

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

OFFICER-INVOLVED SHOOTING – 063-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Newton	12/18/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	12 years, 9 months
Officer B	16 years, 2 months

Reason for Police Contact

Officers responded to a “Domestic Violence Suspect There Now,” radio call. The Subject confronted the responding officers with a knife, which resulted in an Officer-Involved Shooting (OIS).

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Male, Hispanic, 34 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; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on October 25, 2021.

Incident Summary

On December 18, 2021, at approximately 1005 hours, Witness A heard the Subject screaming at the Victim.

According to Witness A, she heard the Victim and the Subject arguing near the entrance of the apartment building. Witness A observed the Subject "Swinging" at the Victim and watched as he pushed her to the floor. The Subject, then walked away." Screaming that he was going to kill the Victim and that he was going to return and "burn this [expletive] down." Witness A called 911.

According to the recorded 911 call to Communications Division (CD), at approximately 1011 hours, Witness A advised the Emergency Board Operator (EBO) that she observed the Subject hitting the Victim and dragging her down the stairs before threatening to kill her. The Subject was then banging on the Victim's door and trying to get in.

Witness A described the Subject as a Male Hispanic, 28-years old, wearing a grey shirt and grey shorts. She also advised the EBO of his first name.

As a result of the 911 call, at 1013:09 hours, the EBO broadcast, "Any Newton unit, Battery Domestic Violence, [...]. Suspect male Hispanic 28 years, grey shirt, grey shorts. Assaulted a female and dragged her on the stairs. Now banging on the door. Victims inside unit number [...], Code-Three."

The comments at 1012:54 hours were as follows: "SUSP [...], M/H [Subject's first name] 28 YEARS, GRY SHIRT, GRY SHORTS. ASSAULTING FEMALE, DRAGGED HER ON THE STAIRS. NOW BANGING ON THE DOOR. VICTIM INSIDE."

Communications Division (CD) assigned the radio call to Officers A and B. Officers A and B were equipped with body-worn video (BWV) cameras.

According to Officer A's BWV, at 1017 hours, Officers A and B responded to the call Code Three (with their vehicle lights and sirens activated).

Officers C, D, E and F also responded to the radio call.

As the officers were responding to the radio call, Witness A remained on the line with CD. Over the course of the eight-minute call, Witness A indicated that although she did not see the Subject in possession of a weapon, he "could be armed because he has always been with weapons." Witness A expressed concern for her own safety and believed she was in danger because the Subject was violent. Witness A stated, "Right now she's (the Victim) at the door with him, she's upstairs with her daughter and he's outside at the entrance like where the speaker. I think he may be under the influence. He's always drinking and smoking and doing drugs and when he gets like that, he gets

violent. There was an incident where he was threatening with a knife but right now, he doesn't have anything."

Although Witness A provided the EBO with a call back number, she requested to remain anonymous.

During a review of the 911 call, investigators noted Witness A advised the EBO that the Subject, "could be armed because he has always been with weapons." This information was not provided to the responding officers.

According to Officer A, while enroute to the call, he/she reviewed the comments of the call over the Mobile Digital Computer (MDC) and "noticed that at the bottom it says that the location is a chronic caller on, like, bogus calls."

The comments of the call did not refer to the same location as this domestic violence call. Additionally, the comments re: the "911 Abuser" referred to the bogus caller using a male pronoun.

According to Officer A's BWV, at 1019:58 hours, Officer A broadcast over that they had arrived at scene. As the officers exited their vehicle, a male, later identified as the Subject, was standing in the courtyard in front of the location. The Subject appeared to be looking south, in the officer's direction, moments before he moved east, out of BWV camera view.

According to Officer A's BWV, as the officers walked toward the location and entered the courtyard, loud music could be heard. The Subject was seated on a bucket just inside the threshold of the apartment building, with an alcoholic beverage container at his feet. The Subject turned the music off when Officer A asked, "What's going on?" but the Subject did not reply.

The Subject identified himself by his first name to the officers and stated he was at the location alone. The Subject stated it was his neighborhood and denied having a dispute with anyone.

At 1021 hours, Officers C, D, E, and F arrived at scene. The Subject complied with Officer A's direction and was handcuffed by Officers E and F without incident. Officer F conducted a pat-down frisk search on the Subject and did not locate any weapons or contraband.

According to Officer A, "Because of the domestic violence comments of the call, I wanted to make sure we handcuff him, right? So, we need to get him in custody first and handcuff him and verify that he's, you know, our suspect or it described our suspect and what he's wearing."

According to Officer E's BWV, at 1022 hours, Officer E noticed blood on the Subject's right hand. The Subject informed Officer E he injured his hand after he punched a wall. The Subject refused an ambulance.

According to Officer B, the Subject, "Appeared to be under the influence of alcohol. I smelled an odor of an alcoholic beverage coming from -- emitting from his breath, and his eyes were a little watery and glassed over. But other than that, didn't appear to be under the influence of anything else."

According to Officer A's BWV, at 1022 hours, Officer A located a black hooded jacket on the ground where the Subject was originally seated. Officer A searched the jacket, and no weapons or contraband were located.

Officer A knocked on the doors to the apartments at the incident location. According to Officer A, while knocking on the doors, he/she heard a faint voice coming from inside [an] apartment [...] when he/she announced, "LAPD and it was just kind of like -- they didn't want nothing to do with us." No one ever came to the door.

According to Officer B's BWV, at 1023 hours, Officer B used his/her police radio to request CD provide additional information on the victim's whereabouts and to ascertain if the person reporting (PR) wanted to meet. Communications Division immediately replied, "The PR did not wish to meet," and advised Officer B, "Stand by." As the officers continued their investigation, the Subject advised Officer B that he was previously arrested for vandalism and currently on probation for domestic violence. Officer B advised the Subject that he was going to be checked for warrants and if everything "checked out," Officer B would advise the Subject to leave the area. The Subject agreed and stated he would "Keep it cool."

According to Officer A's BWV, at 1025 hours, Officer A utilized the MDC in his/her patrol vehicle and verified the Subject did not have any wants or warrants for his arrest.

At 1032 hours, Officer B removed the handcuffs and released the Subject from the detention. The Subject gathered his belongings and left the location via a pedestrian walkway on the east side of the property. At 1033 hours, officers cleared the location.

According to Officer B, during the detention, the Subject cooperated and provided all of the information requested. Officers did not consider enforcing any alcohol-related statutes, "One, because I -- the LAMC section 41.27(c) LAMC, I would have had to have been observing him drinking the beer and I didn't observe him drinking it. It was just sitting there. And he was in the stoop. He wasn't out in public view as well. And I didn't feel his level of intoxication, from our interaction, his coherency was at a level that made him unable to care for himself. And then on top of that, the only reason now that he's out in public off private property is because we're instructing him to leave the property."

According to Officer A, there was no probable cause to arrest the Subject, "Because we didn't have a victim of any crime of domestic violence. The person who created the

radio call, we call it PR, did not wish to meet. I checked the comments of the call. There was no number we can call back. So based on that and the comments at the bottom of the screen that there was always bogus calls, I figured it was just that maybe upset. Was he being a nuisance there? Yes. Was he being loud and blaring music? Yes. But nothing to where -- to effect an arrest. We didn't see any evidence of domestic violence or anything or any victim came forward to us. Other than he was just being a nuisance, having loud music and we just said, 'Put it down. You got to go. You don't live here.' And he said, 'okay.' That was it. There was no reason for me to think otherwise. We did request further and it came back to no, victim did not wish to meet."

Having requested further information from CD about the victim's whereabouts, the officers left the scene before receiving the information they had requested. Officer A was not informed by CD that the victim did not want to meet.

It was not until 1037 hours, 14 minutes after Officer B's request and the officers had already cleared the scene, that CD Auxiliary Telephone Operator (ATO) contacted Witness A at the telephone number she provided. Witness A advised the ATO that the police had already responded and said, "The male, they let him go, but he left already."

Several minutes after the police left the location, Witness A observed the Subject standing at the entrance to the building shouting while "Holding like a torch," that was, "Kind of like a lighter." Witness A began to smell the odor of gasoline, which prompted her to call 911 once again.

According to CD records, at 1047 hours, Witness A made a second call to 911. Witness A informed the EBO that the Subject "came back and he's starting to burn down her apartment and he's starting to make his way through." Witness A stated the Subject, "broke down the door," and she believed he was inside the Victim's apartment.

At 1050 hours, the EBO broadcast, "Newton Units Domestic Violence suspect there now, [location given]. Suspect returned to the location, attempting to burn down the residence units throwing gas, stand by for additional, Code-Three."

At 1050 hours, Officer A acknowledged the call and indicated, "[S]how us responding from Newton Station, it's going to be related to our last call." According to Officer A's BWV, at 1051 hours, Officers A and B responded Code Three (with their vehicle emergency lights and siren activated).

Officer A advised investigators that he/she recalled the comments of the second call "said something about a knife." However, during a review of the incident recall and the Newton base frequency, there was no indication the Subject was armed with a knife.

According to Officer A, "Same location, same description. I said here we go again, in my mind. I didn't say that, but, okay, we're going to the same guy and who is a chronic caller, who the neighbors who annoyed by in our perception, right? Possibly they're

annoyed by him. You know, in the first comments that he was hurting somebody and nobody was hurt. So, I didn't know how much of this was facts."

The investigation established that here was no evidence to suggest either the first or second request for assistance was a "chronic caller." At the time Officers A and B responded to the second call, they had never established that the Victim was not hurt as a result of the first call.

According to Officer B, "We had read in the comments of the call where it had said habitual 911 caller, like at the location it came up. And I do remember, like, asking my partner, "I wonder if it's this same guy." Because we don't work the area regularly, it's a common thing where, like, certain locations will have habitual callers where it's ongoing family disputes or what have you. And based on his demeanor before, that was kind of our mindset because he was calm, cooperative. And now, you know, we leave and ten minutes later another call is coming out and it's completely different in the type of call than the previous one and -- yeah. So, I mean, we were in the thought process that it was potentially somebody who is calling and making things -- exaggerating with things to get the police out there quicker because it's an ongoing family dispute."

According to CD records, Witness A advised the EBO that the Subject "just threw gas all over the front door." At 1051 hours, CD broadcast, "[U]nits responding to [the location], the suspect is pouring gas on the stairway, is currently armed with a lighter."

Police Officers G, H, I, and J also responded to the call for service.

According to Officer G, "We're hearing the comments of the call he returned, he's breaking doors, and then that initial last comment was he has a gas container with lighter and he's trying to light up the complex or something that sort."

According to Officer A's BWV, at 1054:43 hours, Officer A broadcast that he/she and his/her partner were at scene.

Officer B stated, "I try not to park in front of a location just in case we have a situation where we do have an aggressive suspect or a suspect that wants to cause harm to myself or my partner, so we have distance. So, we're not right on top of the suspect, so it can give us time to assess the situation." "We have distance in case the suspect comes out, so -- yeah. It gives us time and distance to assess the situation and attempt to de-escalate it."

Officers A and B had a 40-millimeter (mm) Less-Lethal Launcher (LLL) stowed in the trunk of their police vehicle. According to Officer A he/she is not trained in the use of the 40-mm LLL.

According to Officer B, "I knew there was two additional units coming. And based on that, I generally don't like to have the primary unit taking care of the 40-millimeter,

because we're arriving Code-Six at a location and our focus needs to be on potential suspects and the location, rather than getting a 40-millimeter out and slinging it." Officer A advised investigators that as he/she and Officer B approached the location, there was no discussion regarding the deployment of any less-lethal munitions.

