

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

OFFICER-INVOLVED SHOOTING – 005-19

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

Central 2/14/19

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

Officer A 10 years, 8 months

Reason for Police Contact

Uniformed police officers working an overtime detail were directed to a man with a knife, threatening security officers. One officer utilized a TASER; which was ineffective. The Subject ran toward an officer while holding a knife, resulting in an Officer-Involved Shooting (OIS).

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

Subject: Male, 47 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on January 14, 2020.

Incident Summary

Officers A and B were working an overtime detail. They were assigned a foot beat on the Mezzanine level of the Metropolitan Transit Authority (MTA) train station.

At approximately 0645 hours, Officers A and B were standing near the train tracks, assisting MTA Transit Security Officers (TSOs), Witness A and Witness B, as they escorted passengers off the Blue Line train.

Meanwhile, MTA TSOs, Witnesses C and D, were monitoring the Transit Access Pass (TAP) turnstiles located on the mezzanine level of the train station, approximately 150 feet way from the Blue Line train tracks. They were standing next to the turnstiles, ensuring the ridership paid the required fare prior to entering. They were attired in black pants, black shirts with the MTA logo on both sleeves, and yellow and black vests with Metro Transit Security embroidered in white lettering on the back. Witness C and Witness D were unarmed, but each was equipped with OC spray, collapsible batons, and handcuffs.

At 0645:08 hours, security video from the MTA platform recorded the Subject approach the TAP turnstiles and initiate contact with Witness C. According to Witness C, the Subject requested to ride the train for free because he had no money, so he was denied entry by Witness C. The Subject produced multiple TAP cards which he scanned individually at the turnstiles. The turnstiles did not open after the Subject's attempts at using his TAP cards, possibly due to insufficient funds on the TAP cards he presented.

The Subject walked away from the turnstiles and stood against the wall, just north of the turnstiles.

The Subject then approached the turnstiles a second time, at which time Witness C reminded the Subject that he needed to purchase his fare. According to Witness D, the Subject appeared to get upset and raised his voice while speaking with Witness C. The Subject then produced a folding knife, which he opened and locked in a fixed position.

MTA security video captured the Subject approach the turnstiles while holding the knife in his right hand. The Subject walked through the Americans with Disability Act (ADA) accessible turnstile without paying the required fare, in violation of Penal Code Section 640 (C) (1) – Fare Evasion. According to Witness C, the Subject stated, "Well, you better shoot me because I'm still coming in here."

Witness C and Witness D both observed the knife in the Subject's right hand. Witness C ordered the Subject to drop the knife multiple times, but the Subject did not comply with the commands. Witnesses C and D attempted to redeploy by walking backward in a northeasterly direction as the Subject advanced toward them. According to Witness C, the Subject was holding the knife in his right hand with the blade pointed in an upward direction. Witness C broadcast over the MTA frequency that they had a man with a knife and needed police assistance.

MTA Security and LAPD do not share a common radio frequency.

Believing the Subject was going to stab them, Witness C and Witness D removed their collapsible batons from their utility belts and expanded them. According to Witness D, she ordered the Subject to “get back” and put the knife down multiple times, but he did not comply with her commands. According to Witness D, the Subject continued walking toward her and replied, “Yeah, yeah,” and began jabbing the knife in their direction.

TSO Witness B heard yelling coming from the area of the turnstiles and looked in that direction. According to Witness B, he heard one of the TSOs yelling “stop” and observed Witness D with her collapsible baton deployed and the Subject advancing toward Witness D. Witness B advised his partner, TSO Witness A, of his observations and told her to advise LAPD officers that they needed assistance; which she did.

According to Officer A, TSO Witness A informed him/her that TSO personnel needed assistance with a man with a knife and directed Witness A to the turnstiles.

Simultaneously, Officer B heard screaming coming from the direction of the turnstiles. He/she looked in that direction and observed multiple TSOs verbalizing with the Subject. According to Officer B, the Subject was in a “fighting stance” and advancing toward the TSOs. Officer B noted that Witness D’s collapsible baton was deployed; which she held in a raised position above her head.

Officers A and B began walking toward the scene. Officer A walked along one side of the stairwell/escalator; and Officer B walked along the opposite side. The officers could see one another as they made their approach. According to Officer B, his/her intent in taking a different path from his/her partner was to triangulate on the Subject. When Officer B approached to within approximately seven to twelve feet of the Subject, Officer B yelled, “Hey,” in an attempt to divert the Subject’s attention from the TSOs to himself/herself; however, it did not work. Instead, the Subject directed his attention to Officer A.

