

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

OFFICER-INVOLVED SHOOTING – F011-24

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Mission	3/9/24		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer N	20 years, 7 months
Officer O	12 years, 4 months
Officer P	30 years, 5 months
Officer Q	21 years, 9 months

Reason for Police Contact

Mission Patrol Division officers responded to a radio call of a violent male with mental illness. The Subject, who was experiencing homelessness, had entered his parents' apartment without permission. While inside, he became agitated and struck his mother with a large wooden stick, causing a visible injury. The parents fled the apartment and called 911. When the officers attempted to contact the Subject, he was armed with a wooden stick, threatened to stab them with kitchen shears, and barricaded himself inside the apartment while refusing to exit.

Metropolitan Division Special Weapons and Tactics (SWAT) officers responded and attempted to negotiate with the suspect to surrender. They utilized a Crisis Negotiation Team (CNT), less-lethal munitions, and chemical agents in an effort to have him exit the second-story apartment. Approximately an hour and a half later, the Subject exited the apartment armed with a kitchen knife, a tire iron, and a wooden stick while holding a skateboard against his left forearm as a shield. An officer deployed a less-lethal projectile, striking the suspect in the leg. Moments later, as the Subject rapidly descended the staircase, officers discharged additional less-lethal projectiles and electronic control devices. The Subject completed his descent and ran toward officers while remaining armed with the weapons, resulting in an Officer-Involved Shooting (OIS). The Subject was struck by gunfire and transported to a local hospital, where he was treated for his injuries.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Male, 29 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 (LAPD or Department) or the deliberations by the Board of Police Commissioners (BOPC or Commission). 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 February 4, 2025.

Incident Summary

On March 9, 2024, Communications Division (CD) received a phone call from Victim A who indicated that the Subject had "*forced himself*" into his parents' apartment and was out of control. Victim A relayed that the Subject was homeless, used methamphetamine, and had a warrant for his arrest. Victim A added that the Subject had schizophrenia, was not taking his medication, and she and her husband were in fear for their lives. Witness A additionally relayed that the Subject had struck his wife with a stick. As a result of these calls, CD broadcast a radio call for a "*Violent Male with Mental Illness*."

Officers A and B were assigned to the call. Additionally, Officers C and D, and Sergeant A also responded. Officers A and B met with Witness A in front of the apartment complex. He advised the officers that the Subject had struck his wife with a stick and had also threatened to hit him. Witness A informed the officers that the Subject was alone inside the apartment and had a warrant for his arrest. He warned officers that the Subject "*doesn't take it easy, you know, when we call the police in the past*" and advised they should wait for backup.

Upon their arrival, Officers C, D, and Sergeant A were briefed by Officer A. Sergeant A directed Officers C and D to watch the front door of the apartment, while he/she and the officers continued to gather information from Witness A. Sergeant A requested an additional unit, and Officers E and F responded.

Officer B started an Investigative Report (IR). Victim A told him she wanted the Subject arrested for hitting her with "*a thick stick*," and she was fearful because there were kitchen knives in the apartment and the Subject was "*totally out of his mind*." Officer B inquired if there were any firearms in the residence, and Witness A and Victim A advised there were none.

Before approaching the apartment with the officers, Sergeant A walked around the building and determined that the apartment could only be accessed from the courtyard. Sergeant A formed an arrest team and assigned the officers roles, including less lethal and a designated cover officer (DCO). The team ascended the stairs leading to the apartment's top landing. Officer A swung the unlocked front door open and, from outside the threshold, observed the Subject standing inside the living room armed with a stick in his right hand. The Subject closed the door, and the officers

redeployed down the stairs. Officers attempted to persuade the Subject to exit the apartment, but he refused.

Sergeant A believed that the Subject was a barricaded suspect and contacted SWAT Lieutenant A, who indicated that although the Subject committed a crime, was in a position of advantage, and refused to submit to arrest, the incident did not merit a SWAT response because the Subject was only armed with a stick. Understanding that Mission Patrol Division would handle the incident, Sergeant A requested an additional supervisor and officers. Sergeant A then directed Officers B and F to notify the residents in the complex to remain inside their apartments. Additionally, Sergeant A requested a Rescue Ambulance (RA) to stand by near the scene.