Officer A advised FID investigators that as he/she arrived at scene, he/she put his/her unit Code Six (on scene) as he/she heard the sirens of other units responding to the call. According to Officer A, "And as we park, I know there was somebody behind me, but I can't see behind me now. I'm focused on the threat. Or they're arriving somewhere around me, because I can hear the unit ... and the engine, you know, arriving and they're there. It's a loud sound. You can -- you know when they're driving to get there quickly, and I can hear them closing doors. I can hear people behind me."

According to Officer B's BWV, at 1055 hours, Officers A and B walked toward the location. According to Officer B, as he/she and Officer A approached the location, he/she observed a female. As described by Officer B, "The female was inside the location [...] pointing toward the entrance of the apartment building. So, as we're walking up, I'm assuming he's back on the porch, because she didn't seem very -- she didn't seem very concerned when we were walking up."

According to Officer B's BWV, 1055:23 hours, as the officers approached the apartment building, another female, later identified as the Victim, walked from the front of the apartment building toward the officers.

At 1055:24 hours, the Victim stated to the officers, "He's grabbing the knife right now." Officer B asked the Victim, "Where is he?" the Victim stated, "He broke into my house." Officer A asked, "Where's your house?" the Victim replied, "Apartment number [...]." Both officers simultaneously asked the Victim if the Subject was inside her apartment, but the Victim did not respond. Officer B asked the Victim if anyone else was inside her apartment. The Victim stated, "No."

According to Officer B, "As we approached the location, another female Hispanic exited the location and advised us that he was inside the location, he was trying to burn the place down and pouring stuff all over the place. And we tried to slow her down, because she was throwing -- like just saying a lot of stuff all at once. And we tried to slow her down just to establish what we had, what was going on, and what the totality of the situation was. So, we asked her, 'Where is he at?' 'He's in the house,' or 'He's inside.' We asked if there was anybody else in the house and she just -- I don't know what she said, because she was just going really fast. And then she said he was grabbing a knife and then we asked her what -- because for what she was describing that he was doing, her demeanor didn't seem urgent and like she was terrified. So, it seemed there was familiarity between her and the suspect, so we tried to establish what their relationship was."

According to Officer A, he/she and Officer B were approached by a female who was screaming, "He's inside. He's inside. He threw gasoline." And she's pointing with her

hands at a puddle of a liquid that's on the courtyard, and she said he poured gasoline or a chemical. I don't know what she called it, but she's telling us that he poured this and "He's trying to burn the building down." And I said, "Who?" I asked her, "Who is doing this?" I don't remember if she called him by his name, but she was referring to the man (Subject) who we spoke to. I don't remember how I made the connection it was the Subject.

Officer A did not smell an odor emitting from the liquid he/she observed on the ground, "And it's a very small puddle. Mind you, there had been that Red Bull can or something that was there just five minutes prior. So, in my head, I'm like it's probably that Red Bull can, you know, I assumed or something. If something was on the floor that was very -- it wasn't a big puddle. It was a small little puddle. She's pointing at it and pointing at the door."

Officer A called out to the Subject by his first name. The Victim stated, "He says that, he's threatened all the, the whole apartment, he put, he put (Inaudible) to burn down our whole apartment, all over the building."

According to Officer A, his/her intention was to get the Subject, "to come out so we can talk. At the moment she still didn't seem -- she was saying he was burning up the building, but the building was fine. There was no fluids, other than the one she was pointing at that's on the sidewalk. I didn't see the building on fire the way it was described that he's, you know, going to burn the building down."

According to Officer A, based on the first contact with the Subject, "His demeanor that he was calm. I thought I was walking into that. I honestly thought, okay, well, I'm walking into this guy -- I know how to handle him. I can talk to him. I built a rapport with him. He was receptive. You know, he was understanding. He was talking to me. So, I felt like maybe we didn't have to discuss all this. We already had talked about it and we knew who we were dealing with again. It was less than five minutes from one call to another. It might have been -- I don't know exactly the time stamp, but it was right back -- as soon as we drove away, maybe made it to the station, which is down the street, the call came out again. He was cooperative with me. She was only making him angry. So, if he heard my voice -- if he kept hearing her voice, he's not going to come out, because something happened between them."

According to Officer B, at that point, he/she did not expect for Officer A to call the Subject out of the apartment building. "Generally, we would wait till some additional units come and then maybe call him out where we have everything set and make sure we have proper cover and less-lethal deployed just in case he does have a knife. That probably would have not been -- not probably. That would not have been what I would have done per se. He immediately responded as soon as [he/she] called out to him." According to Officer B's BWV, at 1055:47 hours, as the Victim was speaking to the officers, a male voice, later identified to be the Subject's, can be heard yelling from inside the apartment building.

Officer A again shouted the Subject's name. The Victim advised the officers, "Just be careful because he's going to attack. He's going to attack,"

At 1056:09 hours, the Subject shouted from inside the apartment building, "What the [expletive] do you want?" Officer A replied, "It's LAPD," as he/she unsnapped and separated the Velcro cover off of his/her TASER holster.

Officer B, who was initially standing to the left of Officer A, stepped to his/her right, around Officer A and took partial cover, near the northwest corner of the building.

According to Officer B, "With the area that he's at, essentially that wall that I had cover at is the only place of cover that you can have. Unless you were to relocate a black and white to a location, which we didn't -- we weren't able to do during the time, because I parked a distance away so we could approach the location and weren't right on top of it. It's something I'm trained to do and it's also a regular habit that I -- that I do always. I try not to park in front of a location just in case we have a situation where we do have an aggressive suspect or a suspect that wants to cause harm to myself or my partner, so we have distance. So, we're not right on top of the suspect, so it can give us time to assess the situation."

According to Officer A's BWV, at 1056:12 hours, the Subject shouted, "[expletive]" as he appeared at the doorway with both of his hands down by his side. Officer A replied, "Come on." The Subject shouted, "What's up?"

According to Officer B, as the Subject stood in the doorway, "In his right hand he was holding, like, a torch lighter that was red and silver in color. And he was extremely agitated and yelling."

According to Officer A's BWV, Officer B stated, "Hey put the lighter down, come on man." The Subject replied, "[expletive]. You have two options. This house is surrounded with nothing but gas fluids. Either you [expletive] approach me or I'll light this [expletive] up."

According to Officer A, hearing the Subject make these statements he/she believed, "That he was going hurt me. He was going to hurt me because he kept -- and my partners, because he's now looking at me and he's focused on me. He's agitated and it's either this or that and it wasn't going to be -- if it was him lighting the place up, the only other people there was me and my partners and he's talking to me. And he's directing this to me and my partners. There was, I think, a wall -- I don't remember. He just kept moving, kind of like fidgeting, so I took that as a threat. He looked like he could have been on drugs, high. His demeanor -- he was sweating, fidgeting, agitated like if somebody when they're on some drugs, maybe alcohol. I don't know. It was too fast. It was five minutes. It was something heavy -- something heavy. His eyes were red and they were glazed and he was just fidgeting so much."

According to Officer B's BWV, as the Subject was shouting toward the officers, the Victim simultaneously stated, "You're [expletive] stupid. You would have [expletive], you (Inaudible) done it, shut the [expletive] already, you dumb [expletive]."

At 1056:32 hours, Officers G and H arrived at scene, exited their vehicle, and walked toward the location.

Officers G and H did not broadcast over the radio or use their MDC to indicate their arrival at scene. Officers G and H approached the location and initially stood to the south of Officers A and B.

This incident unfolded rapidly, most of the described actions by the Subject and officers occurred simultaneously.

According to Officer G, as he/she arrived at scene, he/she observed the Subject holding, "Some kind of like burgundy or red like small lighter slash like torch in his hand."

According to Officer A's BWV, at 1056:37 hours, while standing at the threshold of the apartment building entrance, the Subject bent over for approximately five seconds. A metallic clicking sound can be heard.

According to Officer A, the Subject was, "Angry lighting up this lighter and getting on the floor crouching down, bending, trying to light something that's on the floor, a fluid. And I'm trying to get him to, like, 'Hey, listen.' Talk -- to get to talk to me again."

According to Officer H, he/she noticed the Subject, "Appeared to have like a torch in his hand. And he was torching the ground saying, hey I'm going to burn this building down. Don't come close to me."

During the initial crime scene investigation, Firearms Analysis Unit (FAU) personnel advised investigators they were unable to collect any surface samples for analysis to detect the presence of an accelerant, unless visible liquid was present at the time of their investigation.

According to Officer B's BWV, at 1056:39 hours, Officer A told the Subject to "stop that." The Subject replied, "[expletive] them too," as he stood up and pointed what was later determined to be a torch lighter toward the officers.

According to Officer B, "Then he stands up again and at that point I noticed in his left hand he had a knife palmed in his hand. And when I saw that, I advised my partner and I believe another unit was approaching behind me at that same time. I said, "Hey, he's got a knife in his hand."

At 1056:42 hours, Officer B stated, "He's got a knife in his hand." Officer A replied, "Yeah, on it."

According to Officer A, "My focus went from the fluid to now I see the knife and he's got a knife. The fluid was on his right hand and the knife was on his left. He's holding the knife up now above his arm, above his elbow, like his head."

Officer A observed the Subject hold the knife in his left hand, raised over his head, with the blade, "Pointed up and it was sharp -- it looked sharp -- it looked sharp. It was silver in color and it looked like it could have been long. It covered his hand and it was sticking out maybe another four or five inches above his hand from the top and it had -- it was a little bit -- it was round. One side was pointy and straight and then maybe one side round. It almost like a foot possibly. I don't know. The knife had a shape."

During the interview with investigators, Officer A later clarified he/she observed the Subject with the knife in his right hand the entire time.

According to Officer G, "One of the primary units, I believe it was [Officer A], [he/she] went ahead and said, 'He has a knife.' So as soon as that happened, like it happened instantly. I want to say he was maybe 20-feet away from us. We really didn't have any cover besides that initial like little corner right in front of the location."

According to Officer A's BWV, at 1056:44 hours, the Subject momentarily raised both of his hands up and stated, "What's up? What the [expletive] you gonna do about it?" The Subject then lowered his hands and stepped down from the doorway toward the officers' direction.

According to Officer A, the Subject was, "Wailing his hands with the lighter and he's angry, very agitated. He's not the guy that I talked to earlier. It is the same guy, but he's angry. He's angry at me. He's angry at officers. He's screaming. There's, like, a look on his face where there's anger and he's fixated on me. He's fixated on me." Officer A also stated, "It was a shocker to me because this is not what I was going into. It was a shocker. This is not the guy we had just left that had walked away. I was -- I was afraid. I was afraid of what -- he was just -- just screaming and moving fast" "He's belligerent. He's slurring. He's moving. He can't control his body. He's fidgeting, very agitated and angry. I can tell the tone in his voice he's angry. I can tell by the demeanor how he was talking to me that he was not happy about us or anything."

According to Officer B's BWV, at 1056:45 hours, Officer B obtained his/her radio from the holder fixed to his/her equipment belt and raised it as if he/she was going to make a transmission. Officer B stated, "He's got a knife," for a second time.

According to Officer B, he/she obtained his/her radio to broadcast, "Back-up. I know I said back up, but I don't think I was able to get the whole thing out. I know I said back up, but -- yeah, I don't think I was able to broadcast the whole thing. Because as I was doing that, he simultaneously started advancing towards us and walking down the steps." Investigators reviewed the radio frequency, which did not reflect Officer B making this transmission.

Officer B advised FID investigators, "I did know there was another unit there with me. I knew we had one additional unit. We had one additional unit and one -- at least one other unit coming Code Three prior to our arrival. And then I put out the backup as well, because as soon as I saw the knife, I immediately recognized the situation could potentially lead to a deadly force situation or a use of force situation."

According to Officer H's BWV, at 1056:45 hours, as the Subject was shouting toward the officers, Officer H stated, "I'm gonna grab a bean bag," as he/she turned south in the direction of his/her vehicle.