According to Officer A, as he/she was approaching and neared to within approximately 20 feet of the Subject, he/she observed a knife in the Subject’s right hand. According to Officer A, he/she directed Officer B to request back-up for a man with a knife. According to Officer B, he/she did not hear Officer A direct him/her to request a back-up, nor inform him/her that the Subject was armed with a knife. Officer B said the train station was very loud at the time of the incident due to noise emitting from the trains, as well as pedestrian traffic. According to Officer B, the first time he/she was aware the Subject was armed with a knife was after the OIS.

Officer B did not update the officers’ status or request an additional unit or back-up because he/she wanted to see what was transpiring prior to broadcasting.

According to Officer A, the Subject was holding a knife in his right hand and was waving the knife toward the TSOs. Officer A heard multiple TSOs ordering the Subject to drop

the knife. Although the TSOs were backing away from the Subject, Officer A estimated that the Subject got within one to two feet of them.

According to Officer B, he/she heard the TSOs yelling, but could not decipher what they were saying. Officer A was aware that the TSOs were unarmed and believed the Subject may cause serious bodily injury or death to them. Officer A could see the fear on the TSO's faces, and recognized it was an immediate defense of life situation. However, due to the fact that the TSOs were in Officer A's background, he/she believed the best option was to deploy his TASER to de-escalate the situation.

Officer A unholstered his/her TASER. Officer A aimed the TASER at the Subject's center mass and fired the TASER from an estimated distance of five to six feet. The TASER was ineffective against the Subject.

The investigation revealed that one TASER dart was embedded in the Subject's left upper wrist. The other dart was located on the floor, north of the lower-level escalator/stairs.

According to Witness E, he had just exited the train and was using the TAP machine near one corner of the platform. He heard TSO Witness D yelling, "I need help," and telling the Subject to back up. He also observed two LAPD officers approach the Subject and give the Subject commands to leave the terminal. Witness E never saw a knife in the Subject's hands, but stated he heard one officer state, "stop" several times before the TASER was deployed. Witness E believed the TASER hit the Subject in the chest, but stated it appeared to have no effect on him.

Due to the exigent circumstances, Officer A did not have time to verbalize the use of force warning.

Immediately following the TASER activation, the Subject directed his attention toward Officer A and began walking rapidly toward him/her. According to Officer A, the Subject raised the knife to ear level, with the blade facing toward him/her (Officer A) and ran in his/her direction. Officer A redeployed by backing up, and creating space between him/her and the Subject; however, the Subject continued to close the distance on Officer A.

As the Subject advanced towards Officer A, Officer B followed behind the Subject. TSO Witness C also ran to take cover.

Officer A dropped his/her TASER and unholstered his/her pistol. As the Subject closed the distance, Officer A, in defense of his/her life, fired his/her pistol at the Subject from a close contact position. Officer A fired three consecutive rounds at the Subject from a decreasing distance of four feet to one foot. The Subject was struck by gunfire and fell to the ground.

Foot traffic at the time of the OIS was light. There is no evidence in the MTA video footage or the FID investigation that anyone was in Officer A's background at the time he/she discharged his/her weapon at the Subject.

Witness E also observed the OIS from his same position at the TAP machine. He observed the Subject walking towards an officer, "like he was getting ready to charge [him/her]." Witness E estimated the Subject got to within two to three feet of the officer prior to the OIS but did not see a knife in the Subject's hand. According to Witness E, he believed one officer fired the TASER, and the other officer fired his gun. Additionally, Witness E believed the officer used a two-handed shooting grip when firing his/her gun.

Officer A did not recall giving any commands to the Subject throughout the incident. However, Witness C heard one of the LAPD officers order the Subject to drop the knife approximately three to four times just prior to the TASER activation.

According to Witness D, she heard Officer A order the Subject to put the knife down. As the Subject ran toward Officer A, just prior to the OIS, Witness D heard Officer A order the Subject to "get back" multiple times.

According to Witness B, he heard an officer order the Subject to "stop" and "drop the knife" just prior to the TASER activation. Witness B believed Officer A holstered his/her TASER prior to unholstering his pistol.

