

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

**IN-CUSTODY DEATH – 061-23**

**Division                      Date                      Duty-On (X) Off ( )    Uniform-Yes (X) No ( )**

Central                      10/26/23

**Officer(s) Involved in Use of Force                      Length of Service**

Officer B                      7 years, 9 months  
Officer E                      5 years, 8 months  
Officer J                      4 years, 8 months

**Reason for Police Contact**

A Central Patrol Division uniformed officer observed a male walking with a large knife. The officer exited his/her vehicle and discovered a victim of a stabbing on the southwest corner of the intersection. Officers responded to the location and were subsequently directed to the fourth floor of a nearby hotel, where they encountered an additional victim of a stabbing.

Officers determined the Subject was possibly inside his apartment and assembled an arrest team to conduct a door knock. The Subject emerged armed with a large kitchen knife, ignored commands, and advanced toward the officers causing officers to deploy 40-mm Less-Lethal Launcher (LLL) rounds and TASERs. The less-lethal options appeared to have limited or no effect on the Subject, who repeatedly told the officers to kill him. The Subject then stabbed himself in the stomach with the knife, fell to the floor, and was taken into custody without further incident. The Subject and one of the stabbing victims ultimately succumbed to their wounds.

**Subject(s)                      Deceased (X)                      Wounded ( )                      Non-Hit ( )**

Subject: Male, 67 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 October 8, 2024.

### **Incident Summary**

On October 26, 2023, at approximately 1030 hours, Victim A was at the southwest corner of an intersection where this incident occurred. Victim A explained to officers that he had been working at that location for the past two weeks due to his employment providing free cellphones to low-income persons. As such, Victim A set up a table on the sidewalk in front of a business.

At approximately 1541 hours, surveillance video footage captured the Subject exit a nearby hotel. The Subject walked east on the south sidewalk toward Victim A's location with his right hand in a plastic bag. At the time, Victim A was with a group of customers.

As the Subject passed behind Victim A, he turned toward Victim A and removed his right hand from the plastic bag, arming himself with a large knife. The Subject swung the knife over his head and slashed the right side of Victim A's head. As Victim A turned toward the Subject, the Subject held the knife near his waist area and made a jabbing motion toward Victim A. An unidentified male Black intervened by approaching the Subject and pushing him into the street. Force Investigation Division (FID) investigators attempted to identify the male Black that pushed the Subject but were unable to locate him. The Subject landed on his back in the number three traffic lane. Victim A then then fled east.

The Subject stood up, still holding the knife in his right hand and the plastic bag in his left hand, while his baseball hat remained on the street. The Subject extended his right hand, pointing the knife toward the unidentified male Black and moved forward toward him. The Subject stopped, stood momentarily, then turned and walked west toward a nearby hotel.

When interviewed later, Victim A stated he felt pain in his head, neck, and face area. Victim A turned toward the Subject and observed he had a knife. Victim A stated that people around him told him to flee, at which time he ran east.

As Victim A fled, Central Traffic Division uniformed Police Officer A was in his/her police vehicle driving south toward the intersection, Code-Three.

Victim A stated he observed a police vehicle and heard its siren. Victim A attempted to stop the officer by running toward the police vehicle.

When interviewed later, Officer A indicated he/she was responding Code-Three to a school bus traffic collision incident in Newton Area. According to Officer A, he/she observed Victim A flagging him/her down while holding his neck but did not see an injury. Officer A advised he/she did not observe anyone chasing Victim A or armed with a weapon. Officer A determined that the traffic collision radio call involving a school bus had higher priority than someone attempting to flag him/her down and continued his/her Code-Three response to the radio call.

At 1542:30 hours, as Officer A continued south, he/she broadcast that Victim A was on the southwest corner of the intersection and may have been the victim of an assault. Officer A requested that a Central unit respond to assist Victim A and that he/she would be continuing with his/her response to the traffic accident.

Simultaneously, Central Patrol Division uniformed Police Officer B was in his/her police vehicle driving east, approaching the intersection. Officer B observed the unidentified male Black push the Subject to the street. According to Officer B, he/she could only partially see the Subject's face because he was on the ground, and Officer B believed the Subject had his sweatshirt hood on. Officer B believed the Subject was the victim because he/she observed the male Black push him onto the street.

Officer B's partner, Officer C was not present during the incident. At the time of the incident, Officer B was responding to the Central Community Police Station to pick up Officer C.

At 1542:42 hours, Officer B stopped his/her police vehicle on the north side of street, across from the hotel. Officer B exited his/her vehicle and activated his/her Body Worn Video (BWV). Officer B noticed the Subject had an approximate 14 inch-knife in his hand as he entered the hotel.

Witness A, manager of the hotel, was outside of the hotel near the entrance to the lobby when the stabbing incident occurred. According to Witness A, he heard people mentioning that the Subject had stabbed someone or had attempted to stab someone outside of the hotel but did not see the incident. Witness A entered the lobby and observed the Subject walking quickly with a knife in his hand. Witness A described the knife as, "stainless steel like a butcher knife." Witness A stated that the Subject walked west toward what he described as the "Twin Elevators." Hotel surveillance footage captured the Subject approaching the elevators and pushing the floor button.

At 1542:52 hours, Officer B broadcast that he/she was going to be Code-Six on the assault call and requested a backup for a man with a knife.

Communications Division (CD) then broadcast for any unit in the area to respond for a backup call. CD also requested an air unit and a supervisor for a 415 man with a knife.

Officer B walked toward the front of the hotel and observed unidentified bystanders. One of the bystanders was pointing at the entrance of the hotel when Officer B asked

him if the Subject lived in the hotel. The bystander told Officer B he did not know but advised him that the Subject had stabbed someone in the throat. Force Investigation Division investigators attempted to identify and locate the bystanders but were met with negative results.

In response to the backup request, the following Central Patrol Division uniformed personnel responded. Sergeants A and B, along with Officers D, E, F, G, H, I, J, K, L and M. At the conclusion of backup broadcast, Officer A discontinued his/her response to the traffic collision radio call and returned to the area of the assault. At 1543:15 hours, Officer A broadcast he/she was Code-Six.

At 1543:19 hours, Officer B stood in front of the hotel and broadcast a request for a Rescue Ambulance (RA) for Victim A, conscious and breathing, suffering from a stab to the neck. Officer B walked to the southwest corner of the intersection and told Victim A to remain static and that an ambulance was coming for him.

At 1543:41 hours, hotel surveillance footage captured the Subject exiting the elevator on the fourth floor and walking north in the hallway. As the Subject approached the end of the hallway, a male, later identified as Victim B, walked south toward the elevators. As Victim B and the Subject approached each other, the Subject stabbed Victim B. Victim B immediately fell to the ground onto his back. The Subject continued walking and turned right to go east in an east/west hallway.

At 1543:44 hours, Officers D and E arrived at the scene.

At 1543:50 hours, as Officer B remained outside of the hotel, CD broadcast that LAFD wanted to know if it was safe for them to enter, but Officer B did not respond. During his/her interview with FID investigators, Officer B explained he/she did not hear CD's broadcast.

Officer B directed Officers D and E to remain with Victim A and advised them that the Subject had entered the hotel.

Officer B walked toward the entrance of the hotel and broadcast that he/she observed the Subject entering the hotel and described the Subject. Officer E remained with Victim A, when an unidentified bystander approached him and stated that the Subject was inside the hotel and was armed with a big knife. Officer E told Victim A to apply pressure to his wound and advised him that an ambulance was coming for him.

At 1544:25 hours, Officer A arrived at the incident. Officer E asked Officer A to stand by with Victim A and Officer D advised him/her that Victim A was the victim of an assault. Officers D and E then walked toward the front of the hotel.

Meanwhile, Officer B entered the hotel lobby and was met by employees, Witnesses A and B. Officer B asked them if they observed the Subject who walked in with a knife. Witness A responded with the hotel room number where the Subject was located.

Officer B then asked Witness B if he knew where the room was located. Witness B pointed toward the single elevator on the south end of the lobby and told him/her to take the elevator up, and when he/she exited, the Subjects apartment was next to it.

Officer E entered the hotel lobby and advised Officer B that another officer was standing by with Victim A. Officer B then broadcast his/her location and provided information as to where the Subject was located. Officer E asked Officer B if they should initiate setting up a perimeter. Officer B exited the hotel and told Officer E they would be going upstairs, but he/she wanted a unit to remain with Victim A. According to Officer B, they exited the hotel because they did not yet have eyes on the Subject and were still gathering information and planned to wait for more officers to arrive so that they would be able to safely enter the location.

A review of the Central Division base frequency revealed the beginning of Officer B's broadcast was garbled but the portion referring to his/her location and the Subjects location was transmitted. The investigation revealed that several broadcasts made by the officers were garbled or not transmitted when attempted within the building.

At 1544:55 hours, Officers J and K arrived at the scene and walked toward Officer A who was still with Victim A.

