

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

LAW ENFORCEMENT RELATED INJURY – 044-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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77 th Street	8/29/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A /PO II	6 years, 8 months
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Reason for Police Contact

On Tuesday, August 29, 2023, 77th Street Patrol Division uniformed officers responded to a radio call of a man armed with a knife, PR (Person Reporting) hiding in a closet. Upon arrival, a team of officers entered the residence and commanded the Subject to surrender. The Subject armed himself with a knife, at which time an officer discharged a 40mm Less-Lethal projectile.

The Subject was struck by the 40mm projectile and dropped the knife. Uniformed officers approached the Subject and took him into custody. A knife with an approximate 5-inch blade was recovered at the scene. The Subject was transported by a Rescue Ambulance (RA) to a hospital and was admitted for a radial fracture and blunt force laceration to the right wrist, resulting in a Law Enforcement Related Injury (LERI).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 42 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 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 20, 2024.

Incident Summary

On August 29, 2023, at approximately 1434 hours, a Communications Division (CD) Emergency Board Operator (EBO) received a 911 call from Witness A. Witness A reported that the Subject, was armed with a knife and having a mental breakdown and that he/she was hiding in a closet. Witness A described the Subject as a 42-year old male wearing green cargo shorts and no shirt. When the EBO asked Witness A if the Subject was under the influence, Witness A responded, "Yeah, he is. We've only had beers. I don't think he took anything else." Witness A further indicated he/she had never seen the Subject act in this manner. As Witness A spoke with the EBO, he/she was transferred to a Los Angeles Fire Department (LAFD) Dispatch Operator to report the medical emergency.

At 1435:38 hours, LAFD received an alarm to respond to Witness A's location and stage until the scene was safe for fire personnel to enter.

At approximately 1437 hours, CD broadcast the location of the ADW call and suspect description and added that Witness A was hiding in the closet.

At approximately 1438 hours, Officers A and B advised CD to assign the call to them.

Officer A broadcast and acknowledged that he/she was equipped with a 40mm Less-Lethal Launcher (LLL). Sergeant A advised CD that he/she would be responding.

At approximately 1440 hours, Officer A broadcast, "Is the PR injured by the suspect or only in fear at the moment?" Communications Division responded, "Suspect is now stating he wants to harm himself. PR is still in the unit with the suspect."

At 1440:44 hours, Officers C and D, advised CD they were backing Officers A and B. The officers did not activate the vehicle's emergency equipment and responded Code-Two to the location.

At 1441:40 hours, Officer B activated the vehicle's lightbar system and responded Code-Three to the location. As the officers responded, Officer A removed the 40mm LLL from the vehicle's gun rack, obtained a 40mm round from the holder, and inserted the round into the chamber. Their DICVS also captured Officer A reading the comments of the call to Officer B. Officer A provided Officer B with the Subject's descriptors and advised him/her that the Subject was armed with a knife.

At 1446:41 hours, Officer C broadcast that they had arrived at the location. Officers C and D exited their police vehicle, activated their BWV cameras, and noticed the

residence was a single-family residence that had been converted into four separate dwelling units, each of which had its own entrance. As Officers C and D approached the front gate, the officers could hear yelling and screaming from one of the residences.

Officer D entered the front porch of the residence when Officer C asked him which unit it was. Witness B opened the exterior security door, briefly stepped out of the residence, and then re-entered the residence, shutting the exterior security door. Witness B began to speak and directed the officers to the unit. Officer D told Witness B that the call's comments indicated a male armed with a knife was inside the residence. Witness B confirmed that the male who resided at that residence had a knife and had responded to his/her front door earlier in the day.

In the interim, at approximately 1448 hours, LAFD arrived and staged down the street from the location.

At 1448:16 hours, Officer C broadcast to update their location. Officer D opened the exterior security door, noticed the residence's interior front door was slightly open, and observed Witness A and the Subject inside the home near the front door.

Officer D's BWV captured the Subject inside the residence near the front interior door. Suddenly, the Subject slammed the front door shut with his left hand. Officer D attempted to open the front door by placing his/her right hand on the doorknob while holding his/her pistol in his/her left hand in a low-ready position but was unsuccessful.

