

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

OFFICER-INVOLVED SHOOTING – 067-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Northeast	12/26/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	9 years, 9 months
Officer B	1 year

Reason for Police Contact

On December 26, 2021, at approximately 1810 hours, officers responded to a Los Angeles Fire Department (LAFD) back-up request for a combative suspect (the Subject) suffering from lacerations and puncture wounds to his neck area. The Subject was sitting inside a parked vehicle at a business. The Subject refused to exit the vehicle or cooperate with LAFD personnel. Upon the officers' arrival, the Subject immediately exited his vehicle with a 15-inch knife in his right hand. The officers gave verbal commands to the Subject to drop the knife; however, he refused and walked toward the officers. The officers continuously ordered the Subject to stop and drop the knife. The Subject did not comply and stated, "No, shoot me." When the Subject contacted the front bumper of the police vehicle, he walked toward the passenger officer and an Officer-Involved Shooting (OIS) occurred. The Subject was struck by gunfire and collapsed to the ground.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 33 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent Subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of

the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on December 6, 2022.

Incident Summary

On December 26, 2021, at approximately 1750 hours, a vehicle entered the parking area of a business. The driver of the vehicle (the Subject), exited his vehicle and began walking toward the business, which was located approximately 20 yards south of his parked vehicle. Security videos from the business depicted the Subject wearing a bloodied tank-top shirt with a bloodied white t-shirt draped over his neck, and black shorts.

On the evening of the incident, Witness A, was employed as a clerk at the business. At 1753 hours, as Witness A was helping another customer, the Subject entered and approached the counter. According to Witness A, the Subject's shirt was completely covered in blood. The Subject opened his mouth, but no sound was audible or emitting from his mouth. Witness A asked the Subject if he wanted her to call the police and he nodded yes. The Subject then turned around, exited the store, and walked back to his vehicle.

Witness A immediately dialed 911 and advised that the Subject had entered the business, was bloody, and was unable to speak due to an issue with his throat. The LAFD received the call and after the operator documented the information, the operator transferred the call to LAPD Communications Division (CD).

In 1758:15 hours, CD broadcast on Northeast Area's Base frequency for any Northeast Unit to meet LAFD at the business.

At 1801:11 hours, LAFD personnel responded to the call.

When LAFD arrived at scene, LAFD Captain A observed the Subject walking toward him/her with a significant amount of blood on his shirt. According to Captain A, it appeared that the Subject had a laceration from one end of his ear to the other across his neck. The Subject, upon seeing LAFD personnel, turned around and began to walk back toward his vehicle.

Captain A ordered the Subject not to enter his vehicle, but he ignored Captain A's orders and entered his vehicle. Then the Subject turned on the ignition and rolled the windows shut. Subsequently, Captain A broadcast a back-up request which was immediately transferred to CD. At 1803:48 hours, CD broadcast on Northeast Area's base frequency that LAFD was requesting a back-up on a combative suspect.

Police Officer A (passenger) and his partner, Police Officer B (driver), responded to the LAFD back-up request Code Three (with their vehicle emergency lights and siren activated).

Officers A and B had worked together once before this shift. After each roll call, the officers discussed who would be contact and cover officers. For the day of the OIS, as the driver, Officer B would be the contact officer and Officer A would be the cover officer. In addition to his/her duties as the cover officer, Officer A would handle communications on the radio and read out-loud information on the Mobile Digital Computer (MDC) to Officer B. The officers have both attended the Mental Health Intervention Training (MHIT) course for patrol officers.

As Officers A and B were responding to the call, CD inquired if the officers were Code Tom (TASER) equipped. The officers confirmed they were.

At 1805:54 hours, the Incident Recall printout documented that per the LAFD, the Subject had slit his throat and it was unknown if he was armed with a knife.

At 1806:22 hours, the Department's Edge Weapons Protocol was activated and CD broadcast for a supervisor to respond for an edged-weapon call. Sergeant A indicated that he/she was responding and asked what the edged weapon was.

At 1806:42 hours, CD broadcast an update from LAFD that LAFD was at the scene and stated the Subject had a self-inflicted laceration to his throat and it was unknown if the Subject was still armed. According to Officer B, Officer A read the comments of the call aloud as they drove to the incident.

Meanwhile at the business, Captain A was standing next to the driver's side of the Subject's vehicle. The driver-side window was rolled up and the Subject refused to acknowledge Captain A's numerous attempts to communicate with him. Eventually, the Subject rolled the window down and Captain A asked him if someone harmed him. The Subject responded by shaking his head, "No." Captain A asked the Subject if he cut himself, and Subject nodded his head, "Yes." Captain A asked these questions in an effort to medically treat the Subject. Captain A stated that when someone is mortally wounded, they usually want help, and he/she told the Subject that he/she was there to help him.