According to Officer H, "At that time we had the distance for the beanbag, which would have been better. He had the knife. So, we would try to keep our distance."

According to Officer A's BWV, at 1056:46 hours, the Subject took two steps in the officers' direction. Officer A shouted at the Subject to back up. The Subject slammed the torch lighter, that was in his right hand, down on top of a row of metal mailboxes fixed to the exterior wall of the apartment building. The Subject continued to walk in the officers' direction as he transitioned a knife from his left to his right hand.

According to Officer A, "He's yelling something, but he's angry at me. He's coming towards me. He's only making eye contact with me. That's how I saw it. He wanted me dead. I was in fear that he was going to hurt me or anybody next to me."

According to Officer B, "From that point, he threw the lighter down on the ground, made like a loud bang, and then he started stepping down the stairs. And as he did, he transitioned the knife from his left hand to his right hand and he was holding it by the handle. And the blade was -- from my recollection, the blade was facing us and he starts aggressively walking towards us. The blade was going length wise of his hand -- his left hand and it was -- you know, I could tell it was like a chrome blade, approximately maybe three inches in length. And I saw just a little bit of a black handle. But other than that, I couldn't see any more of the knife at the time. He had his arm out to his side, like his left side and kind of raised up his -- like raised up mid-torso, like if that makes sense. His hand was up at the level of his mid-torso. And at that point, in the palm of his hand, I saw the knife resting in the palm of his hand. He wasn't -- he wasn't holding the grip of the knife with the blade up. He was kind of like concealing it in the palm of his hand. It appeared to be, like, a pocketknife that was open and palmed in his hand."

According to Officers A and B's Digital In-Car Video System (DICVS), at approximately 1056:47 hours, Officers A, B, G, and H simultaneously unholstered their pistols.

According to Officer B, he/she unholstered, "Because I felt the situation could escalate to deadly force and that he could potentially use that knife to harm my partner and myself and other officers. I unholstered my weapon and brought it up to a low-ready with my finger along the -- with my finger along the frame. Based on what I knew at the time, I was -- I unholstered my weapon to provide or establish -- to be lethal, if

necessary. And from what I heard, I was -- I felt that another officer was grabbing a forty to be less lethal.”

According to Officer A’s BWV, at 1056:49 hours, Officer B held his/her pistol at the low-ready, with his/her finger on the trigger, in a modified two-handed grip, while simultaneously holding his/her police radio in his/her right hand.

Officer B informed investigators, “I unholstered my weapon and brought it up to a low-ready with my finger along the -- with my finger along the frame.”

According to Officer B, holding his/her radio and pistol at the same time was, “Kind of like the same as like if you're using a flashlight or what have you and using it as support. We've done extensive training on shooting with both hands, shooting one-handed, and also shooting with objects in our hands as we're holding our pistol.”

According to Officer A, “Once he starts coming down the stair -- the steps, I unholstered. I unholstered because I felt in fear of my safety and my partners behind me or next to me -- my partners' safety, including the victim that -- or the other person -- the lady that was to my left. Because he was angry at her too. He quickly moved towards me, almost like a brisk and I was -- I was afraid. He had a red look on his eyes. He looked angry and he wanted to hurt -- I feel like he wanted to hit me or hurt me or do something to me.”

According to Officer H, “The suspect no longer had the -- the lighter in his hand, but he had produced a knife he was holding with his right hand. And he had already covered a distance not from the doorway, so he was from feet he closed to it least eight feet. And at that time I saw that he did have the knife I unholstered my weapon as well. I believe that the situation could escalate to the point where deadly force may be justified. So, I drew my weapon from my right holster, I held it with two hands, point it at a low ready with my finger on the slide. I heard everyone unholstering more and some commotion so I turned back. He had already closed the distance from 20 feet to approximately eight. So more than half of that with a brisk walk. And at that point he had a knife in his right hand.”

According to Officer G, “So when I unholstered I felt that hearing the officers say he had a knife and myself seeing he had that lighter/torch that he had a weapon on him. And him advancing very quickly I drew out my handgun because I believe the situation may escalate to deadly force because he's closing that distance very quickly.”

According to Officer A’s BWV, at 1056:48 hours, the Subject continued to close the distance toward the officers. Officer A again shouted, for the Subject to back up.

The Subject ignored Officer A’s direction and yelled, “Shoot,” as he stepped down from the stairs and into the courtyard. Officer A again ordered the Subject, “Back up.”

Simultaneously, according to Officer G's BWV, at 1056:48 hours, Officer H shouted, "Hey," as he/she held his/her pistol in right hand, pointed in a downward direction and re-positioned himself/herself to the left of Officer A. Officer H stood in the street along the east curb and faced the Subject's direction as he/she raised his/her pistol in a two-handed grip.

According to Officer H, "I was behind two officers, and I didn't want to cover their back. Upon swinging to their left, that's when I went with a two-handed low ready, my finger along the frame with my firearm pointed downward. So, my concern was for her (the Victim) and to make sure that she doesn't get towards the suspect and the suspect doesn't get towards her. Cause from my understanding it was a radio call of a domestic violence."

According to Officers A and B's DICVS, at 1056:48 hours, Officer G holstered his/her pistol and unholstered his/her TASER. According to Officer G, "I was kind of like a little bit stepped back from the other officers I was able to see one, two, three guns, so I reverted to my TASER. And when I revert to my TASER that's when, like, I want to say everything happened very quickly."

According to Officer A's BWV, at 1056:49 hours, the Subject held the knife in his right hand while his left hand was clinched in a fist. Both of the Subject's hands were down along his side as he continued to move toward the officers. Officer A raised his/her voice and shouted at the Subject, "Back up."

According to Officer A, "My partner was also giving commands. [He/she] was telling him to drop the knife. And he continued to walk towards me. He wanted to come get me. I had already my weapon unholstered. I contemplated maybe moving back. I felt my boot -- my right boot hit possibly the sidewalk or a bump, so I couldn't move any further. There was no room where -- I don't know who was behind me or -- if I could -- if I was going to fall behind me or -- and I had my weapon drawn. He closed his distance. Now he's -- I'm contemplating. Do I move back? What do we do? Do I have cover? But I have officers to my right who already are attempting to get cover."

According to Officer B, "My immediate thought was this guy is going to come and stab us -- and stab one of us."

According to Officer H's BWV, at 1056:50 hours, Officer H stood in the street, holding his/her pistol at the low-ready and shouted, "Hey, put it down, put it down."

According to Officer H, the Subject "was holding the knife with his right hand and it appeared to be his -- his arm was bent. So, it wasn't straight down by his side, but it was rather, like, kind of bent 90-degree angle flared out. The blade was coming out towards the top."

According to Officer A's BWV, the Subject continued toward the officers' direction and repeatedly shouted, "Shoot," four more times. Officer A simultaneously ordered the Subject, "Stop it, drop the knife," three times.

According to Officer B, "He [the Subject] repeatedly said, 'Shoot, shoot, shoot.' And, yeah, I mean, with him saying that, with his demeanor and the way he was coming at us armed with a knife in the close proximity, yeah, I thought he was going to stab myself or my partner."

According to Officer A, "So I feel like he's coming towards me, and I'm in the middle and I have nowhere to go. So, it's me and him, and he just focused on me. He closed in like tunnel vision."

According to Officer G's BWV, at 1056:53 hours, Officer H released his/her two-handed grip from his/her pistol and obtained his/her police radio from the holder fixed to his/her belt. According to Officer H, he/she intended on requesting a back-up to their location.

According to Officer A's BWV, the Subject walked approximately 20 feet, toward the officers, while holding a knife, in approximately eight seconds. According to Officer A's BWV, at 1056:54 hours, Officer B fired his/her pistol in the Subject's direction, from an approximate distance of 10 feet.

According to Officer B, "I think I said, 'Drop it' multiple times and I said, 'Drop the knife.' And he kept coming towards us at a very brisk pace with his fists bunched up with the knife in one hand and coming right towards us. And at that point I fired my first round at center mass. I reassessed." Officer B stated he/she was using the exterior, building wall as cover when, "I fired my first round, my background was stucco wall and I aimed center mass of the suspect, so in his chest area."

According to Officer A, after Officer B fired his/her first round, "It almost made him feel like that just made him more agitated. He didn't even look towards my partner when he got shot." "My partner was at his side. He didn't even look his/her way. He was focused on me."

According to Officer G's BWV, at 1056:54 hours, as Officer B fired the first round, Officer H immediately dropped his/her radio and reacquired a two-handed grip on his/her pistol. Officer H raised his/her pistol and pointed it in the Subject's direction.

According to Officer A's BWV, at 1056:54 hours, 0.239 second after Officer B fired, Officer A fired one round in the Subject's direction from an approximate distance of eight feet.

According to Officer A, he/she raised his/her pistol and aligned his/her sights on the Subject's center body mass. Behind the Subject was the apartment building, "It was a building, but it was just him. There was nobody. Nothing behind him."

Officer A added, "And I felt like every -- he's coming towards me, and I shot him. I shot him in the chest, I believe, one time. He was very close. He was three, four feet maybe. I mean, he could have -- one more foot, he would have been on top of me. It was that -- I felt he was already that close. I was in fear. I was in fear that he was that close already that he was going to kill me. My body told me he's going to kill you and I had to take action."

Officer A stated, "Felt like that one hurt him." Officer A advised after he/she fired, "My pistol is still on target. It never came down."

According to Officer A's BWV, at 1056:54 hours, after he/she fired, the Subject stopped advancing toward the officers. As the Subject appeared to be struck by the initial gunfire, he continued to face Officer A and slightly bend forward at his waist. The Subject's head began to turn to his right as he brought both of his hands forward, while still holding the knife in his right hand.

At 1056:54 hours, 0.171 second after Officer A fired, Officer B fired his/her second round in the Subject's direction from an approximate distance of 10 feet.

According to Officer B, when he/she fired his/her second round, he/she was aiming at the Subject's center mass. "He was still coming towards us. I fired my second round. I reassessed. I assessed and then he was still coming towards us and still holding the knife, and I fired again, center mass with the same background."

Officer B believed the Subject was, "Squared up facing me," when he/she fired his/her first two rounds.

According to Officer A, after he/she fired, the Subject continued to move in his/her direction. Officer A did not fire a second round because he/she, "might have been in shock. That's when I felt my foot. I felt like I moved back maybe to attempt to get cover, because I don't know who -- I know I had no protection, and I knew my partner was behind a wall. I felt my foot hit the ledge of the sidewalk or plant -- something. It might have been the sidewalk. I felt like I was moving back. I felt my body like I was moving back and -- I felt vulnerable. I'm in the open area and I have no cover and this guy is right here on me now. I need to get cover. I attempted to move and I felt the edge of the sidewalk. And I thought I'm going to fall because the sidewalk is six -- four to six inches high. If I would step right -- so I felt -- I didn't feel stabilized where I could do anything."

Although Officer A recalled the Subject continued to move in his/her direction after he/she fired, a review of BWV depicts the Subject stop and step backward after being struck by gunfire.

According to Officer A's BWV, the Subject continued to turn his head to his right, bend forward at the waist, and bring the knife in his right hand closer to his chest. The Subject moved his left arm across his abdomen and began to take two steps backward.

As the Subject completed the second step, he raised his torso and momentarily faced in the officer's direction while holding the knife with the blade pointed downward.

At 1056:55 hours, one second after he/she fired his/her second round, Officer B fired a third time in the Subject's direction from an approximate distance of 13 feet.

According to Officer B, he/she aimed his/her pistol at "his [the Subject's] left side because he had turned towards where I knew the other officers were. He turned to his right, and I knew my partner was off to my left. So as he turned towards my partner, I fired a third round. So, after the second shot, he stops, but he's still standing there with the knife and then he goes to turn to his right. And I know my partner is off to my left. So based on my angle and my knowledge of where he is in proximity to me, he begins to turn towards his/her direction. So, I fired an additional shot, because I felt he was going to turn towards my partner and attack [him/her]."