Upon his/her arrival, Sergeant B assumed tactical responsibility, and Sergeant A assumed the role of Incident Commander (IC) and established a Command Post (CP). Sergeant A directed Officer B to contact the Mental Evaluation Unit (MEU) and was advised that an MEU unit was en route. Sergeant A told Sergeant B to wait for MEU to arrive before contacting the Subject.

Sergeant B formed an arrest team to stage in the adjacent residence after permission was obtained from the resident. The team included Officers B, C, D, and E, who were assigned roles including less lethal and DCO. As Sergeant B and the officers approached the apartment unit, Officer E placed a piece of duct tape over the peephole to prevent the Subject from seeing their movements. Sergeant B positioned Officers F, G, H, I, and J at the base of the stairs as an arrest team.

Approximately ten minutes later, the Subject opened the apartment door while armed with kitchen scissors and yelled, *"I'm gonna kill you [expletive], I'm gonna kill you. I'm gonna stab you in the neck! The police, I'm gonna drink your [expletive] blood!"* as he removed the tape from the peephole and shut the door.

Sergeant A contacted Lieutenant A and provided an update that the Subject was now armed with large kitchen shears and had threatened to stab officers. Lieutenant A advised that based on the type of weapon the Subject was now armed with and the threats against the officers, SWAT would respond.

Additionally, Lieutenant A requested that Los Angeles Fire Department Tactical Emergency Medical Specialist (LAFD TEMS) Paramedics and Behavioral Science Services (BSS) to respond to the incident.

While SWAT responded, the Mission officers redeployed from the apartment unit to the base of the staircase, where they continued negotiation attempts with the Subject. Additional officers then evacuated the apartments that faced the courtyard.

Upon his arrival, SWAT Officer K was briefed at the CP by Sergeant A regarding the positions of the Mission officers, the location of the Subject's apartment, and its layout. Officer K reviewed a preliminary diagram of the apartment complex. Officer K then went to the base of the apartment's staircase and spoke to Sergeant B, who advised him that officers had placed two large plastic drainpipes between the vertical bars on the railings of the staircase to potentially slow the Subject down should he have elected to exit. Additionally, Sergeant B relayed that the residents in one apartment unit were unable to evacuate due to a medical condition.

The Mission officers were rotated out of their positions as SWAT personnel arrived. Officer K, Sergeant C, CNT, and additional SWAT officers staged on the west walkway near the staircase leading to an apartment unit, out of the Subject's potential view. A second team of SWAT officers was positioned in a containment position on the east side of the courtyard.

SWAT personnel took over negotiations, which lasted over an hour. During this time, robots were used in an attempt to get a visual on the Subject. When negotiations were at an impasse, SWAT personnel initiated a gas plan and introduced various gases in the apartment unit.

Officer L observed the Subject via the robot near the front door and instructed him to come out. Approximately six seconds later, SWAT CNT personnel, via an external speaker system, directed the Subject to drop everything in his hands, come out and listen to the officers. As he did so, the Subject stepped out of the apartment onto the staircase landing. The Subject was holding a skateboard vertically against the left side of his body with his left hand. Also in his left hand, was the stick, which he held horizontally behind the skateboard. In his right hand, the Subject held a knife with a 9.5-inch blade and a tire iron down at his right side.

While the Subject stood on the landing, Officer N, who was equipped with a 37mm multi-launcher, attempted to discharge a less-lethal Sage round; however, the launcher's cylinder was not wound. As Officer N wound the cylinder, the Subject took one step down from the top landing and made unintelligible statements. Officer N then shouldered the launcher and discharged a Sage less-lethal round, striking the Subject on his upper left thigh, causing him to briefly sit on the steps. The Subject then stood and rapidly descended the staircase. The Subject had descended three steps when Officer N discharged a second Sage round. As the Subject reached the middle staircase landing, Officer N discharged a third Sage round. Additionally, as the Subject reached the middle landing, Officer O fired two TASER darts at the Subject. The Subject continued descending and jumped over the last two steps onto the ground. As he did so, Officer N discharged a fourth Sage round, and Officer P discharged the Shockwave TASER device.