At 1448:30 hours, Officer C broadcast to have a supervisor respond Code 3 and to communicate that the Subject had barricaded himself inside the residence with a possible victim. Officer D stated he/she intended to kick the front door open but was told by Officer C to wait for additional units to arrive. Officer D stated he/she could hear someone manipulating the door handle inside the residence while the Subject screamed in the background.

Approximately 30 seconds after the Subject slammed the interior door shut, Witness A opened the door while he/she stood inside the residence at the doorway and told the Subject to stop. Officer D stated he/she observed the Subject standing inside the living room, pointing a steak knife with a white handle. Officer C advised Officer D that he/she was going to deploy his/her TASER.

Witness A continued to tell the Subject to stop, left the doorway, and approached the Subject as he backed up into the hallway armed with a knife while Officer D pointed the muzzle toward the Subject. Witness A entered Officer D's sight picture; at which time he/she lowered his/her pistol to a low-ready position. Officer D was captured on his/her BWV ordering Witness A to back up from the Subject as the Subject yelled at Witness A and the officers. The Subject was captured on BWV yelling in Spanish, "You guys don't understand," as he also told Witness A, "Let them kill me, let them kill me."

At approximately 1449:04 hours, the DICVS from Officers A and B's police vehicle captured them arriving at the scene. At 1449:05 hours, Officer A activated his/her BWV camera. The officers exited their police vehicle and responded.

At 1449:07 hours, Officer C broadcast requesting a backup. As Officer C broadcast, Officer D entered the living room area of the residence, followed by Officer C. The officer's BWV captured the Subject yelling in Spanish, "Shoot me, shoot me."

The Subject stopped in the hallway, at which time Witness A approached and removed the knife from the Subject. Witness A turned away from the Subject, walked into the living room while holding the knife in his/her right hand, and tossed the knife toward a white nightstand. Witness A then turned and began to return toward the hallway as Officer C told her to back up. Officer D placed his/her right hand on Witness A's right forearm, preventing him/her from approaching the Subject. Simultaneously, Officer A entered the residence with the 40mm LLL deployed, followed by Officer B.

The Subject walked away from the officers toward the kitchen area, at which time Officer C unholstered his/her service pistol while he/she gave the Subject commands in English to stop. When asked what his/her thought process was for unholstering his/her pistol, Officer C stated, "That he was going to the kitchen to arm himself again and the situation could rise to the use of deadly force." The Subject then entered the kitchen area. Officer C held his/her pistol in a two-hand shooting position with his/her trigger finger along the frame and barrel pointed toward the Subject.

Officer C advanced toward the Subject and entered the hallway. As this occurred, Officer A followed Officer C into the hallway and advised him/her that he/she was equipped with a 40mm LLL. Officer C acknowledged Officer A and stopped in the hallway while the Subject remained in the kitchen. Officer A positioned himself/herself to the left of Officer C while Officers B and D were behind Officers C and A. Officer C continued to give the Subject commands in English and told him to stop and get on the ground. The Subject continued to tell the officers in Spanish to shoot and kill him.

Witness A was then captured on Officer D's BWV advising officers that the Subject did not understand English. Officer D tapped Officer B's right arm and told him/her to switch with Officer C.

Officer B tapped Officer C, unholstered his/her service pistol, and switched positions with Officer C, becoming the Designated Cover Officer (DCO). Officer C then holstered his/her pistol. Officer B then began to give the Subject commands in Spanish to get on the ground. As Officer B gave the Subject commands in Spanish, Officer D responded to the living room and recovered the knife that Witness A had removed from the Subject's possession.

Officer B continued communicating with the Subject in Spanish, telling him everything would be okay and to lie on the ground. The Subject refused to comply and told Officer

B that he was angry. The Subject continued to yell at the officers, asking them to kill him and that he was emotionally in pain.

At 1449:49 hours, Officer C broadcast, "he's dropped the knife. We are giving commands. Unresponsive at the time."

Meanwhile, Officer D asked Witness A what was going on with the Subject. Witness A informed Officer D that he/she and the Subject were relaxing and consuming alcoholic beverages. Witness A further stated he/she believed the Subject was under the influence of a narcotic because he/she had been in a romantic relationship with the Subject for the past eight years and had never seen him act in this manner. Body Worn Video captured him/her telling Officer D that the Subject did not hurt him/her. Witness A did indicate that the Subject obtained a knife and began stabbing their bed and banging on the walls. Witness A further stated that the Subject told him/her he wanted to kill somebody and that he needed help.

