

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

OFFICER-INVOLVED SHOOTING – 064-23

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

| | | | |
|---------|---------|--|--|
| Topanga | 11/1/23 | | |
|---------|---------|--|--|

| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
|--|--------------------------|

| | |
|-----------|--------------------|
| Officer A | 18 years, 9 months |
| Officer B | 7 years, 6 months |

Reason for Police Contact

Topanga Patrol Division uniformed officers responded to a radio call of an “Assault with a Deadly Weapon (ADW)” suspect armed with a machete at a restaurant parking lot. Officers located the Subject, who was no longer in possession of the machete; however, he was observed by the officers to be armed with a knife. The officers followed the Subject in their patrol vehicle as they gave him commands to drop the knife. The Subject failed to comply with the officers’ commands and ultimately ran into a parking lot of an occupied restaurant. An officer discharged his/her TASER at the Subject multiple times with minimal effect. The Subject fled from the officers and ran toward the entrance of the restaurant while holding the knife, which resulted in an Officer-Involved Shooting (OIS). The Subject was struck by gunfire and transported by the Los Angeles Fire Department (LAFD) to the hospital, where he was pronounced deceased.

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

Male, 35 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board 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 7/30/24.

Incident Summary

On Wednesday, November 1, 2023, at approximately 1933 hours, Witness A was driving through the shopping center parking lot near Restaurant A when he/she observed an unknown male, later identified as the Subject, running behind his/her vehicle. According to Witness A, he/she stopped his/her vehicle, and through his/her open driver's window, asked the Subject what was wrong. The Subject approached Witness A's vehicle, reached through the open window, and dropped a large rock along the inside of the driver's door. The Subject then told Witness A, "Watch where you're going," and struck the driver's door with an unknown object.

Witness A exited his/her vehicle and observed that the Subject was armed with a machete. The Subject then swung the machete multiple times and attacked Witness A, striking him/her on his/her right collar bone, back, and right upper thigh. Witness A wrestled the Subject to the ground, which caused him to drop the machete. As Witness A picked up the machete, the Subject produced a knife. Witness A then re-entered his/her vehicle, drove away from the Subject, and called 911.

In response to Witness A's 911 call, at approximately 1939 hours, Communications Division broadcast a radio call of an "ADW suspect there now".

Officers A and B requested the radio call and responded to the location. At approximately 1941 hours, Communications Division broadcast that the suspect was no longer armed, and that Witness A threw his weapon outside the business.

At approximately 1949 hours, as the officers arrived in the area of the radio call, Officer B broadcast they were Code Six. Additionally, he/she read Officer A the comments of the call, which included the Subject's description, last known direction, and that he was no longer armed with a machete.

While driving into the parking lot, Officer B stated to Officer A that there was a crazy twaker-looking guy over there, as he/she pointed east. Officer A was initially unsure who Officer B was referring to.

Officer A then turned the vehicle around as Officer B utilized his/her spotlight to illuminate the Subject, who was walking east on the south sidewalk. Officer A drove out of the parking lot in the direction of the Subject, as he continued to walk away from the officers.

Officer A then pulled the vehicle to the west curb and stopped. Simultaneously, the Subject turned around and ran straight toward the front of the officers' vehicle. He had his left hand concealed in the front pocket of his jacket, while he held multiple brown bags in his right hand. The Subject ran onto the roadway, crossed in front of the

officers' vehicle, and continued along the driver's side door. As the Subject ran past the officers' vehicle, Officer B exited the passenger's seat and ran after him.

Officer B continued to run west, along the south side of the street as the Subject ran along the northside of the roadway.

Once Officer B observed the Subject in possession of the knife, he/she moved from the roadway into the shopping center parking lot, and unholstered his/her pistol. Officer B faced the Subject. The Subject then ran across the roadway, behind a passing vehicle as he raised his left hand above his head and took several steps in Officer B's direction.

The Subject then turned away from Officer B and ran onto the south sidewalk. Officer B then assumed a two-handed grip of his/her pistol and pointed it toward the Subject. Officer B shouted, "Hey," as the Subject ran between parked vehicles and into the shopping center parking lot.

At this point, Officer A finished turning their vehicle around and faced west, when Officer B then broadcast a request for a back-up for a man with a knife as Officer A drove into the shopping center parking lot toward the Subject.

The Subject continued to run through the shopping center parking lot and into Restaurant A's drive-thru. The officers entered the drive-thru behind the Subject and briefly lost sight of him. As Officer A drove around the corner of the drive-thru, he/she unholstered his/her pistol while steering the vehicle with his/her left hand.

