

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

OFFICER-INVOLVED SHOOTING – 042-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Northeast	8/26/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	8 years, 2 months
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Reason for Police Contact

Northeast Patrol Division uniformed officers responded to an Assault with a Deadly Weapon (ADW) radio call at a residence. The comments of the radio call indicated the Person Reporting (PR) was possibly armed with a gun and was going to hurt someone in the apartment and anyone that responded to the location. While officers were at scene, the Subject armed himself with a knife and confronted the officers. Officers gave verbal commands to the Subject to drop the knife. The Subject refused to comply with the commands and walked toward officers resulting in an Officer-Involved Shooting (OIS). The Subject was taken into custody and transported to a local hospital.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 35 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 incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on August 13, 2024.

Investigative Summary

The following Investigative Summary is based upon Body Worn Video (BWV), witness statements, officer statements as well as physical evidence.

The following LAPD personnel were involved in this incident and are listed in the order of their arrival at scene.

The above Northeast Patrol Division personnel were in full police uniform and operating a marked black and white police vehicle equipped with a Digital In-Car Video System (DICVS). Additionally, each officer was equipped with BWV, ballistic vest, Department-approved pistol, TASER, Oleoresin Capsicum (OC) spray, handcuffs, Hobble Restraint Device (HRD) and a baton. All required equipment was carried on the officer's person unless otherwise specified.

On August 26, 2023, at 1225 hours, the Subject called 911 and Communications Division (CD) Emergency Board Operator (EBO) A, who answered the call.

The Subject reported he had a gun and a knife and was going to hurt someone in his apartment and anyone that responded to the location. A radio call was generated for Northeast Division to respond to the residence.

Force Investigation Division (FID) investigators later reviewed the 911 call recording and noted that the Subject stated he had a gun and a knife. The CD radio call broadcast and comments of the call indicated the caller (Subject) was armed with a gun and did not reference the knife. FID Investigators further noted that Weapons Other Than Firearms Protocols were not initiated by CD. The CD Operator made multiple attempts to inquire if the Subject was suicidal and offered to provide him help. The Subject was not cooperative, did not provide his name and refused to answer questions. The Subject repeated the phrases "It's too late!" "I'm going to use it!" and "Just come!"

The Incident Recall Report indicated the EBO attempted to call the Subject back at 1231:40 hours and the call was not answered.

At 1226 hours, Officer D broadcast they were responding Code Three. Officer C is a Field Training Officer (FTO) and Officer D was a probationary officer in training. They had been partners for approximately one month. According to the officers, they discussed tactics and tactical roles for the day at their start of watch. According to Officer C, Officer D was the contact officer and he/she was the cover officer.

At 1227 hours, Officer B broadcast that he/she was going to be backing up Officers C and D and provided his/her location.

As Officer C drove to the call, Officer D read the comments of the call from the Mobile Data Computer (MDC). Officer D read aloud that the Person Reporting (Subject) was stating that he was armed with a gun and was going to hurt someone inside the

apartment. The officers discussed deploying the rifle and Officer C directed Officer D to switch the radio to Simplex to communicate with the Air Ship that was also responding.

At 1228:51 hours, the officers' BWV captured the Radio Telephone Operator (RTO) broadcast the comments of the call that the Subject was going to hurt someone inside of the apartment or anyone that showed up, including the police. The RTO advised that the Subject was uncooperative and provided no further information.

According to Officer C, the possibility the 911 caller had a mental illness was in the back of his/her mind; however, his/her primary concern was the possible victim. Officer C further stated he/she intended to assess the situation and call the Mental Evaluation Unit (MEU) if needed.

Air Support Division, manned by Pilot, Police Officer I and Tactical Flight Officer (TFO), Police Officer J, arrived first and were overhead as the officers approached the area.

At 1232:51 hours, Officers A and B arrived and parked on the southwest corner. Officers A and B had a Beanbag Shotgun stored in their police vehicle. Officers C and D had a 40mm Less Lethal Launcher (40mm LLL) stored in their police vehicle. Neither unit was equipped with a Ballistic Shield.