At approximately 1450:40 hours, Officers E and F arrived at the scene and entered the residence. Officer F had removed the 40mm LLL from the vehicle's gun rack, inserted a round into the chamber, and had the 40mm LLL in his/her possession. Officers E and F positioned themselves behind Officers A, B, and C, between the hallway and living room.

At 1450:51 hours, Officer E broadcast that they were Code-Six. Officer C advised Officer F that he/she would be the backup 40mm LLL officer, while Officer E advised that he/she would be in charge of communications.

At 1451:09 hours, Officer D informed the officers present that there was no crime and that the Subject was "5150." Officer E then asked if there were any weapons in the Subject's possession. Officer D showed Officer E the knife Witness A had removed from the Subject's possession. At that time, Officer E asked Officer D if they should approach and take the Subject into custody. Officer D asked Witness A if the Subject had any additional weapons. Witness A referenced a different knife that was near his/her bed. Officer D advised the officers not to approach the Subject since he previously had two knives. Witness A then retrieved a knife with an approximately 3 ½ inch blade and black handle between the bed and nightstand and gave it to Officer D.

Officer D raised the two knives that Witness A indicated the Subject had in his possession and told Officer C not to go "hands-on" with the Subject. Officer C was captured on BWV telling Officer B not to approach the Subject because he had already armed himself with knives and was in the kitchen where knives were accessible. Officer C told Officer B to continue communicating with the Subject.

At 1451:36 hours, Sergeant A broadcast that he/she was at the location and to have LAFD stand by. Body Worn Video depicted him/her arriving at the scene and exiting his/her police vehicle.

At approximately 1451:44 hours, Officer G arrived and entered the residence. Officer D advised Officer G that the Subject was "5150" and that no crime had been committed. Officer H then entered the residence equipped with a 40mm LLL.

At 1451:50 hours, Officer E began communicating with the Subject in Spanish and took communication responsibility from Officer B. Officer B's BWV captured Officer E advising the Subject that officers did not want to hurt him. The Subject is captured telling the officers that he wanted to hurt himself and refused to approach the officers.

At 1452:15 hours, Officer E gave the Subject the following use of force warning in Spanish, "If you grab a weapon, we are going to hit you with this weapon, and it's going to hurt, OK." The Subject responded by saying he did not have a weapon, raised his right arm, and placed his right hand on the kitchen wall while his left arm was down by the left side of his body.

Suddenly, while facing in a westerly direction and turning away from the officers, the Subject reached toward the stove with his left hand, armed himself with a knife, and transferred the knife to his right hand. The Subject then turned and faced the officers while raising and pointing the blade of the knife in their direction.

At 1452:27 hours, Officer A discharged one 40mm round from the 40mm LLL, striking the Subject's right hand from an approximate distance of 15 feet. Officer A opened the barrel, removed the 40mm cartridge case with his/her left hand, and threw the discharged cartridge case onto the ground. Officer A obtained an unfired 40mm round from an attached butt cuff and reloaded the 40mm LLL by inserting it into the chamber.

The 40mm impact round struck the Subject's right wrist, causing him to drop the knife. Officer B's BWV depicted the Subject dropping the knife as it fell toward a white trash can inside the kitchen.

Immediately after the discharge, Sergeant A entered the residence. Officer C approached Sergeant A, briefed him/her on the incident, and advised him/her of the 40mm discharge. Simultaneously, Officer E continued communicating with the Subject to have him exit the kitchen and approach the officers.

The Subject remained in the kitchen, bleeding from a right wrist injury. At the same time, Officer E continued giving the Subject commands in Spanish to place his hands up and communicate that officers were present to help him. Officer E approached Officers A and B, told them to back up, and assisted Officers A and B in redeploying back toward the living room, creating distance from the Subject.

Officer E unholstered his/her service pistol, switched positions with Officer B, and became the DCO. At that time, Officer A holstered his/her service pistol and put on a pair of latex gloves. Officer G also put on a pair of latex gloves. Officer E held his/her weapon in his left hand, in a low-ready position, with his/her index finger along the frame.