At approximately 1951 hours, the officers located the Subject once again. Officer B broadcast the Subject was now running toward the freeway. Officer B illuminated the Subject with his/her spotlight as he walked north along the sidewalk, near the freeway on-ramp. Officer A drove up to the Subject and stopped the vehicle. The Subject then turned his body counterclockwise and ran toward the passenger's side of the officers' vehicle with the knife in his left hand.

As the Subject approached the officers' vehicle, he raised the knife above his left shoulder with the blade pointed downward. The Subject then struck the vehicle with the knife and ran away from the officers.

According to Officer A, when he/she stopped the vehicle, the goal was to prevent the Subject from entering the freeway and to take him into custody.

As the Subject continued to flee, the officers remained inside their vehicle. Officer A turned the vehicle around in the Subject's direction and advised Officer B to get the TASER. The officers continued to follow the Subject as he ran on the street then west along the north side of the road. The Subject then ran across the road, in front of the officers' vehicle to the south side of the roadway.

At this moment, Officer A briefly stopped the vehicle and both officers opened their doors.

After momentarily opening his door, Officer B closed it as the officers continued to follow the Subject in their vehicle west into the eastbound lanes of traffic. Officer B then advised Officer A to “keep a slight distance.” The officers utilized the vehicle’s spotlights to illuminate the Subject as he continued to walk away from them and onto the south sidewalk.

As he moved along the south sidewalk and with his back to the officers, the Subject produced a dark colored object, later determined to be a glass bottle, and held it in his right hand.

The Subject slowed to a walk and moved toward numerous east-facing vehicles, which were stopped at a red tri-light. Officer B utilized the vehicle’s Public Address (PA) system and instructed the motorists to lock their doors and roll up their windows as the Subject walked past their vehicles. At this point, Officers C and D arrived at scene and remained inside their vehicle as they followed behind Officers A and B.

At 19:53:30 hours, as Officer A operated the vehicle, he/she unholstered his/her TASER and continued to give the Subject commands to drop the bottle and the knife.

According to the AXON TASER Summary Report, Officer A pressed the right arc button on his/her TASER four times between 1953:42 and 1953:43 hours. According to Officer A, the four arc button presses were unintentional and could have occurred while his/her finger was along the frame of the TASER during the incident.

Simultaneously, while the Subject was on the southwest corner of the road, Officer B made an additional PA announcement and stated, “Hey guys, get inside the building and lock the doors. He is armed with a knife.”

The Subject then ran through the intersection in the direction of Restaurant B when Officer A re-entered their vehicle. At approximately 1953:53 hours, Officer A directed Officer B to “get the beanbag” as the officers followed the Subject into the restaurant parking lot. Officer B elected not to deploy the 40mm LLL.

After briefly losing sight of the Subject, Officers A and B and Officers C and D drove into the parking lot. Officer B stated to Officer A, “Let’s just slow it down. Don’t let him go in there.”

This portion of the incident unfolded at a rapid pace and most of the officers’ actions occurred simultaneously. It is important to note, Restaurant B is a large restaurant with both indoor and outdoor dining areas. At the time of this incident, the restaurant was open for business and occupied by employees and customers. Additionally, as the Subject entered the parking lot, multiple individuals and vehicles can be seen in and around the exterior of the restaurant.

Officer A stopped their vehicle with Officers C and D behind them. Officer B used the PA system once again and announced, "Everyone get inside the restaurant and lock the doors. This is the LAPD. Lock the doors."

While Officer B utilized the PA system, the Subject ran toward the back of the parking lot. The officers drove in the Subject's direction as Officer A confirmed with Officer B that the Subject was still armed with the knife.

As the Subject changed direction and ran toward the restaurant, Officers A and B and Officers C and D stopped their vehicles. Officer A immediately exited his/her vehicle and ran after the Subject while still holding his/her TASER.

Simultaneously, Officer B exited the vehicle, unholstered his/her pistol, and ran after the Subject.

While running along the east side of Restaurant B, Officer A closed the distance, when the Subject abruptly stopped and turned his head in Officer A's direction. The Subject then raised the knife in his left hand, while holding the bottle in his right hand.

At 1954:38 hours, Officer A discharged his/her TASER at the Subject. While the TASER was still activated, the Subject turned away from Officer A and began to run past the northeast entrance to the restaurant and fell to the ground. According to Officer A, the first time he/she discharged his/her TASER, he/she aimed at the Subject's back from an approximate distance of 10-15 feet.

At 1954:42 hours, while the Subject remained on the ground, Officer A discharged his/her TASER for a second time. During the second TASER discharge, Officer A believed he/she aimed at the Subject's chest or back area from an approximate distance of 10 feet.