According to Officer B, just prior to the OIS, he/she observed the Subject running toward Officer A with his right hand raised above his shoulder. Officer B believed the Subject was going to punch Officer A. Officer B never observed the Subject armed with a knife nor did he/she hear any mention of a knife prior to the OIS. Officer B observed the Subject drop the knife as he fell to the ground, after the OIS.

Immediately prior to the OIS, the MTA surveillance video captured the movements of the Subject and Officers A and B, approximately from the waist down. The video appears to show the Subject chasing Officer A, with Officer B running several steps behind the Subject. All three appear to run around the railing of the lower-level escalator/stairs. Officer A's TASER falls to the floor and, shortly after, the Subject's entire body can be seen falling to the ground. A knife appears several feet away from the Subject.

As reported by Officer B, he/she saw the Subject stop after hearing the shots. Officer B stated, "...and then that's when I saw the knife dropped out of his right hand." Officer B added, "It dropped towards his right." Officer B continued, "He drops the knife and then paused for a second or two and then he fell to the ground -- he falls to the ground."

Due to its poor quality and limited coverage area, the video evidence does not show the Subject holding or dropping the knife during the moments when the OIS occurred.

At 0652:15 hours, Officer B broadcast a help call and requested a Rescue Ambulance (RA) for the Subject. Officer A holstered his/her pistol when additional units arrived at scene.

Officers C and D were working an overtime detail. They were assisting TSOs on the red and purple line platform when they heard shots being fired, followed by the help call. Officers C and D responded to the location on foot and were the first officers to arrive at scene at approximately 0654 hours. According to Officer C, approximately 30 seconds elapsed from the time he/she heard the shots to the time he/she "made contact with" the Subject.

According to Officer C, Officer B directed him/her to a knife that was lying on the ground, near the Subject, who appeared to be deceased.

For officer safety, Officer C used his/her right foot to move the knife away from the Subject. As captured in security video, the knife came to rest beneath a trash can located approximately 13 feet away from the Subject.

According to Officer B, Officer C moved the knife too far, and Officer B was concerned that someone may take it.

Therefore, Officer B used his/her right foot to move the knife back toward the Subject. According to measurements taken at scene, Officer B moved the knife approximately two to three feet back towards the Subject.

Officer B did not initially report moving the knife. During a follow-up interview conducted by FID, Officer B indicated that he/she did not remember moving the knife. Upon being shown the MTA video, Officer B then recalled moving the knife back toward the Subject for security purposes.

Based on the MTA video, there were several LAPD and MTA Security personnel in the immediate area when Officer B moved the knife. The situation appeared to be static when Officer B took seven steps toward the knife, hesitated, and then took four more steps toward it. Upon reaching the knife, Officer B placed his right foot on it and slid it toward the Subject. Meanwhile, the Subject was lying motionless. The final location of the knife appeared to be several feet beyond the Subject's potential reach. Officer C was unaware that Officer B moved the knife a second time.

Officer C directed other police personnel to assist with containment and crowd control. Once additional units arrived at scene, Officer C, donned latex gloves and approached the Subject. According to Officer C, he/she checked the Subject's pulse by placing his/her left fingers on the radial artery of the Subject's left wrist; no pulse was felt. Officers rolled the Subject from left to right, onto his stomach. Officer C then placed both of the Subject's hands behind his back and handcuffed him. Officer C conducted a search of the Subject's person and recovered a canister of OC spray from his front right

pants pocket. The Subject was later pronounced dead at the scene, by LAFD personnel.

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Less-Lethal Use of Force

The BOPC found Officers A's less-lethal use of force to be In Policy

D. Lethal Use of Force

The BOPC found Officers 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. It is also recognized 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers."

(Use of Force Policy, Los Angeles Police Department Manual.)

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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the Subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force.

(Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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, October 2016.)

A. Tactics

Tactical De-Escalation

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

Tactical de-escalation does not require that an officer compromise his 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.

In this case, Officers A and B responded to a request for assistance from MTA TSOs in dealing with a Subject who was armed with a knife. As the incident rapidly escalated, Officer A deployed a TASER and subsequently was involved in an OIS.