Officer B walked toward Officers A and Victim A, while Officers D and E remained at the front of the hotel. Officer B told Officer A that he/she had already requested an RA and broadcast to CD for an estimated time of arrival for the RA. Meanwhile, Officer B asked Officer J to stand by with Victim A and described the Subject.

Simultaneously, CD broadcast they had the Los Angeles Fire Department (LAFD) on the line and were requesting to verify if it was clear for them to enter the scene. Officer N broadcast it was clear to enter.

Two unidentified bystanders approached Officer E and provided a description of the Subject. Other unidentified bystanders informed Officer B that the Subject had entered the hotel.

At 1545:40 hours, Officer E entered the hotel and approached a security guard. The FID investigators did not identify the security guard. Officer E asked the guard if he had seen the Subject enter the building running and provided a description. The security guard confirmed that he had seen the Subject when he walked into the building but did not observe him running or with a knife. The security guard then pointed toward Witness A, who directed Officer E apartment.

At 1545:40 hours, Officers F and G arrived at the scene.

Officer B assigned Officer N to remain with Victim A. Meanwhile, an unidentified bystander advised Officer J that the Subject was Asian and characterized the weapon

as a "house knife." As Officer B walked to the front entrance of the hotel, Officer J advised him of the Subject was Asian.

Officers B, J and K entered the lobby of the hotel and met Officers D and E. Officer B was gathering further information from the security guard when a female tenant approached the officers and stated she needed an ambulance for a man who had been stabbed on one of the upper apartment floor and was "bleeding out." This tenant refused a request to be formally interviewed.

According to Officer E, at that point given the exigent circumstances, officers had hotel security personnel take them upstairs so they could render aid to the victim and try to locate the Subject who was stabbing innocent persons.

At 1546:28 hours, Officer B broadcast that they were going to need an additional ambulance and had another victim on the upper floor of the apartment complex. A review of the Central Division base frequency revealed Officer B's entire broadcast was garbled except for his/her unit designation.

Officers B, D, E, J and K walked south in the lobby toward the single elevator, followed by Officers F, G, and the female tenant. The female tenant directed officers to the twin elevators, stating that Victim B was closer to those elevators than the single elevator. Officer B asked her if she had observed the Subject armed with a knife and she responded she did not observe anyone with a knife but did see that Victim B was suffering from stab wounds. When the officers arrived at the twin elevators, Witness A was holding the elevator door. Witness A told the officers that the Subject was Asian and what apartment he lived in.

Officers B, D, E, F and J then entered one of the twin elevator cars. Officer B directed Officers F and G to remain in the lobby in the event the Subject tried to exit.

According to Officer B, he/she decided to get a few officers and told them he/she would handle communications as they went up to render aid to the Victim B. Officer B had two other officers wait on the first floor in the event the Subject returned.

At 1547:04 hours, Officers H and I arrived at the scene. Officer I broadcast they were Code-Six at 1546:28 hours.

At 1547:32 hours, Officer B broadcast that the Subject was a male Asian. A review of the Central Division base frequency revealed Officer B's entire broadcast was not transmitted.

In the elevator, Officer D assigned himself/herself as the Designated Cover Officer (DCO) while Officer B indicated he/she would be in charge of communications. Officers also verbalized the Subjects descriptors.

Officers B, D, J and K then unholstered their pistols while Officer E maintained the 40mm less-lethal launcher (LLL). Each of the officers held their pistols in a low ready position with their index fingers along the frame. Officers unholstered for reasons including they did not know where the Subject was located, Victims A and B being stabbed and to protect themselves.

At 1548:02 hours, the elevator car stopped on the upper floor at which time the officers exited. BWV captured a male, later identified as Witness C, screaming, "He needs help." Witness C refused to provide an interview to FID investigators. Officers B, D, E, responded north in the hallway toward Victim B's location while Officers J and K remained south of the elevator. Victim B was lying on the floor in a supine position as the officers approached. Officer D asked Witness C where the Subject was located and Witness C replied, "I don't know, I just heard him yelling help."

At 1548:17 hours, Officer B holstered his/her pistol and broadcast that there was another victim down and provided a description of the Subject. A review of the Central Division base frequency revealed Officer B's entire broadcast was not transmitted.

Officers B and E passed Victim B and responded east in the east/west hallway. An unidentified male wearing dark-colored clothing walked west toward the officers. FID investigators did not identify this individual. At 1548:37 hours, Officer B unholstered his/her pistol and held it in a low-ready position with his/her index finger along the frame while Officer E held the 40mm LLL. Officer B summoned the male and verified he was not the wanted Subject.

At 1548:54 hours, Officer E broadcast a request a request for additional units to respond to the upper floor of the apartment complex and advised they had a victim (Victim B) who was down, not conscious and not breathing. A review of the Central Division base frequency revealed that Officer E's entire broadcast was not transmitted.

Officer K remained south in the fourth floor hallway while Officer J holstered his/her pistol and walked toward Victim B's location. Witness C stated that he came out and Victim B told him that a man stabbed him.

Officer B directed Officer J to place Victim B in the left lateral recovery position. Officer J then placed Victim B in the recovery position and observed that he had been stabbed in the abdomen area. Officer D assisted Officer J in transitioning Victim B to a right lateral position due to the location of his abdominal injury.

At 1549:43 hours, Officer B broadcast that he/she wanted to start setting up a perimeter for the hotel. Officer B broadcast that the Subject was outstanding and had just stabbed someone on the fourth floor. Officer B provided a Subject description and stated the weapon was a butcher knife. A review of the Central Division base frequency revealed that the portion of Officer B's broadcast pertaining to the Subjects height, clothing, and weapon was not transmitted.

At 1550:17 hours, Officer B again broadcast that he/she wanted to establish a perimeter and the Subject was outstanding. Officer B then broadcast that he/she had a witness who identified the apartment number where the Subject lives and requested additional officers and a shield. Officer B also requested an RA for the victim who was suffering from a stab wound to his stomach.

According to Officer B, he/she believed having a shield would assist in de-escalating the incident, because it would allow the officers to have better communication with the Subject and it could be utilized as cover, which was limited.

At 1550:56 hours, Sergeant A arrived at the scene and broadcast that he/she was Code-Six at 1548:48 and again at 1549:16. Sergeant A entered the lobby of the hotel and met with Officers F and G. Officer G advised Sergeant A that he/she would confirm if surveillance footage captured the Subject entering his apartment. Sergeant A instructed officers to secure the outer crime scene.

At 1551:36 hours, Sergeant B arrived at the scene and broadcast that he/she was Code-Six at 1549:29. Sergeant B advised Sergeant A that he/she would respond to the fourth floor.

Officers D and J remained with Victim B as Officers B and E walked east in the hallway to locate the Subjects apartment. Officer B stated although he/she didn't voice it out, he/she was the incident commander until the supervisor arrived. Officer B stated he/she had another officer come with him/her so that they could identify where the Subjects apartment was located.

At 1551:46 hours, Officers H and I broadcast that they would respond with a shield.

At 1552:02 hours, an additional unidentified male walked toward the officers. Officer B unholstered his/her pistol and held it in a low ready position with his/her index finger along the frame, while Officer E maintained the 40mm LLL. Officer B unholstered until he/she eliminated this person from being involved in the stabbings.

As Officers B and E attempted to locate the Subjects apartment Officer B asked a tenant about its location. The tenant pointed toward the Subject's apartment, which was east of the single elevator. Officer B located the apartment and verified that there would not be any crossfire issues based on the positioning of Victim B and the Subjects apartment. Additionally, Officer B noted the proximity of the single elevator next to the Subject's apartment and decided to monitor the apartment from a distance.

At 1552:33 hours, Officer D began to give Victim B chest compressions, and Officer J asked for the estimated arrival time for the RA. A review of the Central Division base frequency revealed that Officer J's entire broadcast was not transmitted.

Officers F and G met with Witnesses A and B in the hotel manager's office. Witness A photocopied the Subject's California Identification Card and Social Security Card and



provided them to Officer G. Witness A reviewed the surveillance camera footage and discovered that Subject had approached Victim B on the fourth floor. Witness A advised Officers F and G that the surveillance cameras were motion-activated, and the last time the Subject was observed on the cameras was when he walked toward his apartment.

At 1552:42 hours, Sergeant B and Officers H and I responded to the fourth floor. When Sergeant B arrived at the fourth floor, Officer J asked him/her to verify if a second RA was en route. Sergeant B broadcast a request to verify if there was an additional RA on the fourth floor for Victim B. CD advised that one RA should be at the scene. However, they did not have an estimated arrival time for the second RA.

At 1553:05 hours, LAFD arrived on scene rendering medical aid to Victim A outside the Hayward Hotel.

At 1554:19 hours, Officer J switched positions with Officer D and began giving Victim B chest compressions while Officers B and E remained in the hallway of the Subject's apartment. According to Officer J, he/she stopped giving Victim B's chest compressions because he was choking. Officer J then placed Victim B in the right lateral recovery position.

At 1554:52 hours, Sergeant B contacted Central Patrol Division Watch Commander Lieutenant A, informed him/her that the incident was a potential homicide, and advised him/her to have homicide detectives respond.

