A called 911 and Communications Division (CD) personnel answered the call. Witness A reported that the Subject was suicidal and just walked out of the house armed with a knife. At approximately 1656 hours, an "Ambulance Attempt Suicide" radio call was generated.

According to Witness A, when the Subject walked away from his residence, he removed a knife from his pocket and held it in his hand. The Subject walked west through the rear alley to the south sidewalk in front of the location.

Witness B told investigators that the Subject had begun to drink beer and smoke drugs when he turned 18 years old. Witness B further stated about the Subject that "He's a very hyper boy. He's very, very - - how do you say it? When he drinks - - because of the beer and the drugs, he's in an altered state of mind."

Uniformed Police Officers C and D activated their body-worn video (BWV) cameras and responded Code Three (with vehicle emergency lights and siren activated) to the call.

Uniformed Sergeant A activated his/her BWV camera and responded Code Three to the call.

According to Sergeant A, earlier that day during roll call, he/she discussed tactics regarding subjects with knives with the officers. Sergeant A further stated that he/she and the officers regularly discuss tactics and how to handle different scenarios.

Police Officers A and B also responded Code Three to the call.

At approximately 1654 hours, Witness C called 911 and reported to the Radio Telephone Operator (RTO) that the Subject had a large knife. Witness C gave the RTO the Subject's description and location.

According to Witness C, he saw the Subject looking at and walking toward him while holding a knife. Witness C stated that the Subject looked angry and he was swinging the knife in the air, which caused him to be scared.

At approximately 1656 hours, on the Communications Division (CD) 911 call recording, Witness A was heard telling the RTO that the Subject tried to hit someone and was going to attack a person with the knife.

At 1657 hours, CD broadcast an information update, "additional on your attempt suicide... the subject is now chasing people with the knife...".

Force Investigation Division (FID) Investigators' review of the 911 call recording noted that Witness A did not say that the Subject was chasing people with the knife, as stated

by the RTO in the radio broadcast. Investigators heard Witness A tell the RTO that the Subject was going to attack a man with the knife.

At approximately 1700 hours, as Sergeant A drove west toward the location, an unrelated back-up request broadcast was broadcast. Officers were Code Six on armed-robbery suspects in the division. Sergeant A told investigators that, based on edged weapons protocol and that he/she was the only supervisor in the field, he/she did not respond to the back-up request at the robbery call.

According to Sergeant A, as he/she drove west toward the call location, a male and a female were flagging him down and pointing to the Subject sitting on the stairs in front of the location. Sergeant A further stated that he/she "Identified him based on the comments of the radio call, what he was wearing, and the fact that I observed right away he was holding like a big butcher knife type meat cleaver."

According to Sergeant A's BWV, he/she parked the police vehicle facing toward the south curb, activating the vehicle spot light and illuminating the area around the Subject.

As Sergeant A exited his/her vehicle, the Subject was sitting on the exterior stairs of the apartment building. The Subject was holding a knife in his right hand with the blade pressed against his neck.

Sergeant A can be heard telling the Subject to "Just drop that, you're going to be good! Drop the knife alright, hey bro, just drop the knife." The Subject did not appear to respond to or acknowledge Sergeant A. According to Sergeant A, he/she unholstered his/her pistol and held it in a single-hand grip with his/her trigger finger along the slide at a low-ready position as he/she stood behind the open driver-side door of his/her vehicle.

According to Sergeant A, he/she unholstered his/her pistol "Due to the fact based on the comments of the radio call, based on my observations of him - - seeing him with a meat cleaver, large butcher knife, I believed that the situation may escalate to the use of deadly force. I drew my firearm and to protect myself in the event that he may try to charge at me."

Officers A and B arrived at the location. Officer A parked the police vehicle facing southeast toward the south curb and turned on the spotlight illuminating the area around the Subject, who was still seated on the stairs.

According to Officer B, he/she did not broadcast that they were Code Six (had arrived on scene) "Because at the same time that we were responding to this man with a knife call, a backup came out and the radio was tied up. So I didn't - - you know, yeah, I didn't push the button and I didn't show myself on the radio Code Six, but my partner did put out an RA [rescue ambulance] request. So I assume that they were - - they knew that we were there already because of the request of the RA."

Per Officer B's BWV, he/she exited the vehicle and took a standing position behind the vehicle passenger door. Officer B unholstered his/her pistol with his/her right hand as he/she simultaneously turned on and positioned the vehicle spotlight with his/her left hand. Officer B transitioned to a two-handed grip on the pistol as he/she held it in a low-ready position. According to Officer B, he/she had his/her trigger finger along the frame and his/her sights were aligned toward the suspect.

According to Officer B's BWV, his/her BWV was recording in "buffer" mode (video but no audio) when he/she pressed the record button, activating the audio. Officer B can be heard speaking to the Subject in English and then in Spanish, giving commands to drop the knife.

Simultaneously, Officer A made a radio broadcast, "Let me get a back-up on a 415 man with a knife." Officer A also broadcast a request for a rescue ambulance (RA) to respond and stage.

As the officers arrived at the location, Witness A was still on the phone telling the RTO that the officers had arrived, and the Subject was holding the knife to his throat.

According to Officers C and D's BWV, Officer C parked the police vehicle in front of the location, facing west in the east lanes, east of Sergeant A's vehicle.

According to Officer C's BWV, he/she retrieved the 40 millimeter Less-Lethal Launcher (40mm LLL) from the vehicle gun rack and loaded a sponge round into it as he/she walked to Sergeant A's location.

According to Sergeant A's BWV, the Subject held the knife in front of himself at shoulder level, rotating the blade back and forth from left to right repeatedly. Sergeant A directed Officer C to take a cover position behind the driver-side door of their vehicle. Sergeant A directed Officer D to take a cover position behind the passenger-side door of their vehicle.

According to Officer C, "At this point I can see the Subject. He's got a knife to his neck. He's motioning that he's cutting his neck with the knife. At one point he puts the knife on his hand and looks like he's cutting his hand open." Officer C further stated the Subject appeared to be sweaty and visibly crying.

Simultaneously, Officer D took a position behind the open passenger-side door of Sergeant A's vehicle. According to Officer D's BWV, it captures the Subject placing the blade of the knife against his left palm and making a slicing motion.

Officer D unholstered his/her pistol and held it in a two-handed grip at a low-ready position.

According to Officer B's BWV, Officer B can be heard acknowledging Sergeant A's direction and replying, "Got it DCO, DCO."

According to Officer B, "And then I remember hearing my name saying, 'You're lethal, lethal.' So, I had that assignment. You know, it's a tough assignment, but you're protecting your brothers or sisters that are there. Because, you know, obviously when someone's lethal and if deadly force needs to be used to transition to that, that's going to be a tough job. So it's on me to protect not only myself, but my partners and the people around there."

According to Sergeant A's BWV, he/she used his/her left hand to point to Officers B and A and stated, "You guys got lethal!"