When explaining the consideration for the deployment of less-lethal and the 40mm LLL, Officer C advised investigators, as he/she and Officer D arrived at the scene, the established plan was for Officer C to be lethal and Officer D to be less-lethal.

After Officer A discharged the TASER and the Subject fell to the ground, the Subject dropped the glass bottle and transitioned the knife to his right hand. The Subject ignored the officers' commands to drop the knife and stood up. Officer A then transitioned the TASER to his/her left hand and unholstered his/her pistol.

As the Subject faced the officers, he stated, "I'm just trying to walk away," before he ran toward the hostess area of the restaurant, which led to an entrance and outdoor dining area.

Officers A, B, C, and D ran after the Subject as he entered the hostess area of the restaurant, while he was still armed with the knife.

After the Subject entered the gate and moved toward the outdoor dining area, Officer A fired five rounds and Officer B fired four rounds from their pistols. All nine rounds were fired in approximately 2.807 seconds. The following contains each officer's actions and their account of the incident.

Officer A's actions and account of the OIS

At approximately 1954:56 hours, the Subject ran into the hostess area as he momentarily looked over his right shoulder in the officers' direction. The Subject then raised the knife with the blade pointed downward, immediately turned clockwise and faced the officers' direction. While doing so, the Subject changed his grip on the knife and held it with the blade upward.

The Subject then began to back-pedal and stated, "I'm just trying to walk away. (Inaudible) walk away." Officer A simultaneously held his/her TASER in his/her left hand while maintaining a modified two-handed grip on his/her pistol. Officer A pointed his/her pistol at the Subject as he/she closed the distance and shouted, "Drop the knife, drop the knife, drop the knife." The Subject ignored Officer A's commands and looked to his left before he sidestepped in the direction of the outdoor dining area.

As the Subject continued toward the threshold leading to the dining area, Officer A fired five consecutive rounds.

Round Nos. 1 and 2

The Subject held the knife and moved laterally toward the dining area when Officer A fired his/her first two rounds.

Round Nos. 3 thru 5

As Officer A fired his/her second round, the Subject began to turn toward the entrance of the dining area, while still holding the knife. As the Subject crossed the threshold into the dining area, Officer A continued to fire three additional rounds. As the Subject was struck by gunfire, he raised the knife over his head before he fell to the ground.

Officer A stated he/she stopped firing after the Subject was no longer a threat.

According to Officer A, his/her target area was the Subject's center body mass. Officer A believed he/she fired all his/her rounds from an approximate distance of 6 to 8 feet.

Officer A believed he/she only fired four rounds; however, the FID investigation determined he/she fired a total of five rounds from a decreasing distance of 14 to 9 feet.

After Officer A ceased firing, sounds of an arcing TASER can be heard in the background. According to the AXON TASER Summary Report, the right arc button on Officer A's TASER was pressed at 1954:57 hours, before the OIS and again at 1955:02

hours, during the OIS. Officer A advised FID investigators both of the right arc button activations were unintentional.

Officer B's actions and account of the OIS

Officer B advised FID investigators he/she had been to the location on prior occasions and was familiar with the layout of the restaurant. He/she was also aware there was a side entrance, which led to the inside of the restaurant from the patio area. According to Officer B, as the Subject ran toward Restaurant B armed with the knife, he/she was concerned if the Subject entered the restaurant, he would have access to additional victims.

After the Subject ran into the hostess area and turned toward Officer A holding the knife, Officer B unholstered his/her pistol.

Note: Officer B advised FID investigators that at no point did he/she allow the muzzle of his/her pistol to cover Officer A or any other officers during this incident. According to Officer B, he/she was aware of the other officers' positions and ensured he/she kept the muzzle of his/her pistol pointed in a safe direction.

As Officer B was offset to Officer A's right side and the Subject moved toward the outdoor dining area, Officer B utilized a one-handed grip, raised his/her pistol, and fired four consecutive rounds at the Subject.

Round Nos. 1 thru 4

According to Officer B, he/she believed the Subject, armed with the knife, was facing Officer A when he/she [Officer B] fired his/her first round. The Subject then began to turn away from Officer A when Officer B fired his/her second round. The Subject continued to walk toward the side entrance of the restaurant when Officer B fired his/her third round. Officer B stopped firing after the Subject fell to the ground, and he/she could no longer see the knife.

Officer B advised FID investigators his/her target area was the Subject's center body mass, and Officer B believed he/she fired all of his/her rounds from an approximate distance of 15 feet. Officer B assessed between each of his/her rounds.

Officer B believed he/she only fired three rounds; however, the FID investigation determined he/she fired a total of four rounds from a decreasing distance of 18 to 20 feet.