As the Subject descended the last few steps of the staircase, Officer Q began firing his rifle. Upon reaching ground level, the Subject dropped the tire iron but remained armed with the knife, stick, and skateboard. The Subject immediately turned northwest and ran toward the officers positioned in that portion of the courtyard as Officer Q continued firing. Officer Q fired ten rifle rounds at the Subject in 1.85 seconds before the Subject fell into bushes, where officers took him into custody.

Many of the officers' actions occurred simultaneously. For clarity, Officers N, O, P, and Q's observations and applications of force have been independently described on the following pages.

Officer N's Account

According to Officer N, when the Subject exited the apartment, he stood on the top landing. The Subject held a knife and a skateboard in his left hand and a tire iron in his right hand. Officer N believed he ordered the Subject to drop the knife and observed him step toward the staircase. Officer N aimed the Sage launcher at the Subject's legs and pressed the trigger. He/she heard a click, but a round did not discharge. Officer N immediately wound the cylinder of the launcher. Upon coming back on target, he/she observed that the Subject had taken one or two steps down the staircase. Officer N observed that the skateboard covered the Subject's upper body, and consequently aimed at the Subject's left thigh and discharged one round.

According to Officer N, the round impacted the Subject's left thigh. Officer N observed him clench his body, "*come down*" (sit down) and begin screaming. Officer N expected the Subject to stop, surrender, and drop the knife; however, he ran down the stairs. Officer N discharged a second Sage round and observed the round hit the railing and ricochet. Officer N discharged a third Sage round at the Subject and heard that round also strike the railing. As the Subject continued to descend the staircase, Officer N discharged a fourth Sage round at the Subject's legs/torso area. He/she could not tell if this round impacted the Subject and did not see any reaction.

The Subject was now at ground level, running toward the officers while still armed with the knife, tire iron, and skateboard. Officer N aimed at the Subject's left hip and discharged a fifth Sage round. As the Subject continued running toward the officers with the weapons, Officer N discharged his/her sixth and final Sage round. Officer N could not tell if his/her last two Sage rounds struck the Subject.

Officer O's Account

According to Officer O, he/she observed the Subject exit the front door holding a seven-to-eight-inch kitchen knife in his right hand and a skateboard in his left hand, which Officer O believed the Subject was using as a shield to block intermediate force options. Officer O coordinated with Officer N to utilize the Sage launcher while the Subject remained at the top of the steps to avoid discharging the TASER while the Subject was in an elevated position. Officer O observed Officer N discharge the Sage launcher, striking the Subject near his left knee. The Subject appeared to be in pain; however, he rushed down the staircase while still armed with the knife. When the Subject reached the middle landing, Officer O believed that if he/she did not attempt to stop him, deadly force would be necessary because the Subject had made statements that he would stab and kill officers. Officer O aimed his TASER at the Subject's beltline and discharged two TASER darts from an approximate distance of 15 feet. Officer O did not know if the darts contacted the Subject as he continued descending the staircase. Officer O lost sight of the Subject once he reached ground level, and he/she heard Officer Q fire.

Officer P's Account

According to Officer P, he/she assumed control of the Shockwave and was positioned behind Officers K, N, O, and Q in the west courtyard. Officer P observed the Subject near the front door, holding a knife in his right hand and a skateboard in his left hand that he was using as a shield. Officer P observed Officer N discharge a Sage round impacting the Subject in the navel area, causing him to "*double over*." The Subject was not deterred and quickly and aggressively descended the staircase. As the Subject stepped off the staircase with the knife, Officer P discharged both rows of cartridges from the Shockwave in quick succession. The Subject continued forward and out of Officer P's view; he/she then heard Officer Q fire his/her rifle.