Officer B broadcast that they were Code Six. Upon arrival, the officers did not see the address numbers posted on the building from their position. As the officers attempted to locate the building address numbers, TFO K broadcast on the radio that he/she was not sure that was going to be a correct address and so far did not see that address.

At 1233:19 hours, Officers C and D arrived and parked on the southwest corner. On BWV, the officers are depicted briefly discussing the call location, indicating the location was either the building on the southeast corner of the intersection or the building they were standing next to.

Officer C retrieved a rifle from the trunk of his/her vehicle. According to Officer C, he/she deployed the rifle due to the nature of the call indicating the Subject was possibly armed with a gun, the Subject intended to do harm to the person in the apartment and he/she did not know the size of the building. Officer C further stated the rifle is a superior weapon to a handgun, providing an advantage of the optics and range which provides a greater distance.

Officer C also stated the rifle was stored in the vehicle trunk, in patrol ready condition with a magazine inserted in the magazine well that was loaded with 28 rounds. Officer C's BWV depicted him/her extending the stock and manipulating the charging handle to load a live round into the chamber. Officer C slung the rifle and held it in a port arms position.

Simultaneously, Officer A retrieved a shotgun from the trunk of his/her vehicle. According to Officer A, he/she deployed a shotgun because the location was a large complex and there could be multiple Subjects, or it could be an ambush. Officer A further stated the shotgun was loaded to patrol ready with four rounds in the magazine tube. Officer A's BWV depicted him/her manipulating the slide handle and loading a round into the chamber. Officer A carried the shotgun in a port arms position as he/she walked south.

According to the Officers A, B and C, they were concerned that the incident was a possible "ambush" scenario, due to the comments of the radio call indicating that the caller was, "Armed with a gun and would hurt anyone that responded to the location."

According to Officer C, the tactical plan was to enter the building, locate the specific apartment, assess the situation and determine what resources they were going to need.

Officer C stated he/she had responded to numerous tactical incidents with Officers A and B, they are familiar with their tactical responses and they have similar training. Officer C further stated Officers A, B, D and himself/herself had responded to a "Shots Fired Call" earlier that day and each of the officers assumed the same tactical roles from the prior incident.

According to Officer C, it was decided that he/she would be point with the rifle. Officer A would be second with his/her shotgun and Officer B was assigned dual duty as the arrest team and/or communications. According to Officer B, he/she decided to also be less-lethal should the situation require it. Officer D was assigned to be third, as the arrest team Officer B.

According to Officer D, he/she unholstered his/her pistol because the call was an ADW with a gun radio call and he/she felt he/she may need to protect himself/herself and fellow officers. Officer D further stated he/she held the pistol in a two-hand grip, in a low-ready position with his/her trigger finger along the frame.

The officers located the entry door on the southeast corner of the building. The door was unlocked and it opened to a stairwell leading to the apartments located on the second floor. Officer A opened the entry door and took a standing barricade position at the door frame and held the shotgun shouldered at a low-ready position. Officer A described the interior of the building to the other officers.

According to A and C, they were not familiar with the building and they did not know where the Subject's apartment was located.

On BWV at 1234:50 hours, Officer C led the way and the officers walked up the stairs to the landing between the first and second floors. Officer C paused at the corner of the wall, assessed while verbally describing what he/she was seeing to the officers behind him/her.

According to Officer C, from that position and because of his/her height, he/she could see down the length of the second-floor hallway. Officer C described the layout of the hallway, door positions and location of additional stairs on the right side of the hallway to the officers behind him/her.

At 1235:25 hours, Officer C directed Officer B to request additional units to respond. Officer B broadcast the additional unit request on Northeast base frequency.

Officer C moved to his/her left on the landing and Officer A took a standing barricade position at the corner of the wall with his/her shotgun barrel pointed toward the open hallway. Officer C advised there was another stairway to the right. As Officer C moved up the second flight of stairs, banging sounds could be heard inside the building and the officers stopped moving forward.