Officers H and I met Officers B and E in the hallway leading to the Subject's apartment. Officer H took the point position and held the shield with his/her left hand as he/she unholstered his/her pistol with his/her right hand. Officer H had his/her pistol in a low-ready position with his/her index finger along the frame. Officer B then holstered his/her pistol. According to Officer H, he/she unholstered his/her pistol because he/she was the designated cover officer.

At 1556:05 hours, Sergeant B arrived at Officer B's location. Officer B told Sergeant B that a witness advised the Subject went toward his apartment on the fourth floor. Officer B informed Sergeant B that the hallway leading to the Subject's apartment does not connect to other hallways and advised he/she heard noises from the room. Sergeant B directed officers to get cover and told them he/she would request an additional unit but needed to walk toward a window for the broadcast to be transmitted.

At 1556:10 hours, the second LAFD ambulance arrived at the incident.

At 1556:17 hours, Officers F and G told Sergeant A they had the Subject's information and showed him/her a photocopy of the Subject's California Identification card and Social Security card. Officer G advised the apartment number the Subject lived in and motion-activated surveillance cameras captured the Subject stabbing Victim B on the fourth floor. Furthermore, the Subject was last observed walking in the direction of his

apartment, and the motion-activated camera did not capture him leaving his apartment. Officer G advised he/she would inform Sergeant B and the other officers on the fourth floor.

At 1557:50 hours, Sergeant A directed Officer N and O to respond to the hospital with Victim A, who was transported to a nearby hospital.

At 1559:54 hours, LAFD personnel arrived at the fourth floor and rendered medical aid to Victim B. Additionally, an LAFD Engine company also arrived and assisted Victim B. rived and assisted Victim B. Officers F and G took the stairs to the fourth floor with LAFD personnel and stood by while LAFD personnel rendered medical aid to Victim B.

After being relieved by LAFD personnel, Officer D told Officer J he/she would meet with Officers B, E, H, and I. After Officer E informed Officer D the location of the Subject's apartment, Officer D assigned specific roles to each officer in case the Subject exited. Officer D assigned Officer H as the DCO and Officer E as the less-lethal officer.

Sergeant A responded to the fourth floor and met with Officers B, D, E, H, and I. Officer E briefed Sergeant A about the incident and told him/her the location of the Subject's apartment. Officer E informed Sergeant A that they needed to verify if the security staff observed the Subject entering his apartment because the incident may require an LAPD Special Weapons and Tactics (SWAT) team response. Sergeant A told Officer E that Officers F and G may have further information regarding the surveillance cameras.

At 1602:07 hours, Officers L and M arrived at the scene. Officer M broadcast they were Code-Six at 1602:21 hours.

At 1603:20 hours, Officers C, F, and G arrived at the fourth floor and met with Sergeants A and B and Officers B, E, H, I, J, and K. Officer G told the officers that the surveillance cameras only captured the Subject walking toward his apartment but not enter. Officer G showed Officer B the photocopy of Subject's California Identification card and Officer B identified him as the Subject.

Sergeant B informed the officers that he/she wanted someone to monitor the hallway that led to the Subject's apartment while officers cleared an adjacent hallway, which led to a fire escape. Officers B, C, D, F, G, and Sergeant A cleared the fire escape and adjacent hallways.

At 1606:18 hours LAFD RA transported Victim B to a nearby hospital. Police Officers P and Q followed the RA Code-Three.

At 1606:32 hours, Lieutenant A broadcast that he/she was responding to the scene. According to Lieutenant A, while en route to the call, he/she was monitoring the radio and asked if there was a tactical channel set up and believed one was ultimately established.

Officer L responded to the fourth floor and advised Sergeant B they would go forward to see the Subject's door. Officers E, H, I, J, K, L and M moved south in the hallway that led to the Subject's door. Officer L observed the single elevator and advised the team to move back down the hallway. Officer L asked Sergeant A if the elevator could be disabled to prevent someone from using it while officers attempted to take the Subject into custody. According to Officer L, at that time, he/she formulated a plan to take some officers and go observe the Subjects apartment to see if there was any potential exit routes for the Subject other than the elevator that he/she could see was directly in front of them. Officers moved forward and identified the Subjects room.

Sergeant B stated that once the single elevator was disabled, they would attempt to call the Subject out because SWAT would not respond unless the Subject refused to exit.

Sergeant A responded to the first floor to have the elevator disabled.

At 1613:57 hours, CD broadcast for the Incident Commander (IC) to identify themselves. Sergeant A broadcast he/she would be the IC and asked for a Tac Channel. While the officers waited, CD broadcast for officers to switch to a Central Bureau Tac Channel. Sergeant B directed Officers L and M to secure the crime scene where Victim B had been assaulted.

At 1617:56 hours, Lieutenant A broadcast on the Tac Channel and asked Sergeant B if officers had a witness stating they observed the Subject going into his room. Sergeant B informed him/her that the Subject was only observed on surveillance cameras near his apartment. Lieutenant A told Sergeant B he/she would soon arrive to the location and told him/her to maintain their position.

Sergeant B advised the officers to keep their background in mind and to be mindful of contagious fire if deadly force was used.

At 1620:22 hours, Lieutenant A went Code-Six. According to Lieutenant A, he/she spoke to Sergeant B and confirmed he/she had a team of officers with him/her on the fourth floor. Lieutenant A asked Sergeant B if the Subject had been called out and the answer was no. Lieutenant A knew that the officers had time to formulate a plan and get additional resources. Lieutenant A stated that it was unclear if the Subject was in his apartment and wanted to make sure that officers had the necessary resources in the event they needed to make entry into the apartment for officer safety.

Officer G checked the Subject's criminal history on his/her police vehicle's Mobile Digital Computer (MDC) while Officer F contacted the LAPD Mental Evaluation Unit (MEU). According to Officer F, when he/she contacted MEU, they said that they had had no prior contact and that they were going to be sending a SMART team to the Command Post (CP). Officer F shared the information with Lieutenant A.

At 1631:03 hours, Officer L showed Sergeant B screenshots of the Subject from the surveillance cameras. Officer L described both stabbings based on the surveillance

video and explained the Subject went into his apartment and was still there. The FID investigation determined the Subject was not observed going into his apartment on the surveillance video.

Sergeant B informed Sergeant A of the information Officer L provided him/her.

At approximately 1642 hours, MEU officers and a Department of Mental Health (DMH) representative arrived at the scene. They remained at the CP but did not make contact with the Subject because the incident remained tactical.

At 1654:21 hours, Sergeant B advised the officers that two phone numbers for the Subject were located, and they would attempt to call him out. However, the apartments in the same hallway as the Subject's would need to be evacuated. The officers then evacuated the tenants who answered their doors.

At 1657:51 hours, Officer B asked the tenant of one apartment if he/she could look at the layout of her apartment. From this apartment, Officer B could see one of Subject's windows was open. Officers B and C responded to the adjacent hallway and asked another tenant if they could enter. The tenant agreed, and Officers B and C located the windows belonging to the Subject's apartment but could not verify if he was inside because they could not see in.

At 1701:42 hours, Sergeant B contacted Lieutenant A and advised him/her that the tenants who answered their doors were evacuated and that officers had attempted to look into the Subject's windows through another apartment but could not see anything. Lieutenant A told Sergeant B that the single elevator was disabled, and the Subject's telephone numbers did not work.

At 1708:15 hours, per Lieutenant A's orders, Sergeant B advised the officers they would be conducting a door knock and needed a shield officer, lethal force officer, less lethal officer, and an arrest team. Officer L assigned Officer H as the shield, Officer I as the DCO, Officers J and K as the arresting officers, Officer E as the less lethal with the 40mm LLL, and Sergeant B oversaw communications. At the same time, Officers B, C, and D followed the team as trailers. Officer L remained behind.

Officer L showed the surveillance video screenshot of the Subject to the officers. Sergeant B stated that after the door knock, he/she would give an announcement and wait to see if the Subject responded. If the Subject did not respond, they would try two additional times. If there was still no response from the Subject, they would back away and advise Lieutenant A for further instruction. Officer L directed the officers that if the Subject exited the apartment, he would be pruned out, and the arrest team would approach and handcuff him.

Prior to approaching, Officer H unholstered his/her pistol. Officer H maintained a right-handed grip on his/her pistol and held the shield in his/her left hand. Officer H's pistol was in a low-ready position with his/her finger along the frame. Officer I also

unholstered his/her pistol and held his/her pistol at a low ready position with his/her finger along the frame. According to Officer I, he/she unholstered his/her pistol because the Subject was known to be armed with a knife, and he had that just stabbed one victim and killed another.

At 1709:49 hours, the arrest team walked south in the hallway toward the Subject's apartment. When they arrived at the Subject's apartment, Officer J asked for a baton. Officer K gave Officer J his/her baton. Sergeant B told the officers to knock and that he/she would make an announcement. Officer I momentarily holstered his/her pistol.