Officer Q's Account

According to Officer Q, the Subject exited the front door and stood at the top landing. He held a kitchen knife with the blade pointed downward in a "*reverse grip*" and a tire iron in his right hand, and a skateboard in his left hand. Officer Q described the Subject holding the skateboard vertically as a shield. Officer Q was the DCO with a rifle and positioned behind the bunker shield in front of the other officers. When the Subject began walking down the staircase, Officer Q observed Officer N discharge and strike the Subject in the right thigh with a Sage round, causing the Subject to pause. The Subject then ran down the staircase at a rapid pace. As he/she remained focused on the Subject, Officer Q heard additional Sage rounds being discharged along with a TASER and the Shockwave; however, the Subject appeared unaffected.

According to Officer Q, once the Subject reached the ground, he dropped the tire iron; however, he remained armed with the kitchen knife and continued to use the skateboard as a shield. The Subject charged toward Officer Q and the other officers (next to him/her). Officer Q believed the Subject was going to stab him/her or one of his/her teammates, causing serious injury or death. In response, Officer Q raised his/her rifle from a low-ready position. He/she disengaged the safety, aimed at the Subject's center mass, placed his/her finger on the trigger, and fired ten rounds at the Subject as he continued charging toward them with the knife. Officer Q noted that

as the Subject charged toward him/her and the other officers, he veered slightly toward bushes to Officer Q's left. He/she was concerned that the Subject was attempting to flank them and stab them from the side or back. According to Officer Q, the Subject dropped the knife after he/she fired his/her tenth round.

Background Analysis

The investigation determined that when Officer N discharged his/her six Sage rounds, the background consisted of unoccupied apartment units. Two impact marks were located on the metal railing to the staircase, consistent with where Officer N's second and third Sage rounds ricocheted.

The investigation additionally determined that when Officer Q fired his/her ten rifle rounds, the background consisted of unoccupied apartment unit. No civilians were injured during this incident.

Post OIS

The Subject fell to the ground in a prone position. His upper body was under a set of bushes, with his knife on the concrete approximately two feet east of him. Officer Q transitioned to the east side of the Subject and slid the knife approximately four feet farther east away from the Subject with his right foot. Officer O grabbed the Subject's right ankle and pulled him out of the bushes and onto the concrete, and Officer R immediately yelled for the TEMS paramedics to respond. Officer S brought the Subject's left arm behind his back and handcuffed his left wrist. Officer P was positioned between the Subject and the knife. He/she brought the Subject's right arm behind his back, where Officer S completed handcuffing. Officers S and P then placed the Subject in a right lateral recovery position. Twelve seconds later, TEMS Paramedics began rendering aid. The Subject was placed on a gurney and brought to an RA. Care of the Subject was transferred to LAFD Firefighter Paramedics and the Subject was transported to the hospital where he was treated for multiple gunshot wounds.

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 N	Yes	Yes	Yes	N/A	N/A
Officer O	Yes	Yes	Yes	N/A	N/A
Officer P	Yes	Yes	Yes	N/A	N/A
Officer Q	Yes	Yes	Yes	N/A	N/A

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Los Angeles Board of Police Commissioners' (BOPC) Findings

The BOPC reviews each 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 N, O, P, and Q and Commander A's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officer Q's drawing and exhibiting of a firearm to be In Policy.

C. Intermediate Use of Force

The BOPC found Officers N, O, and P's intermediate use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officer Q'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 the BOPC’s 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 his/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 and Assessment – During the initial response by Mission Patrol Division personnel, Sergeant A formed an arrest team, designated roles, and determined the safest approach to the Subject's apartment. Officer B, with Witness A's assistance, completed a diagram of the apartment's interior. Officer E placed duct tape over the peephole of the apartment to prevent the Subject from seeing officers' movements. After encountering the Subject, Sergeant A assessed they had a barricaded suspect and requested SWAT to respond. Upon their arrival, SWAT officers assessed the situation and staged multiple layers of intermediate force, a DCO and a bunker shield as portable cover. Once those layers were established, CNT attempted to verbalize with the Subject. They employed robotics for optimal visual assessment and to facilitate two-way communication. The gas plan was discussed and approved by the IC, Commander A. The water to the complex was shut off and SWAT personnel donned their gas masks in preparation for the use of gas.