At 1809:33 hours, a rescue ambulance (RA) staffed with firefighter paramedics arrived at scene. Captain A directed the firefighter paramedics to place "chock blocks" behind the rear wheel of the Subject's vehicle to prevent the vehicle from moving.

Captain A stood approximately three feet from the Subject's driver-side door and asked the Subject to exit, so that they could provide him with medical attention. Captain A's rationale for his/her close proximity to the Subject's door was that he/she wanted to watch him in the event he pulled out a gun. Captain A noted that the Subject did pull

out a knife.

At 1810:00 hours, Officers A and B arrived at the scene and drove into the north entrance of the business. Officer B stopped their vehicle approximately 30 feet behind the Subject's vehicle and offset to the left, then they exited their police vehicle. Officer B stated he/she parked their police vehicle as described above so that it would give him/her the best tactical advantage based on the area.

According to Captain A, the Subject then exited his vehicle with the knife in his right hand and the blade pointed downward. Captain A described that the Subject just made a straight "bee line" for the patrol car. Captain A backed away from the Subject and moved to the far side of another vehicle that was parked two stalls east of the Subject's vehicle.

The officers' body-worn video cameras (BWVs) and digital in-car video camera (DICV) depicted the Subject standing near the driver-side door of his vehicle with his arms outstretched from his body. In his right hand, the Subject was holding a 15-inch knife with the blade pointed downward. The Subject stood near his door with his arms extended out with the knife for approximately 50 seconds. According to Witness B, he heard the Subject state something to the effect of, "Shoot me" or "So shoot me."

The following is an account of the incident from Officer A's perspective:

According to Officer A, when they arrived at scene and as he/she was exiting their police vehicle, Officer A saw LAFD personnel backing away from the Subject. Officer A was alerted that the Subject was armed with a knife. As the Subject stepped out of his vehicle, Officer A observed his throat was "slashed severely" and he was armed with a "large knife" in his right hand. In response, Officer A unholstered his/her pistol as he/she believed that the situation could arise to the point where deadly force would be justified. Moments after unholstering his/her pistol, Officer A lowered the passenger-side window. Officer A gave several commands to the Subject to drop the knife. Officer A's intention was to have the Subject surrender, so that he could receive medical aid.

After standing near his vehicle with the knife in his hand, the Subject began to walk toward the officers and their vehicle, disregarding their commands. Officer A stated that he/she continued to give several commands for the individual to drop the knife, but the Subject refused. Officer A stated that as the Subject approached the police vehicle, he/she could hear the Subject saying, "Shoot me."

Officer A believed there was nowhere for him/her to redeploy to a position of advantage. Officer A stated at that point he/she felt there was nowhere else to redeploy since there was a street behind him/her and an open parking lot of the business. Officer A believed it was better to remain behind their vehicle door to still have some cover and distance from the Subject as he was approaching. According to Officer A, he/she initially wanted to redeploy, but the only cover he/she had at that moment was the passenger-side door of their vehicle.

The Subject walked into the front bumper of the officers' vehicle. The Subject looked to his left toward Officer A and took a step toward him/her. Officer A stated that he/she sidestepped outside from behind their vehicle door due to the fact that the door was blocking his/her view of the Subject and his/her firearm. Officer A stated that the Subject advanced towards him/her while raising the knife aggressively and posed an immediate threat. Officer A already observed that the Subject had harmed himself and felt the Subject was close enough to kill him/her.

Officer A clarified that he/she actually redeployed a little from the passenger-side door due to the fact that the door frame was covering his/her line of sight of the Subject. Officer A believed that since the Subject was advancing towards him/her, he/she believed the Subject had the opportunity to stab him/her and kill him/her. Officer A fired one round at the Subject from an approximate distance of eight feet. The Subject fell to the ground and dropped the knife.

Officer A believed that utilizing his/her TASER or retrieving the 40-millimeter Less-Lethal Launcher (40mm LLL) was not a viable option. Officer A stated that his/her initial thought was to take out the TASER, but the Subject started advancing rapidly towards him/her and his/her partner. Officer A believed that if he/she had to holster his/her firearm and obtain a less-lethal weapon, his/her attention would have been taken away from the Subject as he was approaching. Officer A also pointed out that he/she and Officer B were the only officers at the scene as the Subject advanced toward them with the knife. Officer A stated that had another unit arrived, he/she would have been able to designate them to be less lethal.