Officer J used the baton to knock on the door. Officer H then announced that they were the LAPD and for anyone inside of the apartment to come out with their hands up. Officer I unholstered his/her pistol again and held it in a low ready position, with his/her index finger along the frame.

At 1710:27 hours, Subject partially opened the door to his apartment. Officer H began to walk backward and ordered the Subject to exit his apartment with his hands up. Officer H then repeatedly ordered the Subject to put the knife down.

Officer E then said, "Forty up" multiple times, as he/she moved toward the front of the arrest team.

At 1710:34 hours, Officer E aimed at Subject's navel area and discharged one eXact iMpact round from the 40mm LLL approximately 10 feet from the Subject. According to Officer E, he/she observed the Subject holding a knife in his right hand. The knife was approximate eight to 10-inch steel blade with a black handle. Officer E stated that at that point, officers were too close to the door, so he/she didn't have much time to give any warning for less lethal options and believed the Subject to be an immediate threat. Officer E added that given the fact that the distance he/she was at, he/she immediately deployed the 40 attempting to strike him in the navel area." Officer E explained he/she believed the Subject was going to stab the officers and had already stabbed two people, killing one of them.

Officer E observed the eXact iMpact round did make contact with the Subject because he fell back holding the knife, but he/she could not recall where it hit him. During his/her interview with FID, Officer E stated he/she believed the Subject was approximately 7 to 10 feet away when he/she fired his/her 40mm LLL.

The door closed to the Subject's apartment and Officer E opened the barrel, removed the 40mm cartridge case with his/her left hand, and threw the discharged cartridge case onto the floor. Officer E obtained an unfired 40mm eXact iMpact round from an attached butt cuff and reloaded the 40mm LLL by inserting it into the chamber. Nearly simultaneously, Sergeant B broadcast that the 40mm LLL was deployed.

Officer H shouted, "Come out with your hands up." Officer H then announced that the Subject had a knife in his right hand. Officer E announced that the Subject still had the

knife and described it as a “big knife” and said the Subject fell onto a bed. Officer H announced the knife was “10 inches” long. Sergeant B directed the officers to line up against the wall again. Officers began to do so and moved away from the Subject’s door. Officer E explained the officers were giving more distance between themselves and the Subject stating that by redeploying, would give officers cover and time to come up with a new plan and different types of force options.

At 1710:53 hours, the Subject again opened the door to his apartment and was holding a knife in his left hand.

Officer E observed that when the door opened, the Subject was holding the knife, and explained the Subject was closing the distance. At 1710:54 hours, Officer E aimed at the Subject’s navel area and discharged a second eXact iMPact round from the 40mm LLL, approximately 16 feet from the Subject. The Subject appeared to wince but continued to walk toward the officers saying that he would kill them. According to Officer E, the Subject opened the door again holding the knife and was approaching officers. Officer E deployed the second round. Officer E stated that the Subject was within lunging distance and could have easily rushed the officers with a second. Officer E observed the eXact iMPact round make contact with Subject’s navel area but could not recall if Subject responded to it.

During his/her interview, Officer E stated he/she believed the Subject was approximately 7 to 10 feet away when he/she fired his/her 40mm LLL the second time.

Officer E opened the barrel, removed the 40mm cartridge case with his/her left hand, and threw the discharged cartridge case onto the floor. Officer E obtained an unfired 40mm eXact iMPact round from the attached butt cuff and reloaded the 40mm LLL by inserting it into the chamber.

Simultaneously, at 1710:55 hours, Officer B moved to the right of Officer E. According to Officer B he/she decided to use his/her TASER because he/she observed the second 40mm eXact iMPact round was ineffective and did not want the incident to escalate to the point where deadly force would be used. Furthermore, he/she was aware of the time it takes to reload the 40mm LLL and the potential of Officer E having to engage the Subject again.

At 1710:59 hours (TASER time 1710:12 hours), Officer B aimed at the Subject’s belt line and pressed the trigger of his/her TASER and deployed Bay 1 of the TASER darts from an approximate distance of 17 feet 5 inches. Officer B’s AXON report documenting the deployments and trigger presses of his/her TASER indicated that the time the trigger was pressed, and Bay 1 prongs were discharged, was 1710:12 hours, approximately 47 seconds faster than his/her BWV time.

According to Officer B, he/she observed when the Subject exited his apartment holding the knife in his left hand and perceived the Subject as a threat because he pointed a knife at the officers and advanced toward them. Officer B explained announcing a less-

lethal warning was not feasible because the Subject was advancing toward the officers, and his actions were immediate. During his/her interview, Officer B stated he/she believed the Subject was approximately 14 to 16 feet away when he/she pressed the trigger of his/her TASER.

Officer B noticed that one TASER dart landed on the Subject's sweater but was unaware of where the second dart landed. According to Officer B, the Subject did not respond to the TASER and was still moving toward the officers. Officer B stated he/she moved rearward to de-escalate the incident and obtain cover.

The AXON report showed no electricity was discharged from Bay 1. A review of Officer E's BWV showed that when Officer B fired the TASER, the green laser light was aimed at the Subject's chest, and the red laser light was aimed at his lower leg area. The investigation revealed a TASER dart located on the lower molding directly outside the Subject's apartment.

As the officers continued to walk backward away from the Subject, Officer H continued to hold the shield with his/her left hand and his/her pistol in his/her right. At 1711:00 hours, as observed on Officer E's BWV, Officer H pointed his/her pistol toward the Subject and placed his/her index finger on the trigger.

When asked by FID investigators, Officer H did not recall placing his/her finger on the trigger. After reviewing BWV, Officer H explained he/she could observe that he/she was on target because the Subject had a knife and was moving toward the officers. Officer H further explained he/she removed his/her finger from the trigger after Officer E reloaded the 40mm LLL. Officer I's BWV captured Officer H no longer had his/her finger on the trigger at 1711:02 hours.

At 1711:01 hours (TASER time 1710:14 hours), as observed on Officer E's BWV, Officer B pressed the right and left Arc switches on his/her TASER from a distance of approximately 17 feet 8 inches.

The AXON report indicated the Arc switches were pressed at 1710:14 hours. Furthermore, the report revealed that when Officer B pressed the Arc switches, the charge was sent to the metal electrodes on the front of the TASER, not the TASER darts.

During his/her interview, after watching Officer E's BWV, Officer B stated he/she did not recall pushing the Arc switches but did explain that he/she was adjusting his/her grip on the TASER when his/her fingers possibly came into contact with Arc switches.

At 1711:02 hours (TASER time 1710:15 hours), Officer B aimed at the Subject's belt line, pressed the trigger a second time, and deployed Bay 2 of his/her TASER darts from an approximate distance of 17 feet 8 inches. According to Officer B, since the first ones were ineffective, he/she was hoping that the second ones would make contact with the skin of the Subject and stop the threat.

During his/her interview, Officer B stated he/she believed the Subject was approximately 14 feet away when he/she pressed the trigger of his/her TASER.

Officer B's AXON report indicated the charge was intermittent for approximately one half of a second. The investigation determined intermittent charges occur when the TASER darts' connection to Subject were not maintained for the five second period.

Officer B shouted, "Drop the knife. Drop the knife." while he/she continued to walk backward. Officer B noticed the Subject momentarily stop, giving him/her the impression that the TASER was effective, however, the Subject continued to walk toward the officers. Officer B stated he/she believed the TASER prongs made contact with the Subject's clothing and described that the Subject appeared "a little startled."

At 1711:02 hours, nearly simultaneously, Officer E discharged a third eXact iMpacT round from the 40mm LLL, approximately 17 feet 8 inches from the Subject. According to Officer E, the Subject continued to approach officers while holding the knife, as officers were redeploying. Officer E deployed the third 40 mm LLL round, stating that each time he/she deployed the 40 mm LLL, he/she assessed. Officer E stated the entire time, the Subject continued to approach officers with the knife in his hand which posed an immediate threat to everyone.

During his/her interview, Officer E stated he/she believed the Subject was approximately 6 to 8 feet away when he/she pressed the trigger of his/her 40mm LLL. The Subject continued to walk toward the officers holding the knife while the officers moved backward. According to Officer B, he/she kept moving rearward to get better cover because he/she still perceived the Subject as a threat due to his continuous movement toward officers with a knife pointed toward them.

At 1711:08 hours (TASER time 1710:21 hours), Officer B pulled the trigger of his/her TASER a third time, from an approximate distance of 15 feet 4 inches from the Subject. According to Officer B, he/she pressed it a third time to see if there was a charge on the four darts on the Subject to determine if they were going to make a better connection with him.

During his/her interview, Officer B stated he/she believed the Subject was approximately 14 feet away when he/she pressed the trigger of his/her TASER. Officer B's AXON report indicated the charge was intermittent for approximately 4.8 seconds.