According to Officer A's BWV, he/she unholstered his/her pistol and held it in a single-handed grip in a low-ready position and then transitioned to a two-handed grip of the pistol as he/she stood behind the open driver's door of his/her vehicle.

At 1702:56 hours, Officer A pressed the record button on his/her BWV camera and the audio microphone was activated.

Officer A's BWV camera was recording in buffer mode and the audio microphone was not actively recording sound for the initial 51 seconds that he/she was at the scene.

When describing the Subject, Officer A stated, "He appeared to be under the influence of some unknown controlled substance by the way he was acting."

Officer A is heard on his/her BWV directing a responding unit to drive into a position between his/her vehicle and Sergeant A's vehicle.

At approximately 1702:57 hours, the officers that were Code Six (on scene) at the robbery call and made a broadcast of "Code Four suspects in custody." Immediately after that broadcast, Sergeant A made a radio broadcast that he/she was Code Six on the 415 man with a knife and requested additional units to respond for traffic control.

According to Officer A's BWV, Officer A is heard telling Officer B that he/she is going to talk to the Subject in Spanish. Officer A took over communications from Officer B.

BWV depicts the Subject placing the blade of the knife against his left palm and making a cutting motion once again. The Subject then placed the blade against the side of his throat and multiple officers can be heard yelling, "Don't do it."

According to Sergeant A's BWV, Sergeant A yelled to the Subject, "Don't do it!" Sergeant A then yelled out, "Forty stand by, forty stand by!" Sergeant A is heard directing Officer C to deploy the 40mm LLL. Sergeant A abruptly told Officer C to "wait, hold on, hold on," as a black and white patrol vehicle maneuvered in between the police vehicles already in position. That unit was uniformed Police Officer E, who drove his/her police vehicle into position between Sergeant A's vehicle and Officer A's vehicle. Officer E exited the vehicle and stood behind the open driver-side door.

Sergeant A resumed giving commands to the Subject, "Put the knife down bro, you're going to be good! Hey, put the knife down, you're going to be good!" Sergeant A told investigators that he/she did not tactically disengage from the Subject because "He was a danger to the community absolutely 100 percent, the crowd to the west, to the east, and there was actually an individual that almost came out of the apartments behind him. So I - - the community no doubt was in danger, and there was no way I was going to tactically disengage from that."

According to Sergeant A's BWV, he/she returned to the passenger side of his/her vehicle and announced out loud to the officers, "Hey let me get a team ready to go." Sergeant A yelled to Officers A and B, "Listen you got lethal, stay right here," as he/she pointed at them.

Sergeant A directed Officer E to join Officer D and assigned them to be the arrest team. Officer E joined Officer D behind the open passenger-side door of Sergeant A's vehicle.

According to Witness E, she saw the Subject "trying to cut his neck or try to cut his self."

According to Officer A's BWV, he/she broadcast another request for an RA to respond and stand by. The Subject's family members can be heard on BWV pleading with the Subject. The Subject stood up, holding the knife to his throat. The Subject then gestured the sign of the cross across his chest with his left hand.

According to Sergeant A's BWV, he/she went back to Officer C's position and simultaneously directed Officer D to put his/her gun up and be ready to respond. Sergeant A announced aloud, "Forty stand by!" as he/she directed Officer C to fire the 40mm LLL. According to Sergeant A, the reason for giving the notification was "To make sure that they knew we were firing less lethal. I didn't want - - I didn't want any lethal rounds to be fired, for that to be mistaken to be lethal rounds."

According to Sergeant A, he/she did not give the Subject a use of force warning because "At that point I believe the situation was - - it was too dangerous with that. I didn't want to - - I didn't want to give him that warning to let him know that we were going to hit him, because that might have had him take off running. So I didn't want - - I didn't want to do that."

According to Officer C's BWV, he/she fired the 40mm LLL from approximately 30 feet and he/she did not give a warning before firing because Sergeant A had already "gave it for me."

Officer C further stated that the Subject did not react to the shot in that "He didn't make any, like pain gestures, like grabbing his navel area. He just sat back down. He continued to put the knife back up to his neck."

According to Officer A's BWV, the sponge round struck the Subject on the lower-right abdomen area. The shot did not appear to affect the Subject, as he brushed his

stomach area with his right hand. The Subject then walked down the steps to the sidewalk while he continued to hold the knife to his throat. Sergeant A yelled commands to the Subject to "Drop the knife" and "Put it on the ground." Simultaneously, Officer C reloaded the 40mm LLL and pointed it at a low-ready position in front of the Subject. The Subject took a seat on the bottom step and continued holding the knife in his right hand.

According to Sergeant A's BWV, Sergeant A retrieved a ballistic shield from the trunk of his/her vehicle and gave it to Officer E, telling him/her to use the shield if they need to approach the suspect. Sergeant A yelled to Officers A and B, "You still got lethal coverage right here." Sergeant A walked back to the driver-side door of his/her vehicle and stood next to Officer C.

At approximately 1704:45 hours, an Air Support Division Unit arrived overhead and provided aerial support to responding units, directing officers to perimeter and containment positions.

At 1705:03 hours, Sergeant A made a second radio broadcast request for more units to respond for traffic control. He/she provided an update on the status of the incident, advising that the Subject was holding the knife to his throat and the officers were talking to him.

Sergeant A announced aloud, "Hey, I got it, I got it, let me talk." Sergeant A began asking the Subject if he spoke English. The Subject did not acknowledge nor respond to Sergeant A. Sergeant A told Officer A to speak to the Subject in Spanish. Officer A resumed talking to the Subject in Spanish.

According to Sergeant A's BWV, officers can be heard warning that someone was coming out of the building, as a person attempted to walk out of the entry door of the apartment building. Sergeant A yelled the command, "Hey stay right there, do not come out." Additional officers can be heard warning the person to stay inside and move away from the windows.

Officers F and G responded Code Three (with the vehicle emergency lights and siren activated) to the radio call. According to Officer G, prior to arrival he/she and Officer F monitored the radio transmissions and responded to Sergeant A's request to block traffic, and they discussed deploying both the less-lethal beanbag shotgun and the conventional (lethal) shotgun.

According to Officer G's BWV, Officer G parked the police vehicle across the west traffic lanes to stop vehicle traffic. The officers retrieved the less-lethal beanbag shotgun and the conventional shotgun from the trunk of their police vehicle. Officer F held the conventional shotgun in a "port arms" (diagonal across body) position with the barrel pointed up, racked the slide handle, and loaded a buckshot round into the chamber.

Simultaneously, Officer G held the beanbag shotgun in a “port arms” position with the barrel pointed up, racked the slide handle, and loaded a beanbag round into the chamber. According to Officer G, the beanbag shotgun was stored in the trunk already loaded with four live rounds in the magazine well.

According to Sergeant A’s BWV, Sergeant A walked toward the Subject’s family members standing in the front yard of their residence and asked, “Tell me his name, does he speak English?” A voice was heard on the BWV stating the Subject’s name. Sergeant A returned to his/her vehicle and yelled aloud “I got it, he speaks English” as he/she called out to the Subject by his first name several times. The Subject did not respond to Sergeant A.