Time and Redeployment and/or Containment – After the first violent encounter with the Subject, patrol officers tactically redeployed down the stairs, contained the location and requested SWAT. As SWAT officers arrived at the scene, they relieved the patrol officers and used time throughout the incident to negotiate and determine which tactics would be effective. After seeing the Subject exit the apartment while armed with a knife, he began running toward the officers, forcing them to defend themselves from his attack by using multiple layers of intermediate force. When the intermediate force was defeated by the Subject, lethal force was used to stop his actions, which reduced the officers' ability to verbalize and de-escalate. From the time officers first encountered the Subject at approximately 1330 hours, over six hours passed until the Subject exited the apartment and descended the stairs. Officers utilized time to plan, assess, utilize resources, and communicate with the Subject to resolve the situation.

Other Resources and Lines of Communication – Initially, several patrol officers responded to the radio call. Upon contacting the Subject, he barricaded himself inside the apartment, prompting SWAT's response. Sergeant A requested an RA standby and MEU was contacted and responded. Lieutenant A requested the response of LAFD TEMS and BSS. Upon SWAT's response, robots were utilized to get visual of the Subject and communicate with him. Prior to the gas deployment, officers warned the Subject that tactics would be used against him that could cause pain and discomfort. When the Subject exited the apartment, officers gave the Subject commands to surrender. Multiple types of intermediate force tools had been staged to give a layered response to minimize the likelihood of the use of lethal force against the Subject. The SWAT officers maintained communication with one another and all pertinent information was relayed to the IC by Sergeant C for overall command and control.

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

Additional Tactical Debrief Topics

- **Sage Launcher Protocols** – While the Subject stood on the landing, Officer N, equipped with the Sage multi-launcher, attempted to discharge a less-lethal Sage round; however, the cylinder was not wound. As Officer N wound the cylinder, the Subject took a step down from the top landing and made unintelligible statements. Officer N then successfully discharged a Sage round. This issue was identified prior to the UOFRB by Metropolitan Division and addressed via a Divisional Order.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives, and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers, and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process.

Sergeant A arrived at scene, was briefed by Officer A, and assumed the role of IC. Sergeant A formulated a tactical plan to contact the Subject, verified the Subject's warrants and that an ADW occurred and requested additional resources. When officers contacted the Subject, he was armed with a stick and closed the door leading Sergeant A to believe they had a barricaded suspect. Upon consultation with SWAT Lieutenant A, Sergeant A was advised the situation did not rise to the level of a SWAT response.

Sergeant A requested additional supervision and personnel, requested an RA to standby, summoned MEU, set containment, established a CP and evacuated the residents from surrounding apartments. The Subject announced he had a knife, began banging it against his door, and that he also had a skateboard to use as a shield. After the Subject opened the apartment door armed with kitchen shears and threatened to stab the officers, SWAT determined the incident met the criteria for their response.

As additional personnel arrived at the CP, the role of IC transferred from Sergeant A to Lieutenant B to Captain A and ultimately to Commander A. Lieutenant A met with Commander A and briefed him/her on the Subject's history, the number of personnel at scene, and the equipment available. Lieutenant A remained at the CP with him/her to provide updated communications and advice.

The CNT tried communicating with the Subject. BSS believed they reached an impasse, and Lieutenant A and Sergeant C agreed with this assessment. They would continue to communicate with the Subject throughout this incident but believed they would need to employ other means to facilitate a safe resolution. Sergeant C contacted Lieutenant A and requested approval to tactically discharge a beanbag round at the bedroom sliding glass door as a warning to the Subject followed by a launchable gas munition. Lieutenant A consulted with Commander A regarding the gas plan and obtained his/her approval. Additional gas munitions were deployed throughout the incident with Commander A's approval.