At 1711:13 hours (TASER time 1710:26), Officer B pulled the trigger of his/her TASER a fourth time, from an approximate distance of 14 feet 6 inches from the Subject. According to Officer B, he/she hoped that this would have an effect on the Subject to stop his advance of the officers so that deadly force would not be necessary. Officer B stated he/she observed the Subject's body stiffen for approximately one second before he continued to walk toward officers with the knife. Officer B still perceived the Subject as a threat and felt it was not safe for the officers to approach.



During his/her interview, Officer B stated he/she believed the Subject was approximately 14 feet away when he/she pressed the trigger of his/her TASER.

Officer B's AXON report indicated the charge was intermittent for approximately one second and a stable charge for 3.9 seconds.

Nearly simultaneously, Officer B shouted for officers to deploy another TASER. Officer E slung his/her 40mm LLL and unholstered his/her pistol to a one handed low-ready position with his/her finger along the frame.

According to Officer E, he/she unholstered his/her pistol because the Subject was approaching the officers with a knife in his hand and not complying with the officers' commands. Officer E advised he/she holstered his/her pistol approximately one or two seconds after unholstering.

At 1711:19 hours (TASER time 1710:32 hours), Officer B pulled the trigger of his/her TASER a fifth time from an approximate distance of 11 feet 4 inches from the Subject. According to Officer B he/she could not recall pressing the trigger of his/her TASER the fifth time, but knew the Subject was still moving toward the officers with the knife. Officer B explained if he/she did press the trigger of the TASER, it was because he/she wanted to stop the threat.

Officer B's AXON report indicated the charge was intermittent for approximately one second and a stable charge for 3.9 seconds.

Officer J moved forward near Officers B and H and shouted, "Taser! Taser, Taser." At 1711:19 hours (TASER time 0010:53 hours), Officer J aimed at the Subject's navel area and pressed the trigger of his/her TASER and deployed Bay 1 of the TASER darts from an approximate distance of 13 feet 7 inches from the Subject. Officer J's AXON report indicated his/her TASER maintained its internal clock using Coordinated Universal Time (UTC). Officer J's AXON report indicated the time the TASER's trigger was pressed, and the Bay 1 prongs were discharged was 1710:53 hours PST, approximately 26 seconds slower than his/her BWV.

According to Officer J he/she pressed the trigger of his/her TASER because he/she thought it would be effective in order to take the Subject into custody and get him the help he needs. Officer J observed the TASER darts come in contact with the Subject's lower abdomen area and his leg.

Officer J explained announcing a less-lethal warning was not feasible because the Subject continued to approach the officers while holding a knife in a threatening manner.

During his/her interview, Officer J stated he/she believed the Subject was approximately 15 feet away when he/she pressed the trigger of his/her TASER.

Officer J's AXON report showed no electricity was discharged from Bay 1.

Officer J observed the Subject momentarily tense up but was unsure if it was caused by the TASER and believed it was ineffective. The Subject continued to move forward and shouted, "I want you kill me." Officers can be heard responding, "No." According to Officer B, although the Subject kept telling the officers to kill him, he/she believed that if any officer would have approached Subject, he would have stabbed them.

At 1711:22 hours (TASER time 0010:56 hours), Officer J aimed at the Subject's navel area, pressed the trigger of his/her TASER, and deployed Bay 2 of the TASER darts from an approximate distance of 16 feet from the Subject. According to Officer J, he/she pressed the trigger a second time to make contact, hopefully make those effective so that the Subject would drop the knife and comply. Officer J stated the Subject was closing the distance between him/her and the officers while still holding the knife. Officer J observed the TASER darts come in contact with the Subject's lower abdomen area and his leg.

During his/her interview, Officer J stated he/she believed the Subject was approximately 15 feet away when he/she pressed the trigger of his/her TASER.

Officer J's AXON report indicated that for one and a half second there was no charge and for 3.5 seconds the charge was an intermittent charge.

The officers continued to walk backward and repeatedly ordered the Subject to drop the knife. At 1711:25 hours, the Subject continued to walk toward the officers with the knife and told the officers again to kill him.

Officer B cut the wires of his/her TASER and Officer J's TASER, so they could redeploy because the Subject was still approaching the officers. According to Officer J, he/she believed Officer B cut the wires to his/her TASER because he/she was having trouble removing the TASER cartridges. Furthermore, Officer J stated he/she did not want the Subject to pull on the TASER wires since they were attached to the Subject.

As officers moved rearward, Officer B attempted to close the hallway fire door. The Subject stopped and held the knife handle with both of his hands. The Subject pointed the blade of the knife toward his abdomen area.

At 1711:43 hours (TASER time 0011:34 hours), Officer E shouted, "Taser! Taser! Coming out!" Officer E' AXON report indicated his/her TASER maintained its internal clock using UTC. Officer E' AXON report indicated the time the TASER's trigger was pressed, and the Bay 1 prongs were discharged was 1711:34 hours PST, approximately 9 seconds slower than his/her BWV. Officer E aimed at the Subject's stomach area and pulled the trigger of his/her TASER and deployed Bay 1 of his/her TASER darts from an approximate distance of 12 feet from Subject.

According to Officer E, officers continued to redeploy. Officer E stated that officers were using 40mm LLL's and TASERS but they didn't appear to be effective so as a last resort he/she took out his/her taser hoping that it would have some effect, but it did not. The Subject continued to say, "kill me", as he was approaching officers.

Officer E explained he/she could not give a less lethal warning to the Subject. Officer E believed he/she did not have time due to the exigency of the incident because the Subject was approaching the officers, and he was threat.

During his/her interview, Officer E stated he/she believed the Subject was approximately 10 to 12 feet away when he/she pressed the trigger of his/her TASER.

Officer E's Axon report indicated the charge was intermittent for approximately 4.9 seconds.

At 1711:44 hours, the Subject stabbed himself in the stomach. The Subject took a few steps backward and stabbed himself a second time in the stomach. The Subject extended his right hand while holding the knife and lifted his sweatshirt with his left hand. The Subject then stabbed himself a third time in the stomach.

At 1711:52 hours, the Subject fell to the floor on his right side while still holding the knife in his right hand. Officer B holstered his/her TASER and obtained the shield from Officer H.

Officer B told the officers the Subject was down. Simultaneously, officers could be heard saying the Subject stabbed himself. Officer B held the shield in his/her left hand and unholstered his/her pistol. Officer B held his/her pistol in a low-ready position with his/her index finger along the frame.

According to Officer B, he/she unholstered his/her pistol because the Subject was still in possession of the knife and was not handcuffed.

The officers put gloves on and approached the Subject. Officer B kicked the knife away from the Subject. According to Officer B, he/she saw that the Subject was not moving and he was not reacting to anything as officers were approaching. Officer B stated he/she decided to disarm the Subject and kick the knife.

Officer K grasped the Subject's left arm and placed it behind his back. Officer J grasped the Subject's right arm and placed it behind his back. Officer I then handcuffed the Subject.

Officer J told Sergeant B to request an RA for the Subject and, at 1712:17 hours, Sergeant B broadcast the request. Sergeant B asked the officers if chest compression could be done, but Officer I told Sergeant B the Subject was still breathing. Officer J used a White cloth and placed it on the Subject's stomach area.

Los Angeles Fire Department RA, staffed by 2 paramedics arrived at the scene. At 1729:30 hours, they began to render medical aid to the Subject and, at 1740 hours, the Subject was transported to a nearby hospital. Upon arrival at the hospital, the Subject was taken to the emergency room where Doctor A initiated lifesaving efforts. The Subject did not respond to the treatment and Doctor A pronounced death at 1837 hours.

At approximately 1905 hours, the Department Operations Center (DOC) was notified of the In-Custody Death (ICD).

### **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
Lieutenant A	N/A	N/A	N/A	N/A	N/A
Sergeant A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer I	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes

Lieutenant A did not possess BWV during this incident. Lieutenant A was driven to the scene. There is no DICVS.

Officer B was flagged down at the scene and exited his/her vehicle. There is no DICVS.

### **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 B, E, J, H, and Lieutenant A's tactics warrant a finding of Tactical Debrief. The BOPC found Officer I and Sergeant B's actions warrant a finding of Administrative Disapproval.

#### **B. Drawing and Exhibiting**

The BOPC found Officer B, E, J, H and I's drawing and exhibiting ta firearm to be in policy.

**C. Intermediate Use of Force** – The BOPC found Officer B, E and J’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 feasible, 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 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.

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

**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**

*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.*

## **Factors Used to Determine Objective Reasonableness**

*Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines removableness 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 subject;*
- *Whether the subject was posing an immediate threat to 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.

## **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 and Assessment** – Officers B and C had worked together intermittently for approximately six years. Officers D and E worked together for approximately one year. Officers H and I worked together for approximately seven months. Officers J and K worked together intermittently for approximately four years. At the beginning of their shift, all officers discussed tactical concepts, including contact and cover roles.

Upon observing the Subject enter the hotel armed with a knife, Officer B assessed the situation and requested a backup for a “415 man with a knife.” While gaining situational awareness, Officer B formulated a plan that once additional units arrived, a follow-up would be conducted to the fourth floor to locate Victim B and the Subject. While in the elevator, Officer D assigned himself/herself as the Designated Cover Officer (DCO), Officer B indicated he/she would be communications and Officer E maintained the 40mm LLL.