The following is an account of the incident from Officer B's perspective:

Officer B exited from the driver's side of their police vehicle and walked toward the Subject's parked vehicle. As Officer B began his/her approach, the Subject opened the driver door, turned to his left, in the direction of the LAFD personnel, and placed his left foot on the ground. Officer B moved slightly past the left front quarter panel of their police vehicle as the Subject stepped out of his vehicle. Officer B was alerted by LAFD personnel that the Subject had a knife. Officer B stated that as he/she was approaching the Subject's vehicle, LAFD advised him/her that the Subject was armed with a knife, so Officer B redeployed back to their patrol vehicle and utilized the door as cover.

After learning that the Subject was armed with a knife, Officer B unholstered his/her pistol and began giving commands to the Subject. Officer B shouted, "Hey! Drop the knife." The Subject reacted by turning toward Officer B and repeatedly stating, "Shoot me."

Officer B stated he/she unholstered his/her pistol because LAFD advised that the Subject was armed with a knife, and he/she believed that the situation could escalate to where deadly force might be necessary.

A couple of seconds elapsed when Officer B removed his/her left support hand off his/her pistol and retrieved his/her handheld radio. Officer B then broadcast a request for a back-up unit for a man with a knife, as he/she backed away from the Subject. Officer B then opened the driver-side door with his/her left hand and yelled at the Subject, "Hey, put it down man, come on!" and took a position of cover behind the driver-side door.

Officer B secured his/her radio and reacquired a two-handed grip on his/her pistol. Subsequently, Officer B told the Subject, "Put it down man, come on! You don't want to do this man! Put it down!" At that point, the Subject stood facing the officers with his arms outstretched from his sides. The Subject held the knife in his right hand with the blade pointed downward. Officer B used the driver-side spotlight to illuminate the Subject. Officer B observed the Subject bleeding from the neck and believed the Subject had stabbed himself in the abdomen.

The Subject continued to stand with his arms extended out with the knife in his right hand, while repeatedly stating, "Shoot me, shoot me," for approximately 50 seconds. The Subject then began walking toward Officers A and B. Officer B yelled, "Stop!" but the Subject disregarded his/her command and continued toward the officers, still armed with the knife.

According to Officer B, redeploying away from their vehicle's driver-side door was not a feasible option. Officer B stated at that point, there was no other option for redeployment. Officer B believed that his/her cover behind the patrol car's door was the best cover he/she could use given the location. Officer B explained that he/she didn't want to lose sight of the Subject, and that moving into the street to the area of the fire truck would have provided him/her with no cover. Officers A and B were the only officers at the scene during the OIS.

Officer B estimated that 90 seconds elapsed between when the Subject exited his vehicle and when the OIS occurred. During that time, Officer B did not believe a less-lethal force option was a viable choice. Officer B stated they would be giving the Subject an opportunity to charge them if they took the time to get their less-lethal weapon, making them vulnerable. Officer B stated there was a 40mm LLL accessible in the rack of their vehicle but believed the Subject would have been provided a window of opportunity to charge them with his knife. Officer B indicated that he/she would have to take his/her eyes off the Subject in order to transition to the 40mm LLL. Additionally, Officer B believed a crossfire situation would be created if he/she would have leaned into their vehicle to obtain the 40mm LLL.

The Subject approached the front end of the officers' vehicle and was approximately three feet away from Officer B, continuing to close the distance and bumping into the front of the police vehicle. The Subject then looked in Officer A's direction and took one lateral step to the left toward the passenger side of the police vehicle. Officer A was standing behind the front passenger door of the police vehicle, utilizing it for cover.

When the Subject stepped toward Officer A, Officer B believed that the Subject was going to harm Officer A with his knife. In response, Officer B fired two rounds from an approximate distance of 11 feet to stop the threat. Officer B believed the Subject was going to attack his/her partner and had focused on him/her. According to Officer B, after he/she fired his/her first round, the Subject was still standing with the knife in his right hand. Officer B perceived the Subject was still a threat to Officer A; therefore, he/she fired his/her second round to stop the Subject from harming Officer A.

At 1811:19 hours, Officer B broadcast, "Shots fired, officer needs help." Officer A advised Officer B to not approach the Subject until the arrival of the responding units. According to Officer A, the Subject was still moving, and his knife was only a couple feet away from him. Officer A believed that the Subject could have had other weapons on his person. Officers A and B ordered the Subject to stop moving, as they awaited the arrival of additional units.

