

According to Officer A, he/she observed the Subject with a backpack, standing in front of an apartment building. According to Officer A, the Subject was standing by the front door looking around. Officer A wasn't sure whether he was trying to gain entrance into the complex, or whether he was waiting for somebody. When Officer A also saw the Subject with the backpack, it made him/her believe that the Subject could possibly be casing the location for a burglary or burglary of motor vehicle.

As Officer A drove past, he/she advised Officer B of his/her observations and told him/her he/she saw someone who was "...acting kind of weird." At this point, Officer A negotiated a three-point turn and drove toward the Subject's location. Officer A stopped the patrol vehicle in the street in front of the Subject who was on an elevated walkway in front of the apartment building.

Officer A advised investigators, that he/she pulled alongside the apartments and made contact with the Subject. Officer A asked the Subject if he lived at the location. Officer A observed that the Subject appeared nervous. The Subject had a backpack and kept moving his hands around his waistband and in and out of his pockets.

According to Officer B, the Subject appeared to be pacing back and forth by the front door. When he saw the officers, he began looking around. According to Officer B he/she suspected that the Subject was trying to hide something and believed he was possibly acting as a lookout.

As Officer A activated his/her BWV, he/she could be heard already engaged in conversation with the Subject as he/she asked, "Huh...What is it?" the Subject responded with the address he was stood outside and questioned Officer A as to whether he/she believed him.

Approximately 40 seconds later, Officers A and B exited their vehicle and approached the Subject, who was still standing near the front door to the apartments.

Officer A advised investigators, "He's a male Hispanic. He had a large 'P' tattoo on the right side of his face, which is very distinct. Typically, from my training and experience, those are usually aligned with a gang in Foothill Division. At that point I believed that he was possibly a gang member involved in some sort of criminal activity. I didn't want to approach due to the fact that typically gang members are usually armed with firearms or weapons that could be used against us that could cause imminent threat of serious bodily injury or death."

As the officers walked toward the front of the apartment complex, Officer B broadcast their location. Officer B stood at the lower portion of the stairs, while Officer A positioned himself/herself on the sidewalk approximately 10 feet west of Officer B.

While Officer A spoke with the Subject, the Subject turned toward the entrance of the apartment building. Officer B began to walk up the stairs when the Subject faced Officer B, pointed in his/her direction, and stated, "Kick back." Officer B then stepped

down from the stairs as the Subject turned away and continued to walk toward the entrance of the apartment building.

According to Officer A, it appeared as if the Subject was going to enter the apartment complex when he saw that he had a knife in his left hand.

Officer A described the initial contact with the Subject as a consensual encounter. However, once Officer A observed the knife, he/she became concerned for public safety within the apartment complex in the event the Subject would enter armed with the knife.

Officer B began to walk back up the stairs toward the Subject and stopped when Officer A warned him, "Hold on. He's got a knife in his pocket." At this point, the Subject turned back toward the officers with his left hand concealed in his front left pants pocket.

Officer A told the Subject multiple times, that he had seen him with the knife in his hand as the Subject questioned what Officer A was talking about.

After momentarily facing the officers, the Subject turned away and walked down the upper access ramp. Officer A requested a backup as the Subject began to run down the lower access ramp in the direction of the officers.

According to Officer A, the Subject's demeanor appeared to change. Officer A advised investigators, that it appeared instead of trying to flee, the Subject was trying to attack them. The Subject had the knife in his hand and looked aggressive as he quickly closed the distance on the officers.

The Subject then jumped over the metal railing that lined the ramp onto the sidewalk, armed with the knife in his right hand. According to Officer B, at this point he/she unholstered his/her pistol as he/she was in fear for his/her and his/her partner's safety. The Subject appeared angry and did not listen to commands. He could have tried to go in a different direction; but he continued to aggressively proceed towards the officers. A review of Officer A's BWV determined the Subject traveled down the access ramp and onto the sidewalk in approximately six seconds.

As the Subject jumped over the railing, Officer A backed up, unholstered his/her pistol and repeatedly ordered the Subject to drop the knife. According to Officer A, he/she unholstered his/her pistol because he/she believed the Subject was going to attack him/her with the knife. Both officers continued to back up as the Subject closed the distance and Officer B moved to Officer A's right side.

As the Subject ran at the officers, Officer A fired four rounds and Officer B fired three rounds at the Subject.

Officer A's account of the OIS:

According to Officer A, the Subject, armed with the knife jumped over the railing, rapidly closed the distance in an aggressive manner when he/she fired all four of his/her rounds. Officer A believed that had he/she not fired at the Subject he would have stabbed him/her or his/her partner. Officer A stopped firing when the Subject fell to the ground and was no longer a threat. Officer A believed he/she had no alternative other than to use deadly force.

