

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

**OFFICER-INVOLVED SHOOTING – F067-23**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Olympic	11/29/23		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	8 years, 10 months

**Reason for Police Contact**

Officers responded to a radio call of an, “*Assault with a Deadly Weapon (ADW)*” suspect armed with a knife. As the officers arrived, the Subject attempted to stab Victim A, which resulted in an Officer-Involved Shooting (OIS).

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
Female, 28 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 (CUOF) 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 (FID) 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 (Chief); 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 November 5, 2024.

## **Incident Summary**

On Wednesday, November 29, 2023, Victim A was inside a gas station in the process of paying for merchandise when a female, later identified as the Subject, approached and placed an open beer on the counter and advised the cashier that Victim A was going to pay for the item. Victim A then informed the Subject he did not have money to pay for her beer. In response, the Subject became angry, threatened Victim A, and threw the coffee he had just paid for into the trash. Victim A then exited the minimart and ultimately walked east, as the Subject followed him. According to Victim A, the Subject continued to follow him as he crossed the street onto the south side, when he called 911. According to Victim A, as he was on the line with 911, the Subject sprayed him in the eyes with a chemical irritant. After doing so, the Subject produced a knife and attempted to stab Victim A.

During the altercation, Victim A struck the Subject on the head with his cellular phone and attempted to flee. The Subject fell before she stood up and continued to chase Victim A with the knife. According to Victim A, he attempted to kick the Subject and pled with her to calm down.

As Victim A moved away from the Subject, he obtained a wooden drawer from a dresser that was discarded along the parkway in front of a residence. Victim A held up the drawer and used it as a barrier between him/herself and the Subject. According to Victim A, the Subject swung the knife at him, as she held the knife in her right hand, with the blade pointed downward.

Victim A pushed the drawer toward the Subject and deflected the knife as she screamed Victim A was going to rape her. Victim A indicated that the Subject threatened to kill him and told him, *"You're going to die today."* The Subject's screams attracted the attention of multiple bystanders, who called 911.

In response to the 911 calls, Communications Division initially assigned the radio call to an Olympic Patrol Division unit. That unit acknowledged the radio call, but broadcast their response would be delayed because they were in the process of conducting a traffic stop.

Olympic Patrol Division uniformed Officers A and B broadcast they would respond as a backup unit to the primary unit assigned to the radio call. As Officers A and B responded, Communications Division re-assigned them as the primary unit to the radio call.

As the officers arrived at the location, they observed the Subject chasing Victim A in the middle of the roadway. According to Officer A, he/she stopped their vehicle approximately 50 to 60 feet away from the Subject and utilized his/her spotlight to illuminate her. The Subject turned and looked in Officer A's direction, and he/she observed her with a knife in her right hand. The Subject attempted to stab Victim A as he backed up approximately 2 to 3 feet away from her.

According to Officer B, he/she was unable to see clearly what the Subject had in her hands.

Officer A believed the Subject was in the act of stabbing Victim A.

Less than one minute after broadcasting that they were at the location, Officer B broadcast a backup request. As the vehicle came to a stop, Officer A opened his/her vehicle door and unholstered his/her pistol. While still seated in the vehicle, Officer A transitioned his/her pistol to his/her left hand, and placed the vehicle in park. He/she then transitioned his/her pistol back to his/her right hand and exited the vehicle.

Immediately after exiting the vehicle, Officer A stepped around his/her door and began to close the distance on the Subject. Officer A shouted, *"Drop the knife."*

Simultaneously, Officer B exited the vehicle, unholstered his/her pistol, and stood behind his/her open passenger's door.

The Subject continued to chase Victim A south in the roadway toward the officers. Officer A then took several steps in their direction, raised his/her pistol while he/she maintained a two-handed grip, and shouted, *"Drop the knife! Hey! Drop the knife!"*

The Subject ignored Officer A's commands and continued making slashing motions as she moved toward Victim A.