At 1453:52 hours, Officer E activated his/her BWV camera.

At 1454:44 hours, after repeated commands from Officer E, the Subject left the kitchen and entered the hallway. Officers A, B, E, G, and Sergeant A approached the Subject. Officer B grasped the Subject's arms as Officers G and E held onto his right arm. Officer B placed the Subject's left arm behind his back as Officers G and E placed his right arm behind his back.

At 1455:22 hours, Officer E handcuffed the Subject.

At 1455:24 hours, Sergeant A broadcast that the Subject was in custody and for the Fire Department to enter. Officers B, E, and G escorted the Subject from the residence onto the front sidewalk and waited for fire personnel to arrive.

Officer C advised Officer A that they needed to clear the residence and unholstered his/her pistol. Officer A slung the 40mm LLL and then unholstered his/her pistol. Officers A and C proceeded into the kitchen and southwest bedroom and cleared the rooms.

As this occurred, Officer G directed Officer H to assist Officers A and C with clearing the residence. Officer H unholstered his/her pistol and then joined Officers A and C. The officers cleared the residence and then holstered their pistols.

At approximately 1456 hours, Sergeant B arrived at the scene and broadcast that he/she was Code-Six. Sergeant A met with Sergeant B and briefed him/her on the incident. Officer H's BWV captured Sergeant B exiting the residence and photographing the Subject for the Use of Force incident.

The Use of Force incident was initially investigated as a Non-Categorical Use of Force (NCUOF) by Sergeant A.

At approximately 1458 hours, the DICVS from Officers E and F's police vehicle captured LAFD arriving at the scene. At 1501 hours, the Subject was placed in a seated position on a gurney, at which time Officer H uncuffed the Subject. Officers F and H then individually cuffed each arm to the gurney, at which time LAFD personnel began to render aid to his injury.

At 1504:20 hours, as LAFD personnel were about to place the Subject into the RA, Officer H's BWV captured the Subject kicking his feet. Officer H approached the Subject, removed his/her hobble from his/her person, and placed the hobble around the Subject's ankles, securing the hobble to the stretcher.

At approximately 1523 hours, the RA left the scene and transported the Subject to the hospital. An examination by the doctor determined that the Subject had a radial fracture and blunt force laceration to the right wrist.

According to Officer C, Officer D completed a State of California Health and Human Services Agency Application for up to 72-hours Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment form and presented the form to the medical staff.

At approximately 2225 hours, the Subject was admitted to the hospital for the injuries sustained from the 40mm LLL discharge, making this a Categorical Use of Force (CUOF) Investigation.

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	Yes	No
Officer B	Yes	Yes	Yes	Yes	No
Officer C	Yes	Yes	Yes	Yes	No
Officer D	Yes	Yes	Yes	Yes	No
Officer E	No	Yes	Yes	Yes	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 Officer A, B, C, D, and E’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A, B, C, D, and E’s drawing and exhibiting to be In Policy.

C. Intermediate Force

The BOPC found Officer A’s use of intermediate 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 scenario, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

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

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

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

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

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

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

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

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

Definitions

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

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

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

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

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

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

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

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

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

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

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

Tactics

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her/hers 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 and Assessment - Officers A and B had worked together approximately two shifts as partners, during which time they had prior discussions regarding tactics, contact/cover responsibilities, their weapon systems, traffic/pedestrian stops and de-escalation techniques. While responding to the radio call, Officer A advised his/her partner he/she would deploy the 40mm LLL and Officer B agreed to be the DCO. As Officers A and B arrived at scene, Officer A assessed the situation and stood alongside Officer C as the intermediate force option.

This incident was the first time Officers C and D were partners; however, they have worked alongside each other numerous times while assigned to 77th Street Patrol Division. At the start of their watch, they discussed tactics regarding contact/cover responsibilities, backups, traffic stops and debriefed radio calls. Officers C and D arrived at scene and assessed the situation as the Subject closed the front door. Officer C advised Officer D not to kick down the door as there were responding units nearby and they could hear the Subject yelling and Witness A. As soon as Witness A opened the front door, Officer D immediately began giving commands to the Subject, in effort to de-escalate the situation. Furthermore, Officer D assessed the information given by Witness A and advised officers there

Time and Redeployment and/or Containment– Officers A, B, C, D, and E attempted to establish containment by positioning themselves in the hallway to keep the Subject from accessing the front door and containing him within the residence,

while maintaining distance from the Subject. Following the discharge of the 40mm LLL, officers redeployed back towards the front door to create more distance from the Subject.