According to Officers A and B’s BWVs, the officers resumed attempts to talk to the Subject in Spanish, but the Subject did not respond.

Officers F and G ran to Sergeant A’s vehicle. Officer G took a position to the left of Officer C and shouldered the beanbag shotgun with the barrel pointed at a low-ready position. Sergeant A advised Officer G that a 40mm LLL was already deployed at that position. Officer G repositioned the beanbag shotgun, pointing the barrel upward as he/she stepped back away from the driver-side door.

Sergeant A directed Officer F to provide lethal cover for Officer C. Officer F took a standing position at the driver-side door and to the left of Officer C, holding the conventional buckshot-loaded shotgun in a low-ready position with his/her trigger finger on the safety.

Sergeant A directed Officer G to move to the west side of the containment with Officer A to provide less-lethal cover at that position.

According to Officer G’s BWV, he/she asked Officer A, “Where do you need me?” as he/she took a standing position at the driver-side door and to the left of Officer A, providing less-lethal cover with the beanbag shotgun. According to Officer G, he/she held the beanbag shotgun at a low-ready position with his/her trigger finger along the frame, with the safety engaged. Officer A is heard giving commands to the Subject in Spanish. According to Officer G, the Subject was pressing the knife against his neck and he/she thought the Subject was going to cut his own throat.

According to Sergeant A’s BWV, he/she used the Public Address (PA) speaker of his/her vehicle to communicate with the Subject. Sergeant A addressed the Subject by his first name, requested him to drop the knife, and offered him assistance. The Subject did not react or respond to Sergeant A. According to Sergeant A, “There was a certain point to where he was sitting there, communication - - it was just - - it was like a dead - - like a dead stare. It didn’t seem like we were getting through to him. A blank stare.”

According to Officer A’s BWV, he/she yelled to Sergeant A, “Let me talk to him/her in Spanish!” Officer A took over attempts to communicate with the Subject. Officer A told

investigators that he/she heard the Subject's family calling him a nickname, so Officer A began to communicate with the Subject, addressing him with the nickname.

According to Sergeant A's BWV, Officer E moved his/her vehicle to block pedestrian and vehicle traffic.

According to Officer G's BWV, he/she told Officer A, "Tell him/her god doesn't want him to do it." According to Officer G, he/she saw the Subject gesture the sign of the cross.

According to Officers A and G's BWV, Officer A continued speaking to the Subject in Spanish.

At 1709 hours, Sergeant A broadcast a request for responding units to block traffic and set up containment. Sergeant A directed the members of the Subject's family that were standing in the front yard of their residence to go inside. Sergeant A walked to Officers F and G and reaffirmed their roles of lethal and less-lethal cover officers.

According to Sergeant A's BWV, he/she announced to the officers, "I got it, I got it!" as he/she again utilized the PA speaker in his/her vehicle and resumed his/her attempts to talk to the Subject. Sergeant A directed Officer D to move his/her vehicle between the two police vehicles in front of the Subject and then resumed talking to the Subject on the PA speaker.

According to Officer D's BWV, he/she holstered his/her pistol and ran to their police vehicle. Officer D drove their vehicle to a position between the vehicles of Sergeant A and Officer A, and Officer D parked their vehicle facing south. Officer D exited the vehicle, stood behind the open driver-side door, unholstered his/her pistol, and held it in a two-handed grip in a low-ready position.

According to Officer A's BWV, the Subject was sitting on the bottom step with the knife positioned down between his legs as his head lowered down toward the ground. Suddenly, the Subject used his left hand to knock his hat off his head and stood up holding the knife up in front of himself, above his shoulder at head level. The Subject looked in the direction of his family members gathered in their front yard, approximately 35 feet east of his location. The family members can be heard on the officers' BWV yelling, "Put the knife down" and "Don't do it!"

Sergeant A announced, "Get ready!" as he/she simultaneously ran around the back of his/her vehicle toward Officer C's position and announced "Forty, forty up." According to Sergeant A, "I just had a feeling, based on seeing what he did, that he was going to get up and run. You know, so I wanted to get around. I felt more comfortable with the 40 again. He might try to make an attempt to run toward the family. So, I wanted to get over to the east side and maybe see if we can get - - get a round off to stop that from occurring."

According to Officer F's BWV, the Subject took four steps forward in a northerly direction toward Officer C, and then he turned to his left in a westerly direction. At that moment, Officer C announced, "Forty, stand-by" as Sergeant A directed Officer C to fire the 40mm LLL giving the command of "Forty, forty up!" Officer F's BWV captured Officer C firing the 40mm LLL from approximately 22 feet and the sponge round impacting the Subject on the lower right side of the torso.

According to Officer C, he/she was aiming at the Subject's navel area when he/she fired the 40mm LLL.

According to Officer A's BWV, the Subject turned to his left and Officer A yelled the command, "Stop, stop, stop!" followed by the sound of Officer C firing the 40mm LLL in the background.

Approximately 0.382 seconds later, Officer A fired three rounds from his/her duty pistol from approximately 25 feet.

The rounds struck the Subject and he fell to the ground onto his back and the knife fell from his hand coming to rest on the sidewalk.

According to Officer B's BWV, the Subject stood up and walked in a northerly direction. Members of the Subject's family are heard in the background repeatedly yelling, "Don't do it!" Officer B yelled the commands, "Don't walk over here!" as the Subject held the knife up above his shoulder at head level. The Subject turned to his left, facing Officer B when the sound of the 40mm LLL is heard being fired, followed by the sound of Officer A firing three pistol rounds. The Subject is depicted on the BWV falling to the ground onto his back.

Approximately 0.322 seconds after Officer A fired his/her third pistol round, Officer B fired one pistol round from an approximate distance of 28 feet.

According to Officer B, he/she aligned his/her sights on the Subject's chest when he/she fired. Officer B told investigators the reason he/she fired was because "When he came down, we kept giving him commands and once he hit the sidewalk, I mean, I was scared and he ended up walking towards us - - towards the officers and myself and that's when I - - I had to use deadly force."

According to Sergeant A's BWV, he/she broadcast, "We got shots fired, officer needs help, shots fired..." According to Sergeant A's BWV, he/she moved to Officer A's location and gathered officers for an arrest team.

Sergeant A directed Officers C and F's attention to the Subject's family, who had exited the gate of the property and were gathering on the sidewalk. Officers C and F told the family to stay back.

Sergeant A began assigning specific roles to individual officers, directing Officer A as lethal cover, Officer G as less lethal, and Officers B and D as the arrest team. The officers formed together and moved forward. Officer A held his/her pistol in a two-handed grip pointed at a low-ready as he/she walked forward. Officer G held the beanbag shotgun at a low-ready position as he/she walked beside Officer A.

According to Officer C's BWV, Officer C placed the 40mm LLL into Sergeant A's vehicle. The Subject's family was visibly agitated and emotional as they ignored the officers' direction and walked toward the Subject lying on the ground.

