

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

OFFICER-INVOLVED SHOOTING – 006-20

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

77th Street 2/21/20

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

Officer A 2 years, 9 months

Reason for Police Contact

Officers A and B responded to a radio call for unknown trouble. Upon their arrival, the officers located the Subject, who was later determined to be the person reporting (PR) the incident. As they spoke with the Subject, an officer observed a shiny silver object in the Subject's waistband area. As the officers attempted to detain the Subject, she removed a large knife from her rear waistband area and advanced toward the officers, resulting in an Officer-Involved Shooting (OIS).

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

Female, 28 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force 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 suspect 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 12, 2021.

Incident Summary

On February 21, 2020, at approximately 1:16 a.m., Communications Division (CD) received a 911 call from a woman. The woman who placed the call was later determined to be the Subject involved in this incident; however, this fact was not known to Communications Division nor the officers who responded to the incident. The Subject advised CD that she needed an officer to respond to a residential address. When the Emergency Board Operator (EBO) asked the Subject what had transpired, the Subject repeated her request for an officer and did not provide any additional information.

As a result, CD dispatched the call and Officers A and B advised CD that they would handle and respond to the location with emergency light and siren (Code Three). During their response, both officers activated their BWV and Officer A read the comments of the call to Officer B from their Mobile Data Computer (MDC).

The comments of the radio call indicated that the PR was unable to speak on the phone, causing Officer A to believe that the incident could be domestic violence related. Officer A's opinion was based on the comments of the call, combined with his/her prior experience and knowledge gained from responding to and handling prior domestic violence related incidents.

Officers C and D heard the aforementioned radio call and decided to respond to the location as well. According to Officers C and D, they were in between radio calls at the time of the incident. Their intentions were to drive by the location and offer assistance to Officers A and B if needed. Officers C and D did not advise CD they were responding to the location, nor did they activate their Body Worn Video (BWV) or Digital In-Car Video System (DICVS) at that time.

Upon arrival, Officer A broadcast the officers' status and location (Code Six). Shortly thereafter, Officers A and B realized they were on the wrong street. They immediately drove to the correct location, which was approximately two blocks south.

Officers A and B arrived at the location of the radio call, which was a single-family dwelling located on the southwest corner of the intersection. The surrounding area was primarily residential, and there were multiple vehicles parked along the north and south curbs. Officer B stopped their vehicle in the street, facing west. The police vehicle was partially blocking the westbound lane.

Upon their arrival, Officers A and B identified the location of the radio call and communicated their observations with one another. Officer A exited the vehicle first and walked west a short distance, along the north side of the street. Officer B began walking south, toward the location of the radio call. According to Officer B, he/she believed Officer A was following him/her.

As captured by BWV, Officer A utilized his/her flashlight to illuminate the vehicles parked along the north side of the street. According to Officer A, since the nature of the

radio call was still unknown to the officers, he/she began visually checking the nearby vehicles for occupants. As he/she made his/her way west, Officer A observed the Subject seated on the north curb, between two parked vehicles. Officer A asked the Subject if she called the police and if she was okay. The Subject denied calling the police and replied, "I'm fine."

Meanwhile, as Officer B approached the south curb, he/she heard his/her partner speaking with the Subject and immediately joined Officer A on the north side of the street. According to Officer B, the Subject was holding a wallet and set of keys in her hands. Officer B also noted that a cellular phone was lying on the sidewalk next to the Subject.

Both officers attempted to communicate with the Subject and ascertain if she was the source of the radio call. According to Officer A, the Subject had a blank stare, her face was expressionless, and her replies were very short. Based on the Subject's demeanor and the tone of her voice, Officer A believed that the Subject was possibly the victim of a crime and/or suffering from depression.

During their conversation, the Subject identified herself and indicated that she lived nearby. The Subject reiterated to the officers that she was okay and denied calling the police. Officers A and B then turned and walked toward the address given by CD to continue their investigation.

Believing the Subject was possibly the source of the radio call, Officer A asked CD for the name of the person reporting (PR). The Radio Telephone Operator (RTO) responded and advised Officer A that they did not have the PR's name. According to Officer A, if they were unable to determine what transpired through further investigation, he/she was considering contacting the Mental Evaluation Unit (MEU) and inquiring if the Subject had a history of mental illness.