Officer B advised investigators that when he/she said he/she fired three rounds it was an estimation. During the incident, Officer B stated his/her attention was on the Subject, and he/she was not focused on the number of rounds he/she fired.

Officer D's actions and account of the OIS

At 1954:58 hours, Officer D stood outside the gated hostess area as the Subject held the knife and faced Officer A. As the Subject moved toward the outdoor dining area, the OIS occurred. As Officers A and B fired, Officer D immediately entered the hostess area and stood behind Officers A, B, and C.

Officer C's actions and account of the OIS

At 1954:58 hours, Officer C stood outside the gated hostess area as the Subject held the knife and faced Officer A. Officer C shouted, "Drop the knife," as the Subject continued to move toward the dining area. As Officer C entered the hostess' area and stood approximately 8 to 10 feet behind Officers A and B, the OIS occurred.

Post-OIS:

Immediately after the OIS, at approximately 1955:08 hours, Officer D broadcast, "Shots fired, officers need help. Shots fired, Officers need help." As Officers A and B covered the Subject, Officer A handed his/her TASER to Officer D.

At 1956:08 hours, Tactical Flight Officer A broadcast a request for a Rescue Ambulance (RA) to respond to the scene.

As the Subject laid on ground, Officers A and B remained unholstered. Officer B formulated a plan and designated Officers C and D as the arrest team. Before they approached, Officer B stated to Officers C and D, "And then if we can, we're going to try to render aid once he's cuffed..."

At 1956:27 hours, the team of officers approached the Subject, and he was handcuffed by Officers C and D without incident. A pat down search was conducted, and the Subject was placed on his left side into a recovery position.

As Officer C monitored the Subject, he/she motioned with his/her hands and asked Officer A, "CPR?" Officer A then advised Officer C not to initiate CPR because it would, "Push the blood out of him." The Subject remained in the recovery position until additional officers arrived at the scene.

Officer A could not recall the source of this information and believed it was from Department training.

At 2000 hours, Officer E arrived at scene and obtained his/her medical equipment bag stored in the trunk of his/her vehicle. After gathering his/her supplies, Officer E ran to the Subject's side and with the assistance of multiple officers, he/she began to render aid until LAFD arrived at scene.

At approximately 2009 hours, LAFD arrived at the Subject's side.

The Rescue Ambulance, staffed by FF/PMs arrived at scene and transported the Subject to the hospital, where he was pronounced deceased at 2042 hours.

Background Analysis:

Force Investigation Division investigators analyzed the scene, physical evidence, and video footage to assess Officer A and B's background during the OIS.

The investigation determined the background for the rounds fired by Officers A and B was a 3-foot high and 2-inch wide plywood wall, the south wall of the restaurant's hostess area and the southeast portion of the unoccupied outdoor dining section.

BWV and DICVS Policy Compliance

| NAME | TIMELY BWV ACTIVATION | FULL 2-MINUTE BUFFER | BWV RECORDING OF ENTIRE INCIDENT | TIMELY DICVS ACTIVATION | DICVS RECORDING OF ENTIRE INCIDENT |
|-----------|-----------------------|----------------------|----------------------------------|-------------------------|------------------------------------|
| Officer A | Yes | Yes | Yes | Yes | Yes |
| Officer B | Yes | Yes | Yes | Yes | Yes |

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Officer A and B's tactics to warrant a tactical debrief.

B. Drawing and Exhibiting

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

C. Intermediate Use of Force

The BOPC found Officer A's intermediate use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officer A and B's lethal use of force to be in policy.

Basis for Findings

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

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

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

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

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

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable

an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;

- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

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

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

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

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

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

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

Rendering Aid: After any use of force, officers shall immediately request a 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, suspects of a use of force and fellow officers:

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

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

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

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

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

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

Definitions

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

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

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

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his/her 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 – This incident was the first time Officers A and B were partners. While responding to this radio call, they discussed details of the incident, intermediate force options and cover/contact roles. According to Officer A, based on the comments of the call, he/she believed that the Subject had already fled the location and the officers' plan was to meet Witness A at Restaurant A. As the officers drove into Restaurant A's parking lot, they observed a male acting "crazy" and assessed that was the suspect from the radio call.

When the Subject struck the police vehicle with the knife, Officer A stated he/she stopped the vehicle with the goal of preventing the Subject from entering the freeway and take him into custody. As the Subject continued to flee, Officer A advised Officer B to get the TASER and the plan was to tase the Subject before he reached a more populated area; however, the Subject continued running away.