Officer C took a position on the south sidewalk in front of the family and gave the command to "stay back." A female adult wearing a blue sweater and yellow shirt did not comply with his/her direction. Officer C stepped in front of the female and attempted to block her movement. Officer C took a hold of the female's arms and pulled her back away from the Subject and officers. Simultaneously, a second female wearing a gray sweater and tan pants attempted to walk past Officer C, and a shirtless male simultaneously confronted Officer C.

According to Officer C, he/she held a female back and grabbed hold of a male's arm to prevent them from approaching. Officer C stated that as he/she attempted to hold the family back, his/her BWV camera was knocked loose from the chest-plate mount.

According to Officer C, a male spat on his/her face and uniform as he/she attempted to block the family's approach. As the two female adults walked past Officer C, Officer F stepped in front the females to prevent their advance.

The officers blocked the family's approach. According to Officer F, "And I just kept the rest of the family away and tried to de-escalate them, you know, to prevent any more people from getting hurt or even getting arrested or any, you know, further action."

According to Sergeant A's BWV, as the officers approached the Subject, the knife was visible lying on the sidewalk next to the Subject. Officer A used his/her left foot to slide the knife away from the Subject to the west. Officer A stated that he/she "kicked" the knife "due to the fact that the [Subject] was still moving around, and the knife was right by him sir, and it was unsafe."

Officer D holstered his/her pistol and walked behind the officers toward the Subject. Officer B holstered his/her pistol and moved forward behind Officer D. Sergeant A moved forward with the arrest team and directed the officers to roll the Subject over and handcuff him.

According to Officer D's BWV, he/she took a hold of the Subject's left forearm with his/her left hand and the Subject's left bicep with his/her right hand. Officer D lifted the Subject's left arm up and rolled him onto his stomach. Officer D placed his/her left knee on the Subject's buttock area. Officer B took hold of the Subject's left wrist, as Officer D transitioned his/her left hand to the Subject's right wrist. Officer D used his/her left hand

to pull the Subject's right arm out from under his body, while simultaneously retrieving his/her handcuffs from his/her "Sam Browne" (utility belt) handcuff case using his/her right hand. Officer D secured the Subject's wrists behind his back with the handcuffs. Officer D rolled the Subject onto his right side into a recovery position, and he/she and Officer B then searched the Subject's waistband and pockets for weapons. The officers checked the Subject for injuries. Officer B directed Officer D to retrieve his/her medical kit from the trunk of their vehicle. After the Subject was handcuffed, Officer A holstered his/her pistol.

At 1711:33 hours, Sergeant A first broadcast, "We have a Code Four [no additional assistance needed] suspect in custody, get an RA to respond..."

According to Sergeant A's BWV, an unknown person in the crowd then threw a black and yellow dustpan in the direction of Officer A.

Sergeant A then broadcast a request for additional units to respond, advising, "We have a 415 crowd, forming over here, go outside, let's get some more units here." Sergeant A advised that they were taking rocks and bottles, and he/she wanted to set up a skirmish line.

Sergeant A gave the command for a skirmish line to form and Officer A repeated the command, yelling "skirmish line." According to Sergeant A, "My - - at this point it was - - I wanted to save the crime scene. I didn't want anybody to jump in the crime scene or do anything, like move any evidence or anything, so I requested a skirmish line."

In the interim, Officer G positioned him/herself on the south sidewalk between the arrest team and the Subject's family. According to Officer G's BWV, Officer G can be heard talking to the family in Spanish. Witness B bent down, picked up a broom from the sidewalk, and held it in his right hand as he yelled in Spanish. Officer G pointed the beanbag shotgun at a low-ready position in front of Witness B as he/she gave commands in Spanish. According to Officer G, when asked if he/she felt threatened by the man with the broom, he/she responded, "I think - - yes. I mean, it was a potential for someone being struck, either myself or other officers that were there." Officer G further stated, he pointed the beanbag shotgun at the male and disengaged the safety.

According to Officer G's BWV, Witness B tossed the broom to the ground and Officer G then repositioned the beanbag shotgun to a "port arms" position and continued to talk to the family. At that time, the Subject's family ceased their advance toward the Subject. Officer F continued to talk to the Subject's family, directing their attention to the RA that was arriving.

On Officer G's BWV, he/she is heard directing Officer C to pick up the broom and move it away from the area. Officer G told investigators that his/her intent was "just to eliminate it as a potential tool for anybody to use against us or anyone there at the scene." Officer C placed the broom on the ground next to Sergeant A's vehicle.

Sergeant A walked to the southeast corner and directed the officers to take a position on the sidewalk and keep the crowd at the intersection away from the crime scene. At 1712:15 hours, officers' BWV captured Officer B directing Officer D to retrieve a medical kit from the trunk of his/her vehicle to render aid to the Subject. Officer D went to Officer B's vehicle and retrieved the medical kit. As Officer D attempted to locate the medical kit in the trunk, a Los Angeles Fire Department (LAFD) RA arrived at scene.

According to Officer B's BWV, Officer B is heard telling the paramedics that the Subject had gunshot wounds, directing their attention to a wound on the Subject's chest. Officer B removed the handcuffs from the Subject at the paramedic's request. The RA transported the Subject to the hospital.

Officers H and I arrived and took a position to assist in controlling the crowd of pedestrians gathering at the intersection. Sergeant A approached Officers H and I and directed them to go with the RA to the hospital. Sergeant A directed Officer D to retrieve his/her PR-24 side-handle baton and assist with crowd control at the southeast corner. Sergeant A approached Officers A and B and advised them that they needed to separate and leave their BWV cameras on.

According to Officer B's BWV, he/she turned on the digital in-car video (DICV) of their police vehicle. Officer B walked back and retrieved the Subject's hat from the stairs. Officer B picked up an expended 40mm LLL sponge round from the sidewalk, looked at it, and dropped it back on the ground. Sergeant A and Officer A told Officer B to leave the items where they were and advised him/her not to move the knife.

According to Officer B, he/she picked up the hat because "Every time something - - somebody gets transported with the fire department or the RA, we want to make sure, that all their belongings are with him/her or her. So in my head, so much going on, I wanted to make sure that he had his belongings going with him to the hospital. So I picked up his hat in an attempt to make sure he gets it. But then I was told, 'Oh, no. You have to leave it,' and I remembered, that's right to an OIS. I'm going to leave it here, so I threw it back - - I tossed it back to - - to the direction where I had picked it up." According to Sergeant A's BWV, he/she directed Officer C to secure the crime scene with yellow crime-scene tape.

According to Sergeant A's BWV, he/she directed Officers A and B to leave their BWV cameras on, due to the situation being tactical. Sergeant A directed the officers to separate from each other and sit in separate police vehicles.

At 1716:05 hours, Sergeant A broadcast a request for additional supervisors for separating and monitoring the involved officers.

At 1716:24 hours, Sergeants B and C arrived at the location and Sergeant A briefed them. Sergeant B took control and managed the skirmish lines. Sergeant C initiated monitoring of Officers A and B.