As Officers A and B made their way to the south side of the street, Officer A heard the Subject say, "Don't go there. They didn't call you." Officers A and B then turned around and walked toward the Subject, who was still seated on the curb. According to Officer A, it appeared that the Subject was trying to prevent the officers from speaking with the residents there. This caused Officer A to believe the potential perpetrator may be at that location.

Officer B assured the Subject that it was okay if she called the police and that they were there to help her. Both officers asked the Subject if she was the person who called the police and the Subject replied, "I said they didn't call." Officer B asked the Subject, "What's wrong?" The Subject was unresponsive. Although Officer A did not observe any visible injuries on the Subject's body, he/she asked her if she needed an ambulance. The Subject responded; however, it was unintelligible.

Meanwhile, Officers C and D arrived at scene. They stopped their vehicle in the street and communicated with Officers A and B through their open driver's side window. Officer B advised Officers C and D that they did not require assistance. Officers C and D then left the scene.

Officers A and B continued their conversation with the Subject, assuring her that she was not in trouble and reiterated that they were there to help her. According to Officer B, something seemed "off", and the Subject's lack of responsiveness was causing him/her concern. Based on Officer B's training and experience, combined with the Subject's demeanor, he/she opined that the Subject was more than likely the source of the radio call.

Officer B was unsure if the cargo van belonged to the Subject and decided to check the interior of the vehicle to ensure there were no occupants inside. Officer B walked west a short distance and utilized his/her flashlight to illuminate the passenger compartment of the cargo van, as well as a white sedan that was parked just west of it. There were no occupants inside either vehicle.

According to Officer B, the spacing was very tight between the two vehicles where the Subject was seated. Officer B believed that he/she and Officer A would be unable to fit through the small space together, in the event that the situation escalated. Therefore, Officer B decided to redeploy to the north sidewalk. Officer B walked around the front of the cargo van and onto the north sidewalk. According to Officer B, his/her intentions were to move to a position of advantage where he/she and his/her partner could triangulate on the Subject.

Meanwhile, the Subject reached down toward the sidewalk, west of where she was seated, using her right hand. As the Subject did so, Officer A's BWV captured a metallic sound. The Subject advised Officer A, "I was putting my keys down." Officer A asked the Subject, "What do you have over there?" and illuminated the area with his/her flashlight.

Officer A noted that the Subject's wallet was lying on the sidewalk, in the open position, displaying her identification.

Officer B walked east on the north sidewalk and approached the Subject's right side. As he/she did so, Officer B held his/her flashlight in his/her left hand and illuminated the Subject. According to Officer B, he/she observed a shiny silver object in the Subject's right rear waistband area. As captured by BWV, Officer B leaned forward and pointed the flashlight directly at the Subject's right waistband area; however, he/she was unable to identify the object. According to Officer B, he/she did not want to alert the Subject of his/her observation and cause an adverse reaction. Therefore, he/she did not verbally advise his/her partner about the object.

According to Officer B, had he/she identified the object in the Subject's waistband as a knife and/or a sharp object, he/she would have advised Officer A of his/her observations and directed him/her to redeploy. In addition, Officer B would have requested additional units and/or a back-up, unholstered his/her TASER, and attempted to find cover while continuing to verbalize with the Subject.

Officer B was cognizant that Officer A was standing in front of the Subject and feared for his/her safety. Believing the Subject was possibly armed with a weapon, Officer B

decided to detain the Subject pending further investigation. Officer B's intentions were to place the Subject into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons.

Officer B ordered the Subject to stand up, but she did not comply. Therefore, Officer B decided to go "hands on" with the Subject, in order to prevent her (the Subject) from reaching for the object. While holding his/her flashlight in his/her left hand, Officer B leaned forward and grabbed the Subject's right forearm, using his/her right hand. As he/she did so, BWV captured the Subject stating, "Mm-mm, no, no, don't. Mm-mm."

According to Officer B, he/she and Officer A had a standing tactical plan for initiating physical contact with suspects. If one officer goes "hands on," they both go "hands on," with the understanding that their partner observed a threat that they did not necessarily see.

Officer B attempted to place his/her flashlight into his/her left lower pant pocket; however, he/she was unable to do so. According to Officer B, the Subject began moving which prevented him/her from securing the flashlight. In an attempt to control the Subject's movement, Officer B placed his/her left hand on the Subject's right upper arm, while still holding the flashlight in his/her hand.

A combination of Officer B's actions and the Subject's demeanor caused Officer A to believe that the Subject was possibly armed with a weapon.