Officer B's account of the OIS:

According to Officer B, he/she observed the Subject jump over the railing and run in their direction while holding the knife in his right hand at chest level. Officer B raised his/her pistol as the Subject closed the distance on Officer A.

Fearing for his/her life and that of his/her partner, Officer B aimed at the Subject's chest area and fired his/her first round. According to Officer B, that round was ineffective.

The Subject continued to advance toward Officer A when Officer B fired two additional rounds. Officer B stopped firing when the Subject fell to the ground and was no longer a threat. The Subject collapsed on the street near the north curb.

Officer B initially believed he/she fired only one round during the OIS. However, after completing the magazine count and the review of his/her BWV, Officer B recalled he/she fired a total of three rounds.

Approximately five seconds after the OIS, Officer A broadcast, "Shots fired. Officer needs help," and provided their location. The officers then redeployed to the front of their patrol vehicle and repeatedly directed the Subject to drop the knife. According to Officer A, he/she wanted to gain distance because the Subject was still armed and may get back up, which could result in an additional OIS. Both officers believed they utilized their vehicle as cover.

Approximately 30 seconds after the OIS, Officer A requested a Rescue Ambulance (RA) for the Subject. While waiting for the responding units, Officers A and B repeatedly directed the Subject to drop the knife so they could render aid. The Subject did not respond to the officers' commands.

Once the additional units arrived, Officer A directed officers to don protective gloves and assigned various roles for the arrest team. The Subject remained in a prone position with the knife in his right hand as the arrest team approached and took the Subject into custody without incident.

LAFD RA Firefighter/Paramedics (FF/PMs) arrived at the scene and assumed the care of the Subject from officers who were providing lifesaving measures. They conducted a life status assessment and determined the Subject to be deceased at scene.

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	No	Yes	Yes	No	No
Officer B	No	Yes	Yes	No	No

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 B's tactics to warrant a finding of a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A and B's Lethal Use of Force to be 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 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 RA 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 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 worked together on approximately three to four prior occasions. They had discussions regarding recent crime trends in the area, tactics regarding noncompliant and armed suspects, de-escalation techniques and how to identify suspected criminal activity based on suspect behavior. When Officer A observed the Subject, he/she and Officer B planned to conduct a consensual encounter and initiated it while still seated in the vehicle.

The UOFRB assessed Officers A and B's tactics in conducting their consensual encounter while they were seated in their police vehicle. The UOFRB noted Officer A and B had ample distance from the Subject, the physical barrier of the handrails between themselves and the Subject and the use of the ballistic door panels as cover while speaking with him. The officers exited the vehicle once Officer A formed the belief that the Subject was involved in criminal activity.

Assessment – Officer A assessed the Subject's behavior when he was first observed standing in the front of the apartment complex. Officer A described the Subject as "acting weird" and possibly casing the area based on the Subject looking left and right, loitering and wearing a backpack. Officer A assessed the Subject may be involved with a burglary or burglary from a motor vehicle or acting as a lookout. While Officer A was speaking with the Subject, he/she observed the Subject had a large "P" tattoo on the right side of his face. Due to Officer A's training and experience, he/she believed the Subject was possibly a gang member and maintained his/her distance as gang members are often armed.

After the Subject armed himself with a knife, he turned and walked away from the officers; however, Officer A assessed the Subject's demeanor had changed and believed that instead of trying to flee, the Subject was going to attack him/her and his/her partner. Officer A made this assessment when the Subject began to run down the lower access ramp in the direction of the officers while armed with the knife and having an aggressive look. Officer B also assessed the Subject's behavior and believed the Subject looked angry, was not listening and advancing aggressively towards them. Officer B noted the Subject could have run in a different

direction but continued to proceed towards them, further contributing to his/her assessment that the Subject was about to stab his/her partner.

Time, Redeployment and/or Containment – After seeing the Subject armed with a knife, Officer A was concerned about the Subject's access to community members inside the apartment complex as well as a nearby plaza and began thinking about containment. However, the Subject's actions limited the amount of time Officers A and B had to react and de-escalate the situation. As the Subject jumped over the railing with a knife in his right hand, Officers A and B redeployed backward to create more distance and time. While redeploying, Officer A gave the Subject commands to drop the knife. The Subject refused to drop it and continued to charge the officers, thus compressing the incident timeline and preventing them from further de-escalation efforts. After the OIS, Officer A and B redeployed to the front of their patrol vehicle to utilize it for cover.

Other Resources – Officer A requested a backup to set up containment as the Subject turned and walked toward the access ramp. After the OIS, Officer A broadcast a shots fired help call, leading to the response of additional resources. Officer A requested a Rescue Ambulance (RA) for the Subject. As additional officers arrived, Officer A directed them to don protective gloves and assigned various roles for the arrest team.