Officer A advised investigators that, in his/her perspective, Officer B fired a second and third time as the Subject was advancing in his/her direction.

According to Officer A's BWV, at 1056:57 hours, the Subject continued to turn away from the officers and shuffled his feet sideways toward the apartment steps. The Subject faced away from the officers when Officer B fired a fourth round in the Subject's direction from an approximate distance of 17 feet.

As Officer B fired his/her fourth round, the discharged cartridge case ejected from his/her pistol, deflected off the building, and came to rest on top of Officer B's left shoulder. The discharged cartridge case remained on Officer B's shoulder until Officer B and a team of officers approached the Subject.

According to Officer B, when he/she fired his/her fourth round, "My perspective is he had continued and turned towards my partner. So now instead of a partial side profile, I had a full side profile. He was continuing to turn towards my partner, so I fired a fourth round. And then after that I stopped shooting, because he turned away from me and was no longer turning towards officers and coming to officers with the knife. I assessed and he was still turning, and I shot one additional round. He was turning to his right, which would have been -- my partner was to my left, so towards where I knew my partner was and possibly two other officers. I believed he was going to turn and charge my partner just based on how he kept coming and our actions seemed to not be stopping him."

Officer B clarified, "I could not see where my partner was. I only knew based on [his/her] commands and I knew where [he/she] was and his/her proximity, because I had my focus on the suspect the entire time."

According to Officer A's BWV, at 1056:57 hours, the Subject completed taking his final step as he raised his right arm, holding the knife in his right hand, and fell forward on the steps.

According to Officer H, "By the time I had processed that he was closing the distance and he had the knife, and I was, like I said, moving to the left, worrying about [Witness A], the primary had already shot and then for -- and by the time I came up he had already collapsed on the ground."

According to Officer A, after the Subject fell to the ground, the Subject moved his arms and legs and was attempting to stand up.

According to Officer G's BWV, at 1056:58 hours, after the last round was fired, Officer G obtained his/her radio from his/her equipment belt and broadcast over Newton base frequency, "Shots fired Officer needs help."

According to Officer A's BWV, at 1057:07 hours, Officer B placed his/her radio back into the holder attached to his/her belt and assumed a two-handed grip on his/her pistol.

Eleven seconds after Officer B fired his/her fourth round, he/she moved his/her finger from the trigger to the frame of his/her pistol. According to Officer B, although he/she didn't recall specifically leaving his/her finger on the trigger after the OIS, he/she believed his/her muscle memory was to reset the trigger as he/she assessed the situation.

Officer B indicated, "It happened extremely fast, and we -- we exhausted the resources we could within that time frame. And we verbalized. We had distance and cover, requested a backup, so we requested resources. By that other officer saying a 40, we were also addressing the less-lethal as well."

Investigators reviewed the related BWV and the radio frequency and noted, prior to the OIS, Officers A, B, G, and H did not request any additional resources at their location.

Investigators conducted a Sound Graph Analysis and determined all five rounds fired by the officers were in 2.485 seconds.

According to Officer G's BWV, at 1057:10 hours, Sergeant A broadcast his/her call-sign.

According to Sergeant A, prior to the OIS, while at Newton Station, an officer informed him that officers were re-responding to a domestic violence radio call involving a gang member in a known gang location where an officer-involved shooting occurred earlier in the year.

Sergeant A read the comments of the radio call and decided to respond. While driving out of the Newton Station parking structure, the OIS occurred. Sergeant A responded Code Three (with the vehicle emergency lights and siren activated).

At 1057:12 hours, CD broadcast, "All units Officer needs help unknown location, Officer needs help unknown location. Any air unit come in on Newton frequency."

According to Officer G's BWV, at 1057:17 hours, Officer A took two steps forward and repositioned himself/herself on the east sidewalk, when Officer B stated, "Hey partner come over here behind me." Officer A then backed up and repositioned himself/herself to Officer B's left side, along the building wall.

Officer B recalled making this statement to Officer A as soon as the Subject appeared at the apartment building doorway before the OIS occurred. According to Officer B, "I didn't see the knife immediately. As soon as he came out, I directed my partner, 'Hey, come stand over here.'"

At 1057:19 hours, Officer H broadcast, "[location address]. Shots fired. Officers requesting help. Suspect's down at this time. Let me get an RA rolling for a male, GSW victim."

As Officer H was completing his/her broadcast, the Victim walked from the roadway onto the east sidewalk toward the Subject. Officers G and H ordered the Victim, "Stay back and stay off to the side."

The Victim ignored the officers' direction as Witness C approached the Victim and walked her back onto the roadway.

At 1057:29 hours, CD broadcast, "All units, officer needs help [location address], officer needs help, [location address]. Shots fired, any air unit come in on Newton frequency."

Numerous officers responded to the scene including Police Officers K, L, M, N, and O.

According to Officer G's BWV, as the Subject laid in the prone position on the stairs, Officers A, B, and H repeatedly ordered the Subject to, "Put the knife down."

According to Officer H's BWV, at 1057:40 hours, Officer H holstered his/her pistol. Officers G and H donned latex gloves as Officers A and B faced the Subject, with their pistols at the low-ready position.

According to Officer I's BWV, at 1057:47 hours, as Officers I and J arrived at scene, Officer I broadcast over Newton base frequency, "[W]e're gonna be Code-Six on the help call." Officer J parked their police vehicle just south of the location, where Officers A, B, G, and H were standing.

Immediately after exiting the vehicle, Officer I unholstered his/her pistol and held it in his/her right hand, with a single-hand grip, pointed toward the ground. Officer I walked toward Officers A, B, G, and H. Officer G turned and faced Officer I and stated, "He still has the knife." Officer I tapped Officer A on the back and stated, "Hey we're gonna be behind you guys." Officer G replied, "Okay."

According to Officer I, "I drew my handgun because I was responding to an officer-involved shooting. I didn't know if there was any other threats going on. So as soon as

I exited the vehicle, I drew because I believed that the tactical situation dictated. Obviously, there was a shooting. I didn't know if there was potential other suspects. Was it someone with a gun or a long gun or things like that. Okay, I'm holding it with my right hand, finger along the frame, and it's pointed pretty much straight at the ground."

According to Officer J's BWV, at 1058:05 hours, when Officer J asked if the officers already requested a rescue ambulance (RA). Officer H advised Officer J that he/she already made the request but didn't hear CD acknowledge. Officer J confirmed with CD that an RA was responding. Officer J provided CD with the Subject's physical descriptors and advised that the Subject was, "not conscious and not breathing, gunshot wound to the torso."

Simultaneously, Officer I moved to the left of Officer H while holding his/her pistol in his/her right hand, pointed toward the ground. Multiple unidentified citizens began to gather on the roadway, some of whom appeared to be recording the incident, using cellular telephones.

According to Officer I, "The reason why I moved over, as I said before, I'm short; I can't really see over people. So, I come behind the officers, I can't really see what I'm dealing with. I can kind of see the suspect. So, I moved to the left, so I can see the suspect, see the threats that we're dealing with, assess the scene. I also -- due to the fact that there was civilians on the other side of the street, I also wanted to block that part, because now I'm dealing with these people, which thankfully my intuition kind of worked for once. So, when I was there, that's when the female comes into -- I don't know what she wanted to do, but she obviously wanted to approach the suspect, which was unsafe obviously. There's guns drawn on him."

According to Officer I's BWV, at 1058:22 hours, the Victim can be heard crying and yelling in the background, "He's already gone." Officers B and H shouted toward the Victim to stay back. Officer I stated, "Hold on, I'll take care of them. Hey just keep going," as he/she walked toward the Victim and Witness B.

According to Officers I and J's DICVS, at 1058:33 hours, Officer I walked north to address the Victim as Officer H unholstered his/her pistol for a second time.

According to Officer H, "I observed that the suspect was no longer an immediate threat, but he did have a knife in his hand. But my mind was -- I was ready to render aid and detain the suspect, get him into custody so we could do such. I advised to the partners there, 'Hey, he still has a knife in his hand. I'm going to holster up, glove up.' So, I let them know. At which time I holstered, put on my gloves and unholstered again due to the subject -- or suspect still having the knife in his hand and we did not clear the background at that location."

According to Officers I and J's DICVS, at 1058:41 hours, Officer I holstered his/her pistol as he/she stood in front of the Victim and kept her from approaching the Subject.

According to Officer I, "The reason why I holstered my pistol was because I was approached from behind by a female Hispanic who was very distraught and wanted to approach the suspect. Um, due to her close proximity to me I didn't feel safe for my firearm to be out, so I holstered my firearm, um, and gave her commands to not approach suspect. Um, she wasn't very compliant with those commands until a male Hispanic came up behind her and actually grabbed her around the waist and pulled her away from the location, um, across the street."

Officer I advised investigators, in an attempt to stop the Victim from approaching the Subject he/she "put my hand out and, like, briefly just touched her on her shoulder and tried pushing her back, telling her, 'Hey, no. Don't come.' Like trying to give her commands saying, 'Don't come back here.' She was clearly distraught. Fortunately, the male Hispanic grabbed her and started pulling her away. And I said, 'Hey, just go to the other side of the street,' where they could wait. It wasn't force. It was just, like, my hand on her shoulder. And as he was walking forward, I just had my hand out to prevent her from continuing her path towards the suspect."

According to Officers I and J's DICVS, at 1058:42 hours, Officer G unholstered his/her pistol for a second time as he/she stood facing the Subject's position.

According to Officer G, "So, before we went ahead and moved forward the tactical situation, we didn't know what was, whatever threat may come so that's why I unholstered my gun. I believed the situation may escalate to the point of lethal force or may be used and that's why un -- I unholstered. And I kept my gun out at a low ready. We moved forward. I was pretty much holding the one-two corner. We moved forward and I -- I went ahead and kind of got right in front of or the -- the knife that the suspect had laid right in front of me but I was still covering the building directly in front of me and the building on the right and then also both sides the second floors. And I unhols -- I went ahead and holstered back up once they Code-Four the situation. I kept my finger on the frame of the gun at a low ready."

According to Officers I and J's DICVS, at 1058:45 hours, after directing the Victim to move to the opposite side of the roadway, Officer I unholstered his/her pistol for a second time. Officer I walked back toward the courtyard and took a position facing the Subject, along the left side of Officer H.

According to Officer I, "At that time she [the Victim] wasn't close to me and, um, I redrew my pistol. Um, the suspect was still armed with a knife and I believed deadly force may have been used at the time."

According to Officer K's BWV, at 1059:05 hours, as Officers K and L arrived at scene, Officer I asked the officers to deploy a beanbag shotgun.

According to Officer I, "I asked one of the guys to get a beanbag, because I realized that tactically we had a bunch of guys with guns out, and I did observe the knife still in his right hand as he was laying -- laying down. The reason I said that is because I

observed the suspect have a knife in his right hand. And based on the fact that he wasn't wearing a shirt, he was wearing basketball shorts, I didn't believe he had a firearm on him. But I also noticed that myself and the other units that were there, besides my partner, we all had our guns drawn. So at that time I thought -- I think we have enough lethal that is out at this point. We need to address the less lethal aspect, especially it's a knife."

According to Officer O's BWV, at 1059:08 hours, he/she arrived at scene and immediately deployed a patrol rifle.

According to Officer L's BWV, at 1059:22 hours, Officer L deployed a beanbag shotgun. Officer L took a position, facing the Subject, to the left of Officer I as he/she held the beanbag shotgun at a low-ready position. Officer O stood to the left of Officer L, facing the Subject, as he/she also held his/her rifle at the low-ready position.

At 1059:40 hours, an Air Unit arrived over the incident and assisted with directing officers to the location and scene containment.