Officer A was concerned, because he/she was unable to see the Subject's waistband area from his/her position and did not want to allow the Subject the opportunity to arm herself. Therefore, Officer A walked forward, between the two vehicles, and approached the Subject. According to Officer A, it would have taken too much time to walk around the cargo van and would have increased the distance between him/her and Officer B.

The Subject started to stand up, and as she did so, Officer B's BWV captured a knife protruding from her right rear pocket/waistband area. According to Officer B, the Subject began pulling away from him/her and was "wiggling" her arms. Officer B told the Subject, "It's okay, we're trying to help you." The Subject then swung her right arm forward, causing Officer B to momentarily lose his/her grip on the Subject's right forearm. Officer B was still unaware that the object in the Subject's waistband was a knife.

Once in the standing position, the Subject stepped backward onto the sidewalk and began stating, "No" repetitively while backing away from Officer B in an easterly direction. As the Subject backed away, Officer B grabbed the Subject's right wrist with his/her right hand and placed his/her left hand, which was still holding the flashlight, on top of the Subject's right wrist. Officer A approached the Subject's left side and grabbed her left wrist using both hands.

The Subject continued walking backward while simultaneously pulling her arms away from the officers. According to Officer B, the Subject "wiggled" her arm, causing Officer B to lose his/her grip on the Subject's right wrist. Officer B briefly held onto the right sleeve of the Subject's sweatshirt, but the Subject was ultimately able to pull the sleeve from his/her grasp. In the process, the Subject's right hand slipped into the sleeve of her sweatshirt, briefly concealing it.

According to Officer A, the Subject began pulling her arm and body in the opposite direction which he/she (Officer A) was pulling. Officer A told the Subject, "Wait, ma'am, just calm down." The Subject then bent her left elbow and swung her arm forward, in a punching type motion, causing Officer A to also lose his/her grip on the Subject's left wrist.

As captured on BWV, the Subject repeatedly stated, "No," and continued backing away from the officers in an easterly direction. Officers A and B proceeded to follow the Subject. Officer B walked along the north side of the sidewalk, while Officer A walked along the south side. As they did so, Officer A was a few feet ahead of Officer B, causing them to be slightly offset. According to Officer A, his/her intentions were to regain control of the Subject's arm. Officer B ordered the Subject to, "Come here," and to "Stop," but the Subject did not comply with the commands.

As the Subject continued to back away from the officers, she reached toward her right rear waistband area with her right hand and produced a large kitchen knife. As captured by BWV, the Subject held the knife in her right hand, along her right side/hip area, with the blade facing in a northwesterly direction.

According to Officer B, the knife was removed from the same area in the Subject's waistband as the shiny silver object he/she previously observed. Officer A estimated that he/she was approximately one to three feet west of the Subject when she produced the knife.

After producing the knife, the Subject stopped momentarily, then proceeded to walk in the officers' direction. According to Officer A, the Subject walked toward him/her at a fast pace. As the Subject advanced toward the officers, she continued to hold the knife along her right side/hip area, with the blade facing in a northwesterly direction. According to Officer A, as the Subject walked toward them, she appeared to be jabbing the blade in their direction (west).

In an effort to create distance between themselves and the Subject, Officers A and B began backing up in an easterly direction. Upon seeing the Subject armed with the knife, Officer B feared for his/her life and the life of his/her partner, so he/she unholstered his/her pistol and held it in a two-handed, low-ready shooting position, with the muzzle pointed in the Subject's direction. As he/she did so, Officer B was still holding his/her flashlight in his/her left hand with the light pointed toward the ground.

According to Officer B, he/she could see Officer A in his/her right peripheral, was cognizant of his/her position and ensured that the muzzle of his/her pistol did not cover

Officer A. Officer B yelled, "Stop," and "Do not," to the Subject multiple times, but the Subject continued to advance towards officers while holding the knife. Officer B intentionally dropped his/her flashlight onto the sidewalk and removed his/her handheld radio with his/her left hand.

As he/she did so, Officer B held his/her pistol in his/her right hand, in a low-ready position, with the muzzle pointed in the Subject's direction.

Nearly simultaneously, Officer A stated, "Oh [expletive]" and unholstered his/her pistol. As captured by BWV, Officer A held his/her pistol in a two-handed position and pointed the muzzle in an easterly direction, toward the Subject. Officer A also repeatedly ordered the Subject to stop, but the Subject did not comply with the commands. According to Officer A, the Subject shook her head back and forth, as if indicating she was not going to stop, and continued walking toward them at a fast pace.