The UOFRB noted that while the arrest team took the Subject into custody, an officer was assigned as the Designated Cover Officer (DCO). While making his/her approach, he/she placed his/her right foot momentarily on the Subject's right forearm in an effort to control the hand which was still holding the knife. The UOFRB recognized utilizing a foot to control a limb does not violate Department policy or training standard; however, the UOFRB would have preferred an officer other than the DCO manually suppress the Subject's arm while taking him into custody.

Lines of Communication – Officer A communicated his/her observation that the Subject was armed with a knife to Officer B. As the Subject charged toward officers with a knife in his right hand, Officer A repeatedly ordered the Subject to, "Drop it!" Following the OIS, Officers A and B communicated with each other and issued the Subject commands to drop the knife as they redeployed further away from him. Upon the arrival of additional resources, Officer A exercised command and control by forming an arrest team and assigning roles to take the Subject into custody and render aid.

During the review of the incident, no Debriefing Points were identified.

Additional Tactical Debrief Topics

Cover and Concealment – After the OIS, Officers A and B redeployed to the front of their police vehicle and waited for additional resources without the benefit of cover

and concealment. After additional resources responded, officers made their approach to take the Subject into custody without the benefit of cover.

The UOFRB assessed Officers A and B's use of cover and concealment as well as their decision to approach the Subject headfirst rather than approach him from the rear and use parked vehicles as cover and concealment. The UOFRB noted the officers had to act quickly to render medical aid to the Subject. The UOFRB also noted the Subject appeared incapacitated and a shield was requested but not immediately available. The UOFRB opined it was reasonable for officers to approach the Subject without cover due to the exigent need to render medical aid but would have preferred they approached from the rear.

The BOPC found Officers A and B's tactics to warrant a finding of a Tactical Debrief

B. Drawing/Exhibiting

Officer A

According to Officer A, when the Subject jumped over the railing, he/she observed the knife was in his hand. Officer A believed he/she was going to be stabbed and unholstered his/her service pistol.

Officer B

According to Officer B, he/she observed the Subject armed with a knife. The Subject then jumped over the metal railing with a knife in his right hand and ran toward him/her and Officer A. Believing it was a deadly force situation, Officer B unholstered his/her service pistol.

The UOFRB assessed Officers A and B's drawing and exhibiting of their service pistols. Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe there was a substantial risk the situation may escalate to where deadly force may be justified.

Therefore, the BOPC found Officers A and B's Drawing/Exhibiting to be In Policy.

Lethal Use of Force

Officer A –Department-approved STI, Model Staccato P Duo, 9mm, semiautomatic pistol. He/she fired four rounds from a decreasing distance from approximately eight to four feet in a westerly direction.

Round One

According to Officer A, as the Subject jumped over the railing holding a knife, he/she attempted to back up. Officer A unholstered his/her service pistol and repeatedly ordered the Subject to "Drop it!" The Subject refused to comply, and Officer A fired his/her first round due to the imminent threat of serious bodily injury.

Round Two - Four

After firing his/her first round, Officer A stated the Subject was still moving toward him/her aggressively with the knife in his hand as Officer A fired a further three rounds.

Officer B – Department-issued Smith & Wesson, Model M&P, 9mm semiautomatic pistol. He fired three rounds from a decreasing distance from approximately 17 to 12 feet in a westerly direction.

Round One

According to Officer B, he/she observed the Subject jump over the railing and run in their direction while holding the knife in his right hand at chest level. Officer B raised his/her pistol as the Subject closed the distance and fired his/her first round.

Rounds Two and Three

According to Officer B, his/her first round was not effective, and the Subject continued to advance toward Officer A. In response, Officer B fired two additional rounds.

The UOFRB assessed Officers A and B's use of lethal force. As the Subject jumped over the railing and charged toward the officers, Officer A ordered the Subject to drop the knife. The UOFRB opined that the Subject quickly escalated the situation and showed his willingness to commit violence upon the officers when he ignored their commands and rapidly closed the distance between them. While having the pathway to flee, the Subject instead chose to jump over the railing, clearing the barrier between him and the officers, to close the distance on the officers. The UOFRB further noted the Subject was armed with a knife, held it at chest level and charged at the officers while tucking his head and rolling his shoulder in, which the UOFRB opined showed his intent to hurt officers and barrel through the shots he knew would be fired at him. Therefore, the UOFRB opined the Subject posed an imminent threat of serious bodily injury or death to the officers. The UOFRB noted the officers were in a situation that lacked alternative options and opined Officers A and B's use of lethal force was objectively reasonable, proportional and necessary based upon the Subject's actions. Officers A and B stopped firing upon the Subject falling to the ground and the imminent threat ended.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, in the same situation, would reasonably believe the use of lethal force was proportional, objectively reasonable and necessary.

Therefore, the BOPC found Officers A and B's Use of Lethal Force to be In Policy.