According to Officer B, due to the proximity between the Subject and Victim A, he/she decided not to deploy the 40mm less-lethal launcher (LLL).

As Officer A moved toward the Subject, Officer B redeployed toward the front of their vehicle. When asked about his rationale for leaving his position of cover, Officer B indicated he/she observed Officer A move into his/her line of sight, and to avoid crossfire, he/she redeployed.

Officer A believed Victim A was using a box as a barrier between him/herself and the Subject.

**Officer B's account of the OIS:** According to Officer A, he/she believed the Subject was going to kill Victim A, as she continued to advance toward him with the knife. Officer A raised his/her pistol and with both eyes open, he/she utilized his/her pistol mounted optic and aimed at the Subject's left shoulder area. To prevent the Subject from stabbing Victim A, Officer A fired two rounds.

The investigation determined the background for the rounds fired by Officer A were unoccupied vehicles parked along the west curb of Kenmore Avenue.

**Officer B's account of the OIS:** The Subject ignored Officer A's commands to drop the knife as she closed the distance on Victim A.

Officer B advised FID investigators that when the Subject got within less than a foot from Victim A, Officer A fired two or three rounds. In Officer B's estimation, Officer A fired at the Subject from approximately 15 feet.

After Officer A fired the two rounds, the Subject lowered her right hand and tucked it behind a purse she wore, which was slung across her torso. The Subject turned toward

Officer A and stated, “[Expletive], you really [expletive] shot me. That’s not a pocket.” Officer A continued to give the Subject commands to “Drop the knife.” The Subject then removed her purse and placed it on the roadway. Officers A and B directed the Subject to get down on the ground and to show them her hands. One minute and 22 seconds after the OIS, the Subject complied with Officer A’s commands, and she placed herself into a prone position with her hands behind her back.

Additional officers arrived at scene in response to the backup request. Officers C and D unholstered their pistols and joined Officers A and B. They stood in the roadway to the west of the Subject. Officer A advised Officers B, C, and D, “Hey, we’re gonna cuff her.” The Subject remained in a prone position with her hands behind her back as the officers approached.

Officer A then handcuffed the Subject without further incident and placed her in a right lateral recovery position. Approximately 23 seconds after the Subject was handcuffed, Officer B requested a Rescue Ambulance (RA) for the Subject.

After the Subject was handcuffed, Officers E and F arrived at scene and assumed custody of the Subject. The officers donned gloves before Officer F conducted a pat down search of the Subject for weapons. Although the Subject stated she could not breathe, she continuously shouted and was verbally aggressive toward the officers. Officers E and F monitored the Subject until the Los Angeles Fire Department (LAFD) arrived at scene.

Approximately three minutes after the OIS, Sergeant A arrived at scene and declared himself/herself the Incident Commander. Sergeant A approached Officer A and confirmed an OIS occurred. Sergeant A then began to monitor Officers A and B.

An LAFD RA arrived at the scene, and subsequently transported the Subject to the hospital.

An additional RA was requested for Victim A, who was suffering from the effects of the chemical irritant sprayed onto his face by the Subject. The additional RA arrived at scene, and treated Victim A.

### **BWV and Digital In-Car Video (DICV) Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	No	No
Officer B	No	Yes	Yes	No	No

### **Los Angeles Board of Police Commissioners’ (BOPC) Findings**

The BOPC reviews each categorical use of force (CUOF) incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: tactics of the involved officer(s), drawing/exhibiting of a

firearm by any involved officer(s), and the use of force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

### **A. Tactics**

The BOPC found Officers A and B's tactics to warrant a finding of 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. Lethal Use of Force**

The BOPC found Officer A'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 Subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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

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

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

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

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

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;

- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or 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, Subjects, 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 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 fired 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 fired 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 firing a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

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



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

## Definitions

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

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

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

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

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

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

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

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

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

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

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

## A. Tactics

### Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical de-escalation 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.