Time and Redeployment and/or Containment – Once the officers observed the Subject in possession of the knife, they maintained distance as they followed the Subject, with Officer B advising Officer A, "let's keep a slight distance." Officers A and B

attempted to establish containment by positioning their police vehicle in a way that allowed them to use their police vehicle as cover, while maintaining distance from the Subject. The vehicle provided cover and afforded officers more time to communicate with the Subject, motorists, and patrons of Restaurant B as they continued to assess the situation.

Other Resources and Lines of Communication – Upon observing the Subject armed with a knife, Officer B immediately requested a backup and communicated to responding units that the Subject was armed with a knife. While the Subject was in Restaurant B's parking lot, the air unit arrived overhead and broadcast the Subject's movements. During the incident, Officers A and B continuously communicated with the Subject, which included issuing verbal commands to stop, drop the knife and multiple use of force warnings for the use of the TASER. Officer A gave clear intermediate force warnings informing the Subject he/she would use the TASER if he did not drop the knife. Officer B used the PA system to communicate to motorists to lock their doors and roll up their windows as they followed after the Subject. As Officers A and B entered the parking lot of Restaurant B, Officer B again used the PA system to communicate to patrons to go inside the restaurant and lock the doors.

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

Debriefing Point No. 1: Basic Firearms Safety Rules

As Officer A drove around the corner of Restaurant A's drive-thru, he/she unholstered his/her service pistol while steering the vehicle with his/her left hand. According to the FID investigation, during a review of body worn video (BWV), as Officer A unholstered, he/she appeared to cover his/her left forearm with the muzzle of his/her pistol.

The UOFRB (Use of Force Review Board) assessed Officer A's adherence to the Basic Firearm Safety Rules. The UOFRB noted while driving the police vehicle, Officer A unintentionally covered his/her left hand with his/her service pistol. When reviewing the evidence presented, Officer A's finger was off the trigger and alongside the frame of his/her service pistol. The UOFRB determined based on the threat the Subject posed and as Officer A turned the blind corner of the drive thru, Officer A needed to expediently move his/her firearm to a position where he/she could use it to defend himself/herself or others. The UOFRB opined there was a sense of urgency to react that necessitated his/her need to draw his/her firearm. Although Officer A momentarily covered his/her forearm, based upon the totality of the circumstances, including the confined space Officer A was operating in, the manner in which a person is situated inside the vehicle and the urgency with which he/she was forced to react, it did not rise to a substantial deviation from approved Department tactical training.

Upon review of the same factors as the UOFRB, the Chief found Officer A did substantially deviate from Department-approved tactical training when he/she covered himself with his/her firearm, a violation of the firearm safety rules. However, in considering the urgency in his/her need to react, the confined space in which he/she

was operating and the fluid nature of the event, the deviation was reasonably justified. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Emergency Vehicle Operations – During a review of BWV, FID investigators noted as Officer A responded Code Three to the incident, he/she consumed food and a beverage while he/she operated the police vehicle. While doing so, there were moments when he/she drove with one hand, and at times, removed both hands from the steering wheel. When questioned about his/her actions, Officer A advised he/she did not recall driving in that manner, and it was not his/her normal practice.

As Officers A and B followed the Subject, Officer A was observed via the police vehicle's Digital In-Car Video System (DICVS) driving with forward facing lights and spotlights on the opposite side of the road toward incoming traffic.

During the incident, Officer A drove the police vehicle alongside the Subject as he approached the intersection. Officer A stopped the vehicle and without shifting the transmission into park, momentarily exited the driver's seat. While standing outside the vehicle, the vehicle began rolling forward at less than one mile per hour, prompting Officer A to get back in the driver's seat and bring it to a stop. Officer A is to be reminded about the importance of safely operating a motor vehicle. To enhance future performance, the Chief directed that the aforementioned issues be topics of discussion during the Tactical Debrief.

Profanity – During the incident, Officers A and B used profanity in an attempt to gain compliance and convey the seriousness of the situation to the Subject. Officers are reminded that profanity can be unprofessional and at times, escalate a situation. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Driving While Maintaining Control of TASER – As Officer A operated the police vehicle, he/she unholstered his/her TASER and continued to give the Subject commands to drop the bottle and the knife. Officer A transitioned his/her TASER from his/her right to left hand multiple times while operating the vehicle. Alternatively, Officer A could have kept his/her TASER holstered as he/she focused on driving. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Taser Manipulations – Officer A transitioned his/her TASER from his/her right to left hand multiple times while operating the vehicle as he/she followed the Subject. According to the AXON TASER Summary Report, Officer A pressed the right arc button on his/her TASER four times between 1953:42 and 1953:43 hours. According to Officer A, the four arc button presses were unintentional and could have occurred while his/her finger was along the frame of the TASER during the incident. During the OIS, as Officer