According to Officer A, at some point the Subject had closed enough distance where he/she felt she was going to stab Officer A or his/her partner.

Although Officer A perceived that the Subject was closing the distance between herself and the officers at this time, a review of his/her (Officer A's) BWV did not reveal any apparent significant reduction in the distance between the Subject and the officers as the officers continued to redeploy backwards.

According to Officer B, as he/she was requesting back-up, the Subject then took a step forward, and Officer A shot.

According to Officer A, "And I got scared, because I thought she was going to stab me or stab my partner and, like, kill one of us. So in an effort to try to like, you know, stop her from killing us, I got really scared and I shot." Officer A fired two rounds at the Subject in a westerly direction from an approximate distance of 12 feet. The Subject was struck by gunfire and fell to the sidewalk, north of the white mini-van. As the Subject fell, she dropped the knife, which landed on the sidewalk just north of her body.

Following the OIS, additional officers responded to the scene to assist. The Subject was then taken into custody, provided first aid, and transported by ambulance to the hospital for treatment of her injuries.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	No	Yes	Yes	No
Officer B	Yes	Yes	Yes	Yes	No ¹

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Officer A's Tactics to warrant a Tactical Debrief. The BOPC found Officer B's Tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officer A and B's non-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. 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 principle when using force shall be reverence for human life. Officers shall attempt to control an incident by

¹ The officers' DICVS was activated during their Code-3 response to the incident; however, the officers were not wearing their microphones during their encounter with the Subject and so no audio was captured by the DICVS. Due to the position of the police vehicle, the DICVS did not capture video of the OIS.

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. 4, 2020, Policy on the Use of Force - Revised.)

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

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

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

Use of De-Escalation Techniques. It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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.

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

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.

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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

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.)

A. Tactics

Tactical De-Escalation Techniques

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

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

Planning – Officers A and B had worked together as partners for approximately five to six months and had had previous discussions regarding tactics. According to Officer B, Officers A and B had a standing tactical plan which specified that if one officer attempted to physically detain a suspect, the partner officer would additionally physically detain the suspect, believing that the initiating officer observed something, such as a possible threat that the partner officer had not observed. On the day of the OIS incident, Officer B was the driver officer and would primarily be the contact officer on incidents, while Officer A was the passenger officer and would be the cover officer. Depending on the situation, the roles could be switched.

After receiving the unknown trouble radio call, Officer A read the comments to Officer B as they responded Code Three. According to Officer A, the unknown trouble radio call made it difficult to discuss a tactical plan due to not knowing the cause of the radio call. After arriving at scene, Officer A and B made contact with the Subject. The BOPC noted that although Officers A and B discussed their roles of contact and cover, they both participated in verbally contacting the Subject. During their investigation, Officer B observed a silver object to the right rear side of the Subject's waistband. Officer B did not want to alert the Subject of his/her

observation and cause an adverse reaction; therefore, Officer B did not advise Officer A about the object. Officer B's plan was to place the Subject into a standing position, apply handcuffs, and conduct a cursory pat down search of her person for weapons.

Assessment – Officers A and B assessed the incident and the Subject's actions and behavior throughout the incident. Upon arrival to the scene, Officers A and B assessed the scene and located the Subject sitting between two parked vehicles. According to Officer A, the Subject had a blank stare, her face was expressionless, and her replies were very short. Based on the Subject's demeanor and the tone of her voice, Officer A believed that the Subject was possibly the victim of a crime and/or suffering from depression. During their conversation, the Subject identified herself as the suspect and indicated that she lived nearby. The Subject reiterated to the officers that she was okay and denied calling the police. Officers A and B then turned and walked towards the location of the radio call to continue their investigation of the unknown trouble radio call. As they walked, the Subject stated, "Don't go there. They didn't call you." This statement led Officers A and B to reassess the Subject's role in the radio call. Officers A and B returned to the Subject and attempted to re-engage her in conversation and gain more information.

According to Officer A, it appeared that the Subject was trying to prevent the officers from speaking with the residents of the location of the radio call. As Officers A and B continued speaking with the Subject and assuring her that she was not in trouble and that they were there to help her, Officer B noted the Subject was minimally responding to the officers' questions and would just look at them. Officers A and B assessed the Subject was a possible victim of the unknown trouble or possibly was suffering from depression or experiencing a challenge related to mental health.