According to Officer C, they proceeded up the first set of stairs to the first landing at that point, he/she heard some banging sounds coming from inside the apartment complex, at which point officers maintained their position on the stairs. Officer C stated officers tried to assess the situation and determine where the sound was coming from and where the Subject might be located. Officer C reiterated that this call was a man with a gun inside of an apartment and the Subject stated his intentions of hurting someone inside and/or responding officers. Officer C had this in the back of his mind as officers were making their approach.

Officer C further stated the noise sounded like somebody was banging on a wall, not something that you would typically hear in an apartment building. Officer C could not determine where the sound was coming from but stated there was no shots being fired and no one was screaming. As such, Officer C felt that time was on his/her side to hold his/her position of cover and wait for additional resources.

At 1235:48 hours, Officer C is heard directing Officer B to upgrade the additional unit request to a back-up. Officer C advised the officers he/she could not determine where the sound was coming from. Officer C told the officers there was an apartment door immediately to the right of the stairs. Officer C is heard stating, "I don't like this, back up! There is an apartment right here to the right," as he/she directed the officers to move back down to the stairwell landing. Officer C took a standing barricade position at the corner of the stairwell wall and held the rifle at a low ready position.

According to Officer C, he/she was not aware if there was another floor to the apartment complex and also believed there was an apartment just to his/her right where he thought the sound might have been coming from. Officer C stated because they only had four officers he/she decided to redeploy everyone back down onto the landing for better cover. Officer C then broadcast a request for backup. Officer C stated he/she felt comfortable with officers maintaining this position and using time to their advantage. Officer C stated that when additional units arrived, he/she requested a shield to creep out to the front and also for a 40 mm less-lethal.

At 1239:49 hours, Officer B broadcast a request for a shield.

At 1236:10 hours, Sergeant A broadcast he/she was responding Code Three to the call. As the officers discussed the layout of the building, Officer C directed Officer B to verify that a supervisor was responding. Officer B broadcast a request for a supervisor and CD confirmed and advised that one was responding.

At 1237:28 hours, Officer C directed Officer B to contact CD and request that they attempt to call the Subject.

At 1238:32 hours, Officer B opened the door of a utility closet located on the first floor of the stairwell between the entry door and the officers. According to Officer B, at one point while he/she was inside the lower hallway, he/she observed a small little doorway directly in front of him/her. Officer B stated he/she unholstered his/her firearm before he/she unlocked it. Officer B believed that the situation might escalate due to the fact that the Subject could have been lying in wait anywhere inside that apartment complex including a tiny crawl space. Officer B was concerned that the Subject could exit while the officers trying to take care of the upstairs and attack them. Officer B unholstered his/her firearm to safely clear the room which ended up being a security panel. Officer B broadcasted this information to the rest of the units that that door was out of play. Officer B further stated he/she held his/her pistol at a low-ready, close to his/her body in a retention technique, with a three-finger grip and his/her trigger finger along the slide. The actions described by Officer B were not captured on BWV.

At 1238:42 hours, Officer B broadcast a request to the Air Unit to check for additional entry/exit doors to the location. Officer J advised there was a possible exit door to the rear of the building on the west side.

At 1239:42 hours, Officers E and F arrived for the back-up request.

Officer F retrieved a 40mm LLL from the vehicle. As they entered the building, Officer B stated he/she was going to his/her vehicle to retrieve the Subject's phone number from the comments of the call on the MDC.

According to Officer B, he/she went outside in an attempt to get a line of communication with the Subject as he/she was aware that the Subject had called from his own phone. Officer B thought that if he/she could speak directed with the Subject, he/she might be able to calm him down and determine what was actually happening inside of the apartment and to see if anyone needed medical attention.

Officer B further stated that an additional unit arrived and they could take over his/her position in addition to providing less-lethal options. Officer B stated he/she informed everyone on the stick that he/she was going back to his/her vehicle to obtain a phone number for the Subject.