After the Subject exited the apartment and descended the stairs, multiple pre-staged intermediate force options were used and the OIS occurred. The Subject fell into bushes and the officers took him into custody. After the Subject was moved out of the apartment complex on a gurney by TEMS paramedics, Sergeant D directed all SWAT personnel to deactivate their BWV cameras and admonished them not to speak about the incident. Sergeant E separated and monitored Officer Q, admonished him, and obtained a Public Safety Statement (PSS) from him. All SWAT personnel then transported themselves to Mission Community Police Station (MCPS) and were monitored there until FID investigators arrived.

The UOFRB evaluated the command and control employed by Sergeant A, Lieutenant A, and Commander A. The Board noted Sergeant A took an active leadership role by formulating the arrest team, designating roles, and developing a plan to contact the Subject. Sergeant A made continuous assessments throughout the incident and contacted his watch commander and SWAT. The Board also noted Lieutenant A assessed the tactics utilized by the SWAT officers at the scene to ensure they were appropriate based on the information he was gathering from Sergeant C. The UOFRB opined Commander A's command and control, including approval of the gas plan, was appropriate and followed Department protocols and expectations.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, the overall actions of Sergeant A, Lieutenant A, and Commander A were consistent with Department training and the BOPC's expectations of supervisors during a critical incident. Regarding SWAT personnel transporting themselves to MCPS, the BOPC would have preferred an alternative means had been identified given the traumatic event the involved officers had just endured as well as post-OIS protocols. This will be addressed as part of the Tactical Debrief.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the BOPC concurred, the actions of Officers Q, N, O, and P, and Commander A, did not substantially deviate from Department tactical training, policies and procedures.

Each tactical incident merits a comprehensive debriefing. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident. Therefore, the BOPC found Officers Q, N, O, and P, and Commander A's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

Officer Q

Officer Q responded to an incident where the Subject was armed with kitchen shears, threatening to stab officers, and barricaded himself inside the apartment. Officer Q was equipped with his/her rifle and assigned the role of DCO as SWAT personnel and the CNT tried to gain the Subject's compliance.

The UOFRB assessed Officer Q's exhibition of his/her rifle. The Board noted the violent circumstances of the incident, the Subject's threats, Officer Q's assigned role as DCO, the weapon system's superior accuracy, and the standard operating procedure of SWAT officers to deploy their rifles during tactical incidents. Based on the totality of the circumstances, the Board opined it was appropriate for Officer Q to exhibit his rifle.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, an officer with similar training and experience as Officer Q, would reasonably believe there was a substantial risk the situation may escalate to where deadly force may be justified. Therefore, the BOPC found Officer Q's drawing and exhibiting of a firearm to be In Policy.

C. Intermediate Use of Force

- **Officer N – Sage Less-Lethal Launcher**, round one from approximately 25 feet in a southerly direction, rounds two through four from approximately 17 feet in a southerly direction, and the distances of rounds five and six could not be determined but were fired in a southerly direction.

Round One

According to Officer N, the Subject exited the apartment holding a skateboard and a knife in his left hand and a tire iron in his right hand. Officer N believed he/she told the Subject to drop the knife and observed him step toward the staircase. In response, Officer N aimed at the Subject's legs and pressed the trigger. Officer N heard a click, but a round did not discharge. He/she immediately wound the cylinder and upon coming back on target, he/she observed the Subject had taken a step or two down the staircase while covering his upper body with the skateboard. To protect himself/herself and the other officers at scene from the immediate threat of serious body injury or death and to avoid using deadly force, Officer N aimed at the Subject's left thigh and discharged one round from his/her Sage Launcher.