### 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)*

**Planning** – According to Officer A, he/she and Officer B had never worked together prior to the day of this incident. At the start of their watch they discussed what type of service pistols they carried and discussed previous tactical situations Officer B had been exposed to as a probationary officer. Officer A was the driver and assumed the contact role and according to Officer B, they discussed contact and cover roles at their start of watch. The officers' planning was further discussed by the UOFRB under the

Additional Tactical Debrief Topic heading of Tactical Planning.

**Assessment** – Upon their arrival to the radio call location, Officers A and B observed the Subject attacking Victim A. Officers A and B quickly assessed the scene and the actions of the Subject and Victim A to decide on how to respond to the situation they were presented with. As he/she reacted to the Subject's actions, Officer A assessed his/her background and positioning to ensure he/she had a clear line of fire to avoid shooting Victim A, who was near the Subject, in the event he/she needed to discharge his/her service pistol. Throughout the incident, Officer A assessed the Subject's actions and the threat she posed to Victim A.

Upon their arrival, Officer B turned on his/her spotlight and illuminated the Subject and Victim A, allowing him/her to better assess the scene and the actions of the Subject and Victim A. Officer B continually assessed the situation, his/her partner's movements and the Subject's actions.

**Time** – The Subject's actions limited the time available to Officers A and B to employ additional de-escalation techniques. The officers were forced to act quickly to protect Victim A from the Subject and stop her attack on Victim A.

**Redeployment and/or Containment** – To stop the Subject's attack on Victim A, Officer A redeployed from behind his/her ballistic door panel and approached the Subject. By redeploying, Officer A obtained a clear line of fire and better background, allowing him/her to fire his/her service pistol at the Subject without harming Victim A and to protect Victim A from the Subject's attack. As Officer A redeployed toward the Subject and Victim A, Officer B moved from behind his/her ballistic door panel and triangulated on the Subject and Victim A in order to avoid a crossfire situation with Officer A. This topic was discussed further by the UOFRB under Debriefing Point No. 1.

**Other Resources** – Upon arrival, Officer B requested a backup. After the OIS, Officer B broadcast a help call. Officers A and B waited until additional officers arrived at scene to handcuff the Subject.

**Lines of Communication** – Officer A gave the Subject multiple commands to drop the knife. The Subject refused to comply resulting in an OIS. After the OIS, Officer A continued to give commands to the Subject to place her in a position of disadvantage. In their discussion, the UOFRB commended Officer A for maintaining his/her composure and professionalism with the Subject as she screamed profanities and demeaned him/her just prior to being handcuffed.

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

#### **Debriefing Point No. 1: Cover and Concealment**

When the officers arrived at scene and observed the Subject and Victim A, Officer A stopped his/her police vehicle approximately 50 to 60 feet away from the Subject. Officer A observed the Subject attempt to stab Victim A and ordered her to drop the knife. The Subject and Victim A were close to one another and moving. Officer A

decided he/she needed to move closer to them so if he/she needed to discharge his/her service pistol, he/she could do so without unintentionally striking Victim A. Officer A stepped around his/her ballistic panel door and began to close the distance on the Subject, leaving him/her without the benefit of cover.

Officer B exited his/her police vehicle and observed his/her partner redeploy towards the Subject. Officer B realized if he/she maintained his/her position of cover, his/her partner would be between him/her and the Subject and possibly create a crossfire issue. As a result, Officer B redeployed from behind his/her ballistic panel door to the front of his/her police vehicle.

The Use of Force Review Board (UOFRB) assessed Officers A and B's tactics as it pertained to cover and concealment. The UOFRB opined upon locating the Subject, Officer A stopped the police vehicle at a reasonable distance from her. However, due to the Subject's actions and the immediate, deadly threat she posed to Victim A, Officers A and B had limited time, and therefore, limited options and opportunity to de-escalate the situation. Officer A feared Victim A would be stabbed and assessed his/her position behind cover did not provide a clear line of fire to use deadly force if it became necessary. The UOFRB noted the Department's tactical training does not require officers to always remain behind cover. The Department's Subject Matter Expert from Training Division explained there is no policy indicating officers shall have cover and stated there are times when an officer's only cover is their service pistol and/or body armor. The UOFRB opined in this instance, by redeploying out from behind cover, Officer A was taking the best course of action to minimize the risk to Victim A as well as ensuring other community members would not be harmed in the background. The UOFRB commended Officer A for his redeployment, which placed himself/herself in greater danger in order to protect Victim A.