According to Witness A, she was inside the apartment with the Subject when his phone rang. Witness A stated shortly after the Subject's phone rang, he went to the kitchen window and was looking out through the blinds toward the street and he was yelling expletives. Witness A stated that the Subject told her to call the police and she asked him why. The Subject stated she would see how it's going to turn out for the police when they arrive. Witness A believed the Subject was looking at the police vehicle's arriving from the apartment windows. Witness A stated she looked out her bedroom window and saw two police cars. Witness A stated she called the Subject's brother and asked him to come help her with the Subject because he was going to fight with the police but he advised her that he was unable to respond

FID's review of the officers' BWV did not identify the sound of anyone yelling at the officers. FID investigators noted the windows of the Subject's apartment appeared to be closed at 1233 hours when the officers arrived.. There were no images depicting the Subject in view of the windows from the exterior of the building. At 1243 hours, the officers' BWV depicted the officers entering and clearing the Subject's apartment. At that time, the windows appear to be closed and the blinds appear to be open.

At 1240:38 hours, Witness A opened the door of the apartment and is heard on the officers' BWV stating in Spanish "*Policia Si?*" and Officer C is heard replying "Policia, Si." According to Witness A, she could not stop the Subject because he wanted to go out and fight with the police. Witness A stated this is when the Subject went outside and she could not stop him. Witness A stated she did not know that the Subject had a knife.

According to Officer C, Witness A exited the apartment and yelled out to them, "policia" and he/she affirmed to her that, yes, he/she was the police. Officer C stated "Si, policia," at which point the Subject emerged from behind her and pushed her out of the way and started advancing down the hallway towards the officers. At that time the Subject had his hands out to his sides and he started to reach towards his waistband. Officer C yelled at the Subject to "Show me your hands." Officer C told the Subject not to reach into his waistband.

According to Officer C, the Subject ended up producing a large butcher/knife kitchen knife that appeared to be six to eight inches long. Officer C gave orders to the Subject to "drop the knife." The Subject responded at that time with an expletive as he raised the knife up in a ninety degree angle with the blade facing forward up over his head in a stabbing position. Officer C stated the Subject continued advancing towards the officer and he/she had his/her rifle in low ready position.

The officers' BWV captured Officer C giving the repeated commands of "Let me see your hand!" and then the repeated command of "Drop the knife!" The crime scene investigation determined the distance between the stairs and the entry door of the Subject's apartment approximately 31 feet. According to Officer C, the Subject was approximately 25-30 feet away when he pulled the knife out.

According to Witness A, "And that's when I saw that he was walking down the hallway, and he had the knife, and that's when they shot him."

At 1241:00 hours, Officer C's BWV depicts the Subject walking toward the officers carrying a knife in his right hand, with an over hand grip and the blade positioned downward. As Officer C gave the Subject repeated commands to drop the knife, the Subject is heard stating "[expletive] you" as he began to descend the stairs.

According to Officer C, he/she believed that he/she attempted to move one step to the rear at which point the Subject was already coming down the stairs almost at that point at which point he/she did not feel he/she had any other choice.

At 1241:10 hours, Officer C's BWV depicted the Subject walking down three steps decreasing the distance between himself and Officer C. As the Subject descended the steps, Officer C fired three shots, in a northerly and upward direction from a decreasing distance of approximately nine to seven feet.

According to Officer C, once the Subject produced the knife, he/she came up on target. Officer C stated that the Subject could clearly see that he/she had the rifle aimed at him. Officer C stated he/she as giving command and the Subject yelled expletives at him/her and continued walking towards the officers. Officer C stated that the Subject's pace seemed to be quicker. When the Subject got to the top of the stairs, it was clear to Officer C that the Subject was trying to kill him/her and the other officers and he/she was in fear of his/her life. Due to this, Officer C disengaged the safety on his/her rifle and fired a volley of three shots at the Subject.

Officer C stated he/she was utilizing the Red Dot, optical sight mounted to his/her rifle and targeted center body mass.

Officer C also stated he/she assessed and it was a rapid succession of three rounds. Officer C stated he/she assessed until the point which the Subject dropped the knife and at that point, he/she felt the treat was done.

According to Witness A, "I remained standing by the door somewhat inside. Not outside and not inside." Investigators' review of the officers' BWV could not determine Witness A's position at the time of the OIS.

At 1241:20 hours, Officer B was seated in his/her patrol vehicle retrieving the Subject's phone number from the comments of the call on the MDC. Upon hearing the sound of gunfire, Officer B broadcast, "shots fired officer needs help."