At 1812:02 hours, Police Officers C and D responded to the help call and arrived. Officer D broadcast they were on scene (Code Six). Officer C parked their vehicle, exited, and ran to Officer B's position to assist in handcuffing the Subject.

Officer C placed his/her left hand onto Officer B's left shoulder and advised Officer B that he/she was behind him/her. Officer C positioned himself/herself to the left of Officer B. Officer C unholstered his/her pistol and took a two-handed grip. The Subject's knife was on the ground, approximately two feet away from his right hand. Officer C stated that he/she had drawn his/her gun because of the situation and reasonable belief that the situation could escalate to deadly force. Officer C was aware that deadly force had already been used because of the shots-fired call.

Officer D also approached Officer B and moved to the right, placing himself/herself behind Officer B. Officer D unholstered his/her pistol because he/she observed the Subject on the ground with a knife near him and determined that it was possible that the situation might escalate to deadly force.

Officers B, C, and D approached from the driver's side. Simultaneously, Officer A approached the Subject from his/her position behind their passenger-side door. To keep the knife away from the Subject, Officer C placed his/her right foot on the knife and moved it to the left, away from the Subject, approximately two to three feet. Officer D stated, "I got it," and used his/her right foot to move the knife another two to three feet further away from the Subject.

Officer A remained unholstered with his/her pistol in a low-ready position, while Officer B holstered his/her pistol. Officer B used both hands to gain control of the Subject's right wrist and arm, then rolled him to his left side.

Officer B retrieved his/her handcuffs with his/her right hand, while controlling the Subject's right wrist with his/her left hand. Officer D assisted Officer B by moving the Subject to his stomach with both of his/her hands. When Officer D moved the Subject

to his stomach, the Subject's left hand and arm were inadvertently rolled underneath the Subject. Officer D pulled the Subject's left arm from underneath the Subject and moved it behind the Subject's back. Officer B then completed handcuffing the Subject. Officer D rolled the Subject to the left lateral recovery position.

Approximately 15 seconds after the Subject was handcuffed, the LAFD personnel began Advanced Life Support (ALS) procedures.

At approximately 1816 hours, LAFD transported the Subject to a nearby hospital, as Officer D rode in the rescue ambulance (RA) with the Subject.

At 1848 hours, Doctor A pronounced the Subject dead.

Meanwhile at the scene, Sergeant A separated Officers A and B and obtained a Public Safety Statement (PSS) from both officers, separately. Officers A and B were monitored until relieved by Force Investigation Division (FID) investigators.

BWV and DICV Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	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 determined Officers A and B's tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

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

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

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

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

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

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

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

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

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

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

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

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

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

Definitions

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

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

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

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

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

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

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious

Bodily Injury includes but is not limited to:

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

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

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

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

A. Tactics

Tactical De-Escalation

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 A and B's second shift as partners. During their shifts, they discussed tactics, specifically contact and cover roles. While responding to the radio call, Officers A and B did not discuss a tactical plan specific to this incident. Per their transcripts, both officers claimed that they were the designated contact officer. While at the scene, Officers A and B did not communicate or form a tactical plan before the OIS. After the OIS, Officers A and B did not communicate or form a tactical plan with Officers C and D before approaching the Subject.

Assessment – After arriving at the scene, Officers A and B observed that the Subject was armed with a knife. Both officers unholstered their service pistols and began to give the Subject commands. Officer B estimated that 90 seconds elapsed between the Subject exiting his vehicle and the OIS. During this time, there was no deployment of a less-lethal force option. According to Officer B, he/she did not believe a less-lethal force option was a viable choice. Officer B believed that by deploying less-lethal, they would be giving the Subject an opportunity to try to charge one of them as they tried to obtain their less-lethal weapon. Officer B believed that at that point, he/she and his/her partner would be vulnerable to the Subject. Officer B also indicated that he/she would have had to take his/her eyes off the Subject to transition to the 40mm LLL, and a potential crossfire situation would have been created if he/she had leaned into their vehicle to obtain the 40mm LLL.

Officer A believed that using a TASER or retrieving the 40mm LLL was not a viable option. Officer A reasoned that his/her initial thought was to take out the TASER, but the Subject started advancing rapidly towards he/she and his/her partner. Officer A believed that if he/she had to holster his/her weapon, it would have taken his/her attention off the Subject to obtain his/her TASER and/or the 40mm LLL from inside the vehicle. Officer A noted that it was only he/her and Officer B at the scene as the Subject advanced toward them with the knife. Officer A was hoping that another unit would arrive so that he/she could designate the ensuing officer to be less-lethal next to him/her.