The UOFRB noted Officer B was positioned behind the cover of the passenger side ballistic door panel at the beginning of the incident. The UOFRB opined that as Officer A moved toward the Subject and Victim A, it was necessary for Officer B to redeploy to avoid crossfire and triangulate on the Subject. With limited options for cover, Officer B was forced to move from cover.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, Officers A and B's lack of cover during the OIS was not a substantial deviation from Department-approved tactical training. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

- **Drawing/Holding Service Pistol While Operating Police Vehicle** – Officer A, while still seated in the police vehicle, drew his/her service pistol, transitioned it to his/her support hand and placed the police vehicle in park. He/she then transitioned his/her service pistol back to his/her primary hand and exited the vehicle. Alternatively, Officer A could have placed the police vehicle in park before unholstering. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

- **Tactical Planning** – According to Officer A, they were already in the area when they were made primary on the radio call. As a result, they stated they did not have time to discuss a specific tactical plan prior to their arrival. Officer A stated they did not specifically discuss deployment of intermediate force options such as the 40mm Less-Lethal Launcher (LLL) but he/she would have deployed it given the opportunity. Alternatively, Officers A and B could have discussed a tactical plan while responding as the backup unit. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.
- **Handcuffing Protocols** – After Officer A handcuffed the Subject, he/she visually cleared her waistband and requested a female officer to search. Officer F responded and performed a pat down search. Alternatively, Officer A could have immediately performed a cursory pat down search of the Subject’s waistband area while waiting for a female officer to arrive. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.
- **Preservation of Evidence (Control of Crime Scene)** – During the incident, LAFD personnel picked up the Subject’s property, which included her purse that contained the knife used in the incident. Officer D retrieved the purse from LAFD personnel and secured it in Officer A’s vehicle. Alternatively, an officer could have been assigned to safeguard the weapon and secure the scene. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.
- **Protocols Subsequent to a Categorical Use of Force** – Sergeant A was the first supervisor to arrive at scene. As he/she was assessing the scene and gaining situational awareness, he/she identified Officers A and B as being involved in the OIS and then briefly left them unmonitored as he/she attended to other matters at scene. Sergeant A then had Sergeant B provide separation and monitoring of Officers A and B. Sergeant A then left the scene to set up a Command Post (CP). Alternatively, Sergeant A could have monitored Officers A and B after identifying them as involved until an additional supervisor arrived to take over monitoring. Additionally, Sergeant A could have set up the CP adjacent to the scene as the tactical situation had concluded or he/she could have delegated the CP setup to another supervisor. These options would have allowed him/her to maintain direct control of the scene, as he/she was the Incident Commander (IC) and the supervisor with the most situational awareness at the time. To enhance future performance, the Chief directed Sergeant A attend the Tactical Debrief and direct this be a topic of discussion during the Tactical Debrief.

## Command and Control

Sergeant A arrived at scene and declared him/herself IC. As other supervisors arrived, Sergeant Silva directed other sergeants to assist with monitoring and obtaining Public Safety Statements (PSS).

The UOFRB determined, and the Chief concurred, the overall actions of Sergeants A and B 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 UOFRB determined, and the Chief concurred, 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 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. The Chief directed Officers A, B and Sergeant A attend a Tactical Debrief and the identified topics be discussed.

Therefore, the BOPC found Officers A, B and Sergeant A's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- **Officer A**

According to Officer A, he/she unholstered his/her service pistol because he/she observed the Subject was armed with a knife and moving toward Victim A, causing him/her to believe the situation may have escalated to where deadly force may be necessary.