After the shots were fired, Officer C's BWV depicted the Subject fall down the stairs to the landing next to Officer C. Officer A handed the shotgun to Officer D, retrieved his/her handcuffs from his/her belt. Officer C let his/her rifle hang from the sling. Officers A and C rolled the Subject onto his stomach and took him into custody. Officer A searched the Subject's waist band for additional weapons.

At 1241:30 hours, Officer F broadcast a request for an RA for a male not conscious, not breathing, suffering from gunshot wounds.

On the officers' BWV, Officer C is heard announcing, "We still need to clear the building!" as Officer A simultaneously unholstered his/her pistol and held it in a two-hand grip. Officer A stood on the landing looking down the hallway toward the Subject's apartment.

Officer C yelled, "Policia!" and announced, "I need a Spanish speaker!" As Officer A held cover on the hallway, Witness A walked out of the apartment. Officer A announced, "I've got the hallway, I have a female up here!" Officer A repeated "Policia" as he/she directed Witness A to come toward him/her. As Witness A approached the stairs, Officer A walked up the steps and stepped past Witness A holding his/her pistol at a low-ready position.

Officers C and E took a position on the landing and directed Witness A to come to them. Officer E moved up the steps and stood over the knife laying on the steps, directing Witness A down the stairs around the knife.

In the interim, Officers B and D carried the Subject down the stairs and outside the building to the sidewalk, where the officers rendered aid. Officer F checked for a pulse and began chest compressions. Officers B and D applied a tourniquet to the Subject's right arm.

At 1241:32 hours, Sergeant G arrived on scene and intercepted Witness A from Officer E as she arrived at the stair landing. Sergeant G stood with her until Officer G and I arrived.

Officers A, C and E moved down the second-floor hallway to the Subject's apartment. As the officers held cover on the open door, Officer C announced, "LAPD come out with your hands up!" According to Officer C, "We still needed to clear the apartment to make sure there wasn't any victims inside the apartment."

As the officers entered the apartment, Sergeant A joined them. The officers searched and cleared the apartment, no one was located inside.

At 1243:42 hours, Sergeant A confirmed that the Subject was the only person involved and identified Officer C had been involved in a shooting.

At 1246 hours, Sergeant A made a radio broadcast declaring he/she was the Incident Commander and requested the response of two additional supervisors.

At 1249 hours, Sergeant A secured Officer C's rifle in the trunk of his/her vehicle. At 1250 hours, Los Angeles Fire Department (LAFD), Rescue Ambulance (RA) No. 12, staffed by Fire Fighter Paramedics A and B arrived at scene.

As the FF/PMS arrived, Officer B advised them that the Subject had sustained a gunshot wound to the right arm and a gunshot wound to the right thigh. The FF/PMS assessed the Subject's injuries and placed him on the gurney.

The Subject was transported to a nearby hospital for treatment. Officers K and L followed the RA in their police vehicle to the hospital. Neither officer rode in the RA during the transportation of the Subject to the hospital.

At 1251 hours, Sergeant A admonished Officers A, C, and D not to talk about the shooting, wait for the arrival of supervisors and turn off their BWV cameras.

At 1306 hours, Hollenbeck Patrol Division Sergeant B arrived at the scene and met with Sergeant A. Sergeant B was tasked with taking a Public Safety Statement (PSS) from Officer C. Sergeant B monitored Officer C and transported him/her to Northeast Station.

At 1309 hours, Newton Patrol Sergeant C arrived and met with Sergeant A. Sergeant C initiated the monitoring of Officers A, B and D.

On August 26, 2023, at approximately 1341 hours, Northeast Area Watch Commander Lieutenant A notified the Department Operations Center (DOC), that an Officer-Involved Shooting occurred.

At approximately 1355 hours, the DOC contacted FID Lieutenant B and advised him/her of the OIS.

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	N/A
Officer B	Yes	Yes	Yes	Yes	N/A
Officer C	Yes	Yes	Yes	Yes	N/A
Officer D	Yes	Yes	Yes	Yes	N/A

As this incident occurred inside of an apartment complex, there was no DICVS recording that captured the OIS.