Time – Approximately one minute and 15 seconds elapsed between Officers A and B's arrival at the scene and the OIS, during which the officers attempted to create time by verbalizing with the Subject; however, the OIS occurred before backup units arrived at the scene.

Redeployment and/or Containment – When Officers A and B observed that the Subject was armed with a knife, they both redeployed to their police vehicle's ballistic doors for cover. According to Officer B, redeploying away from his/her police vehicle's door was not a feasible option. Officer B stated at that time, there was no other option for redeployment, believing his/her initial redeployment behind the patrol car's driver door was the best cover that he/she could use, given his/her location. Officer B stated they were in a business parking lot with the street behind him/her. Additionally, Officer B explained that if he/she had redeployed to one of the fire trucks on his/her left, he/she would have lost sight of the Subject.

Standing behind their vehicle ballistic door panel, Officer A believed there was nowhere else he/she could safely deploy to. Officer A stated at that point, he/she felt there was nowhere else to redeploy since there was a street behind him/her and only the open parking lot of the business. Officer A believed that it was better to stay behind their vehicle door to still have some cover and distance from the Subject as he was approaching them. Officer A stated that the police vehicle was his/her only consideration.

Other Resources – Observing the Subject armed with a knife, Officer B requested backup units. While both officers had TASERS and a 40mm LLL available, neither believed that less-lethal was a viable option before the OIS, which occurred before the arrival of backup units.

Lines of Communication – Throughout the incident, Officers A and B attempted to communicate with the Subject; however, their efforts were unsuccessful. The Subject continued to approach the officers while saying, “Shoot me.” After the OIS, Officers A and B did not advise Officers C, D, or Sergeant A that the Subject’s vehicle had not been cleared. Approximately eight minutes after the Subject was apprehended, officers cleared the Subject’s vehicle at Sergeant B’s direction.

The BOPC noted that the UOFRB assessed Officers A and B’s de-escalation efforts. As it pertains to “Planning,” the UOFRB opined that Officers A and B’s efforts were lacking. The UOFRB noted that while officers stated they discussed their roles at the start of their shift, there appeared to be confusion as to who was contact officer and who was cover officer. The UOFRB also noted that Officers A and B had approximately four minutes while responding to discuss tactics and form a plan specific to this incident; however, they did not. The UOFRB further noted that even though this incident involved an edged weapon, neither officer discussed deploying less-lethal options.

The UOFRB Majority noted the limited time the officers had to plan once they arrived at the scene. The UOFRB Majority opined that while the officers’ plan lacked detail, both officers used the available cover (the police vehicle’s doors), requested a backup, warned the Subject that force would be used, and told him to drop the knife. Officer B also told the Subject that he did not want to do “this.” The UOFRB Majority opined that the officers used the tools available to them until additional resources arrived and they could form a team consisting of a contact officer, designated cover officer (DCO), and designated less-lethal officer. Additionally, the UOFRB Majority opined that Officer B, who was a probationary officer, took a leadership role during this incident.

Regarding “Assessment,” the UOFRB Majority opined that there was insufficient training for officers when faced with Subjects armed with knives and the consideration for the use of less-lethal munitions when only two officers were present. The UOFRB Majority noted that Officers A and B’s assessment of the situation was objectively reasonable due to the Subject being covered in blood and failing to respond to the officers’ commands.

In terms of “Time,” the UOFRB noted that approximately 90 seconds elapsed between Officers A and B’s arrival at the scene and the OIS. The UOFRB Majority opined that the limited amount of time the officers had to deal with this high-stress situation needed to be considered. The UOFRB also opined that the Subject was waiting for the officers to arrive to exit his vehicle and engage them. The UOFRB

Majority opined that Officers A and B attempted to create time by verbalizing with the Subject as they waited for additional resources to arrive.

Concerning "Redeployment," the UOFRB opined that based on the location and totality of the circumstances, there was no other viable redeployment option for Officers A and B without compromising their safety or that of the community and LAFD personnel. While one of the UOFRB members opined that the officers could have redeployed toward the rear of their police vehicle to create distance, the heavy traffic on the major street behind the officers prevented them from safely redeploying behind their police vehicle. The UOFRB also opined that it was reasonable for Officer A to step to the side of his/her door because he/she could have quickly stepped back behind it and the vehicle's frame was obstructing his/her view of the Subject's actions.