- **Officer B**

1<sup>st</sup> occurrence

According to Officer B, he/she did not observe the Subject holding a knife; however, due to the comments of the call, he/she believed the situation might lead to deadly force being necessary and unholstered his/her service pistol.

2<sup>nd</sup> occurrence

After the OIS, Officer B holstered his/her service pistol as he/she broadcast from his/her radio. After broadcasting, Officer B unholstered a second time as the Subject was not in custody and he/she believed she was still armed, causing him/her to feel the situation could still escalate to where deadly force may be used. The UOFRB assessed Officers A and B's drawing and exhibiting. As it pertained to Officer A's drawing and exhibiting, the UOFRB noted Officer A observed a knife in the Subject's hand as she approached Victim A. The UOFRB opined it was objectively reasonable for Officer A to believe the situation could escalate to the use of deadly force when dealing with an individual armed with a knife. The UOFRB noted Officer B unholstered his/her service pistol when he/she arrived on scene in response to the comments of the call stating there was a female armed with a knife. The UOFRB opined it was objectively reasonable to believe the situation could escalate to the use of deadly force when responding to a radio call

involving an armed suspect.

As it pertained to Officer B's second drawing and exhibiting, the UOFRB noted at the time he/she unholstered his/her service pistol, the Subject was still not cooperating with Officer A's commands, was not in custody and was still in possession of the knife. The UOFRB opined Officer B's drawing and exhibiting was objectively reasonable as he/she was still faced with an armed individual.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, an officer with similar training and experience as Officers A and B would reasonably believe the situation may escalate to where deadly force could be justified.

Therefore, the BOPC found Officers A and B's drawing/exhibiting of a firearm to be In Policy.

### **C. Lethal Use of Force**

- **Officer A** – 9mm, semi-automatic pistol. Two rounds discharged in a westerly direction from an approximate distance of 15 feet.

**Background** – The FID investigation determined Officer A's background during the OIS was unoccupied vehicles parked along the west curb of the street.

#### **Round One**

According to Officer A, he/she observed the Subject armed with a knife, advancing on Victim A and attempting to stab him. Officer A discharged the first round from his/her service pistol because he/she believed the Subject was going to kill Victim A.

#### **Round Two**

According to Officer A, he assessed after discharging his first round and discharged a second round from his/her service pistol because he/she observed the Subject still armed with a knife and continuing to move towards Victim A.

The UOFRB assessed the circumstances and evidence related to the use of deadly force. In their assessment of the OIS, the UOFRB considered Officer A's attempts at de-escalation. In this instance, the UOFRB opined the Subject's actions and the immediate danger she posed to Victim A left Officer A with limited time to employ de-escalation techniques. Despite the limited time available, Officer A still gave several commands to the Subject to drop the knife in order to gain compliance and avoid using force. The Subject ignored the commands and continued her attempts to stab Victim A, which the UOFRB opined left Officer A no other alternative but lethal force to stop the Subject's actions. The UOFRB opined the force used by Officer A was proportional and necessary to stop the deadly threat posed by the Subject and protect Victim A's life.

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

Therefore, the BOPC found Officer A's lethal use of force to be In Policy.

### **Medical Treatment/Rendering Aid**

Officer B requested a rescue ambulance (RA) 11 seconds after handcuffing was completed. After handcuffing her, Officer A immediately placed the Subject in a right lateral recovery position. He/she conducted a visual assessment of her and noted she was speaking, appeared to be breathing fine and was not in visible medical distress. Officer A noted the Subject appeared to have an entry wound on her left hip area but there was no apparent loss of blood. LAFD arrived at scene and transported the Subject to a hospital. While at the hospital, the Subject was treated for a single gunshot wound to the left hip. During surgery, a fired bullet was removed from the Subject's abdomen. The UOFRB determined, and the Chief concurred, the officers met the Department's expectation for rendering aid.

### **Requirement to Intercede**

Based on the review of this incident, the UOFRB determined, and the Chief concurred, 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.