Los Angeles Board of Police Commissioners' Findings

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

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

A. Tactics

The BOPC found Officers A and D's tactics warrant a finding of Tactical Debrief. The BOPC found Officers B and C's tactics warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers C's use of lethal force was In Policy.

Basis for Findings

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

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

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

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

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

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject 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 Subjected 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 Subjected offense;
- The level of threat or resistance presented by the Subject;
- Whether the Subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or Subjects;
- The risk or apparent attempt by the Subject to escape;
- The conduct of the Subject 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 Subject;
- Officer versus Subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus Subjects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

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

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

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

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available

resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

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

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

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

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

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

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

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered

include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

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

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

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 Subject leading up to the use of force.

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

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

A. Tactics

Tactical De-Escalation

Tactical De-Escalation Techniques

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

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

Planning – At the time of the incident, Officer C was Officer D's Field Training Officer (FTO) and had been partners for approximately four weeks. During those times, they had discussed tactics, specifically contact and cover roles as well as applying different force options. While responding to the location, Officer D read the comments of the call to Officer C.

Officers A and B worked together on approximately 12 to 15 prior occasions. They had discussions regarding tactics, including contact and cover roles and how those roles can change during an incident, de-escalation and different use of force options.

According to Officer C, he/she had responded to numerous tactical incidents with Officers A and B and he/she was familiar with their tactical response and they have similar training. Officer C's plan was to respond, assess and request resources as needed.

Assessment – Based on the comments of the call, the officers assessed the possibility of an ambush as the comments stated the Subject was armed with a gun and the Subject's intentions were to hurt somebody inside the apartment and anyone who responded to that location. Their assessment caused them to determine there was a need for them to quickly respond to the location to ensure the safety of the residents from an armed person. As officers proceeded to ascend the stairwell, they assessed the layout of the second floor where the Subject's apartment was located and began to hear banging noises, leading the officers to request additional resources. When the officers were confronted and approached by the Subject, Officer C assessed the Subject had armed himself with knife. Based on the Subject's actions, officers were no longer able to implement further de-escalation techniques.

Time, Redeployment and/or Containment – The officers made the decision to locate the apartment on the second level of the building. As the officers proceeded up the stairwell, they heard loud banging noises. Officer C advised the officers he/she could not determine where the sound was coming from and directed them to redeploy by moving back down the stairwell. By redeploying and using time, following the formula, Distance + Cover = Time, officers were able to request additional resources and have the benefit of cover. Once the Subject exited his apartment, the cover and distance from the Subject allowed the officers time to communicate with the Subject by issuing him commands to drop the knife.

Other Resources – While responding to the radio call, Officer D requested an airship to respond. Officer D then switched the radio frequency from his/her hand-held radio to simplex to communicate with the air unit. Officer C deployed his/her rifle and Officer A deployed the shotgun to have different weapon selections due to the comments of the call stating the Subject was armed with an unknown type of gun and intended to hurt someone inside the apartment.

As officers ascended the stairs, Officer C directed Officer B to request additional units to respond. Upon hearing the loud banging noises, Officer C directed Officer B to upgrade the additional unit request to a backup, prompting the response of additional resources. Officer B also broadcasted a request for a shield, requested CD to get the RP back on the line and requested the air unit to check for additional entry and exit doors to the location. Additionally, as Officers E and F arrived at scene, Officer B directed them to retrieve a 40mm LLL from their police vehicle. The BOPC assessed the incident and noted there was a limited time from the when officers arrived with the 40mm LLL to when the Subject approached the officers armed with a knife. The BOPC opined it was not feasible to have positioned the 40mm LLL at the front of the contact team due to how quickly the Subject escalated the situation.

- **Lines of Communication** – As officers approached the location, Air Support advised the officers they were unable to locate the address. After Witness A exited her apartment unit and yelled out “Policia” to the officers, Officer C advised her in Spanish of their presence. Shortly after, the Subject exited his apartment unit and approached the officers while armed with a knife. Officer C gave commands to the Subject directing him to drop the knife. Consequently, Officer C communicated to his/her partner officers on scene of his/her observations.