Rounds Two through Four

According to Officer N, the first round struck the Subject's left thigh, and he/she saw him clench his body, sit down, and begin screaming. Officer N expected him to surrender and drop the knife; however, he ran down the stairs. Officer N discharged his/her second Sage round and observed the round hit the railing and ricochet, so

he/she discharged a third Sage round and heard it also strike the railing. The Subject continued descending the stairs and to protect himself/herself and the other officers at scene from the immediate threat of serious body injury or death and to avoid using deadly force, Officer N aimed at the Subject's legs and torso area and discharged his/her fourth round from his/her Sage Launcher.

Rounds Five and Six

According to Officer N, he/she could not tell if his/her fourth round struck the Subject and did not see any reaction. The Subject was now at ground level running toward the officers while still armed with the knife, tire iron, and skateboard. To protect himself/herself and the other officers at scene from the immediate threat of serious bodily injury or death and to avoid using deadly force, Officer N aimed at the Subject's left hip and discharged his/her fifth and sixth rounds from his Sage Launcher.

- **Officer O** –TASER, dart cartridge, two darts from approximately 25 feet, in a southerly direction.

According to Officer O, he/she observed the Subject exit the front door holding a seven to eight-inch kitchen knife in his right hand and a skateboard in his left hand, which Officer O believed he was using as a shield. Officer O coordinated with Officer N to utilize the Sage Launcher while the Subject remained at the top of the steps to avoid discharging the TASER while he (the Subject) was in an elevated position. Officer O observed Officer N discharge the Sage Launcher, striking the Subject, causing him to be in pain; however, he rushed down the stairs while still armed with the knife. When the Subject reached the middle landing, Officer O believed if he/she did not stop him, deadly force would be necessary because the Subject had made statements that he would kill officers. To protect himself/herself and the other officers at scene from the immediate threat of serious body injury or death and to avoid using deadly force, Officer O aimed at the Subject's beltline and discharged two darts from his/her TASER. The investigation could not determine if the TASER darts struck the Subject.

- **Officer P** – AXON Shockwave TASER Bank, row of six dart cartridges, two rows from an unknown distance, in a southerly direction.

According to Officer P, he/she observed the Subject near the front door, holding a knife in his right hand and a skateboard in his left hand that he was using as a shield. Officer P observed Officer N discharge a Sage round that struck the Subject in the navel area, causing him to "double over." Officer P noticed the Subject was not deterred and observed him quickly and aggressively descend the stairs still armed with the knife. To protect himself/herself and the other officers at scene from the immediate threat of serious body injury or death, Officer P discharged both rows of cartridges from the Shockwave in quick succession.

The UOFRB evaluated the intermediate force employed by Officers N, O, and P. The UOFRB applauded the "*layering*" of intermediate force options by the officers. The UOFRB concluded the officers' staging and deployment of intermediate force tools

was exemplary and should have overwhelmingly prevented the incident from escalating to the use of lethal force.

With regards to Officer N's first Sage round, the UOFRB noted the Subject was armed with a knife and had already taken steps down the stairs while still armed. The UOFRB opined Officer N's first Sage round adhered to the criteria of the intermediate force policy that allows an officer to use intermediate force to prevent the need to use deadly force. As a result, the UOFRB opined his decision to discharge his first Sage round was consistent with the Department's guiding principle of reverence for human life.

With regards to Sage rounds two through five discharged by Officer N, Officer O's use of the TASER and Officer P's two activations of the Shockwave, the UOFRB noted the Subject got up from a seated position and began quickly descending the stairs while still armed with the knife. The UOFRB discussed how the Subject had a clear avenue of escape if his goal was to flee, but instead made a conscious decision to charge the officers while armed, exposing his apparent intent to attack officers. As such, the UOFRB opined Officers N, O, and P's observations led them to reasonably believe the Subject was posing an imminent threat of serious bodily injury or death and further opined their use of intermediate force was objectively reasonable and proportional.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, an officer with similar training and experience as Officers N, O, and P, in the same situation, would reasonably believe the use of intermediate force was proportional and objectively reasonable. Therefore, the BOPC found Officers N, O, and P's intermediate use of force to be In Policy.

D. Lethal Use of Force

- **Officer Q** – Duty Rifle, 10 rounds in 1.85 seconds from an approximate decreasing distance of 15 to four feet, in a southerly direction.