Sergeant B set up a skirmish line and blocking forces at the nearby intersection. Sergeant B directed the officers on the skirmish line to move the crowd to the west side of the intersection as the blocking forces moved and set up skirmish lines on the north and south sides of the intersection. Upon establishing control of the intersection, Sergeant B directed officers to secure the outer perimeter with yellow crime scene tape.

Sergeant A broadcast him/herself as the Incident Commander (IC) and requested the response of five additional supervisors to the scene. Sergeant D arrived at the location and assisted with managing the skirmish line, east of the officer-involved shooting (OIS) scene.

At approximately 1720 hours, Sergeant D took over monitoring Officer A. Sergeant D and Officer A turned off their BWV cameras and Sergeant D took a Public Safety Statement (PSS).

At approximately 1720 hours, Sergeant C directed Officer B to turn off his/her BWV camera. Sergeant C took a PSS from Officer B.

At approximately 1722 hours, Sergeant A gathered Officers C, E, F, and G for separation and monitoring. Sergeant A directed the officers to turn off their BWV cameras at that time.

At approximately 1739 hours, Sergeant A notified the Department Operations Center (DOC) that a Categorical Use of Force (CUOF) OIS had occurred.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	Yes	Yes
Officer A	No	Yes	No	No	No
Officer B	No	Yes	No	No	No
Officer C	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each 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, and C's tactics to warrant a Tactical Debrief. The BOPC found Sergeant A's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

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

C. Less- Lethal Use of Force

The BOPC found Officer C's less-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officers A and B'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 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.

Detention

- Officers responded to a radio call of “attempt suicide” involving the Subject. The comments of the call indicated that the Subject was armed with a knife. While responding to the scene, officers were advised that the Subject was chasing people with the knife. Arriving at the scene, Sergeant A located the Subject sitting on the front steps of 900 East Adams Boulevard, a multi-unit apartment building. The Subject was armed with a meat cleaver type knife. Sergeant A and responding officers attempted to communicate with the Subject to gain his/her compliance; however, he/she refused to drop the knife. At various points during the encounter, the Subject placed the knife against his/her neck and palm, ostensibly self-mutilating. Based on the totality of the circumstances, officers had reasonable suspicion to detain the Subject.

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/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – According to Sergeant A, earlier that day during roll call, he/she discussed with officers the tactics regarding subjects with knives. Sergeant A further stated that he/she and the officers regularly discuss tactics and how to handle different scenarios. Officers A and B have worked on and off as partners for approximately one and half years and advised they have had tactical discussions before and during their shifts. Before the OIS, Sergeant A developed and communicated a plan to contain and communicate with the Subject in an attempt to de-escalate the situation and take him into custody. Sergeant A designated two containment teams on each side of the Subject consisting of lethal and less-lethal roles, in addition to an arrest team, in case the situation required them to approach the Subject. At one point, Sergeant A retrieved and assigned a ballistic shield to an arrest team member.

Assessment – Sergeant A was aware that the edged-weapon protocol required a sergeant to respond to the ambulance attempt suicide radio call. As he/she was the only supervisor available in the field, Sergeant A assessed the need to respond. Hearing the updated information that the Subject was chasing people with a knife, Sergeant A knew the situation was “serious.” Arriving at the scene, Sergeant A and Officers A and B continually assessed the situation as the Subject failed to comply with their orders to drop the knife. Sergeant A and Officers A and B coordinated efforts to speak to the Subject. In case there was a language barrier, officers also spoke to him in Spanish. Sergeant A obtained the Subject’s name from his family and used it to build rapport. Sergeant A also used the PA system of his/her police vehicle to enhance communication. Sergeant A assessed his/her resources and requested additional units to respond to control vehicle and pedestrian traffic. Sergeant A assessed the Subject’s actions of gesturing the sign of the cross and opined he could attempt “suicide by cop.” During the incident, Officer C assessed the Subject’s actions and determined he was using the knife to harm himself. Wanting to stop the threat to him, Officer C fired a sponge round from the 40mm LLL.

After the OIS, Sergeant A assessed that the Subject was on the ground in a semi-conscious state and that the knife was no longer in his possession. Observing that a group of people was gathering who may try to approach the Subject, Sergeant A formed a contact/arrest team and apprehended him.

Time – Sergeant A and his/her officers maintained their distance as they attempted to communicate with the Subject. Using the police vehicles as cover while maintaining distance allowed Sergeant A and the officers time to communicate with the Subject to de-escalate the incident and gain his compliance.

Redeployment and/or Containment – Sergeant A positioned the police vehicles to contain the Subject in front of the apartment building and requested additional units for traffic control. As additional officers arrived, he/she ensured a containment team was positioned on each side of the Subject and that each team had a lethal and less-lethal officer assigned. Sergeant A later directed Officer E to reposition his/her police vehicle to the southeast corner to block pedestrian and vehicle traffic. Furthermore, Sergeant A directed Officer D to reposition his/her vehicle between Sergeant A's vehicle and Officer A's vehicle to provide better containment of the scene.

Other Resources – Sergeant A assessed the need for less-lethal options and directed the deployment of 40mm LLL and beanbag shotgun officers. Sergeant A assessed his/her resources and requested additional units to respond to control vehicle and pedestrian traffic. He/she retrieved a ballistic shield from his/her police vehicle and assigned it to an arrest team member. Officer A requested an RA unit to respond and stage near the radio call location before the OIS.

Lines of Communication – Sergeant A was the first unit to arrive and repeatedly asked the Subject to drop the knife. Shortly after arriving at the scene, Officer A requested backup units for a man with a knife, providing his/her location and the Subject's description. Sergeant A assessed his/her resources and requested additional units to respond to control vehicle and pedestrian traffic. After the Subject failed to comply, Officers A, B, and Sergeant A alternated communicating with him in English and Spanish, using a PA system to enhance communication and the Subject's first name to build rapport. Before and after the OIS, Sergeant A communicated his/her plan and their assignments to the officers at the scene.

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

Code Six

Due to an unrelated backup request in the division, Sergeant A did not advise CD that he/she was Code Six (on scene) when he/she arrived at the scene. Sergeant A broadcast his/her Code Six status immediately after the unrelated backup request was declared a Code Four, indicating that no further assistance was needed.

The BOPC noted that the Use of Force Review Board (UOFRB) evaluated Sergeant A's decision to delay broadcasting his/her Code Six status. The UOFRB noted that as Sergeant A was responding to the ambulance attempt suicide radio call, the unrelated backup request was broadcast by officers who were Code Six on armed robbery suspects. Sergeant A was aware that multiple units were responding to the backup request and did not want to "tie up the air." To keep the frequency clear for those officers, Sergeant A did not advise CD that he/she had arrived at the scene until the officers broadcast a Code Four.