During the review of the incident, the following Debriefing Topic was noted:

Debriefing Point No. 1 Required Equipment – Body Armor

Officers B and C were not wearing their ballistic body armor during this incident.

The BOPC noted the UOFRB assessed Officer B and C’s reason for not wearing their body armor during the incident. The UOFRB noted Department policy requires sworn personnel to wear body armor when assigned to the field and opined there was no reasonable excuse or explanation for their deviation. As they were assigned to uniformed field duty in a geographic patrol division, the UOFRB determined Officers B and C were required to wear their ballistic body armor during this incident.

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

Additional Tactical Debrief Topics

Tactical Vehicle Deployment – As officers approached the location, Air Support was over the radio call and advised officers they were unable to locate the address. Upon arrival, Officers A, B, C and D parked their police vehicles on the southwest corner of intersection, in front of the radio call location. Unbeknownst to the officers, the radio call location was a two-story building with commercial units on the ground level and apartment units on the second floor. After exiting their police vehicles and

assessing the area, the officers located the address numbers on the southeast corner of the building. Although the officers unintentionally parked in front of the radio call location, they are reminded of the importance of tactical vehicle deployment to approach incidents from a position of advantage.

Tactical Planning – Officer C stated the tactical plan was to enter the building, locate the Subject’s apartment, assess the situation and determine what resources they were going to need. Officer C assigned himself/herself as the DCO with the rifle, Officer A as lethal force with the shotgun and Officers B and D as arrest team and communications. Although the officers assumed and maintained appropriate contact and cover roles, it would have been preferable for the tactical plan and designated roles to have been more clearly articulated by Officer C to the team, in addition to including an intermediate force option, such as the 40mm LLL, prior to entering the building.

Tactical Communication – As Officers A, C, and D were positioned on the stairwell by the landing, Officer B proceeded to open the door of a utility closet on the first floor of the stairwell between the entry door and the officers, without letting his/her partner officers know his/her intentions to clear the utility closet.

Storage of Shotgun – The investigation revealed Officers A and B did not have their shotgun properly stored in the police vehicle’s weapon mount system rack. The Department shotgun was stored loose in the police vehicle trunk in patrol ready condition.

Opening Door with Left Hand while Holding Shotgun in Right Hand – The investigation revealed Officer A opened the door to the apartment complex with his/her left hand while still holding the shotgun in his/her right hand. It would have been tactically prudent to have another officer open the door to ensure both of Officer A’s hands were on the shotgun to prevent the possibility of a Tactical Unintentional Discharge from occurring and allow for proper handling of the shotgun.

Command and Control

- Sergeant A had been responding to the initial backup request and arrived as the help call for shots fired was being broadcast but did not observe or hear the OIS. As he/she made entry into the building, he/she observed the Subject was down and handcuffed and officers were still actively giving commands to Witness A. Sergeant A directed the officers to take the Subject down to a level area and render aid to him. Sergeant A provided supervision as officers conducted a protective sweep of the Subject’s apartment, which had negative results. Sergeant A confirmed the Subject was the only person involved and ensured an RA was responding. While on scene, Sergeant A broadcast and declared himself/herself the Incident Commander (IC). During the incident, Sergeant A performed multiple supervisory tasks such as requesting additional supervisors, separating, monitoring, and admonishing the

involved officers, implementing crime scene management, canvassing the area for additional victims and witnesses, and establishing a Command Post (CP).

Sergeant B responded to the incident and was directed by Sergeant A to monitor and obtain a Public Safety Statement (PSS) from Officer C. Sergeant C responded to the incident and at the direction of Sergeant A, monitored Officers A, B and D.

The BOPC determined the overall actions of Sergeants A, B and C were consistent with Department training.

Drawing/Exhibiting

Officer A (Shotgun)

According to Officer A, uncertain of the size of the apartment complex, if the radio call was an ambush and the possibility there could be multiple Subjects, he/she deployed the shotgun from his/her police vehicle trunk and loaded a round into the chamber. Officer A believed the situation could escalate to the use of deadly force.