As it relates to "Other Resources," the UOFRB Majority opined that it was not prudent to deploy less-lethal munitions without additional officer's present to act as lethal cover. While the Subject had ostensibly self-mutilated, he could have attacked the officers, fire personnel, or the public with his knife. Had officers taken their focus off the Subject to retrieve the 40mm LLL, this could have resulted in a dangerous situation for the officers, LAFD, and the public. The UOFRB Majority also opined that had lethal force been necessary, it would have been unsafe to have only one officer acting as lethal cover. Had that officer's service pistol malfunctioned, or had he failed to respond with appropriate force, both officers' lives would have been at risk. As it pertains to the TASER, the UOFRB Majority opined there was no way to ensure that it would have been effective, leaving both officers vulnerable to attack. Additionally, there was not enough time for the officers to contact other resources, such as the Mental Evaluation Unit (MEU) or SWAT, before the OIS. Regarding Officer B's initial request for backup units, while the UOFRB Majority would have preferred that he/she had requested "help" instead, they opined that his/her actions were reasonable and did not substantially deviate from Department-approved tactical training.

As it pertains to "Lines of Communication," the UOFRB noted that while they would have preferred to have one officer providing commands to the Subject, their commands were clear and non-conflicting. The UOFRB also noted that due to the lack of communication about the Subject's vehicle to arriving officers, the vehicle remained a potential threat to them as they had their backs turned from it and it could have contained a possible victim.

The BOPC considered that the UOFRB Minority disagreed with the Majority's assessment of Officers A and B's planning and assessment. The UOFRB Minority opined that Officers A and B had approximately five minutes to discuss the nature of the call and less-lethal force options, and to formulate a tactical plan adhering to edged weapon protocols as they responded to the radio call. Despite the available time, they did not discuss a plan specific to this incident, in particular the deployment of a less-lethal option. After the officers arrived at the scene, the Subject stood

outside his vehicle for approximately 50 seconds before advancing on the officers at a slow pace, yet neither officer communicated to the other the feasibility of using a less-lethal force option, specifically the TASER. The UOFRB Minority opined that Officers A and B's lack of planning and assessment while responding to, and after arriving at, the scene was a contributing factor to limiting their options leading up to the OIS.

The UOFRB Minority also noted that despite CD's advisement that the Subject was armed with a knife, Officers A and B's initial response to the situation was to simply walk up to the Subject's vehicle. The UOFRB Minority would have preferred that the officers treated this situation as a high-risk stop. The UOFRB Minority opined that this reflected the overall lack of planning that was present throughout this incident.

The UOFRB Minority disagreed with the UOFRB Majority's assessment of "Time" and "Other Resources." The UOFRB Minority opined that before they arrived at the scene, Officers A and B had the time to communicate with each other regarding tactics, a specific plan, and the use of less-lethal weapons. The UOFRB Minority noted that after emerging from his vehicle, the Subject remained stationary for approximately 50 seconds before advancing on the officers. During this time, Officer A had time to lower his/her window and both officers had time to position their spotlights on the Subject. The UOFRB Minority opined that during this period there was time for Officers A and B to communicate with each other and deploy either a TASER or the 40mm LLL. The UOFRB Minority further noted that while the Subject deliberately advanced on the officers, he did so at a slow pace, taking approximately 20 seconds to reach the front of the police vehicle. This was time with which the officers could have used to deploy other resources, specifically less-lethal weapons. The UOFRB Minority also noted that Officer A was the senior officer at the scene. Officer A did not take the time to communicate his/her experience with self-mutilating subjects or fire department backups to his/her probationary partner. The UOFRB Minority opined that with approximately ten years of experience as an LAPD Officer, Officer A failed to provide leadership, effectively communicate, or coordinate a plan with his/her partner. Therefore, the UOFRB Minority concluded that the tactics utilized by Officers A and B substantially and unjustifiably deviated from Department-approved tactical training.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, without justification, from Department-approved tactical training and warranted a finding of Administrative Disapproval.

Additional Tactical Debrief Topics

- **Non-Conflicting Simultaneous Commands** – Officers A and B gave simultaneous non-conflicting commands to the Subject while attempting to have him stop approaching and drop his knife. Alternatively, one officer could have been

designated as the contact officer, reducing the potential for confusion and increasing the chances of effective communication.

- **Situational Awareness** – As the arrest team was apprehending the Subject, Officer A stood behind Officer B providing lethal cover. Although Officer A was in a low-ready position, had he/she needed to use lethal force, Officer B may have been in his/her foreground.
- **Preservation of Evidence** – Officer D used his/her foot to move the Subject's knife an additional two to three feet after Officer C had moved it two to three feet from the Subject's reach. Alternatively, Officer D could have left the knife where he/she found it.