- **Planning** – While Officers A and B had not previously worked together, they both attended roll call in which tactical de-escalation and command and control were reviewed and discussed. Prior to working together on the day of the incident, they had each worked numerous overtime shifts and therefore had experience in the specific work duties and environment encountered in MTA stations. Additionally, Officers A and B discussed the roles of contact and cover, tactics related to the MTA location and de-escalation as they travelled to their assigned post. It was noted that the officers utilized non-verbal communication with each other and triangulated on the Subject by walking on opposite sides of the escalators as they approached his location. While it would have been preferred that they discussed more specific plans prior to engaging the Subject, the rapidly unfolding and escalating nature of the incident, along with the loud noise inside the MTA station, limited their ability to communicate with each other as they approached the Subject's location.
- **Assessment** – Officer A observed that the Subject was armed with a knife and while Officer B did not observe the knife, he/she could see that the Subject was in what he/she described as a "fighting stance." Due to the Subject's close proximity to the TSOs, Officers A and B contacted the Subject. Officer A continuously assessed the Subject's actions and determined that the Subject posed a threat of serious bodily injury or death to some of the TSOs in the area. Officer A believed the situation had arisen to a lethal force situation but chose to deploy his TASER because the TSOs

were in his/her background. Officer A utilized his/her TASER and assessed that the TASER did not stop the Subject's actions. The Subject turned toward the officer and began to charge him/her while holding the knife pointed toward him/her. Officer A then assessed that the Subject now posed a deadly threat to him/her, resulting in the OIS. During the OIS, Officer A assessed that the Subject had fallen and stopped firing once the Subject ceased being a deadly threat to him/her.

- **Time** – The officers were faced with a rapidly escalating incident in which the Subject's actions posed a deadly threat to the TSOs at the scene. Due to the Subject's actions, the officers had limited opportunity to utilize distance and cover to create more time to make decisions and utilize other options. Approximately five seconds elapsed from the deployment of the TASER to the OIS. A review of the area in which the OIS occurred revealed that there were limited options for cover and there was a rush hour crowd in the MTA station. Officer A attempted to gain more time during the incident by moving backward from the Subject, but the Subject rapidly closed the distance after the deployment of the TASER, resulting in the OIS.
- **Redeployment and/or Containment** – Officers A and B approached the Subject's area and positioned themselves to triangulate on the Subject in order to contain him. In response to the dynamic and rapid movement of the Subject, Officer A continuously redeployed, and even moved backward in an attempt to maintain distance from the Subject who was moving towards him/her while armed with a knife. The investigation determined that Officer A redeployed approximately 31 feet from the location where the TASER was deployed to the location of the OIS.
- **Other Resources** – The Subject rapidly escalated the incident with his aggressive actions. Officer A attempted to communicate with Officer B to request additional units, but due to the noisy environment, Officer B did not hear him/her. Officer A utilized a TASER as a less-lethal force option on the Subject with limited effect. While the BOPC would have preferred for additional resources to have responded to the incident, given that the rapid escalation by the Subject limited the officers' opportunity to request any additional resources. When the opportunity provided itself, Officer B did request additional resources, including a supervisor, to respond to the location.
- **Lines of Communication** – The rapid nature of the incident limited the officers' ability to establish lines of communication with the Subject and each other. The TSOs who were engaged with the Subject attempted to establish communication with the Subject prior to the officers' arrival, but he refused to drop the knife and continued to advance toward them. As the officers approached the Subject's location, they utilized non-verbal communication with each other and triangulated on the Subject by walking on opposite sides of the escalators. Once Officers A and B arrived at the scene, the Subject already posed a deadly threat to the TSOs, which prevented further communication efforts.

The BOPC determined that while Officers A and B implemented elements of de-escalation, the dynamic actions of the Subject, along with the environment of the MTA location, limited the officers' ability to fully implement further de-escalation techniques.

- In its review of this incident, the BOPC evaluated the following tactical considerations:
 1. **Preservation of Evidence** – The investigation revealed that Officer C used his/her foot to move the knife approximately 13 feet away from the Subject. Subsequently, Officer B used his/her foot to move the knife approximately two to three feet closer towards its original position to prevent the possibility of a patron taking the knife.
 2. **Tactical Communication** – While the investigation revealed that the officers used non-verbal communication and attempted to communicate the need for additional resources, Officer A did not verbally advise Officer B of TSO A's request for assistance.
 3. **Maintaining Control of Equipment** – The investigation revealed that Officer A dropped his/her TASER as he/she transitioned to his/her service pistol. Officer A was faced with a dynamic deadly force situation with a Subject who charged at him/her with a knife despite a TASER being discharged at him. Officer A was forced to immediately transition from his/her TASER to his/her service pistol in order to stop the deadly threat. In order to complete the transition, Officer A dropped the TASER on the ground and drew his/her service pistol.
- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this case, the BOPC determined that Officers A and B's tactics did not substantially deviate from approved Department tactical training.