A held his/her TASER and firearm, he/she unintentionally activated the arc button on the side of the TASER. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Holding Service Pistol in One Hand and Equipment in Other – According to Officer A, he/she had difficulties holstering his/her TASER following the second discharge as he/she ran after the Subject. The Subject ran into the hostess area, raised the knife with the blade pointed downward, turned around and faced the officers' direction. Officer A simultaneously held his/her TASER in his/her left hand while maintaining a modified two-handed grip on his/her service pistol as he/she discharged his/her weapon. Following the OIS, Officer A handed his/her TASER to another officer as he/she formulated an arrest team to take the Subject into custody. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Command and Control

Following the OIS, Officer A assumed the role of Incident Commander (IC), formed an arrest team, and monitored the approach as officers took the Subject into custody. Officer A directed Officers C and D to place the Subject in the recovery position and conduct a pat down search.

Sergeants A and B arrived on scene after the OIS. Prior to arrival, Sergeant A declared himself/herself IC. After arriving, Sergeant A gained situational awareness of the incident, maintained crime scene management, and identified and separated the involved officers. Sergeant A provided supervisory oversight to responding officers for crime scene establishment and visually monitored and separated Officer A. Sergeant B assisted Sergeant A with crime scene management and separated Officer B to conduct a Public Safety Statement (PSS). At approximately 2005 hours, Sergeant B took a PSS from Officer B and initiated separation and monitoring protocols.

At approximately 2008 hours, Lieutenant A arrived on scene and declared himself/herself IC. Lieutenant A took Officer A from Sergeant A and directed Sergeant B to conduct Officer A's PSS. At approximately 2010 hours, Sergeant B took a PSS from Officer A and initiated separation and monitoring protocols. Lieutenant A directed Sergeant A to monitor Officers C and D. At approximately 2008 hours, Lieutenant B notified the Department Operations Center (DOC) of the incident.

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

Tactical Debrief

In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A and B were not a substantial deviation from Department-approved

tactical training.

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

Therefore, the Chief directed Officers A and B to attend a Tactical Debrief and the specific identified topics be discussed.

B. Drawing and Exhibiting

- **Officer A**

1st Occurrence: The Subject continued to run through the shopping center parking lot and into Restaurant A's drive-thru. The officers entered the drive-thru behind the Subject and briefly lost sight of him. As Officer A drove around the corner of the drive-thru, he/she unholstered his/her pistol while steering the vehicle with his/her left hand. According to Officer A, he/she unholstered his/her service pistol as he/she feared for the safety of motorists and workers in the drive thru, believing the Subject was still armed with a knife and could possibly be around the corner.

2nd Occurrence: After Officer A discharged the TASER and the Subject fell to the ground, the Subject dropped the glass bottle and transitioned the knife to his right hand. The Subject ignored the officers' commands to drop the knife and stood up. Officer A transitioned the TASER to his/her left hand and unholstered his/her service pistol. According to Officer A, he/she unholstered his/her service pistol because the Subject was armed with a knife and feared the Subject would cause serious bodily injury to him/her, his/her partner, or the patrons inside the restaurant.

- **Officer B**

1st Occurrence: As the Subject ran past the officers' police vehicle, Officer B exited the passenger seat and ran after him. Officer B continued to run west, along the south side of the street, as the Subject ran along the north side of the roadway. Once Officer B observed the Subject in possession of the knife, he/she moved from the roadway into the shopping center parking lot and unholstered his/her service pistol. According to Officer B, he/she unholstered his/her service pistol as he/she believed the situation might escalate to a deadly force situation when he/she observed the Subject arm himself with a knife and charge towards him/her.

2nd Occurrence: As the Subject ran toward Restaurant B, Officer B exited the police vehicle, unholstered his/her service pistol and ran after the Subject. According to Officer B, he/she observed the Subject was still armed with a knife and wanted to take the role of lethal cover for Officer A as he/she deployed the TASER. Moreover, Officer B believed the situation was going to escalate into a hostage situation as the Subject

had access to more potential victims inside the restaurant. Officer B holstered his/her service pistol as he/she ran after the Subject toward the hostess area.

3rd Occurrence: After the Subject ran into the hostess area and turned toward Officer A holding the knife, Officer B unholstered his/her service pistol. According to Officer B, he/she observed the Subject turn toward his/her partner and feared his/her partner would be attacked.