According to Officer M's BWV, at 1059:58 hours, Officers M and N arrived at scene. Both officers initially assisted with a group of citizens who gathered north of the location.

According to Sergeant A's BWV, at 1100:22 hours, Sergeant A broadcast that he/she was, "Code Six in the area." Upon Sergeant A's arrival, he/she immediately identified who the involved officers were, and asked, "What do we got?"

Officer A, advised Sergeant A they responded to a radio call of a "domestic violence, man with a gu – a knife. And he came at us with a knife."

Sergeant A directed four officers to the north of the location to "Hold that crowd." Sergeant A confirmed the Subject's position and began to formulate a plan to take the Subject into custody.

According to Sergeant A, "So at that point given the fact that the situation was still active, the suspect was not in custody, having knowledge of the location being a known gang territory, I also knew that the suspect had family members who lived in that apartment complex, so immediately I assumed incident commander duties at that point."

According to Sergeant A's BWV, at 1107:48 hours, approximately 4-minutes after the Subject was taken into custody, Sergeant A broadcast that he/she was the Incident Commander.

According to Sergeant A, "At that particular moment given the prior knowledge I received as far as the location being a gang location, the previous shooting, I also knew from the officers that initially went to the call that the suspect family members resided in that location. So now I'm thinking about those things. I'm also taking into account the scene. The two -- we're literally out in the open in the courtyard of the apartment

complex. There were two buildings. I wasn't certain if there were going to be suspects coming out from either building, so that's why I wanted to make sure that the scene is contained. And then basically my main priority at that point was taking the suspect into custody and officer safety. So immediately I started delegating at that point."

According to Sergeant A's BWV, he/she designated Officer M as point with a pistol and the ballistic shield; Officers A, B, and G as the contact team with their pistols; Officers H, I, and J as the arrest team; and Officer L as less-lethal with the beanbag shotgun.

According to Sergeant A, "Based on the fact that the officers who were actually involved in the OIS -- they seemed calm. The situation was still active. I decided to keep them at bay and as we proceeded in taking the suspect into custody at that point. So that was the decision I made considering the fact that we were dealing with multiple threats. The location is between this and the courtyard with two apartment complexes. So, we had high ground issues we had to deal with and also issues with potential family members or suspect coming out of the structure and, you know, us being exposed."

According to Sergeant A, "Although it's general -- generally good practice to replace officers when they're involved in -- involved in a shooting, I felt given the fact that the situation -- it was still unfolding at that time. I decided to keep them in that position. They were calm. They didn't seem nervous or hesitant to do their job."

According to Officers A and B's DICVS, at 1101:30 hours, Officer I holstered his/her pistol.

According to Officer I, "I holstered up because I don't think my gun was needed at that time. And then met back up with my partner, Officer J, and that's when we met up with the sergeant and developed the tactical plan on the arrest team."

According to Officer H's BWV, at 1101:41 hours, Officer H holstered his/her pistol and stood behind Officer G. According to Officer H, "When the additional resources came someone bumped up next to me with an AR and I said, all right, sir, I'm holstering up. And then I holstered up. And then I joined the arrest team."

Officers H, I, and J donned latex gloves prior to any physical contact with the Subject.

According to Officer O's BWV, at 1102:00 hours, Sergeant A directed Officer O to deploy with the rifle on the westside of the street to cover the roof top. Officer O followed Sergeant A's direction and took a position on the west side of the street, north of the location. Officer O braced his/her rifle along the rear of a parked vehicle.

According to Sergeant A's BWV, at 1102:31 hours, Sergeant A designated Officers P and Q to cover the open apartment building door with their pistols, as the team of officers approached.

According to Officer M's BWV, at 1102:58 hours, Officer M held the ballistic shield in his/her left hand and unholstered his/her pistol with his/her right hand. Officer M held his/her pistol at the low-ready position with a single-hand grip along the right side of the ballistic shield.

According to Officer M, "I unholstered my weapon because there -- they made -- because they stated that he had a knife. He could have other weapons. And so I unholstered my weapon because the tactical situation could escalate to the point where deadly force may be necessary."

According to Officer L's BWV, at 1103:01 hours, as Officer M assumed the point position with the ballistic shield, Officer L advised him/her that the Subject had a knife and Officer M was going to, "use that shield just in case." Officer H stated, "We're going to pull him back toward us."

According to CD records, at 1103:07 hours, moments before the team of officers began to approach the Subject, Sergeant B broadcast that he/she was at scene. Sergeant B advised investigators, "I believe I indicated I was the incident commander."

Investigators reviewed a recording of the radio frequency and the incident recall, which did not reflect Sergeant B identify himself/herself as the incident commander.

According to Sergeant B, "At that time I took more of an overseer, if you want to use that word, of the entire operation. I made sure that we did have an outer and inner perimeter established. I made sure that any possible witnesses that could have seen the incident were identified. I began to look around to see if there was any possible cameras that can assist, not only FID, but help with the investigation. And I waited in the inner perimeter until I was relieved. The only suggestion that I was involved in as far as the tactical is to remove the two involved officers from the search team and take them out of play."

According to Officer H's BWV, at 1103:09 hours, Officer H directed the tactical team to slowly move forward and approach the Subject.

According to Officer I's BWV, at 1103:18 hours, as officers approached the Subject, a knife can be seen in the Subject's right hand. Officer H and J grabbed the Subject's right and left ankle and pulled him off the steps and onto the ground.

As the officer's pulled the Subject down the steps, the knife fell from his right hand onto the steps. Officer I momentarily picked up the knife and placed it back down on the bottom step, further away from the Subject.

According to Officer I, "My partner and another officer pulled his -- I don't know his name -- pulled his legs. And while pulling him -- the goal was to -- hopefully the knife would come out of his hand. As the knife -- as he's getting pulled, his hand is going down the stairs, which causes the knife to actually come out of his hand and it actually starts to go

down the stairs towards him. So I immediately think I can't -- I can't have that knife going towards the suspect obviously. I do not want him to re-arm himself and possibly create another officer involved shooting from happening. So as it's going down the stairs, that's when I moved to go and push it. As I see -- actually, from watching my body-worn video, I actually have a delayed reaction to the incident. The knife actually stops moving, but I'm already committed in going to moving it, so I actually move the knife away from him."

According to Officer I's BWV, at 1103:23 hours, Officer I grabbed the Subject's right wrist and transitioned his right arm behind his back. Officer H grabbed the Subject's left wrist and transitioned his left arm behind his back. Officer I handcuffed the Subject without incident. Sergeant A directed the officers to request an ambulance for the Subject if they hadn't done so already.

Immediately after he was handcuffed, Officer H rolled the Subject onto his left side. Officer I conducted a pat-down frisk search on the Subject with negative results. Officer I again directed Officer H to leave the Subject on his side for a second time. Officers H, I, and J monitored the Subject as Sergeant A and the team of officers continued to secure the location.

According to Sergeant A, "Keep in mind, the initial said that the location -- the suspect said he was going to burn the structure down. He was pouring gasoline all over the place. And I didn't know -- it was unknown to me if we had other suspects or victims at that location. So that's when I provided oversight as officers went there and searched the location. So the whole purpose of the initial search was to clear the location to ensure that we don't have additional victims there. Because at that point officers had not established contact with the actual PR yet, so we needed to verify that information."

According to CD records, at 1103:31 hours, Sergeant C broadcast he/she was at scene over Newton base frequency.

According to Sergeant A's BWV, at 1104:03 hours, Sergeant A broadcast, "Be advised the suspect is now in custody. We are now in process of clearing the location."

At 1104:17 hours, Sergeant B approached Sergeant A and asked who the involved officers were. Sergeant B removed Officers A and B from the ongoing search. Both Officers A and B holstered their pistols.

According to Sergeant B, "Once I was informed of the officers involved and them participating -- about to participate in a search, I told the tactical officer -- or sergeant, 'I'm sorry, I need these two officers removed from that search team and separated.'"

According to Officer K's BWV, at 1104:56 hours, Officer K requested CD to provide an estimated time of arrival for the rescue ambulance. Communications Division asked Officer K if the scene was cleared for the ambulance to enter. Officer K asked Sergeant A if it was, "clear for the RA to enter?" Sergeant A advised Officer K, "Stand by."

Actually, for him [the Subject], if we can pull him back, that way we can address that part.”

According to Sergeant C’s BWV, at 1105:50 hours, Sergeant B directed Sergeant C to take a Public Safety Statement (PSS) from Officers A and B and to ensure it was “verbatim.” Sergeant B directed Officers A and B to turn off their BWV cameras.

According to Sergeant B, “I told Sergeant C, to watch these two officers while not -- while I overlook the tactical part of it but was not intimately involved in the search until we got additional supervisors at scene.”

According to Sergeant C, “Sergeant B told me there at the beginning to separate them but keep them together, and I was going to be monitoring them and not let them talk.”

According to Officer K’s BWV, at 1105:24 hours, Officer K advised CD that the Subject was going to be moved from the scene and requested the ambulance to stand by nearby.

According to Officer I’s BWV, at 1106:07 hours, Sergeant A directed Officers H, I, and J to provide the Subject first aid.

According to Officer K’s BWV, at 1106:20 hours, a Los Angeles Fire Department Rescue Ambulance staffed by Firefighter Paramedics (FF/PMs) arrived at scene.

At 1106:44 hours, Officer I advised Sergeant A they were going to carry the Subject from the courtyard out to where the ambulance was staged.

According to Officer I, “I told the sergeant, “Hey, can we extract him to the ambulance to be treated?” Because it’s not safe for -- that’s a hot zone. Fire can’t treat him there. At least that’s what I believe. Because now I’m putting firemen in possible danger in doing that, because they have high ground and potential other threats.”

According to Sergeant A, “I made the decision to have the suspect move to a different location, so the officers could render aid and as they waited for the RA unit to respond as well.”

According to Officer I’s BWV, at 1106:50 hours, Officers H, I, and J picked up the Subject and carried him out of the courtyard and onto the east sidewalk. The Subject was momentarily placed on the ground when Officer K came over to assist the officers. All four officers carried the Subject out to the awaiting LAFD personnel.

According to Officer I’s BWV, at 1107:25 hours, Officers H, I, J, and K carried the Subject to where FF/PM were staged. The Subject was placed on a gurney and unhandcuffed at the direction of FF/PM. The Subject was subsequently determined to be deceased.

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
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	Yes	N/a	N/a
Officer H	Yes	Yes	Yes	N/a	N/a
Officer I	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commission (BOPC) Findings

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

Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Sergeant A's tactics to warrant a Tactical Debrief and Officers A, B, G, H, I, and J's tactics to warrant an Administrative Disapproval.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be In Policy. The BOPC found Officer B's lethal use of force for rounds one and two to be In Policy and rounds three and four 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.

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

Planning - Officers A and B had previously worked together approximately ten to fifteen times over the course of ten years. According to Officer A, he/she was the contact officer because he/she was the passenger and Officer B was the cover officer because he/she was the driver. According to Officer B, he/she did not like to determine roles at the start of the day because they can be fluid and officers may have to switch their roles during the shift. Because both officers were on loan to Newton Patrol Division and were unfamiliar with the area, Officers A and B focused on the comments of the call and directions to the location during their Code Three response (with emergency lights and siren activated) rather than discuss a tactical plan or designate roles. Additionally, Officers A and B did not formulate a tactical plan or designate roles after speaking with the Victim or before calling out to the Subject. Following the OIS, Officers A, B, G, and H waited for additional resources to arrive before approaching the Subject. As addressed in Debriefing Point No. 1 below, the Use of Force Review Board (UOFRB) opined that Officers A and B should have formulated a tactical plan and designated roles while responding to the radio call and before calling out to the Subject.