According to Officer Q, he/she observed the Subject exit the front door and stand at the top landing, holding a kitchen knife with the blade pointed downward in a "reverse grip," a tire iron in his right hand, and a skateboard in his left hand vertically as a shield. When the Subject began walking down the staircase, Officer Q observed the Subject get struck with a Sage round, causing him to pause. The Subject then ran down the staircase at a rapid pace. As Officer Q remained focused on the Subject, he/she heard additional Sage rounds being discharged along with a TASER and the Shockwave; however, the Subject appeared to be unaffected. Once the Subject reached ground level, he dropped the tire iron but remained armed with the kitchen knife and continued to use the skateboard as a shield. Instead of turning to flee, the Subject charged toward Officer Q and the other officers next to him/her. Officer Q believed the Subject was going to stab him/her or one of his/her partners and cause serious injury or death. To protect himself/herself and the other officers near him/her from the imminent threat of serious bodily injury or death, Officer Q aimed at the Subject's center mass and fired ten rounds from his/her rifle. Officer Q stopped firing after the Subject fell to the ground and stopped his aggressive, violent advancement.

The UOFRB evaluated the lethal use of force employed by Officer Q. The UOFRB discussed during the incident and his attack, the Subject demonstrated he knew he was interacting with police officers and was able to develop a plan to counteract the gas plan (i.e. going into the bathroom, placing a fan outside the door, putting a towel under the door to seal the bottom, etc.), create "armor" to defeat the intermediate force options (skateboard shield) and carry out a violent attack on the officers (kitchen knife, tire iron, and stick). Regarding Officer Q's 10 rifle rounds, the UOFRB noted Officer Q observed the Subject get struck by a Sage round and began descending the staircase at a rapid pace while armed with a knife. The UOFRB also noted SWAT officers deployed multiple layers of intermediate force options, which the Subject defeated and continued his violent advance. When the Subject reached the bottom of the stairs, instead of taking the open avenue of escape, he chose to charge the officers while armed with the knife exposing his intent to kill or inflict serious bodily injury to them. During the OIS, Officer Q stated that due to his/her use of a red dot optics system, he/she was afforded the advantage of maintaining a constant "threat focus" to continually assess the Subject's actions and the effectiveness of his/her rounds. The UOFRB opined Officer Q continued to discharge his/her rifle at the Subject as long he (the Subject) continued his violent advance towards officers and posed an imminent threat. The UOFRB noted officers are trained to discharge their weapons to stop the threat. When Officer Q observed the Subject fall and was no longer a threat, he/she stopped firing his/her rifle. The UOFRB expressed their relief no officers were injured as the Subject managed to traverse 11 feet in 1.85 seconds before falling to the ground. In sum, the UOFRB found Officer Q's use of lethal force was objectively reasonable, proportional, and necessary to stop the Subject's attack.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, an officer with similar training and experience as Officer Q, in the same situation, would reasonably believe the use of deadly force was objectively reasonable, proportional, and necessary. Therefore, the BOPC found Officer Q's lethal use of force to be In Policy.

Medical Treatment/Rendering Aid

- During the initial radio call response, Sergeant A requested an RA to stage nearby. After patrol personnel observed the Subject armed with scissors and requested SWAT respond to the scene, Lieutenant A requested LAFD TEMS paramedics respond. The OIS occurred at 2007:29 hours and the Subject was handcuffed by Officer S with assistance from Officer P and placed in a right-lateral recovery position at 2008:02 hours, which was 33 seconds later. At 2008:30 hours, one minute and one second after the OIS, LAFD TEMS paramedics began rendering aid to the Subject until he was placed onto a gurney and brought to the RA. At 2012 hours, the Subject was transported to a hospital, where he was treated for multiple gunshot wounds. Officers met the Department's expectations for rendering aid.

During the UOFRB's discussion, they highlighted the role of LAFD TEMS in saving the Subject's life and the necessity to prioritize continuing the program.