The UOFRB assessed Officers A and B's drawing and exhibiting of their service pistols. The UOFRB noted the officers drew and exhibited their service pistols multiple times during this incident as the Subject armed himself with a knife and refused to comply to officers' commands. Based on the Subject's violent actions, being armed with a knife and his refusal to disarm himself as directed, it was reasonable to believe the encounter with the Subject could result in a violent confrontation potentially causing death or serious bodily injury. The UOFRB opined it was reasonable for the officers to believe the situation could escalate to the use of deadly force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe the situation could escalate to where deadly force may be justified. Therefore, the BOPC found Officers A and B's Drawing/Exhibiting to be In-Policy, No Further Action.

C. Intermediate Use of Force

Officer A – TASER – Two discharges from an approximate distance of 9 and 11 feet.

First Activation (First Discharge of Bay 1 – 1st trigger pull)

As the Subject ran toward the restaurant, Officers A and B and Officers C and D stopped their vehicles. Officer A immediately exited his/her vehicle and, while still holding his/her TASER, ran after the Subject. Officer A warned the Subject to drop the knife. While running along the east side of the restaurant, the Subject abruptly stopped and turned his head in Officer A's direction. The Subject raised the knife in his left hand while holding the bottle in his right hand. Officer A deployed the TASER in probe mode at the Subject. While the TASER was still activated, the Subject turned away from Officer A and began to run past the northeast entrance to the restaurant and then fell to the ground. According to Officer A, the first time he/she discharged his/her TASER, he/she aimed at the Subject's back from an approximate distance of 10-15 feet.

The TASER pulse logs indicated after the first cartridge was deployed, a circuit may have been briefly established for less than one second.

Second Activation (Second Discharge of Bay 2 – 2nd trigger pull)

According to Officer A, following the first TASER discharge, the Subject fell to the ground; however, he/she was not sure if it was effective. At 1954:42 hours, while the

Subject remained on the ground, Officer A deployed a second set of TASER probes at the Subject. During the second TASER discharge, Officer A believed he/she aimed at the Subject's chest or back area from an approximate distance of 10 feet.

The TASER pulse logs indicated a circuit was not established during the second cartridge deployment.

The UOFRB evaluated the intermediate force used by Officer A. The UOFRB noted the Subject was armed with a knife and refused to comply with officers' commands. Officer A discharged the TASER and the Subject fell to the ground. According to Officer A, following the first TASER discharge the Subject fell to the ground; however, he/she was not sure if it was effective. The UOFRB noted that in response, Officer A discharged the TASER a second time. The Subject ignored the officers' commands to drop the knife and stood up. 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 move toward officers as well as motorists while armed with a knife and displayed an active threat. The UOFRB opined the Subject's actions constituted an immediate threat to the safety of the officers and the use of the TASER was reasonable. The UOFRB opined the incident could have easily escalated into an OIS even earlier during the incident; however, Officer A's decision to utilize intermediate force allowed for officers to maintain distance from the Subject and were applied appropriately as the Subject posed an immediate threat.

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

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

D. Lethal Use of Force

Officer A – .40 caliber, semi-automatic pistol, a total of five rounds fired from a decreasing distance of 14 to 9 feet.

Background

According to the FID investigation, Officer A's background when he/she fired his rounds consisted of a three-foot high and two-inch wide plywood wall, the south wall of the restaurant's hostess area and the southeast portion of the unoccupied outdoor dining section.

The OIS began in the hostess area and led into the outdoor dining section. There was an entrance from the dining area, which lead into the main restaurant. At the time of the OIS, there were customers and employees inside the restaurant. Due to Officer B's warnings over the PA system, no patrons were in the immediate outdoor dining area

during the incident.

When the Subject ran into the hostess area, he momentarily looked over his right shoulder in the officers' direction. The Subject then raised the knife with the blade pointed downward, immediately turned clockwise and faced the officers' direction. While doing so, the Subject changed his grip on the knife and held it with the blade upward.

The Subject then began to back-pedal and told the officers he was just trying to walk away. Officer A simultaneously held his/her TASER in his/her left hand while maintaining a modified two-handed grip on his/her pistol. Officer A pointed his/her pistol at the Subject and closed the distance shouting, "Drop the knife, drop the knife, drop the knife." The Subject ignored Officer A's commands and looked to his left before he sidestepped in the direction of the outdoor dining area.

As the Subject continued toward the threshold leading to the dining area, Officer A fired a total of five consecutive rounds. Officer A believed he/she only fired four rounds; however, the FID investigation determined he/she fired a total of five rounds from a decreasing distance of 14 to 9 feet.