Assessment - Responding to the radio call, Officers A and B considered their previous response to the location in which officers could not locate a victim or a person reporting (PR), and the Subject was cooperative. Officers A and B noted the comments of the radio call indicated "911 Abuser." While speaking with the Victim in

the front courtyard of the apartment complex and gathering information regarding the nature of the radio call, Officer A called out to the Subject by name. Approximately 4 seconds later, the Subject responded from inside the building with profanity. Officer A called out to the Subject a second time, identified himself/herself as "LAPD" and the Subject responded, "[expletive] you!" Approximately 6 seconds later, the Subject appeared at the threshold of the apartment building. Officer B assessed that the Subject's demeanor was different than during the first call and took a position of cover near the northwest corner of the building, south of the location.

Time - Approximately 29 seconds after first appearing in the threshold of the apartment building, the Subject walked toward officers, closing distance and ignoring their commands, limiting the officers' ability to use time as a de-escalation technique.

Redeployment and/or Containment – When the Subject appeared in the threshold, he was standing at the front porch. He soon chose to step off the porch and approach the officers. Had he not done so, the officers could have contained the Subject on or near the front porch. As the Subject approached, the officers told him to stop. Had he complied, the officers could have contained him in the building's courtyard area. According to Officer A, before the OIS, he/she could not redeploy further back because he/she felt the "sidewalk or a bump" with his/her right foot and feared he/she would fall while having his/her service pistol drawn as the Subject "closed his distance." According to Office B, he/she was unable to redeploy from his/her position because he/she believed the corner of the building provided him/her the only cover available as there were no parked vehicles in the vicinity and his/her police vehicle was parked some "distance away." Concerned that the Victim would go toward the Subject or vice versa, Officer H took a position to the left of Officer A. After the OIS, Officer B directed Officer A to seek cover. The Subject's actions limited the officers' ability to use time and redeployment and/or containment as de-escalation techniques.

Other Resources – Three units responded to the second radio call. Arriving at the scene, Officers A and B attempted to obtain information from the Victim; however, her responses were evasive. According to Officers A and B, after they contacted the Subject, they knew that an additional unit was present. Approximately 13 seconds after joining Officers A and B, Officer H began to walk back to his/her police vehicle to obtain a beanbag shotgun but stopped when he/she heard Officer A provide commands to the Subject and observed Officers A and B unholster their service pistols. Officer B believed that he/she requested a backup via his/her radio after observing the Subject armed with a knife but was unsure if the request was transmitted. According to the investigation, Officer B's request was not transmitted. Officer B stated that because of his/her proximity to the Subject, he/she did not feel it was safe to holster his/her service pistol and transition to a TASER.

The UOFRB noted that Officers G and H had been with Officers A and B for approximately 22 seconds when the OIS occurred. Although Officer G had the presence of mind to unholster his/her TASER approximately six seconds before the

OIS, he/she was positioned behind Officer B. While the UOFRB would have preferred that Officers A, B, G, and, H had attempted to use a less-lethal option before the OIS, specifically a TASER, the UOFRB understood that the dynamic nature incident limited the time officers had to respond to the threat posed by the Subject. Following the OIS, several units and supervisors responded to the scene. After formulating a plan, officers approached the Subject and apprehended him. Although the UOFRB understood the importance of formulating a tactical plan, they would have preferred officers had approached the Subject, apprehended him, and rendered aid sooner.

Lines of Communication – Upon arrival, Officers A and B met with the Victim who was evasive about her relationship with the Subject. The Victim advised officers that the Subject was retrieving a knife, threatening to burn down the apartment building, and going to attack. After meeting with the Victim, Officer A called out to the Subject who exited the location holding a torch lighter and a knife. The Subject cursed at officers and stated the location was surrounded by gasoline, warning officers not to approach. According to Officer B, he/she would have preferred to wait for additional resources and take a position of cover before calling out to the Subject; however, Officer B did not communicate these concerns to Officer A. When the Subject bent over and attempted to ignite an unknown substance on the floor with his lighter, Officer A told the Subject to stop what he was doing. Observing that the Subject was armed with a knife, Officer B advised his/her partner. However, Officers A and B did not communicate a plan with Officers G or H when they arrived at the scene.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 - Tactical Planning/Tactical Communications

At the beginning of their shift, Officer B was the driver and Officer A was the passenger. According to Officer B, he/she preferred not to determine contact and cover roles at the start of the day because the roles can be fluid and subject to change. According to Officer A, he/she was the contact officer because he/she was the passenger and Officer B was the cover officer because he/she was the driver. Officer A indicated that he/she was unfamiliar with operating the Mobile Digital Computer (MDC) due to his/her assignment in Juvenile Detectives. Officers A and B checked out a 40-millimeter Less-Lethal Launcher (40mm LLL) from their kit room as a less-lethal option; however, Officer A was not trained to deploy the device.

While responding to the second radio call, Officers A and B did not formulate a tactical plan or designate roles, even though the comments indicated the Subject had a lighter and was pouring gasoline around the location. According to Officer A, they did not discuss lethal and less-lethal roles because he/she assumed that these roles were based on who was contact and who was cover. According to Officer B, generally, he/she did not like to have the primary unit responsible for deploying the 40mm LLL because their focus needs to be on the suspects. Officers A and B did note that the comments also indicated “911 Abuser.” According to both officers they

considered that the second call was possibly generated due to an ongoing dispute and the PR could be “exaggerating” the suspect’s actions to elicit a faster police response.

Arriving at the scene, Officers A and B met with the Victim, who advised that the Subject was retrieving a knife, threatening to burn down the apartment building, and going to attack. Before an additional unit arrived, and without seeking cover or discussing a plan with his/her partner, Officer A called out to the Subject, who exited the location holding a torch lighter and a knife. According to Officer B, he/she would have preferred to obtain cover and wait for additional resources to arrive before contacting the Subject; however, Officer B did not communicate these concerns to Officer A. According to Officer A, he/she believed that he/she had established a rapport with the Subject during the previous radio call in which the Subject was cooperative with officers. The Subject cursed at Officer A after he/she called out to him. Assessing that the Subject’s demeanor was different than during the first call, Officer B moved around Officer A, taking a position of cover near the northwest corner of the building south of the location. Emerging from the building, the Subject stated the location was surrounded by gasoline and threatened to set the apartment building on fire. Observing that the Subject was armed with a knife, Officer B advised his/her partner. Officer A remained on the sidewalk in front of the courtyard area without attempting to redeploy to cover before the OIS.

The BOPC considered that the UOFRB assessed Officers A and B’s tactical planning and communication as it pertains to this incident. The UOFRB noted that at the start of their watch, Officer A was the passenger officer, which by default established him/her as the mobile digital computer (MDC) operator. The UOFRB opined that Officer A serving as MDC operator in an unfamiliar area along with his/her lack of experience with the computer system was an unsound tactical decision that could cause a delay in communicating information and planning. The UOFRB also opined that the ambiguity as to who was contact and who was cover, along with checking out a less-lethal system that Officer A was not trained to use, placed the officers at a tactical disadvantage.

The UOFRB noted that while Officers A and B considered the possibility of a chronic caller and their interaction with the Subject during the first call, they did not formulate a plan or establish roles, such as lethal and less lethal while responding to the second call, after meeting with the Victim, or before Officer A began to call out to the Subject. As such, the UOFRB opined that Officers A and B underestimated the potential threat the Subject posed, especially considering the comments of the second radio call. The UOFRB opined that before calling out to the Subject, both officers should have taken a position of cover, waited for an additional unit to arrive, and designated a less-lethal officer. The UOFRB noted that although Officer A was not trained to use the 40mm LLL, and Officer B did not want to deploy the device as the primary unit, both officers were equipped with TASERS. While the UOFRB noted how quickly the incident escalated, they opined that more planning and communication could have been done before the Subject approached the officers.

Following the OIS, the UOFRB noted that after multiple units arrived at the officer needs help call, Officers A and B did not formulate a tactical plan to take the Subject into custody. The UOFRB would have preferred that they had started this process before Sergeant A arrived.

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.

Debriefing Point No. 2 - Code Six

Officers G and H did not inform CD that they were responding to the second radio call, nor did they place themselves Code Six when they arrived at the scene. Immediately following the OIS, Officer G broadcast an officer help call for shots fired and his/her unit designation; however, because they were not Code Six, CD broadcast the help call for an unknown location. Officer H then broadcast an officer help call for shots fired at the correct location.

The BOPC noted that the UOFRB assessed Officers G and H's failure to advise CD that they were Code Six when they arrived at the scene. The UOFRB noted that Officers G and H were at the scene for approximately one minute before OIS. The UOFRB opined that nothing precluded them from advising CD that they were Code Six during that time. The UOFRB also noted that when Officer G broadcast his/her help call after the OIS, CD was unable to send units to his/her location based on his/her broadcast and the fact that neither he/she nor Officer H advised CD that they were responding to or at the scene of the second call.

The UOFRB noted that the Code Six policy's intent is to advise CD of an officer's location in the event assistance is needed. Although Officer H advised CD of their location after G's help call was broadcast, the UOFRB opined that he/she and Officer G did not fulfill the intent of Code Six policy.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officers G and H were a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 3 - Basic Firearm Safety Rules

Before discharging his/her service pistol, Officer A placed his/her finger on the trigger for approximately eight seconds. Before discharging his/her service pistol, Officer B placed his/her finger on the trigger for approximately five seconds. After discharging his/her last round, Officer B's finger remained on the trigger for an additional 11 seconds as he/she held his/her service pistol in a low-ready position.

As it pertains to Officer A, the BOPC considered that the UOFRB noted that during his/her interview, he/she recalled placing his/her finger along the frame after

unholstering his/her service pistols. However, per his/her BWV footage, Officer A placed his/her finger on the trigger immediately after unholstering his/her service pistol. The UOFRB also noted that during a subsequent interview, Officer A stated that he/she intended to shoot when he/she placed his/her finger on the trigger. However, per the BWV footage, his/her finger was on the trigger for approximately eight seconds before he/she discharged his/her round. Additionally, as he/she was still raising his/her pistol when he/she placed his/her finger on the trigger, Officer A's sights were not aligned on his/her target at that point.

Regarding Officer B, the UOFRB noted that during his/her interview, he/she recalled placing his/her finger along the frame after unholstering his/her service pistol. However, per the BWV footage, he/she placed his/her finger on the trigger of his/her service pistol for approximately five seconds before discharging his/her service pistol. Also, per the BWV footage, Officer B's finger remained on the trigger of his/her service pistol for approximately 11 seconds after discharging his/her last round. During his/her interview, Officer B did not recall leaving his/her finger on the trigger after the OIS but believed his/her muscle memory was to reset the trigger as he/she assessed the situation. Regardless, as he/she was holding his/her pistol in a low-ready position, his/her sights were not aligned on his/her target when his/her finger was on the trigger. The UOFRB also noted that the Subject was lying prone on the ground after Officer B discharged his/her last round.

The BOPC considered that the UOFRB noted that an officer's placement of his/her finger on the trigger of a firearm is not a preemptive movement but a fluid motion that occurs when an officer intends to shoot. The UOFRB also noted that per Basic Firearm Safety Rule No. 3, officers are taught to keep their fingers off the trigger until their sights are aligned on the target and they intend to shoot. Based on the evidence, the UOFRB opined that Officers A and B placed their fingers on the triggers of their service pistols before they intended to shoot. Additionally, Officer B's finger remained on his/her trigger after he/she intended to shoot. While the UOFRB understood the nature of this incident, by preemptively placing their fingers on the triggers of their service pistols, Officers A and B increased the risk of experiencing an unintentional discharge, especially given the stress of this incident. The same is true of Officer B allowing his/her finger to linger on the trigger after discharging his/her last round.