Other Resources and Lines of Communication– While Officers C and D were at scene, they observed the Subject close the front door. Officer C immediately broadcast to have the supervisor continue to respond Code-Three and advised responding units the Subject was barricading himself inside the residence with a possible victim inside. As soon as Witness A opened up the door for the officers, Officer C broadcast a backup and began giving the Subject commands to stop and get on the ground.

During the incident, Witness A advised Officer D that the Subject was a Spanish speaker. Officer D immediately advised officers and directed Officer B to switch with Officer C as communications. Officer B communicated with the Subject in Spanish, advising him everything would be okay and to lie on the ground. Officer D continued to speak to Witness A and informed the officers present there was no crime, and the Subject was “5150.” Officer D raised the two knives Witness A said the Subject had in his possession and told officers not to go “hands-on” with the Subject because he had already armed himself with knives and was in the kitchen where knives were accessible.

As responding units arrived, Officer E began communicating with the Subject in Spanish and took over communications from Officer B. Officer E gave less-lethal warnings in Spanish informing the Subject they would fire the 40mm LLL if he grabbed a weapon, and it would hurt. Additionally, officers communicated with each other clearly and effectively, discussing identification of the knife and the need for intermediate force options be available in the event the Subject armed himself.

During review of this incident, no Debriefing Points or Additional Tactical Debrief Topics were identified.

Command and Control

Sergeant A responded to the incident and entered the residence immediately after the 40mm LLL was discharged. Officer C approached Sergeant A, briefed him/her on the incident and advised him/her of the 40mm LLL discharge. Sergeant A gained situational awareness and established an arrest team to take the Subject into custody. Sergeant A requested the response of an RA and initiated a Non-Categorical Use of Force (NCUOF) investigation.

Sergeant B responded to the incident and upon arrival and was briefed by Sergeant A. Sergeant B assisted with scene management and in photographing the Subject for the NCUOF investigation.

The Subject was transported to the hospital and was monitored by Officers C and D. Officer C contacted Sergeant C and advised him/her that the Subject would be

admitted for injuries sustained during the incident. Sergeant C contacted the DOC for FID notification. Lieutenant A was notified and advised FID would be responding. Lieutenant A directed Sergeant C to deploy a supervisor to meet with the involved officers at the hospital and a supervisor and an uninvolved unit to go back to the location to secure the crime scene.

The BOPC determined that the overall actions of Sergeants A, B, and C were consistent with Department training and the Chief's expectations of supervisors during a critical incident.

Drawing/Exhibiting

Officer A

- After the Subject was taken into custody, Officer A slung the 40mm LLL and unholstered his/her service pistol to assist with clearing the residence. According to Officer A, he/she unholstered his/her service pistol as it is standard protocol for building searches.

Officer B - First and Second Occurrence

- Officer B initially unholstered his/her service pistol based on the comments of the call of the Subject having a knife and a victim hiding inside the residence. According to Officer B, he/she believed the situation could escalate to where deadly force may be justified to protect himself/herself or the victim. As Officer B gave commands to the Subject, he/she was observed via Officer C's body worn video (BWV) holstering his/her service pistol and unholstering once again.

Officer C - First Occurrence

- According to Officer C, he/she believed the Subject was going to the kitchen to arm himself again with a knife. Officer C had a reasonable belief the situation could escalate to the use of deadly force and unholstered his/her service pistol.

Second Occurrence

- According to the FID Investigation, Officer C unholstered his/her service pistol as he/she assisted in conducting a protective sweep of the residence after the Subject was placed in custody.

Officer D

- According to Officer D, he/she entered the residence and observed the Subject holding a knife in his hand in an aggressive stance as he advanced towards him. Officer D believed the situation was going to escalate to serious bodily injury or death and unholstered his/her service pistol.