When Lieutenant A arrived at scene, he/she and Sergeant B formulated a plan to approach the Subject’s door. Sergeant B then informed the officers of this plan and delegated Officer L to assign tactical roles. Officer L assigned Officer H as the shield, Officer I as the DCO, Officers J and K as the arresting officers, Officer E as the intermediate force option with the 40mm LLL and Sergeant B oversaw communications. Prior to calling the Subject out of the apartment, officers evacuated the apartments located in the same hallway and cleared the fire escape and adjacent hallways. Additionally, inquiries were made to disable the elevator next to the Subject’s apartment.

**Time and Redeployment and/or Containment** – Lieutenant A, Sergeant B and the officers at scene all used the benefit of time to de-escalate the incident. Upon locating Victim B on the fourth floor, Officer B requested a perimeter be established. After locating the Subject’s apartment, Officer B noted the proximity of a single elevator next to the Subject’s apartment and decided to monitor the apartment from a distance, which afforded time. As the Subject advanced toward the officers while armed with a knife, the officers and supervisor redeployed by stepping backward in the hallway to maintain distance and utilize cover, while issuing commands to the Subject and deploying intermediate force de-escalation options to afford them more time.

**Other Resources** – Upon observing the Subject armed with a knife, Officer B requested a backup. Officer B requested all necessary resources, including a



ballistic shield and RA. Before door knocking the Subject's apartment, officers utilized additional resources to gain more situational awareness. Officer G checked the Subject's criminal history on his/her police vehicle's Mobile Digital Computer (MDC). Officer F contacted the Mental Evaluation Unit (MEU) and learned there had been no prior contacts with the Subject but they would be sending a unit to the Command Post (CP). Officer L watched surveillance video from the hotel and took screenshots of the Subject's identification cards, which he/she later shared with officers and Sergeant B, and explained the Subject went into his apartment and was still there. Officer B asked the tenant in an adjacent apartment if he/she could look inside her apartment to get an understanding of the layout. Officers B and C asked another tenant in the adjacent hallway, if they could come inside to see if they could look through the Subject's windows. When the Subject exited his apartment and was armed with a knife, Officers B, E and J utilized intermediate force options in an attempt to stop the Subject.

**Lines of Communications** – Officer B continuously broadcast updated information as the incident progressed, including the Subject's description and location. Officer B communicated with hotel employees and tenants to gather information. Throughout this incident, Sergeant B and Lieutenant A maintained open lines of communication by relaying pertinent information over the radio and by phone. Sergeant B obtained two phone numbers for the Subject but upon calling both numbers, discovered neither worked. Upon making contact with the Subject, the officers continually ordered him to drop the knife. Before Officer E deployed the 40mm LLL, he/she alerted other officers he/she was going to do so. Sergeant B communicated to officers to step back, utilize the TASER and get cover and advised the Subject to drop the knife or he would be shot.

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

- **Debriefing Point No. 1 Basic Firearm Safety Rules**

As officers continued to walk backward away from the Subject, Officer H continued to hold the shield with his/her left hand and his/her pistol in his/her right. According to the FID investigation, at 1711 hours, Officer H pointed his/her service pistol toward the Subject and placed his/her index finger on the trigger. When asked by FID investigators, Officer H did not recall placing his/her finger on the trigger. Officer I's body worn video (BWV) captured Officer H no longer had his/her finger on the trigger at 1711:02 hours.

The UOFRB assessed Officer H's adherence to the Basic Firearm Safety Rules. The UOFRB noted while FID identified Officer H had his/her finger on the trigger for approximately two seconds, Officer H did not recall ever doing this. Furthermore, when reviewing the evidence presented, the UOFRB opined this evidence was inconclusive and did not definitively show Officer H's finger on the actual trigger. In the UOFRB's assessment, when looking at Officer I's BWV, it appeared Officer H had bent his/her finger next to the trigger guard but did not place his/her finger on

the trigger of his/her service pistol. The UOFRB opined this was apparent due to the bend in Officer H's finger. Therefore, the UOFRB concluded Officer H did not violate any Basic Firearm Safety Rules.

The BOPC determined that based on the totality of the circumstances, the tactics employed by Officer H were not a deviation from approved Department tactical training.

- **Debriefing Point No. 2 Required Equipment – Body Armor**

When Sergeant B responded to the radio call location, he/she was not wearing his/her body armor. Sergeant B explained he/she did not don his/her vest due to simply "forgetting."

The UOFRB assessed Sergeant B's decision to not wear body armor while on duty. The UOFRB discussed the Department's expectation that officers and supervisors assigned to field duties wear body armor. The UOFRB opined Sergeant B's decision to not don body armor while assigned to field duties violated Department policy.

The BOPC determined that based on the totality of the circumstances, the tactics employed by Sergeant B were a substantial deviation, without justification, from approved Department tactical training. .

- **Debriefing Point No. 3 Use of Force Warning**

Throughout this incident, officers provided a use of force warning to the Subject by stating, "Drop the knife!" multiple times, and later after various intermediate force options were used, warned the Subject to drop the knife or he would be shot.

The UOFRB assessed the lack of a verbal warning by Officers E (40mm LLL), Officer B (TASER) and Officer J (TASER) prior to deploying intermediate force. As it pertained to Officer E, the UOFRB noted when the Subject opened the door while holding the knife, Officer E was given a small window of opportunity to use the 40mm LLL. The UOFRB additionally recognized officers had previous knowledge of the Subject's propensity for violence as he had already stabbed two people.

Therefore, when the Subject exited his apartment armed with a knife, the officers were confronted with a violent Subject who posed an immediate threat of physical harm to the officers. The UOFRB opined that due to the rapid nature of this encounter, the need to take immediate action within the short window of opportunity coupled with the Subject's propensity for violence, it was not feasible for Officer E to give a use of force warning.

Regarding Officers B and J, the UOFRB noted the Subject continued to move toward the officers while armed with a knife and refusing to comply with commands,

after he had already been struck by the 40mm LLL. The UOFRB opined the Subject still posed an immediate threat to the officers and continued to close the distance, causing the officers to fear being attacked similar to the other victims. The UOFRB noted throughout this incident, the Subject advanced toward the officers in the narrow residential hallway that offered limited cover, causing the officers to move back within the confined space and Officers B and J to respond to the Subject's actions by discharging their TASERS. Therefore, the UOFRB opined that due to the close distance between the Subject and the officers, and the Subject's continued propensity for violence, a use of force warning was not feasible.

The BOPC determined that based on the totality of the circumstances the tactics employed Officers B, E and J were not a deviation from approved Department tactical training.

- **Debriefing Point No. 4 Handcuffing Procedures/Protocols (Search of Suspect)**

Officers J and K grasped the Subject's arms and placed them behind his back as Officer I applied the handcuffs. Officers immediately began rendering aid; however, no search of the Subject's waistband area was ever conducted.

The UOFRB assessed the adherence to the Department's handcuffing protocols. The UOFRB noted after Officer I applied the handcuffs; the Subject's waistband was not searched. The Subject was then placed into a recovery position and the officers began to render aid; however, the Subject remained unsearched.

The UOFRB noted the RA arrived approximately 17 minutes after the Subject was placed in handcuffs and proceeded to cut off the Subject's clothes in order to render aid. At this point, the Subject had not been searched; however, he was no longer clothed and was found not to have any weapons on his person. The UOFRB noted the Subject had a known propensity for violence, was armed with a knife and there was a possibility he could have been armed with additional weapons, which further exacerbated the necessity for a search of the waistband be conducted after applying the handcuffs to the Subject. The UOFRB placed the responsibility of the search on Officer I, as he/she was the officer who applied the handcuffs. The UOFRB opined that failing to conduct a search unnecessarily placed all involved personnel in a potentially dangerous situation.

The BOPC determined that based on the totality of the circumstances, the tactics employed by Officer I were a substantial deviation, without justification, from approved Department tactical training.

### **Additional Tactical Debrief Topics**

- **Designated Cover Officer (DCO)** – When Officer L designated tactical roles, Officer I was assigned as the DCO. As the Subject exited his apartment armed with a knife, Officer I prematurely holstered his/her service pistol. Officer H remained

unholstered as the shield operator. Officer I should have advised his/her team he/she was relinquishing his/her role as DCO.