The UOFRB noted that during his/her second interview with FID, Officer A stated that as the Subject walked down the steps and into the courtyard he/she took the slack out of his/her trigger and he/she intended to fire. However, instead of firing, Officer A's finger remained on the trigger as he/she stepped back to create greater distance from the Subject and continued to assess the situation. According to Officer A, the Subject continued to advance on him/her, forcing him/her to discharge him/her service pistol.

During his/her interview, Officer A advised investigators that he/she is a competitive shooter who frequents the shooting range where he/she fires at least five hundred

rounds of ammunition each month. According to Officer A, to achieve a higher level of accuracy, Glock operators must take the slack out of the trigger, then complete the press, firing the round. While accuracy is critical, officers must not conflate competitive or bonus shooting with the Department's expectations of how they handle their firearms in the field.

As stated above, an officer's placement of his/her finger on the trigger of a firearm is not a preemptive movement but a fluid motion that occurs when an officer intends to shoot. Officer A's proficiency with firearms does not excuse him/her from this, rather it is more reason he/she should not feel the need to preemptively place his/her finger on the trigger or in the trigger guard. Also, while the BOPC appreciated that Officer A continued to assess before discharging his/her service pistol, the BOPC would have preferred he/she had placed his/her finger alongside the frame of his/her service pistol while assessing.

This issue is not unique to Officer A. In the past year, there have been several incidents where officers have preemptively placed their fingers on the triggers of their firearms, many of whom said they learned such techniques from Training Division instructors. To address this issue, the Chief has tasked the director of the Office of Support Service with evaluating these incidents as well as what is being taught by our instructors to see if modifications to Department firearms and/or tactics training are warranted.

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.

Debriefing Point No. 4 - Rendering Medical Aid

Following the OIS, Officer H requested a rescue ambulance (RA). Before approaching the Subject, Sergeant A designated Officers H, I, and J as the arrest team. After Officer I handcuffed the Subject, Officers H and I placed him on his left side. Officers H, I, and J monitored the Subject but did not render aid. According to Officers H, I, and J, the area was not safe for an RA to enter or to render aid to the Subject. When asked if the scene was clear for an RA to enter, Sergeant A advised the officer to have the RA standby and directed officers to move the Subject out of the area. However, Officers H, I, and J did not move the Subject at that time. While overseeing the officers clearing the location, Sergeant A pointed toward the Subject, directed officers to administer first aid, and simulated chest compressions with his/her hands. In response, Officer H told Officer I that he/she would "alternate" with him/her. Officer I then suggested they carry the Subject to the RA staging area. Officers H, I, and J picked up the Subject and carried him from the courtyard of the apartment building to the RA for medical assessment and treatment.

The BOPC noted that the UOFRB assessed Officers H, I, and J's duty to render aid and whether it was safe to do so. The UOFRB noted that Officers H, I, and J were

assigned to the arrest team. After the Subject was secured in handcuffs, approximately four minutes passed until he was assessed by LAFD personnel. This was in addition to the approximately six minutes that passed between the OIS and when officers approached the Subject. Although an RA was requested and the Subject was placed on his side and monitored by Officers H, I, and J, they did not check his pulse or attempt to control his bleeding. While Officers H, I, and J indicated there was an ongoing tactical situation that precluded them from rendering aid, the UOFRB noted that there was sufficient personnel at the scene to allow them to either extract the Subject or provide emergency medical assistance at the scene. Additionally, the UOFRB noted that the ongoing tactical situation was essentially a protective sweep of the area and opined that rendering aid would not have placed them in harm's way. The UOFRB further noted that Sergeant A directed officers to render aid, appearing to simulate chest compressions with his/her hands, indicating it was safe to do so. Although Officer H considered performing cardiopulmonary resuscitation, the decision was made to carry the Subject to a waiting RA instead.

While the UOFRB noted that time was needed to wait for additional units and formulate a plan for a safe approach to take the Subject into custody, it was critical of the amount of time after handcuffing it took for Officers H, I, and J to extract the Subject to the RA. The UOFRB was also critical of their decision not to check the Subject for a pulse, perform chest compressions, and/or apply direct pressure to his wounds.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officers H, I, and J were a substantial deviation, without justification, from Department-approved tactical training

- The BOPC also considered the following:

Non-Conflicting Simultaneous Commands – While ordering the Subject to stop and drop his knife, Officers A, B, and H provided non-conflicting simultaneous commands. Following the OIS, Officers A, B, and H provided non-conflicting simultaneous commands while ordering the Subject to drop his knife. Alternatively, one officer could have been designated to provide commands, to reduce the risk of confusion and allow officers to focus on other tasks.

Two-Handed Shooting Grip – Officer B fired his/her service pistol while holding his/her radio in his/her support hand. According to Officer B, he/she had received training on firing a pistol while holding a flashlight and applied the same concept for holding a police radio. While Officer B was able to modify his/her grip, whenever possible, officers should use a two-handed shooting grip.

Preliminary Investigation – During the first radio call, Officers A and B detained the Subject, pending a domestic violence investigation. Per the comments of the call, the Victim was in her apartment. Officers A and B knocked on the door to the apartment but there was no response. At approximately 1023 hours, Officer B

requested further information from CD who replied that “the PR did not wish to meet” and to “stand by for additional.” At approximately 1032 hours, having received no additional information, Officers A and B released the Subject. At approximately 1037 hours, CD contacted the PR telephonically. Before releasing the Subject, the BOPC would have preferred the officers made an additional request for further information.

Command and Control

- Sergeant A arrived at the scene approximately 3 minutes and 47 seconds after the OIS; he/she was the first supervisor to arrive at the scene. Sergeant A identified the involved officers and directed four officers to the north of the location for crowd control. Sergeant A formulated a plan to take the Subject into custody, using a ballistic shield, lethal and less-lethal options, and an arrest team. Approximately two minutes and 30 seconds after first arriving at scene, Sergeant A, along with the contact and arrest team, approached the Subject and took him into custody. Sergeant A directed officers to request an RA if the request was not already made. Sergeant A broadcast that the Subject had been taken into custody and that officers were continuing to clear the location. Sergeant A then directed officers to clear the location of any victims or other possible suspects.

Earlier in the shift, Sergeant A had spoken with officers who responded to the first radio call. During the conversation, Sergeant A was advised that the Subject was a gang member, the location was known for gang activity, and there had been an OIS there a few months prior. Based on this information, Sergeant A believed the apartment building and its occupants posed an officer safety concern that required a tactical plan before approaching the Subject.

When asked if the scene was clear for the RA to enter, Sergeant A directed officers to move the Subject from the area. While the Subject remained in the courtyard of the apartment building, Sergeant A directed officers to provide first aid to the Subject while making motions with his/her hands together, simulating chest compressions. Officer I advised Sergeant A that the Subject would be carried to the RA staging location. Sergeant A remained with the tactical team to clear the location and broadcast that he/she was the incident commander (IC).

Sergeant B arrived at the scene, followed shortly afterward by Sergeant C. Sergeant B removed Officers A and B from the tactical team and directed them to Sergeant C. Sergeant C monitored Officers A and B and obtained a public safety statement (PSS) from both officers at Sergeant B’s direction; however, the PSSs were obtained while Officers A and B were in each other’s presence and able to hear each other’s responses. According to Sergeant C, Sergeant B told him/her to do both PSSs at the same time. Investigators asked Sergeant B if he/she specifically directed Sergeant C to take the PSSs from Officers A and B at the same time, in each other’s presence. He replied, “No.” Based on the totality, the UOFRB opined that Sergeant C misunderstood Sergeant B’s directions.

The BOPC considered that the UOFRB noted that Sergeant A established command and control upon his/her arrival and ensured that an arrest team was assembled. The UOFRB further noted that Sergeant A was faced with numerous tactical considerations, but still had the presence of mind to direct officers to render medical aid to the Subject while also addressing potential threats at the location. While the UOFRB understood that the Subject had not been apprehended when Sergeant A arrived, they would have preferred he/she had removed Officers A and B from the tactical portion of this incident. The UOFRB also understood the importance of formulating a tactical plan and making a safe approach; however, officers should assess the need for a ballistic shield versus delaying their approach.

While there were some concerns as to separation and PSS protocols regarding Officers A and B, the BOPC determined that the overall actions of Sergeants A, B, and C were consistent with Department training and expectations of field supervisors during a critical incident.

In summary, based on all the above tactical analyses, the BOPC found Sergeant A's tactics to warrant a Tactical Debrief and Officers A, B, G, H, I, and J's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

Officers A, B, G, and H – First Occurrence

According to Officer A's BWV, at 1056:46 hours, the Subject took two steps in the officers' direction. Officer A shouted, for the Subject to back up. The Subject slammed the "torch" lighter that was in his right hand down on top of a row of metal mailboxes fixed to the exterior wall of the apartment building. The Subject continued to walk in the officers' direction as he/she transitioned a knife from his left to his right hand. According to Officers A and B's Digital In-Car Video System (DICVS), at approximately 1056:47 hours, Officers A, B, G, and H simultaneously unholstered their service pistols.

Officer I – First Occurrence

Immediately after exiting the vehicle, Officer I unholstered his/her service pistol and held it in his/her right hand, with a single-hand grip, pointed toward the ground. Officer I walked toward Officers A, B, G, and H. Officer G turned and faced Officer I and stated, "He still has the knife." Officer I tapped Officer A on the back and stated, "Hey we're gonna be behind you guys." Officer G replied, "Okay."

Officer H – Second Occurrence

According to Officer H, he/she observed the Subject was on the ground, but still holding a knife in his hand. Officer H holstered his/her service pistol to don gloves in

preparation to render aid to the Subject, but unholstered his/her service pistol again due to the Subject “still having” the knife and because officers did not “clear the background.”

Officer G – Second Occurrence

According to Officer G, he/she unholstered his/her service pistol before approaching the Subject to take him into custody. Officer G believed the situation could escalate to the point lethal force may be used because as the contact team moved forward, the Subject’s knife was “laid right in front.” Officer G was also “covering” the buildings around the apartment courtyard.

Officer I – Second Occurrence

According to Officers I and J’s DICVS, at 1058:41 hours, Officer I holstered his/her service pistol as he/she stood in front of the Victim and kept her from approaching the Subject. At 1058:45 hours, after directing the Victim to move to the opposite side of the roadway, Officer I unholstered his/her service pistol for a second time. Officer I walked back toward the apartment building courtyard and took a position facing the Subject, along the left side of Officer H. According to Officer I, he/she holstered his/her service pistol because he/she did not feel it was safe for his/her service pistol to be drawn while he/she was near the Victim who appeared distraught and wanted to approach the Subject. When the Victim was no longer close, Officer I unholstered his/her service pistol because the Subject was still armed with the knife.

The BOPC noted that the UOFRB evaluated Officers A, B, G, H, and I’s drawing and exhibiting of their service pistols. The UOFRB noted that Officers A, B, G, and H articulated that the Subject was approaching them while armed with a knife. The UOFRB also noted the nature of the call related to domestic violence. The UOFRB opined that based on comments of the radio call and the officers’ subsequent observations, it was reasonable for them to believe a serious, violent crime was in progress and that the situation may escalate to the point where deadly force may be necessary.

Regarding Officer I’s first occurrence, the UOFRB noted he/she was aware that he/she was responding to an officer-needs-help call in which a shooting occurred, but he/she did not know if there were additional suspects or other tactical concerns upon his/her arrival. Officer I observed the Subject was not in custody and was advised that the Subject was still armed with a knife. The UOFRB opined that based on the nature of the help call and Officer I’s subsequent observations, it was reasonable for him/her to believe that the situation may escalate to the point where deadly force may be necessary.

As it pertains to Officers G, H, and I’s second occurrences, the UOFRB noted that they holstered their services pistols to address various tactical concerns. Officer H holstered his/her service pistol to don gloves before apprehending the Subject.