Command and Control

Sergeant A was the first supervisor to arrive on scene at approximately 1812 hours. Sergeant A assumed the role of Incident Commander (IC) but did not declare himself/herself IC until prompted by CD approximately ten minutes later. Sergeant A separated Officers A and B and obtained their PSSs. Sergeant A requested additional units and supervisors to assist him/her in securing the scene and checking the area for additional victims and witnesses. Sergeant A also made notifications to his/her watch commander, began directing incoming resources, and established a Command Post (CP).

Sergeant B was the second supervisor to arrive at the scene and assumed the monitoring and separation of Officer A from Sergeant A. Sergeant B also formed a team to clear the Subject's vehicle.

Detective A arrived at the scene and assumed the monitoring and separation of Officer B from Sergeant A.

At 1839 hours, Sergeant C notified the Department Operations Center (DOC) of the OIS.

The BOPC determined that ,although there were areas identified for improvement, overall, the actions of Sergeants A and B were consistent with Department training and expectations of field supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A and B were a substantial deviation, without justification, from department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the

appropriate forum for the involved officers to discuss individual actions that took place during this incident.

B. Drawing/Exhibiting

- **Officer A**

According to Officer A, as he/she was exiting the police vehicle, he/she saw LAFD personnel backing away from the Subject. Officer A was alerted by LAFD that the Subject was armed with a knife. As the Subject stepped out of his vehicle, Officer A observed that his throat was “slashed severely,” and he was armed with a “large knife” in his right hand. In response, Officer A unholstered his/her pistol as he/she believed the situation could rise to the point where deadly force would be justified.

- **Officer B**

According to Officer B, when the Subject exited his vehicle, he/she and Officer A were alerted by LAFD personnel that the Subject had a knife. In response, Officer B unholstered his/her service pistol because he/she believed the situation could escalate to where deadly force may be used as the Subject could harm the firefighters or the officers.

The BOPC noted that the UOFRB assessed Officers A and B’s drawing and exhibiting of their service pistols. The UOFRB noted that Officers A and B responded to a backup request from LAFD regarding a combative Subject. According to Officers A and B, when they arrived at the scene, LAFD alerted them to the fact that the Subject was armed with a knife. Officers A and B then observed the Subject emerge from his vehicle, covered in blood, and armed with a large knife in his right hand, with LAFD personnel nearby.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B 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 and B’s drawing/exhibiting of a firearm to be In-Policy.

C. Lethal Use of Force

Officer A – Pistol, one round in a southwesterly direction from approximately 8 feet.

Officer A gave several commands to the Subject to drop the knife. According to Officer A, his/her intention was to have the Subject surrender so that he could receive medical aid. After standing near the vehicle with the knife in his hand, the Subject began to walk toward the officers and their vehicle, disregarding their

commands. The Subject walked into the front bumper of the officers' vehicle. The Subject looked to his left, toward Officer A, and took a step toward him/her. According to Officer A, the Subject advanced toward him/her while raising the knife. In response, Officer A discharged one round from his/her service pistol at the Subject. According to Officer A, he/she fired his/her service pistol because the Subject was close enough to "kill" or cause "serious bodily injury" to him/her. Officer A stated that he/she only fired one round because he/she observed the Subject "going down" and dropping the knife.

Background – According to the FID investigation, the officers' background was the Subject's vehicle and the block wall of the property.

Officer B – Pistol, two rounds in a southwesterly direction from approximately 11 feet.

Round One

The Subject continued to stand with arms extended out with the knife in his right hand while repeatedly saying the words, "Shoot me, shoot me" for approximately 50 seconds. The Subject then began walking toward Officers A and B. Officer B yelled, "Stop!" but the Subject disregarded his/her command and continued toward the officers, still armed with the knife. The Subject continued to close the distance and bumped into the front of the police vehicle. The Subject was approximately seven feet away from Officer B at this point. The Subject looked in Officer A's direction and stepped to his left toward the passenger side of the vehicle. Believing that the Subject was going to harm Officer A, Officer B discharged his/her service pistol at Subject.

Round Two

After discharging his/her first round, Officer B observed that the Subject was still holding the knife. Believing that the Subject still posed a threat to Officer A, Officer B discharged a second round at the Subject to stop him from advancing on and harming his/her partner.