Officer E

- Officer E stated he/she unholstered his/her service pistol as he/she was concerned with his/her safety as well as the safety of the officers and people in the house, due to the Subject being armed with a knife

The UOFRB assessed Officers A, B, C, D, and E's drawing and exhibiting of their service pistols. The UOFRB noted the officers were responding to an ADW radio call of a suspect armed with a knife. Upon arrival, officers located the Subject and observed the knife in his hand. Officers B., C, D, and E stated they unholstered their service pistol based on their belief the situation had the potential to escalate where deadly force may be justified. The UOFRB assessed the tactical situation and concurred with the officers' belief the situation could escalate to where deadly force may be justified. Officers A and C stated they unholstered their service pistol as they conducted a protective sweep of the residence after the Subject was taken into custody. The UOFRB assessed the tactical situation and concurred with the officers' belief the situation of searching the residence during a protective sweep could also escalate to the use of deadly force.

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

Therefore, the BOPC found Officers A, B, C, D, and E's Drawing/Exhibiting to be In-Policy, No Further Action.

Intermediate Use of Force

- **Officer A** – 40mm LLL, discharged one round from approximately 15 feet.

The Subject armed himself with a knife and transferred the knife to his right hand. The Subject then turned and faced the officers while raising and pointing the blade of the knife in their direction. According to Officer A, he/she observed the Subject switch the knife over to his right hand and viewed the situation as an imminent threat of danger, as he/she thought the Subject was going to use the knife towards the officers. Officer A discharged one 40mm round, striking the Subject's right wrist, causing him to drop the knife.

The UOFRB evaluated the 40mm round fired by Officer A. The UOFRB noted Officer A fired the 40mm LLL after the Subject armed himself with a knife and pointed the blade in officers' direction. The UOFRB opined the Subject's actions constituted an immediate threat to the safety of the officers and the use of the 40mm LLL was reasonable. The UOFRB opined the incident could have easily escalated into an officer-involved shooting; however, the officer's decision to immediately

deploy the 40mm LLL de-escalated the situation, as the Subject dropped the knife after being struck by the 40mm projectile.

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

Therefore, the BOPC found Officer A's use of Intermediate Force to be In Policy, No Further Action.

Medical Treatment/Rendering Aid

- After Officer A fired one round from his/her 40mm LLL and struck the Subject on the right wrist, the Subject dropped the knife and officers continued to give verbal commands to him. At 1455:22 hours, the Subject was taken into custody without incident and Sergeant A requested an RA respond to their location. At 1458 hours, LAFD arrived at scene and began treating the Subject.

At 1504:20 hours, as LAFD personnel were about to place the Subject into the RA, Officer H's BWV captured the Subject kicking his feet. Officer H approached the Subject, removed his/her HRD from his/her person and placed it around the Subject's ankles and secured it to the stretcher.

At 1523 hours, the RA left the scene and transported the Subject to the hospital. An examination by the doctor determined the Subject had a radial fracture and blunt force laceration to the right wrist. At approximately 2225 hours, the Subject was admitted to the hospital for the injuries sustained from the 40mm LLL discharge.

The Subject tested positive for amphetamines and had 163.00 mg/dl of ethanol or .163 (g/dL) blood alcohol content (BAC) in his system.

Requirement to Intercede

- Based on their review of this incident, the BOPC determined that the force used was clearly not beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances. Therefore, there was no requirement to intercede.

Additional

- Pursuant to Divisional Order No. 6, Department policy requires that a SMART unit shall be dispatched when the call involves a person with mental illness and additional criteria is present, to include, but not limited to; a violent subject, an

armed subject putting the public at risk, or high risk behavior (including a barricaded subject), or “any critical incident where SMART may assist with de-escalation.”

In this case, CD was aware that the Subject was “having a mental breakdown,” “armed with a knife,” and “stating that he want[ed] to harm himself.” Additionally, Officer C broadcast that the Subject was barricading himself inside the residence. In light of these facts, the OIG would have preferred that CD had dispatched a SMART unit to respond to the call in addition to following the Edged Weapon Protocol.

- The Subject’s handcuffs were not double-locked at the time of his arrest. Approximately seven minutes later, Officer F attached the Subject’s right side to the gurney and double-locked the handcuff on his right wrist. The OIG would have preferred that the Subject’s handcuffs were double-locked at the time of his arrest, as required by Department policy. This may have prevented the handcuffs from tightening on the Subject’s wrist and potentially worsening his injuries.