Officer B assessed that the interaction with the Subject seemed a little "off." Officer B was unsure of the situation and was thinking about multiple possible scenarios to

explain the Subject's behavior, such as a possible ambush. Officer B decided to check the interior of the nearby parked vehicles, redeployed onto the north sidewalk, and placed him/herself in a position of advantage, triangulated with Officer A and the Subject. Officer B observed a silver object which he/she assessed to possibly be a weapon.

During the OIS, Officer A assessed after each of his/her two discharged rounds. Officer A observed that after his/her first round, the Subject's actions had not stopped, and Officer A discharged a second round. After Officer A's second round, the Subject fell to the ground and stopped moving towards Officers A and B. Officer A immediately ceased firing and continued to cover the Subject in a low-ready position.

After the Subject was in custody, Sergeant A continued to assess her status. Sergeant A, when advised that the Subject was not breathing, directed officers to begin CPR until they were relieved by LAFD.

Time – Officers A and B contacted the Subject and utilized time by communicating with her. They assured the Subject that she was not in trouble and that they were there to help her. Officer B noted the Subject was responding minimally to their questions and would just look at them. Officers A and B assessed the Subject was a possible victim of the unknown trouble, or possibly was suffering from depression.

Officer B felt that the interaction with the Subject was a little "off." Time allowed Officer B to redeploy to the north sidewalk, with the intention to move to a position of advantage where he/she and Officer A could triangulate on the Subject. This new position allowed Officer B the opportunity to observe a silver object to the rear of the Subject's waistband area.

Redeployment and/or Containment – Officers A and B continued speaking with the Subject. Based on his/her training and experience, Officer B believed that the interaction with the Subject seemed a little "off," leading Officer B to believe that the Subject was the source of the radio call. Additionally, Officer B was unsure of the situation and was thinking about multiple possible scenarios to explain the Subject's behavior, such as a possible ambush. Officer B decided to redeploy to the north sidewalk with the intention to move to a position of advantage where he/she and his/her partner could triangulate on the Subject.

Once the Subject produced a knife from her waistband, Officers A and B attempted to re-deploy by walking backwards away from the Subject in an attempt to create distance.

Other Resources – While Officers A and B were investigating the unknown trouble radio call, Officers C and D responded and offered to assist with the radio call. Officers A and B declined the offered assistance. Officer B believed at the time that an additional unit was not necessary. They had minimal information on the investigation and they believed the Subject was possibly a victim associated with the radio call.

When Officers A and B were unable to gain further information from the Subject besides her name, Officer A contacted CD and requested the name of the Person Reporting.

After the OIS, Sergeant A initiated the formation of an arrest team. The arrest team deployed multiple resources including less-lethal force options, such as a Beanbag Shotgun and a TASER, and a ballistic shield.

Lines of Communication – Officers A and B engaged the Subject in a dialogue and attempted to gain information from her utilizing several different questions, while reassuring her that she was not in trouble and that the officers were there to help her.

Officer B observed a silver object to the rear of the Subject's waistband. Officer B did not want to alert the Subject of his/her observation and cause an adverse reaction; therefore, he/she did not advise Officer A about the object he/she believed

was a possible weapon. During the attempt to detain the Subject for a cursory pat down search, Officers A and B attempted to continue to de-escalate the situation by advising the Subject, "We're trying to help you," and "Calm down." After the Subject produced a knife and moved towards the officers, commands to stop were given to the Subject, in an attempt to gain his/her compliance. According to the FID investigation, it was determined that from the time the Subject began walking towards the officers while armed with the knife, to the time of the OIS, approximately six seconds elapsed. In addition, the FID analysis determined that Officer A backed up approximately 32 feet prior to firing his/her first round.

- During its review of the incident, the BOPC noted the following tactical considerations:

1. Tactical Planning/Communication (Substantial Deviation, without Justification – Officer B)

Officer B failed to develop and communicate a tactical plan with Officer A when they encountered a suspect who Officer B believed was potentially armed with a weapon.

In this case, Officers A and B had worked together as partners for approximately five to six months and had numerous discussions regarding tactics. Additionally, Officers A and B had a standing tactical plan, which specified that if one officer attempted to physically detain a suspect, the partner officer would additionally physically detain the suspect, believing that the initiating officer observed something, such as a possible threat, that the partner officer had not observed. On the day of the OIS incident, Officer B was the driver officer and would primarily be the contact officer on incidents, while Officer A was the passenger officer and would be the cover officer. The roles could be switched, depending on the situation.