Rounds One and Two

The Subject held the knife and moved laterally toward the dining area, refusing to comply to Officer A's commands to drop the knife. Officer A assessed the situation and believed due to the Subject's aggressive behaviors during their encounter including his refusal to drop the knife, that the Subject would attack the individuals inside the restaurant. Officer A stated the Subject demonstrated he was not afraid of the police and believed he was not afraid of taking a hostage or killing someone inside the restaurant. As a result, Officer A fired his/her first two rounds. According to Officer A, prior to firing his/her first round, he/she assessed his/her background and noted his/her background was clear and there were no pedestrians.

Round Nos. 3 thru 5

As Officer A fired his/her second round, the Subject began to turn toward the entrance of the dining area, while still holding the knife. As the Subject crossed the threshold into the dining area, Officer A continued to fire three additional rounds. As the Subject was struck by gunfire, he raised the knife over his head before he fell to the ground.

Officer A stated he/she stopped firing after he/she assessed the Subject was no longer a threat. According to Officer A, his/her target area was the Subject's center body mass and believed he/she fired all his/her rounds from an approximate distance of 6 to 8 feet.

Officer B – .45 caliber, semi-automatic pistol, four rounds fired from a decreasing distance of 20 to 18 feet.

Background

According to Officer B, prior to firing his/her first round, he/she assessed his/her background and noted his/her background was the building wall with furniture and there were no patrons in the immediate outdoor dining area during the incident.

Based on the FID investigation, it was determined the background for the rounds fired by Officer B consisted of a three-foot high and two-inch wide plywood wall, the south wall of the restaurant's hostess area and the southeast portion of the unoccupied outdoor dining section.

Round Nos. 1 thru 4

According to Officer B, when he/she fired his/her first round, he/she believed the Subject was going to use the knife to attack Officer A. Officer B stated due to the Subject's erratic behavior of using violence towards him/her and his/her partner, he/she was concerned for the safety of the patrons inside the restaurant and believed he/she needed to stop the Subject. The Subject then began to turn away from Officer A and run toward the side entrance door when Officer B fired his/her second round. The Subject continued to walk toward the side entrance of the restaurant when Officer B fired his/her third round. Officer B stopped firing after the Subject fell to the ground, and he/she could no longer see the knife.

The UOFRB assessed Officers A and B's use of lethal force. The UOFRB noted the officers were responding to a radio call for an ADW suspect armed with a machete. After locating and making contact with the Subject, he produced a knife and approached. As officers followed the Subject, he ran toward the police vehicle and struck it with the knife. After numerous commands to drop the knife, the Subject ultimately ran into a parking lot of an occupied restaurant. Based upon the Subject's aggressive actions while armed with a deadly weapon, the UOFRB noted Officers A and B feared for the lives and safety of the community members as the Subject ran to the restaurant. Their belief was evidenced by their utilization of their PA system to advise those in the area to go inside the restaurant and lock the doors.

Following the second discharge of the TASER by Officer A, the Subject continued toward the threshold leading to the dining area. Officers A and B believed the Subject was going to attack them, patrons inside the restaurant, and/or take a hostage which would result in serious bodily injury or death. To protect themselves and the patrons, Officer A discharged five rounds and Officer B discharged four rounds at the Subject, stopping his violent actions. The UOFRB opined Officer A and B's belief that the Subject posed an imminent threat of death or serious bodily injury to themselves and

community members inside the restaurant was reasonable, and their use of lethal force was reasonable, necessary and proportional to the threat the Subject posed.

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

Therefore, the BOPC found Officers A and B's Use of Lethal Force to be In Policy, No Further Action.

Medical Treatment/Rendering Aid

At 1956:08 hours, Tactical Flight Officer A broadcast a request for a rescue ambulance (RA) to respond to the scene. At 1956:27 hours, the team of officers approached the Subject and he was handcuffed by Officers C and D without incident. A pat down search was conducted, and the Subject was placed on his left side into a recovery position. At approximately 1957:33 hours, Officer A directed a different set of responding officers to guide LAFD.

At 2000 hours, Officer E, a certified Emergency Medical Technician (EMT), arrived at scene and obtained his/her medical equipment bag stored in the trunk of his/her vehicle. At approximately 2000:28 hours, Officer E ran to the Subject's side and began to render aid, including administering Cardiopulmonary Resuscitation (CPR), until LAFD arrived at scene. The UOFRB opined officers met the Department's expectation of rendering aid.

At approximately 2009:29 hours, LAFD, along with Firefighter/Emergency Medical Technicians (FF/EMT), arrived at the Subject's side. Additionally, an RA staffed by FF/PMs arrived at scene and transported the Subject to the hospital, where he was pronounced deceased at 2042 hours.

Requirement to Intercede

Based on their review of this incident, the BOPC determined the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances and would not have required an officer to intercede.