The UOFRB Majority noted that Sergeant A advised CD that he/she was responding to the ambulance attempt suicide radio call. The UOFRB Majority also noted that Sergeant A was aware that two other units were responding with him/her to the call and that Officers A and B arrived at the scene within 30 seconds of his/her arrival. The UOFRB further noted that within seven seconds of their arrival, Officers A and B broadcast a request for backup units which included their location. Immediately after the unrelated backup request was declared a Code Four (approximately one minute and forty seconds after Officers A and B's broadcast) Sergeant A advised CD that he/she was at the scene.

The UOFRB Majority noted that the Code Six policy's intent is to advise CD of an officer's location so that other units will be able to locate them if assistance is needed. Based on the totality of the circumstances, the UOFRB Majority opined that had Sergeant A needed assistance, other units would have located him/her. Also, due to the nature of the unrelated backup request, the UOFRB Majority opined that it was reasonable for Sergeant A to delay his/her Code Six broadcast to keep the frequency clear for officers dealing with armed robbery suspects. Therefore, the UOFRB Majority determined that the tactics employed by Sergeant A were a substantial deviation, with justification, from Department-approved tactical training.

The UOFRB Minority was critical of Sergeant A's decision to delay going Code Six. The UOFRB Minority noted that because Sergeant A advised CD he/she was responding to the call, it would have appeared on his/her Mobile Data Computer (MDC). As such, the UOFRB Minority opined that he/she could have shown him/herself at the scene and kept the frequency clear for officers on the unrelated backup by using his/her MDC. The UOFRB Minority also noted that upon arrival, Sergeant A was confronted by a subject armed with a knife; however, he/she did not request backup units despite the situation meeting the criteria. The UOFRB Minority opined that by delaying the backup request, Sergeant A further exposed him/herself to unnecessary risk.

The UOFRB Minority opined that broadcasting him/herself Code Six upon arrival, before engaging an armed subject, was crucial to Sergeant A's safety; and in not doing so, he/she exposed him/herself to unnecessary risk. Had Sergeant A required assistance or help, it could have been substantially delayed due to CD being unaware of his/her current location. Therefore, the UOFRB Minority determined that

the tactics employed by Sergeant A were a substantial deviation, without justification, from Department-approved tactical training.

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

- The BOPC also considered the following additional debriefing topics:

Crime Scene Preservation – Approaching the Subject to apprehend him, Officer A slid the knife away from him. Alternatively, Officers could have moved the Subject away from the knife. To enhance future performance, the BOPC directed that this be a topic of discussion during the Tactical Debrief.

Less-Lethal Use of Force Warning – Officer C did not provide a verbal use of force warning and may have mistaken a preemptive command to standby as a warning. Sergeant A articulated that it was a tactical decision not to provide a verbal use of force warning; he/she believed that the Subject would flee and escalate the situation if one were given. Alternatively, Sergeant A or Officer C could have provided a use of force warning before deploying the first 40mm LLL sponge round. To enhance future performance, the BOPC directed that this be a topic of discussion during the Tactical Debrief.

Profanity – Officer B used profanity when he/she yelled at another officer to get out of the car to address a citizen that refused to leave the area near the suspect. To enhance future performance, the BOPC directed that this be a topic of discussion during the Tactical Debrief.

Personal Protective Equipment (Gloves) – Officers B and D were not wearing protective gloves while apprehending and searching the Subject. Alternatively, they could have donned protective gloves before approaching him. To enhance future performance, the BOPC directed that this be a topic of discussion during the Tactical Debrief.

Beanbag Shotgun Manipulations – Officer G advised that he/she disengaged the safety of his/her beanbag shotgun at different times during the tactical portion of the incident. However, it was unclear if this occurred apart from the one instance when his/her sights were aligned on his/her target and he/she intended to shoot. Officer G assessed that the suspect was no longer a threat and decided not to discharge an impact round. As firearms safety is always a worthy discussion, the BOPC directed that this be a topic during the Tactical Debrief.

Non-Medical Face Coverings – Officers A, B, C, and Sergeant A were not wearing non-medical face coverings at the scene, as directed by the Chief in May 2020. To enhance future performance, the BOPC directed that this be a topic of discussion

during the Tactical Debrief. Additional personnel at the scene were also not wearing non-medical face coverings and this will be addressed at the divisional level.

- **Command and Control**

Based on the Department's edged-weapons protocol and the fact that he/she was the only divisional supervisor in the field, Sergeant A responded to the ambulance attempt suicide radio call. For the same reason, he/she continued his/her response when the unrelated robbery backup was broadcast. According to Sergeant A, he/she believed that the Subject may be a danger to the community and the public based on the updated information which indicated that he was chasing people with the knife. Sergeant A was the first unit and supervisor to arrive at the scene. He/she established contact with the Subject and attempted to persuade him to drop the knife. Once additional resources arrived, Sergeant A established command and control by assigning lethal and less-lethal roles, an officer with a ballistic shield, and an arrest team. He/she made updated broadcasts and requested units to assist with vehicle and pedestrian traffic. Throughout the incident, Sergeant A ensured that commands were given to the Subject to get him to drop the knife. To enhance communication with the Subject, Sergeant A used a police vehicle's PA system. After the OIS, he/she formed a contact/arrest team and apprehended the Subject. He/she implemented crime-scene management, established skirmish lines, coordinated traffic control, declared him/herself as the Incident Commander (IC), and requested additional supervisors to the scene. Sergeant A initiated the separation and monitoring protocols of all involved officers and ensured their continued monitoring by additional responding supervisors.

Sergeants B and C responded to the incident after the OIS and were briefed by Sergeant A. Sergeant B took over management of the tactical incident by monitoring the skirmish line. After the tactical incident became stable, Sergeant B initiated the monitoring of Sergeant A. Sergeant C assumed monitoring of Officers A and B and obtained Officer B's Public Safety Statement (PSS). Sergeant D, responded to the incident, assumed monitoring of Officer A, and obtained his/her PSS. Sergeant E monitored Officers C, D, and the Subject. Sergeant F monitored Officers F and G. The overall actions of Sergeants B, C, D, E, and F were consistent with Department training and the BOPC's expectations of supervisors during a critical incident.

As it pertains to Sergeant A, the UOFRB Minority was critical of his/her overall command and control. The UOFRB Minority noted that while he/she gave orders in a manner that may have indirectly implied he/she was the IC, he/she did not declare him/herself as such. The UOFRB Minority also noted that Sergeant A involved him/herself in the efforts to communicate with the Subject. As Sergeant A was the only supervisor at the scene, the UOFRB Minority opined that he/she should have delegated this role to a subordinate, allowing Sergeant A to maintain oversight of the incident and ensure that everyone was aware of the potential plan of action. The

UOFRB Minority also opined that Sergeant A should have directed an officer to retrieve the ballistic shield instead of doing it him/herself.

The JUOFRB Minority noted that Sergeant A did not request assistance from other supervisors and use available resources, such as the Mental Evaluation Unit or the Crisis Negotiation Team. Additionally, the UOFRB Minority opined that he/she confused officers by taking on the role of negotiator and formulating a deficient plan to take the suspect into custody. Although Sergeant A's direction to use the 40 mm LLL may have been reasonable, the UOFRB Minority opined that his/her plan was deficient because he/she did not communicate it or his/her intent to the officers, nor did he/she direct them to place themselves in a position that would have created a sufficient amount of distance and cover.