- **Preservation of Evidence** – Once the arrest team approached the Subject, Officer B kicked the knife away from the Subject to prevent him from rearming himself.
- **Simultaneous Non-Conflicting Commands** – Throughout the incident, multiple officers were heard giving simultaneous non-conflicting commands to the Subject. Officers are reminded simultaneous commands may cause confusion during an incident.
- **TASER-Best Practices** – Upon reaching the end of the hallway, Officer B cut the wires of his/her TASER and Officer J's TASER in order to redeploy, as the Subject continued to advance on officers. Officers are reminded to always keep their hands away from the front of the cartridges and instead, firmly pull the cartridges out of the bay by pulling on the sides of cartridges.
- **Situational Awareness** – Officer H was DCO while waiting to approach the Subject's apartment. Officer H is seen with his/her back to the hallway and the Subject's apartment and talking with other officers while waiting on further instructions. As the DCO, Officer H should have maintained a constant visual of Subject's apartment door.
- **TASER Manipulations** – According to Officer B, he/she did not recall pressing the Arc switches of his/her TASER but did explain he/she was adjusting his/her grip when his/her fingers possibly came in contact with the Arc switches. Officer B is reminded to be aware of the positioning of his/her fingers on the TASER to reduce the possibility of inadvertently activating the TASER Arc switches in tense situations.

To enhance future performance, all of the Tactical Debriefing topics will be discussed during the Tactical Debrief.

## **Command and Control**

- At 1550:56 hours, Sergeant A arrived at scene and instructed the officers to secure the outer crime scene. Approximately one minute and 30 seconds later, Sergeant B arrived at scene and advised Sergeant A he/she would respond to the fourth floor. Sergeant B then called Lieutenant A and advised him/her of the potential homicide.

At 1556:01 hours, Sergeant B met with the officers on the fourth floor who were watching the Subject's apartment and was briefed by Officer B. Approximately eight minutes later, Sergeant B informed the officers he/she wanted someone to monitor the hallway that led to the Subject's apartment while other officers cleared the adjacent hallway and fire escape. Officers B, C, D, F and G, and Sergeant A cleared the hallway and fire escape.

At 1606:32 hours, Lieutenant A broadcast he/she was responding to the scene. At 1610:35 hours, Sergeant B informed the officers that once the elevator outside of the Subject's apartment was disabled, they would attempt to call the Subject out. Sergeant B further explained Metropolitan Division Special Weapons and Tactics (SWAT) would not respond unless the Subject refused to exit. At 1613:57 hours, Sergeant A declared himself/herself Incident Commander (IC) and asked for a Tac Channel. Approximately 42 seconds later, Sergeant B directed Officers L and M to secure the crime scene where Victim B had been attacked.

At 1620:22 hours, Lieutenant A arrived at scene, went Code Six and was briefed by Sergeant A. As this was occurring, Sergeant B remained on the fourth floor and began assigning tactical roles to the officers in the event the Subject exited his apartment. At 1635 hours, Lieutenant A declared himself/herself IC and was then informed that Sergeant C., acting Watch Commander, Central Patrol Division, notified SWAT of a potential barricaded Subject. During this time, Lieutenant A remained in contact with Sergeant B and proceeded to give him/her various instructions, including evacuating surrounding apartments.

At 1654:21 hours, Sergeant B advised the officers the apartments in the same hallway as the Subject's would need to be evacuated. Approximately five minutes later, Sergeant B contacted Lieutenant A and advised him/her the tenants who answered their doors were evacuated and the officers had attempted to look into the Subject's windows through another apartment but could not see anything. Lieutenant A informed Sergeant B the elevator had been disabled and the two phone numbers obtained for the Subject did not work.

At 1708:15 hours, per Lieutenant A's orders, Sergeant B advised the officers they would be conducting a door knock on the Subject's apartment. Officer L assigned all necessary tactical roles and discussed a plan regarding taking the Subject into custody in the event he exited his apartment and complied with commands. When the Subject exited his apartment, Sergeant B broadcast the 40mm LLL had been discharged and told officers to return to the wall and find cover behind the shield.

At 1711:15 hours, Sergeant B advised officers to use "one more TASER" and eight seconds later again told the officers "one more TASER." As the Subject continued to approach the officers armed with a knife, Sergeant B continued to tell officers to get cover and warned the Subject, "Drop the knife or we will shoot you!"

At 1714:56 hours, after Subject was taken into custody, Sergeant B called Lieutenant A and briefed him/her on the incident. Lieutenant A initiated a Non-Categorical Use of Force (NCUOF) investigation. Upon learning this could be a CUOF, Lieutenant A directed the officers and sergeant involved be monitored by a supervisor and return to Central Station.

The Department Operations Center (DOC) was notified of the ICD at 1905 by Force Investigation Division.

At 2000 hours, Sergeant D obtained the Public Safety Statements (PSS) from Officers B, H, I and J.

The UOFRB noted Lieutenant A displayed active leadership throughout this incident and was effectively able to slow down the actions of officers. This action provided the opportunity to formulate and execute a well thought out plan and put resources in place. The UOFRB additionally noted while they would have preferred Sergeant B display more active leadership and effective communication when the Subject exited his apartment, they recognized this could have led to an increase in confusion and chaos. The UOFRB explained that narrow hallways, like the one in this incident, can lead to an increase in echoes and noise when multiple commands and directions are occurring.

Sergeant B and Lieutenant A were identified as being substantially involved in this incident due to their significant decision making roles and will receive tactics findings.

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

### **Tactical Debrief**

- In conducting an objective assessment of this case, the BOPC determined the actions of Officers B, E, H and J and Lieutenant A were not a deviation from approved Department tactical training. The BOPC determined the actions of Officer I and Sergeant B were a substantial deviation, without justification, from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this incident, areas were identified where improvements could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

### **Drawing/Exhibiting**

- **Officer B**

During the search of adjacent hallways, the fire escape and third floor, the evacuation of surrounding apartments and the search of the Subject's apartment, Officer B unholstered his/her service pistol approximately seven times. According to Officer B, he/she had knowledge the Subject was armed with a knife and had committed two stabbings, making the Subject a threat to the officers.

- **Officer E**

As the Subject continued to approach the officers while armed with a knife and multiple intermediate force deployments had occurred and been ineffective, Officer E unholstered his/her service pistol. According to Officer E, he/she believed the situation could escalate to the point where deadly force “might be needed” and that officers had “exhausted” all intermediate force options.

- **Officer H**

Upon responding to the fourth floor, Officer H was assigned the ballistic shield. Throughout this incident, Officer H unholstered his/her service pistol approximately eight times. According to Officer H, he/she was the DCO and there were multiple instances where the possibility of encountering the Subject, a violent armed individual increased.

- **Officer I (1<sup>st</sup> Occurrence)**

As the officers were going to approach the Subject’s door and clear the hallway, Officer I unholstered his/her service pistol. According to Officer I, the officers had prior knowledge of the Subject’s violent actions and that the Subject had previously been armed with a knife.

**Officer I (2<sup>nd</sup> Occurrence)**

As instructed by Sergeant B, the officers began to evacuate surrounding apartments prior to door knocking the Subject’s apartment. As a result, Officer I unholstered his/her service pistol. According to Officer I, he/she believed the Subject could be in any of the rooms they were attempting to evacuate and therefore felt it was necessary to unholster his/her service pistol in order to protect himself/herself and other officers.

**Officer I (3<sup>rd</sup> occurrence)**

Prior to approaching the Subject’s apartment, Officer I was assigned as the DCO in the tactical team. When the team of officers began to approach the Subject’s apartment, Officer I unholstered his/her service pistol.

- **Officer J**

During the search of adjacent hallways, the fire escape and third floor, and the evacuation of surrounding apartments, Officer J unholstered his/her service pistol approximately four times. According to Officer J, he/she unholstered due to his/her knowledge of the Subject’s violent tendencies and the possibility that himself/herself and other officers could be confronted by the Subject.

The UOFRB assessed each instance of Officers B, E, H, I and J's drawing and exhibiting of their service pistols. The UOFRB noted the officers drew and exhibited their service pistols multiple times while searching the fourth floor of the apartment building and approaching the Subject's apartment. Based upon the information the officers obtained, it was reasonable to believe the Subject had a propensity for violence and was wanted for violent felony crimes. The UOFRB opined it was reasonable for them to believe the situation could escalate to the use of deadly force. The UOFRB also opined the circumstances surrounding the incident clearly created a reasonable belief amongst the officers the situation may rise to where lethal force may be justified.

The BOPC determined that based on the totality of the circumstances an officer with similar training and experience as Officers B, E, H, I and J, would reasonably believe the situation had escalated to where deadly force may be justified. Therefore, the BOPC found Officers B, E, H, I and J's Drawing/Exhibiting to be In-Policy.

### **Intermediate Use of Force**

- **Officer B** – TASER 7 – Two discharges and four activations, from an approximate decreasing distance of 17 feet to 11 feet.

#### **First Activation (Discharge of Bay 1 – 1<sup>st</sup> trigger pull)**

After observing the 40mm eXact iMpact round was ineffective, Officer B unholstered his/her TASER. Officer B observed the Subject continue to approach officers while armed with a knife and defied commands. Officer B explained he/she did not want the incident to escalate to the point where deadly force would be used and was aware of the time it took to reload the 40mm LLL and the potential of Officer E having to engage the Subject again. In response to the Subject's actions, Officer B aimed at the Subject's belt line and deployed a set of TASER probes from an approximate distance of 17 feet and 5 inches. According to Officer B, he/she perceived the Subject as a threat because the Subject pointed a knife at the officers and advanced toward them.