Officers A and B were assigned an unknown trouble radio call, which made it difficult to discuss a tactical plan due not knowing the cause of the radio call; however, Officer A read the comments of the radio call to Officer B as they responded. Upon arrival to the radio call location, the officers made contact with the Subject. During the officers' investigation, they observed the Subject had a blank stare, her face was expressionless, and her replies were very short. Both officers believed the Subject was a victim of a crime or was suffering from depression. Officer B noted the Subject was not responding very well to their questions and would just look at them.

Based on his/her training and experience, Officer B believed that the interaction with the Subject seemed a little "off," leading Officer B to believe that the Subject was the source of the radio call. Additionally, Officer B was unsure of the situation and was thinking about multiple possible scenarios to explain the Subject's behavior, such as a possible ambush. Officer B decided to redeploy to the north sidewalk, with the intention to move to a position of advantage where

he/she and his/her partner could triangulate on the Subject. Officer B observed a silver object to the right rear side of the Subject's waistband. Officer B did not want to alert the Subject of his/her observation and cause an adverse reaction. Therefore, he/she did not verbally advise Officer A about the object that he/she believed was a possible weapon.

Officer B was cognizant that Officer A was standing in front of the Subject and feared for his/her safety. Believing the Subject was possibly armed with a weapon; Officer B decided to detain the Subject pending further investigation. Officer B's plan was to place the Subject into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons. Officer B ordered the Subject to stand up, but she did not comply. Therefore, Officer B decided to go hands on with the Subject, in order to control and prevent her from reaching for the silver object. Officer A heard Officer B advise the Subject to stand up and observed Officer B place his/her hands on the Subject. Officer A felt that Officer B may have observed something Officer A had not observed or that the Subject was possibly armed with a weapon. The Subject stood up, resisted detention, produced a knife, and moved towards the officers, which resulted in the OIS incident.

Based on the totality of the circumstances, the BOPC determined that Officer B's lack of communication with his/her partner regarding his/her observation of a possible weapon and his/her lack of planning prior to attempting to detain a possibly armed suspect were substantial deviations, without justification, from approved Department tactical training.

The BOPC noted Officer A's limited opportunity in the tactical communication and planning once Officer B observed a possible weapon to the rear of the Subject's waistband. Officer B failed to communicate his/her observations and failed to implement a plan sufficient to detain a possibly armed suspect. It was not until Officer B attempted to physically detain the Subject that Officer A believed, based on their standing plan, that Officer B had observed something Officer A

had not observed or the Subject was possibly armed with a weapon. Officer B did not communicate either possibility to Officer A, which left Officer A with limited time to assess the situation and then physically assist Officer B in detaining the Subject.

Based on the totality of the circumstances, the BOPC determined that Officer A's attempt to assist Officer B with detaining the Subject was not a deviation from approved Department tactical training.

- The BOPC also considered the following:
 - **Tactical Vehicle Deployment** – Officer B parked the police vehicle directly across the street from the radio call location. Had Officer B parked further down the street on the same side as the location of the radio call, this would have provided a greater tactical advantage on the officers' approach to the radio call.
 - **Initiating Physical Contact with a Flashlight in Hand** – Officer B attempted to physically detain the Subject while still holding his/her flashlight in his/her left hand.
 - **Profanity** – When the Subject armed herself with a knife from her rear waistband, Officer A utilized profanity.
 - **Maintaining Control of Equipment (Flashlight)** – Officer B intentionally dropped his/her flashlight on to the ground when the Subject, who was armed with a knife, moved towards him/her and Officer A. Officer B dropped his/her flashlight to retrieve his/her radio from its belt mounted holster and broadcast a backup request.
 - **Tactical Communication** – After the OIS incident, Officer A requested that CD advise the responding units that he/she and Officer B were facing east. Officer A made that request in order to avoid potential crossfire situations.
 - **Tactical Communications** – While enroute to Officer B's help call, Officer E requested that Officer F advise him/her of the call type that Officer B was handling. Officer F did not advise Officer E that he/she had heard the sound of gunshots during Officer B's transmission for a request for backup. Officer F also did not communicate to Officer E that he/she believed that an OIS had occurred.

When Officer B broadcast "Shots Fired Officer Needs Help," the Radio Transmission Operator (RTO), did not repeat the "Shots Fired" portion of Officer B's broadcast. Only the "Officer Needs Help" portion was repeated. The responding units were unaware that shots had been fired. An analysis of the radio transmissions was performed by CD and determined that Officer B broadcast his/her "Shots Fired" portion of his/her help call simultaneously as CD was broadcasting Officer B's earlier back up request.