The UOFRB Minority was also critical of Sergeant A's decision not to provide a less-lethal warning. The UOFRB Minority noted that Sergeant A stated he/she did not recall if he/she issued a use of force warning; however, he/she also articulated a plan to deploy less-lethal munitions and use the element of surprise to take the suspect into custody. The UOFRB Minority also noted that Sergeant A stated he/she had time on his/her side but opined that his/her actions of using the element of surprise contradicted this statement. The UOFRB Minority also opined that yelling "40-millimeter standby" confused Officer C as to whether a use of force warning had been given. The UOFRB Minority determined that the tactics employed by Sergeant A were a substantial deviation, without justification, from Department-approved tactical training.

The UOFRB Majority noted that Sergeant A took the initiative to respond to the ambulance attempt suicide call when he/she recognized the need for a supervisor. Arriving at the scene, Sergeant A attempted to de-escalate the situation and convince the Subject to drop the knife. As additional units arrived, Sergeant A implemented command and control by designating roles and developing a tactical plan using the available resources. While he/she did not declare him/herself as the IC before the OIS, he/she was the only supervisor at the scene and there was no confusion as to his/her being in command of the incident. Recognizing the need for additional resources, Sergeant A obtained a ballistic shield from the trunk of his/her police vehicle and requested units for traffic control. The UOFRB Majority opined that Sergeant A continuously assessed the situation and made necessary adjustments. Sergeant A also ensured that his/her officers maintained their distance and used cover while attempting to obtain the Subject's surrender.

As the only supervisor at the scene, Sergeant A was forced to simultaneously perform multiple tasks. While he/she could have delegated some of his/her tasks, such as acquiring the ballistic shield, and he/she could have refrained from communicating with the Subject once additional units arrived, the UOFRB Majority opined that Sergeant A was able to oversee and direct the officers at the scene without compromising his/her supervisory oversight.

As it pertains to Sergeant A's direction to Officer C to discharge his/her first 40mm LLL sponge round, the UOFRB Majority noted that the Subject had stood up while holding the knife to his throat and made the sign of the cross leading Sergeant A to believe he may attempt suicide by cop or run toward his family. The UOFRB Majority also noted that Sergeant A was concerned the Subject may harm civilians. Per Sergeant A, there were crowds of people west and east of the apartment building, as well as an individual who almost exited the building behind the Subject. According to Sergeant A, the comments of the radio call had indicated that the Subject was chasing people down the street and Sergeant A believed "one-hundred percent" that the Subject was a threat to the community. Sergeant A hoped that officers could use the 40mm LLL to bring the situation to an end. The UOFRB Majority also noted that before directing Officer C to discharge the 40mm LLL, he/she announced "Forty stand by!" to alert officers that less lethal was being used and to prevent the contagious use of lethal force. Sergeant A then directed Officer C to discharge the 40mm LLL, stating, "Hit 'em!" Based on his/her articulation, the UOFRB Majority opined that Sergeant A reasonably believed that the Subject posed an immediate threat to the safety of others.

Regarding Sergeant A's decision to forgo the use of force warning, the UOFRB Majority noted that per Tactics Directive No. 17.1, a use of force warning is not required if a tactical plan requires the element of surprise to stabilize a situation. While the UOFRB Majority would have preferred that Sergeant A had ensured a warning was provided before directing Officer C to discharge the 40mm LLL, they understood he/she intended to use the element of surprise to prevent the Subject from running toward and potentially harming others. Additionally, based on his/her transcribed statement, the UOFRB Majority opined there was no conflict in Sergeant A's explanation for forgoing the use of force warning and that his/her statement regarding time being on his/her side pertained to not prematurely approaching the Subject.

In reviewing this case, the BOPC noted that Sergeant A elected to perform several tasks he/she should have assigned to the officers at the scene, specifically communicating with the Subject and retrieving the ballistic shield. As stated above, command and control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. During an incident of this nature, a critical component of command and control is the delegation of duties. If a supervisor feels an officer is having difficulty performing a specific task, he/she or she should rotate another officer in, not assume the task him/herself. While the BOPC commended Sergeant A for his/her initiative, the BOPC would have preferred he/she had delegated more of the tasks that he/she chose to perform. Had he/she done so, he/she would have been afforded the ability to focus solely on maintaining supervisory oversight.

For these reasons, the BOPC found that the tactics employed by Sergeant A were a substantial deviation, without justification, from Department-approved tactical training.

- **Tactical Debrief**

In conducting an objective assessment of this case, the BOPC determined that Sergeant A's actions were a substantial deviation, without justification, from Department-approved tactical training. The BOPC also determined that the actions of Officers A, B, and C were not a deviation 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.

B. Drawing and Exhibiting

Sergeant A

- As Sergeant A exited his/her police vehicle, the Subject was sitting on the exterior stairs of the apartment building holding a knife in his right hand with the blade pressed against his neck. Sergeant A told the Subject, "Just drop that, you're going to be good! Drop the knife all right, hey bro, just drop the knife!" The Subject did not appear to respond to or acknowledge Sergeant A. Believing that the situation could escalate to the use of deadly force, Sergeant A unholstered his/her service pistol. Sergeant A holstered his/her service pistol when he/she was comfortable with the number of officers that had arrived at the scene.

Officer B

- According to Officer B, he/she received information that the Subject was armed with a knife and chasing people. Believing the situation could escalate to the use of deadly force, Officer B unholstered his/her service pistol upon his/her arrival.

Officer A

- According to Officer A, as arriving at the scene, he/she observed the Subject armed with a knife and pedestrians nearby. Sergeant A assigned Officer A as the lethal officer role. Believing the situation could escalate to the use of deadly force, Officer A unholstered his/her service pistol.

The BOPC noted that the UOFRB assessed Officers A, B, and Sergeant A's drawing and exhibiting of their service pistols. The UOFRB noted that they responded to an ambulance attempt suicide radio call. While they were responding, CD broadcast that the subject was chasing people with a knife. Arriving at the scene, Officers A, B, and Sergeant A observed the Subject sitting on the front steps of an apartment building armed with a meat cleaver style knife, which he refused to drop. Additionally, Officers A and B were designated as lethal cover officers. As such, the

UOFRB opined that it was reasonable for Officers A, B, and Sergeant A to believe that they may have to use lethal force.

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

Therefore, the BOPC found Officers A, B, and Sergeant A's drawing/exhibiting to be In-Policy.