The AXON report showed no electricity discharge from Bay 1. A review of Officer E's BWV showed when Officer B fired the TASER, the green light was aimed at the Subject's chest and the red laser light was aimed at his lower leg area. The FID investigation revealed a TASER dart located on the lower molding directly outside the Subject's apartment.

#### **Second activation (Left and Right Arc)**

As the continued to approach the officers armed with a knife, Officer B pressed the left and right Arc switches on his/her TASER from an approximate distance of 17 feet and 8 inches. According to Officer B, he/she did not recall pressing the Arc switches but did explain he/she was adjusting his/her grip on the TASER when



his/her fingers possibly came into contact with Arc switches. Officer B further explained he/she may have pressed it because the Subject was still closing the distance on the officers.

The AXON report indicated that when Officer B pressed the Arc switches, the charge was sent to the metal electrodes on the front of the TASER.

### **Third Activation (Discharge of Bay 2 – 2<sup>nd</sup> trigger pull)**

As the Subject's actions remained the same and under the belief his/her first TASER discharge was ineffective, Officer B continued to give the Subject commands to drop the knife. In response to the Subject's actions, Officer B aimed at the Subject's belt line and deployed a second set of TASER probes from an approximate distance of 17 feet 8 inches.

According to Officer B, he/she still perceived the Subject to be a threat and was hoping that the second discharge would make contact with the skin of the Subject. After discharging the TASER, Officer B noticed the Subject momentarily stop, giving Officer B the impression the TASER was effective; however, the Subject continued to walk toward the officers. Officer B stated he/she believed the TASER prongs made contact with the Subject's clothing and described the Subject as appearing "a little startled."

The AXON report indicated the charge was intermittent for approximately half of a second. The investigation determined intermittent charges occurred because the TASER darts' connection to the Subject were not maintained for the five second period.

When interviewed by FID, Officer B did not recall his/her second activation (arc press); therefore, the third through sixth activations are represented by different numbers.

### **Fourth Activation (3<sup>rd</sup> trigger pull)**

The Subject continued to walk toward the officers, holding the knife, while the officers redeployed backward. According to Officer B, he/she continued moving rearward to get better cover because he/she still perceived the Subject as a threat due to his continuous movement toward officers with a knife pointed toward them. In response, Officer B activated his/her TASER from an approximate distance of 15 feet and 4 inches.

The AXON report indicated the charge was intermittent for approximately 4.8 seconds.

### **Fifth Activation (4<sup>th</sup> trigger pull)**

As the Subject's actions remained the same, Officer B still perceived the Subject as a threat. In response, Officer B activated the TASER from an approximate distance of 14 feet 6 inches. Officer B stated he/she observed the Subject's body stiffen for approximately one second before he continued to walk toward the officers with the knife. Officer B felt it was not safe for officers to approach because the Subject was still holding a knife.

The AXON report indicated the charge was intermittent for approximately one second and a stable charge for 3.9 seconds.

### **Sixth Activation (5<sup>th</sup> trigger pull)**

As the Subject continued to advance towards the officers with a knife in his hand, Officer B recalled the Subject screaming at officers to "kill him." In response, Officer B discharged the TASER from an approximate distance of 11 feet and 4 inches. While Officer B did not recall activating the TASER at this time, he/she stated the Subject's actions always remained the same and the Subject was still an active threat of "serious bodily injury" to the officers.

- **Officer E** – 40mm LLL - Discharged three eXact iMpacT rounds from an increasing distance of 10 feet to 17 feet. TASER 7- One discharge from approximately 12 feet.

### **40mm LLL (1<sup>st</sup> Round)**

As the Subject partially opened the door to his apartment holding the knife, Officer H began to walk backward and ordered the Subject to exit his apartment with his hands up. Officer H ordered the Subject to put the knife down. Officer E then moved toward the front of the arrest team and alerted officers he/she had the 40mm LLL. Officer E aimed at the Subject's naval area and discharged one eXact iMpacT round from the 40mm LLL from an approximate distance of 10 feet. According to Officer E, he/she believed the Subject was going to stab other officers. Officer E assessed the eXact iMpacT round had struck the Subject because the Subject fell back holding the knife but could not recall where the round hit him.

### **40mm LLL (2<sup>nd</sup> Round)**

The Subject again opened the door to his apartment, holding the knife in his left hand, and began to close the distance between himself and the officers. While advancing on officers, the Subject repeatedly told the officers to kill him. In response to the Subject's actions, Officer E aimed at the Subject's naval area and discharged one eXact iMpacT round from the 40mm LLL from an approximate distance of 16 feet. The Subject appeared to wince but continued to walk toward the officers still holding the knife. According to Officer E, he/she observed the eXact

iMpack round make contact with the Subject's naval area but could not recall if the Subject responded to it.

### **40mm LLL (3<sup>rd</sup> Round)**

Nearly simultaneous to Officer B's third discharge of the TASER, Officer E observed the Subject continue to walk toward himself/herself and other officers while armed with a knife. In response, Officer E discharged his/her third eXact iMpack round from the 40mm LLL from an approximate distance of 17 feet and 8 inches. According to Officer E, the Subject posed an "immediate threat" to officers and continued to approach officers with a knife in his hand.

### **TASER Activation (First and only discharge of Bay 1 – trigger pull)**

The officers continued to move backward through the hallway while the Subject continued to walk toward the officers, armed with a knife. According to Officer E, Officer B was trying to close the door because the Subject was still approaching with the knife in his hand, stating "kill me," and the officers had already redeployed from the Subject's apartment to the rear of the hallway. Officer E shouted, "Taser! Taser! Taser! Coming out!" Officer E then aimed at the Subject's stomach area and deployed a set of TASER probes from an approximate distance of 12 feet. Officer E stated this option was seen as a "last resort" since all other options have been ineffective.

The AXON report indicated the charge was intermittent for approximately 4.9 seconds.

- **Officer J – TASER 7 – Two discharges from an approximate increasing distance of 13 feet to 16 feet.**

### **First Activation (Discharge of Bay 1 – 1<sup>st</sup> trigger pull)**

After observing previous intermediate force options had been ineffective, and the Subject continued approaching officers while armed with a knife, Officer J unholstered his/her TASER and moved forward near Officers B and H, shouting "Taser! Taser! Taser." Officer J then aimed at the Subject's naval area and discharged a set of TASER probes from an approximate distance of 13 feet and 7 inches. Officer J observed the TASER darts contact the Subject's lower abdomen and his leg. According to Officer J, he/she thought his/her TASER "might be effective" in allowing officers to get the Subject into custody and "get him the help that he needs."

The AXON report showed no electricity was discharged from Bay 1.

## **Second Activation (Discharge of Bay 2 – 2<sup>nd</sup> trigger pull)**

The Subject continued to move forward and shouted, "I want you to kill me." Officer J stated the Subject was still armed with a knife. In response to the Subject's actions, Officer J discharged a set of TASER probes from an approximate distance of 16 feet. According to Officer J, the Subject was closing the distance between him/her and the officers while still holding the knife. Officer J observed the TASER darts come in contact with the Subject's lower abdomen area and his leg.

The AXON report indicated that for one and a half seconds, there was no charge and for 3.5 seconds the charge was an intermittent charge.

The UOFRB evaluated the intermediate force used by Officers B, E and J. The UOFRB noted when the Subject opened his apartment door, he was armed with a knife and refused to comply with the officers' commands. Officer E utilized the element of surprise and discharged one round from the 40mm LLL, causing the Subject to close his apartment door. The Subject then exited his apartment again, still armed with a knife and refusing to comply with officers' commands. The UOFRB noted that in response, Officer E discharged two rounds from the 40mm LLL and discharged the TASER one time, Officer B discharged the TASER two times and activated it four times, and Officer J discharged the TASER two times.

The UOFRB noted in this instance, the officers displayed reverence for human life and an immense amount of restraint. Throughout the incident, the Subject continued to advance on officers while armed with a knife and displayed an active, immediate threat. The UOFRB opined the Subject's actions constituted an immediate threat to the safety of the officers and the use of the 40mm LLL and TASER were reasonable. The UOFRB opined the incident could have easily escalated into an officer-involved shooting; however, the officers' decisions to utilize intermediate force options deescalated the situation and allowed for officers to maintain distance from the Subject.

Regarding the number of times Officer B discharged and activated the TASER, the UOFRB opined his/her TASER was having connectivity issues; however, the UOFRB noted this tool did have moments of effectiveness throughout the incident. Therefore, the UOFRB opined there was no necessity for Officer B to transition to a different intermediate force option.

The BOPC determined that based on the totality of the circumstances, an officer with similar training and experience as Officers B, E and J in the same situation, would reasonably believe the use of intermediate force was proportional and objectively reasonable.

Therefore, the BOPC found Officer B, E and J's use of Intermediate Force to be In Policy.

## **Medical Treatment/Rendering Aid**

- The BOPC assessed the officers' response to Victim A, Victim B and the Subject and found their actions met the Department's expectations for rendering aid.