- **Seatbelt** – Sergeant A and Officers E and F did not have their seatbelts fastened when they responded Code Three to the Help Call. Sergeant A donned his/her

seatbelt approximately one minute into his response. Officers E and F donned their seatbelts approximately 30 seconds into their response.

- **Required Equipment (Hobble Restraint Device)** – Sergeants A and B, along with Officers F and G, did not have their HRD on their person at the time of this incident.
- **Required Equipment (Baton)** – Sergeants A and B, along with Officers E, F, and H did not have a collapsible baton or side handle baton on their person at the time of this incident.
- **Bloodborne Pathogens** – When the arrest team took the Subject into custody, Officer I did not don protective gloves. Officer I was assigned to take physical control of the Subject. Officer I stated that he/she had depleted his/her supply of gloves earlier in his/her shift.
- **Medical Treatment – Rendering Aid:** A Rescue Ambulance (RA) was requested by Officer E after the OIS approximately one minute and 33 seconds prior to the Subject being taken into custody. Sergeant A inquired if the Subject was breathing, to which Officer E responded that the Subject was not breathing. Sergeant A directed an officer to begin cardiopulmonary resuscitation (CPR). Upon hearing this direction, Officer J ran to his/her police vehicle to retrieve a CPR protective mask. Officer F, under the direction of Officer G, placed the Subject onto her left side. Officer F checked the Subject for a pulse, and he/she located a light pulse. Officer F was unsure if the Subject was breathing; therefore, he/she rolled the Subject onto her back into a supine position and administered chest compressions. Officer H donned protective gloves in the event he/she needed to relieve Officer F. Officer G updated CD that the officers were conducting CPR on the Subject. An analysis of BWV by FID determined that Officer J took approximately 39 seconds to retrieve a CPR protective mask, but upon his/her return, he/she was advised that chest compressions were already being conducted on the Subject. Officer F continued chest compressions until the Subject gained consciousness. An analysis of BWV by FID investigators determined that Officer F conducted chest compressions for approximately one minute and 43 seconds.

According to Officer F, the Subject began to move and attempted to speak. Officer F ceased chest compressions. Officers F and H placed the Subject onto her left side, into a recovery position. While waiting for the arrival of the RA, officers continued to communicate with the Subject, using her first name and advising her that an RA was enroute. The officers also encouraged the Subject to continue breathing and to remain on her side.

- **Preservation of Evidence** – Officer I moved the Subject's knife after the Subject was taken into custody. Officer I advised that the knife was still in close proximity to the Subject. If the officers were to reposition the Subject onto her back to administer CPR, the Subject would have ended up lying on top of the knife. Therefore, upon direction of Sergeant A, Officer I used his/her hand to move the knife in a northerly direction, then placed his/her boot on top of the knife blade.

- **DOC Notification** – The DOC was notified 56 minutes after the OIS.
- **DICVS** – The FID investigation revealed that Sergeant B’s DICVS microphone was not synchronized with the DICVS camera.

The investigation revealed that Officers A and B left their DICVS microphones inside of their police vehicle and did not have the microphone on them during the incident.

- **BWV** – The investigation revealed Officer A’s BWV was powered off in the field prior to responding to the radio call, which led to his/her BWV not having the required two-minute buffer.

The investigation revealed that Officers C and H’s BWV was powered off in the field and did not have the required two-minute BWV buffer.

A random inspection of BWV assigned to Officers A, C, and H, from October 25, 2020 through November 24, 2020 was conducted, for compliance with having a full two-minute buffer. The results of the inspections indicated Officers A, C, and H were in compliance.

The investigation revealed that Officer F did not activate his/her BWV when he/she escorted the Subject in the RA. According to Officer F, he/she believed that he/she was prohibited from recording inside of the RA due to medical confidentiality.

A random inspection of BWV assigned to Officer F, from October 25, 2020 through November 24, 2020 was conducted, for compliance with timely activations. The results of the inspection indicated Officer F was in compliance.

The investigation revealed that during the two-minute buffering period, Officer B’s BWV was lying on the center console of the police vehicle and was not attached to his/her uniform. Officer B picked up the BWV device and affixed it to his/her uniform prior to activation. According to Officer B, he/she keeps his/her BWV on the console while driving due to previous BWV malfunctions created by his/her seatbelt.