C. Less-Lethal Use of Force

Officer C - 40mm LLL, two rounds

- **First Round** – The Subject stood up, holding the knife to his throat. The Subject then gestured the sign of the cross across his chest with his left hand. Sergeant A directed Officer C to discharge the 40mm LLL. Officer C believed the Subject was attempting or was going to attempt to cut himself. In response, Officer C discharged one 40mm LLL sponge round at the Subject.
- **Second Round** – According to Officer A's BWV, the Subject was sitting on the bottom step with the knife positioned down between his legs as his head is lowered down toward the ground. Suddenly, the Subject used his left hand to knock his hat off his head and stood up holding the knife up in front of himself, above his shoulder at head level. According to Officer F's BWV, the Subject took four steps forward in a northerly direction toward Officer C, and then he turned to his left in a westerly direction. According to Officer C, he/she believed the Subject was walking toward his/her partners and feared that he was going to attack "us." In response, Officer C discharged one 40mm LLL sponge round at the Subject.

The BOPC noted that the UOFRB assessed Officer C's use of less-lethal force. As it pertains to his/her first round, the UOFRB noted that per Tactics Directive 17.1, officers who encounter an armed self-mutilating or suicidal individual shall not use a 40mm LLL against that person, unless the officers reasonably believe the use of the 40mm LLL would not place the officers in a position which could escalate the situation to the use of lethal force. Per the directive, if officers choose to use a 40mm LLL in these situations, they should utilize distance and cover to avoid placing themselves in a vulnerable position. The UOFRB noted that Officer C observed the Subject holding the knife against his neck and his palm. Based on the Subject's actions, Officer C opined that he was attempting or was going to attempt to cut himself with the knife. To prevent the Subject from self-mutilating, Officer C discharged one sponge round from his/her 40mm LLL, striking the Subject. While the sponge round did not seem to cause the Subject any pain, the UOFRB noted that he sat on the steps allowing officers several more minutes to attempt to de-escalate the situation. As indicated above, the UOFRB Majority opined that all of the

officers had sufficient cover and distance when Officer C discharged his/her first sponge round. Based on the totality, the UOFRB opined that Officer C's first use of the 40mm LLL conformed to Department policy.

Regarding Officer C's second round, the UOFRB noted that the Subject had knocked the hat off his head, quickly stood holding the knife in the air, and looked toward his family members gathered in their front yard. According to the BWV footage, the Subject took four steps toward Officer C and then turned to his left. At that moment, Officer C announced, "Forty, standby" as Sergeant A announced "Forty, forty up!" In response, Officer C discharged a second sponge round from the 40mm LLL at the Subject to prevent him from attacking officers. According to Officer C, he/she believed that the Subject was going to attempt suicide by cop and he was going to try to attack officers with the knife. Based on the Subject's actions, the UOFRB opined that it was reasonable for Officer C to believe he posed an immediate threat to officers' safety when he/she discharged his/her second sponge round.

In terms of the less-lethal warning, the UOFRB noted that Officer C was not sure if one was given; however, he/she was aware that Sergeant A had given the "40 stand by" command. Based on the totality of the circumstances, the UOFRB opined that Officer C was confused as to whether a use of force warning had been given and may have mistaken the "40 stand by" command as a warning. The UOFRB also opined that this issue could be addressed during the tactical debrief and that his/her use of less-lethal force was within policy.

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

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

D. Lethal Use of Force

Officer A – Pistol, three rounds

- **Background** – According to Officer A, at the time of the OIS, his/her background consisted of the front steps of the building at the location. According to Officer A, while there were pedestrians in the area, there was "nobody" in the background when he/she discharged his/her service pistol.

According to Officer A's BWV, the Subject was sitting on the bottom step with the knife positioned down between his legs as his head is lowered down toward the ground. Suddenly, the Subject used his left hand to knock his hat off his head and stood up holding the knife up in front of himself, above his shoulder at head level. According to Officer F's BWV, the Subject took four steps forward in a northerly direction toward Officer C, and then he turned to his left in a westerly direction. In

fear for his/her partner's life, his/her life, and nearby pedestrians, Officer A discharged three rounds at the Subject to stop the threat of serious bodily injury or death.

- **Officer B – Pistol, one round**

Background – According to Officer B, at the time of the OIS, his/her background consisted of the front steps of the building at the location. According to Officer B, the apartment was elevated from street level, and the Subject was standing on the sidewalk. Officer B indicated there was no one directly in his/her background when he/she discharged his/her service pistol.

According to Officer B's BWV, the Subject stood up and walked in a northerly direction. Members of the Subject's family were heard in the background repeatedly yelling, "Don't do it!" Officer B yelled the commands, "Don't walk over here!" as the Subject held the knife up above his shoulder at head level. The Subject turned to his left, facing Officer B, when the sound of the 40mm LLL is heard being discharged, followed by the sound of Officer A firing three rounds. Officer B stated that once the Subject reached the sidewalk and turned toward him/her and his/her partner, it was necessary to use deadly force. Officer B was scared the Subject would use the knife against himself, his/her partners, or a civilian in the area. Officer B stated that once the Subject turned toward him/her and made an "advance motion," he/she discharged his/her firearm at the Subject.

The BOPC noted that the UOFRB assessed Officers A and B's lethal use of force. As it pertains to Officer A, the UOFRB was critical of the perceived threat posed by the Subject. According to Officer A, the Subject had advanced toward the officers and then turned toward him/her and his/her partner. Based on the Subject's actions, Officer A believed that the Subject was going to approach him/her (Officer A) with the knife. Officer A feared for his/her life, his/her partner's life, and the lives of the citizens nearby. While the UOFRB considered Officer A's perception, they noted that the investigation did not support his/her belief of the imminent deadly threat posed by the Subject. Although Officer A may have feared for his/her life, his/her partner's life, and the lives of the citizens, the UOFRB opined that his/her fear was predicated on the likelihood of future harm, not an imminent deadly threat. Based on the BWV footage, the UOFRB opined that the Subject did not have the apparent intent to harm Officer A when the OIS occurred. The UOFRB also opined that he did not have the apparent intent or the opportunity to harm the citizens, as officers were controlling pedestrian traffic. Based on the totality of the circumstances, the UOFRB opined that Officer A's lethal use of force, all three rounds, was not objectively reasonable, proportional, or necessary.

Regarding Officer B, the UOFRB was again critical of the perceived threat posed by the Subject and opined that the investigation did not support his/her assertion of an imminent deadly threat. Although Officer B may have feared for his/her life, his/her partner's life, and the lives of the citizens, they believed his/her fear was also

predicated on the likelihood of future harm, not an imminent deadly threat. Based on the BWV footage, the UOFRB opined that the Subject did not have the apparent intent to harm Officer B when the OIS occurred. While the UOFRB considered Officer B's statements regarding the imminent threat the Subject posed to his family and pedestrians, the UOFRB opined that he did not have the apparent intent or the opportunity to harm them, as officers were controlling pedestrian traffic and the Subject's family was east of his location. Based on the totality of the circumstances, the UOFRB opined that Officer B's lethal use of force was not objectively reasonable, proportional, or necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would not reasonably believe that the lethal use of force was proportional, objectively reasonable, or necessary.

Therefore, the BOPC found Officers A and B's lethal use of force, all rounds, to be Out of Policy.

Requirement to Intercede

- Based on the BOPC's review of this incident, it was determined that the incident unfolded quickly and in a manner that did not afford any officers time to intercede.