The BOPC noted that the UOFRB assessed Officers A and B's lethal use of force. The UOFRB Majority noted that within seconds of Officers A and B's arrival at the scene, the Subject emerged from his vehicle, covered in blood, and armed with a large knife. Despite repeated commands, the Subject refused to drop the knife and walked toward the officers while saying, "Shoot me." Reaching the front of the police vehicle, the Subject began to move toward Officer A. The UOFRB Majority noted Officer B's belief that the Subject had shifted his focus to Officer A and his/her concern that Officer A may be seriously injured or killed. The UOFRB Majority also noted Officer A's belief that the Subject was close enough to "kill" him/her or cause "serious bodily injury." Based on the Subject's actions, the UOFRB Majority opined that the officers reasonably believed

that the Subject had the present ability, opportunity, and apparent intent to harm Officer A.

The UOFRB Majority noted that before the officers arrived, the Subject had sliced his neck and stabbed himself in the abdomen. While these were acts of self-mutilation, the UOFRB Majority opined that they displayed a propensity for violence that he could have transferred to the officers. The UOFRB Majority also opined that the Subject intended to commit suicide by forcing the officers to shoot him and would have attacked Officer A to further his intent. The UOFRB Majority concluded that the Subject's actions dictated the officers' response as he was provided ample opportunity to comply with their commands but chose to advance toward Officer A, resulting in the OIS.

As it pertains to necessity and the deployment of less-lethal force, the UOFRB Majority noted Officers B's belief that the TASER and 40mm LLL were not viable options and Officer A's belief that it was not "feasible" to retrieve the 40mm LLL due to the possibility of providing the Subject the opportunity to run at Officer A. While approximately one minute and fifteen seconds elapsed from the officers' arrival at the scene to the OIS, the UOFRB Majority opined that there was not much time for the officers to act due to the stress of the situation. The UOFRB Majority also opined that had a less-lethal option failed to stop the Subject, Officers A and B's safety would have been compromised as they were the only officers at the scene and the Subject was closing distance, determined to provoke a shooting. The UOFRB Majority further noted that while the Department has since developed training to shift officers' perceptions regarding the need to use lethal force in similar situations, this training was established after this incident.

As it pertains to proportionality, the UOFRB Majority noted that Officer B discharged two rounds and ceased firing. After firing his/her first round, Officer B assessed and observed that the Subject was still holding the knife. Believing that the Subject still posed a threat to Officer A, he/she discharged a second round. Although Officer A discharged his/her sole round after Officer B discharged his/her second, the Majority noted that at the point when he/she fired, Officer A observed that the Subject was still standing up and facing him/her with the knife in hand. Observing that the Subject fell after he/she discharged his/her round, Officer A ceased firing. Based on the totality, the UOFRB Majority opined that the force the officers used was proportional.

The BOPC noted that the UOFRB Minority considered the same set of circumstances but came to a different conclusion. The UOFRB Minority noted that Officers A and B had approximately four minutes to discuss tactics and form a plan specific to this incident while responding. Even though this incident involved an edged weapon, they did not have a plan to address that type of threat. The UOFRB Minority also noted that after emerging from his vehicle, the Subject remained stationary for approximately 50 seconds before advancing on the officers. During this time, Officer A had time to lower his/her window and both officers had time to position their spotlights on the Subject. The UOFRB Minority opined that during this period there was time for Officers A and B to communicate with each other and deploy either a TASER or 40mm LLL. The

UOFRB Minority further noted that while the Subject deliberately advanced on the officers, he did so slowly, taking approximately 20 seconds to reach the front of the police vehicle. The UOFRB Minority opined that the Subject's pace allowed for one of the officers to use less-lethal force and that the use of less-lethal force may have deescalated the situation, avoiding the need for lethal force. The UOFRB Minority felt that the officers' sole efforts at de-escalation were to tell the Subject that he did not want to do "this" and to order him to drop the knife. Based on the officers' failure to formulate a plan and to use other available resources and techniques, specifically less-lethal weapons, the UOFRB Minority opined that lethal use of force was not necessary.

As it pertains to the objective reasonableness of Officers A and B's lethal use of force, the UOFRB Minority opined that the Subject had sustained significant injuries that made his movements slow and lethargic, and that he lacked the capacity to inflict serious bodily injury or death to others. As such, the UOFRB Minority opined that the Subject did not pose an imminent deadly threat. The UOFRB Minority also opined that while the Subject had self-mutilated, his sole intention was suicide, as evidenced by his pace and repeated request for the officers to shoot him. And while the Subject was holding a knife, the UOFRB Minority opined that the way he held it, combined with how he was moving, did not indicate that he was going to use it against the officers when the OIS occurred.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, in the same situation, would not reasonably believe that lethal use of force was proportional, objectively reasonable, or necessary. Therefore, the BOPC found Officers A and B's lethal use of force to be Out of Policy.