Officer G holstered his/her service pistol to transition to his/her TASER as a less-lethal force option. Officer I holstered his/her service pistol when he/she was near the Victim, directing her away from the Subject. The UOFRB noted that after they addressed these concerns, the Subject was still holding the knife and had not yet been taken into custody. Because the Subject and his knife had not yet been secured and the surrounding area had not yet been cleared, the UOFRB opined that it was reasonable for Officers G, H, and I to believe that the situation may again escalate to the point where deadly force may be necessary.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officers A, B, G, H, and I would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be necessary. Therefore, the BOPC found Officers A, B, G, H, and I's drawing/exhibiting a firearm, all occurrences, to be In-Policy.

C. Lethal Use of Force

Officer B – (pistol, four rounds)

First Round

According to Officer B, he/she observed the Subject "transition" the knife to his right hand as he walked toward officers with the blade pointing toward them. As Officers A and B repeatedly ordered the Subject to drop the knife, the Subject repeatedly yelled, "Shoot!" while continuing to walk toward the officers "at a very brisk pace" with his left hand clenched in a fist and holding the knife in his right hand. Believing that the Subject was coming to stab him/her or his/her partner, Officer B discharged one round from his/her service pistol at the Subject's "center mass."

Second Round

After discharging his/her first round, Officer B assessed that the Subject was "squared up" facing him/her and still coming toward him/her and his/her partner while holding the knife. In response, Officer B discharged a second round at the Subject's center mass.

Third Round

After discharging his/her second round, Officer B observed the Subject turn to his right. Aware that Officer A was standing to his/her (Officer B's) left side, Officer B believed the Subject was going to turn toward and attack him/her. In response, Officer B aimed at the Subject's left side torso and fired a third round.

Fourth Round

According to Officer B, after discharging his/her third round, the Subject continued to turn toward Officer A while still holding the knife in his hand. Officer B knew there were

two other officers in his/her area as well. Officer B believed the Subject was moving toward those other officers. Officer B also believed that the Subject would “charge” Officer A based on how he “kept coming” and how their actions did not seem to be “stopping” him. In defense of Officer A’s life, Officer B fired a fourth round at the Subject’s “full side” profile. According to Officer B, after discharging his/her fourth round, he/she observed the Subject turn away from the officers and walk back toward the steps. Officer B stopped firing because the Subject was no longer turning toward the officers.

The BOPC noted that the UOFRB assessed the proportionality, objective reasonableness, and necessity of Officer B’s use of lethal force. The UOFRB noted that after cursing at the officers and threatening to set the apartment building on fire, the Subject said, “What’s up, what the [expletive] you gonna do about it!,” slammed his lighter down, and transitioned his knife to his right hand. The Subject then chose to walk off the porch and toward the officers while aggressively holding the knife in his right hand with his left hand clenched in a fist and his chest puffed. Despite repeated orders to stop, back up, and drop the knife, the Subject continued to advance on the officers, telling them to shoot him. Based on the BWV footage, Officers A and B were pointing their service pistols toward the Subject at this point, but he was undeterred. Believing that the Subject was going to stab him/her or his/her partner, Officer B fired one round from his/her service pistol. After firing his/her second round, Officer B assessed that the Subject was still coming toward him/her while holding a knife and fired a second round at the Subject.

As it pertains to Officer B’s third round, the UOFRB noted that according to the BWV footage, following Officer B’s second round, the Subject stopped his momentum and began to turn his body to the right, moving away from officers. However, the UOFRB also noted that the Subject was still facing the officers. The UOFRB further noted that after firing his/her second round, Officer B perceived that the Subject was turning to his (the Subject’s) right toward Officer A. Believing that the Subject would charge Officer A with the knife, Officer B fired a third round from his/her service pistol. Based on the Sound Graph Analysis, Officer B fired his/her third round one second after his/her second round.

Assessing Officer B’s perception versus the BWV footage, the UOFRB considered the concept of lag time. During its discussion, the UOFRB consulted with a Subject Matter Expert (SME) from Training Division’s Tactics Unit, who advised that according to controlled studies, it generally takes 0.3 second for the brain to evaluate new stimulus. The SME also advised that in studies that looked at perception/reaction time, it generally takes human beings 0.7 to 1.5 seconds to perceive and react to the stimulus. The SME further advised that in studies conducted in controlled environments without any additional stressors, approximately seven out of ten officers fired one additional round after the stimulus stopped and 17 percent fired an additional two rounds. The UOFRB considered the added stressor of the dynamic situation confronting Officer B and opined that based on perception/reaction, his/her assessment of the Subject’s movement toward Officer A was reasonable.

Based on the Subject's actions, the UOFRB opined that for rounds one, two, and three, it was objectively reasonable for Officer B to believe the Subject presented an imminent threat of death or serious bodily injury and that Officer B needed to use lethal force in defense of both his/her and Officer A's life. The UOFRB also opined that the Subject's actions drove the incident and compelled Officer B to defend himself/herself and his/her partner.

Regarding Officer B's fourth round, the UOFRB Majority noted that according to Officer B, after discharging his/her third round, the Subject continued to turn toward Officer A while still holding the knife in his hand. Based on his/her perception, Officer B believed their actions had been unable to stop the Subject and that he would "charge" Officer A. However, the Majority also noted that according to the BWV footage, Officer B discharged his/her fourth round after the Subject turned away from officers and was moving toward the apartment building, striking the Subject in the back.

While the UOFRB Majority considered perception/reaction time, the UOFRB Majority noted that based on the Sound Graph Analysis, Officer B fired his/her fourth round approximately two seconds after the Subject began turning and moving away from officers, which the UOFRB Majority opined was enough time for Officer B to assess that the Subject was no longer an imminent deadly threat. The UOFRB Majority further noted that, according to BWV, Officer B aligned his/her sights before firing his/her fourth round and opined he/she took more time to assess the threat posed by the Subject before discharging his/her fourth round than before discharging his/her second and third rounds. The UOFRB Majority opined that at the time Officer B fired his/her fourth round, it was not objectively reasonable for him/her to believe that the Subject presented an imminent threat of death or serious bodily injury to officers.

The UOFRB Minority noted that after Officer B fired his/her third round, he/she assessed the threat posed by the Subject and, according to his/her statement, perceived the Subject was continuing toward Officer A. The UOFRB Minority considered the explanation of the lag in perception-reaction time given by the SME and noted that, based on the Sound Graph Analysis, Officer B fired his/her fourth round 1.075 seconds after his/her third round. The UOFRB Minority noted the still frame from Officer A's BWV presented in the Sound Graph Analysis when Officer B fired his/her third round and opined that this moment was the earliest time Officer B would begin to assess the threat posed by the Subject before firing his/her fourth round. The UOFRB Minority opined that Officer B's assessment to fire his/her fourth round would not have been at the moment he/she fired, rather it would be based on what he/she perceived approximately one second before firing his/her fourth round.

The UOFRB Minority noted that after Officer B discharged his/her fourth round, he/she assessed the Subject was no longer a threat because, according to his/her statement, he/she perceived the Subject had begun to turn to his right and walk toward the exterior stairs of the apartment building after his/her fourth round was fired. The UOFRB Minority noted that Officer B's perception of the Subject turning and moving away from

officers was accurate, but the UOFRB Minority opined that his/her perception of when the Subject began to move away was delayed and within a reasonable amount of time considering the lag in perception-reaction time. The UOFRB Minority considered the human body's physical limitations as it pertains to perception-reaction time and opined that at the time Officer B fired his/her fourth round, it was objectively reasonable for him/her to believe that the Subject presented an imminent threat of death or serious bodily injury to officers.

As it concerns Officer B's third and fourth round, the BOPC considered the Majority and Minority's opinions and understood the concepts identified in reaction/perception time. While the BOPC appreciated the UOFRB Minority's assessment of the delay in his/her perception, based on the available evidence, the BOPC determined that Officer B should have assessed that the Subject was no longer an imminent deadly threat before discharging his/her third and fourth rounds.

In evaluating the reasonableness of Officer B's third and fourth rounds, the BOPC noted that per the BWV footage after Officer B discharged his/her second round, the Subject stopped his forward progression. Per the Sound Graph Analysis, Officer B discharged his/her third round approximately one second after discharging his/her second round and his/her fourth round approximately two seconds after discharging his/her second round. During the time between Officer B's second and third rounds, although the Subject was still facing the officers, he had stopped advancing and began to turn his body to the right. During the time between Officer B's third and fourth rounds, the Subject had turned away from the officers and was moving toward the steps of the apartment building. The BOPC also noted that per the BWV footage, before discharging his/her fourth round, Officer B took time to acquire a sight picture which should have allowed him/her to realize that the Subject was moving toward the stairs. Based on the totality, the BOPC believed that after discharging his/her second round, Officer B failed to accurately assess whether the Subject continued to be an imminent deadly threat.

Based on the totality of the circumstances the BOPC determined that for rounds one and two, an officer with similar training and experience as Officer B, in the same situation, would reasonably believe that the lethal use of force was proportional, objectively reasonable, and necessary. Also, the BOPC determined that for rounds three and four, an officer with similar training and experience as Officer B, in the same situation, would not reasonably believe that the lethal use of force was proportional, objectively reasonable, and necessary. Therefore, the BOPC found Officer B's lethal use of force for rounds one and two to be In Policy and rounds three and four to be Out of Policy.

Officer A – (pistol, one round)

The Subject held the knife in his right hand while his left hand was clenched in a fist. Both of the Subject's hands were down along his side as he continued to move toward the officers. Officer A raised his/her voice and shouted louder for the Subject to back

up. The Subject continued toward the officers' direction and repeatedly shouted, "Shoot!" four more times. Officer A simultaneously ordered the Subject, "Stop it" and to "Drop the knife" three times. The Subject walked approximately 20 feet in approximately eight seconds toward the officers while holding a knife. It was 0.239 second after Officer B fired his/her first round that Officer A fired one round in the Subject's direction from an approximate distance of eight feet. According to Officer A, after Officer B fired his/her first round, the Subject had "halted a little" and then continued toward him/her while still moving his arms and "wailing" the knife toward him/her. Officer A believed Officer B's round made the Subject more agitated and he did not look toward Officer B. The Subject came toward him/her within "three, maybe four" feet and he/she believed he/she had "nowhere" to go. Officer A fired his/her service pistol because he/she feared that the Subject was close and was going to kill him/her.

The BOPC noted that the UOFRB assessed the proportionality, objective reasonableness, and necessity of Officer A's use of lethal force. The UOFRB noted that after cursing at the officers and threatening to set the apartment building on fire, the Subject said, "What's up, what the [expletive] you gonna do about it!" slammed his lighter down and transitioned his knife to his right hand. The Subject then chose to walk off the porch and toward the officers while aggressively holding the knife in his right hand with his left hand clenched in a fist and his chest puffed. Despite repeated orders to stop, back up, and drop the knife, the Subject continued to advance on the officers, telling them to shoot him. Based on the BWV footage, Officers A and B were pointing their service pistols toward the Subject at this point, but he was undeterred.

The UOFRB noted that before discharging his/her round, Officer A had attempted to redeploy but believed that he/she could not move any further back. The UOFRB also noted that before discharging his/her service pistol, Officer A had assessed that Officer B's first round had paused but failed to stop the Subject's advance. The UOFRB further noted that when he/she discharged his/her service pistol, Officer A estimated that the Subject had advanced to within three to four feet of him/her. Based on the totality of the circumstances, the UOFRB opined that when he/she discharged his/her service pistol, it was reasonable for Officer A to believe the Subject was going to cause serious bodily injury or death to him/her. The UOFRB further opined that the Subject's actions drove the incident and compelled Officer A to defend himself/herself from what an officer with similar training and experience, in the same situation, would reasonably believe was an imminent threat of death or serious bodily injury.

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