Officer A (Service Pistol)

Once the Subject was taken into custody, Officer A transitioned to the DCO role and unholstered his/her service pistol. As the tactical situation continued, Officer A assisted in conducting a protective sweep of the Subject's apartment to verify if there were additional Subject's. Believing the situation could escalate to the use of deadly force, Officer A unholstered his/her service pistol.

Officer B (Service Pistol)

According to Officer B, he/she observed a closed door on the first floor of the stairwell between the entry door and the officers. Believing there was possibility the Subject could be hiding there, and the situation could escalate to the use of deadly force, Officer B unholstered his/her service pistol to clear what was determined to be a utility closet.

Officer C (Rifle)

According to Officer C, he/she deployed his/her rifle due to the nature of the call indicating the Subject was armed with a gun and intended to do harm to the person in an apartment. Furthermore, Officer C did not know the size of the apartment complex. Based on the comments of the call, Officer C opined that the Subject posed a threat of death or serious bodily injury. Believing the situation could escalate to the use of deadly force, Officer C exited his/her police vehicle and retrieved his/her rifle from the trunk. The rifle was in Patrol Ready condition inside a soft rifle case. Officer C chambered a round and proceeded to locate the address of the incident.

Officer D (Service Pistol)

According to Officer D, based on the information provided by CD, the radio call involved an ADW Subject with a gun. Believing he/she may need to protect himself/herself and his/her partner officers, and the situation could escalate to the use of deadly force, Officer D unholstered his/her service pistol as he/she approached the stairwell.

The BOPC noted the UOFRB assessed Officers A, B and D's drawing and exhibiting of their service pistols, as well as Officer C's exhibiting of his/her rifle and Officer A's exhibiting of the shotgun. The UOFRB noted the officers responded to a radio call of a male reporting he was armed with a handgun and he was going to hurt someone in the apartment and anyone that responded to the apartment. Based on the radio call, the officers believed there was a possibility it could be an ambush situation.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers A, B, C and D would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officer A, B, C, D's drawing/exhibiting to be In Policy.

Lethal Use of Force

Officer C – Smith & Wesson, Model M&P 15T .556 caliber, semi-automatic rifle, fired three rounds in northerly and upward direction from a decreasing distance of approximately nine to seven feet.

Background – The background was the upper portion of the apartment hallway located on the second floor, due to Officer C's position on the stairs and firing in an upward direction.

According to Officer C, the Subject exited his apartment unit and emerged from behind Witness A, pushed her out of the way and began to advance down the hallway towards him/her and his/her partner officers. Officer C issued repeated commands for the Subject to show his hands. The Subject reached into his waistband area and produced a large butcher/kitchen knife. The Subject walked toward Officer C carrying the knife in his right hand, with an over hand grip and the blade positioned downward. As Officer C gave the Subject repeated commands to drop the knife, the Subject yelled expletives. The Subject defied the commands and began to descend the stairs. The Subject walked down three steps decreasing the distance between himself and Officer C. Fearing his/her life was in danger, Officer C fired three rounds at the Subject, assessing between each round. Officer C stopped firing after the third round when he/she observed the Subject drop the knife and was no longer a threat. The Subject fell onto the landing next to Officer C.

The BOPC noted the UOFRB assessed Officer C's use of lethal force. The UOFRB noted the officers responded to a radio call of an ADW Subject armed with a gun. As officers contacted the Subject, he advanced toward Officer C and produced a knife. Attempting to gain compliance from the Subject, officers issued commands; however, the Subject failed to comply. The UOFRB opined the Subject quickly escalated the situation and showed his willingness to commit violence upon others when he defied the commands and moved toward the officers. The UOFRB further noted the Subject was armed with a knife and held it with an over hand grip and the blade positioned downward as he moved toward the officers. The UOFRB opined the Subject posed an imminent threat to the officers. The UOFRB noted the officers were in a situation that lacked alternative options and therefore opined Officers C's use of lethal force was objectively reasonable, proportional and necessary based upon the Subject's actions. Officer C stopped firing upon the Subject dropping the knife and falling onto the stairwell landing and the imminent threat ended.

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