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

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

B. Drawing and Exhibiting

- According to Officer A, the Subject was still armed with a knife and had closed to within one to two feet of him/her. Officer A believed the Subject was going to hurt him/her, causing Officer A to fear for his/her life. Officer A saw the knife coming towards him/her and attempted to redeploy backwards to find cover and create distance. Due to the Subject's close proximity, Officer A dropped his TASER, drew his/her service pistol to a close contact position, and placed his/her finger on the trigger.

The BOPC noted that Officer A had observed the Subject was armed with a knife. Officer A had attempted to use a TASER on the Subject, but it did not subdue the Subject. The Subject, still armed with the knife which was raised and pointing in Officer A's direction, rapidly closed the distance to Officer A. According to Officer A, the Subject came within one to two feet from him/her, prompting Officer A to fear for his/her life and draw his/her service pistol.

As such, based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

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

C. Less-Lethal Use of Force

- **Officer A** – (TASER, one five second activation in probe mode)

According to Officer A, the TSOs appeared scared and were screaming at the Subject to drop the knife. Officer A observed that the Subject was within one to two feet of the TSOs and was holding the knife at chest level with it pointing towards the TSOs. Officer A believed the incident had escalated to an immediate defense of life situation. Officer A attempted to de-escalate the situation by drawing his/her TASER because he/she believed it would be unsafe to utilize his/her service pistol due to the TSOs being in his background. Officer A aimed at the Subject's center mass and activated it in probe mode for one five-second cycle.

The BOPC reviewed and conducted an evaluation of Officer A's TASER deployment and noted that Officer A observed that the Subject was armed with a knife and was within several feet of the TSOs. Officer A heard multiple TSOs ordering the Subject to drop the knife and deployed his/her TASER to de-escalate the situation and protect the TSOs from being cut with the knife. The BOPC also evaluated the lack of a verbal warning prior to the deployment of the TASER and noted that prior to the officers' arrival, TSOs had repeatedly commanded the Subject to drop the knife and

he refused to comply. By the time the officers had arrived on the scene, the situation had already escalated to the point where the Subject's actions posed a threat of serious bodily injury or death to several TSOs, and a verbal warning was not feasible.

The BOPC determined that the lack of verbal warning was not a deviation.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would believe that the same application of less-lethal force would be objectively reasonable.

Therefore, the BOPC found Officers A's Less-Lethal Use of Force to be In Policy.

D. Lethal Use of Force

- **Officer A – (pistol, three rounds)**

According to Officer A, the Subject had closed the distance and was close to him/her. While holding his/her service pistol at his/her hip, Officer A fired approximately two to three rounds at the Subject to stop the threat.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer A's use of lethal force and considered the details of the encounter of the TSOs and the Subject prior to the arrival of the officers. The BOPC noted that the Subject had armed himself with a knife and was approaching TSOs as Officers A and B arrived at the location in response to a request for assistance. Officer A believed that the situation had escalated to the point where the Subject posed a threat of serious bodily injury or death to several TSOs. Officer A assessed the situation as a lethal force situation but decided to draw his/her TASER because he/she knew that the TSOs would be in his/her background if he/she utilized his/her service pistol. Officer A discharged his/her TASER but found that it was not effective. The Subject then turned his attention toward Officer A and charged at him/her while holding a knife pointed in Officer A's direction. In response to the Subject's attack, Officer A redeployed backward and fired his/her service pistol from a close contact position at a decreasing distance of four feet to one foot. Officer A ceased firing after he/she assessed that the Subject no longer posed a deadly threat. The BOPC noted that although Officer A used lethal force to defend his/her life, Officer A also demonstrated a reverence for life by assessing the situation and first utilizing the TASER, redeploying approximately 31 feet before the OIS, and then ceasing fire as soon as the Subject ceased to pose a deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the Lethal Use of Force would be objectively reasonable.

Therefore, the BOPC found Officer A's Lethal Use of Force to be In Policy.