The investigation revealed Sergeant A viewed his/her BWV video prior to receiving authorization to do so by FID detectives.

These topics were to be discussed at the Tactical Debrief.

- 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.

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 officers to discuss individual actions that took place during this incident.

Thus, the BOPC found Officer A's Tactics to warrant a Tactical Debrief. The BOPC found Officer B's Tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

- **Officer A (1st Occurrence)**

According to Officer A, after he/she lost his/her grip of the Subject's arm, he/she moved forward to grab the Subject's arm again. As Officer A came within approximately three feet of the Subject, Officer A observed the Subject produce a kitchen knife. Officer A perceived that the Subject had raised, in an overhand grip, the kitchen knife to the area near the Subject's head. Officer A drew his/her service pistol because Officer A believed that the Subject was going to attempt to stab him/her and Officer B with the knife.

- **Officer A (2nd Occurrence)**

According to Officer A, he/she holstered his/her service pistol because he/she intended to broadcast a help call but realized that Officer B had already broadcast a help call. Officer A recognized that the Subject was still in close proximity to the knife, had not been handcuffed, and could pick up the knife again. Officer A drew his/her service pistol for a second time.

- **Officer B**

According to Officer B, he/she unholstered his/her service pistol when he/she observed the Subject had produced an "item" which he/she later identified as a "big kitchen knife" from his/her rear waistband. The Subject pointed the knife at him/her and Officer A, from approximately 20 feet away. Officer B was afraid for his/her own life and his/her partner's life due to the Subject's actions with the knife.

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

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

C. Non-Lethal Use of Force

- **Officer B – Firm Grip**

According to Officer B, he/she ordered the Subject to stand up, but the Subject did not comply. Therefore, Officer B decided to go “hands on” with the Subject, in order to control and prevent the Subject from reaching for the silver object. While holding his/her flashlight in his/her left hand, Officer B leaned forward and used his/her right hand to grab ahold of the Subject’s right bicep. Officer B utilized a C-grip with both hands on the Subject’s bicep. According to Officer B, once the Subject stood up, she began “pulling away” from Officer B. The Subject pulled her body in an eastbound direction towards the north sidewalk and repeated “No, no, no.” As the Subject pulled away she was “wiggling” her arm and pulled it into the interior of her sweatshirt. Officer B lost his/her grip on the Subject’s right arm.

- **Officer A – Firm Grip**

According to Officer A, he/she heard Officer B state, “Hey, get up,” and observed Officer B place his/her hands on the Subject. Officer A believed Officer B “saw something” Officer A did not see or the Subject “had some sort of weapon,” because the Subject had been “fidgeting around a lot.” A combination of Officer B’s actions and the Subject’s demeanor caused Officer A to believe that the Subject was possibly armed with a weapon. Officer A approached the Subject and grabbed the Subject’s right forearm in order to place it behind the Subject’s back. As Officer A attempted to place the Subject’s hand behind her back, the Subject “swung” her arm away from Officer A, causing Officer A to lose his/her grip of the Subject’s arm.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that this same application of non-lethal force would be reasonable to effect a detention of the Subject.

Therefore, the BOPC found Officers A and B’s non-lethal use of force to be objectively reasonable and In Policy.

D. Lethal Use of Force

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

According to Officer A, the Subject walked towards him/her and Officer B at a fast pace, while holding the knife in her right hand. As the Subject approached the officers, Officer A observed that the Subject was jabbing the knife forward in his/her direction, while holding the knife at waist level. Officer B continued to give the Subject commands to stop. Officer A believed he/she observed the Subject move her head back and forth indicating that the Subject “was not going to stop.” Officer A was walking backwards as quickly as he/she could but could not walk backwards fast because he/she could not observe where he/she was going. Officer A felt like the Subject was “power walking” towards him/her and had closed enough distance where Officer A felt the Subject “was going to stab” them. When Officer A believed

the Subject was approximately four feet to five feet away from him/her, Officer A discharged one round from his/her service pistol at the Subject to prevent the Subject from “hurting or killing” him/her or Officer B. Officer A assessed after his/her first round and observed that the Subject was “not stopped” by the first round he/she had fired. Officer A “shot again,” from a distance he/she believed was approximately three feet, causing the Subject to fall to the ground. Officer A assessed again and did not feel that he/she needed to shoot anymore because the Subject was on the ground, had dropped the knife, and felt the Subject was no longer a threat.

Background – Officers A and B responded to an unknown trouble radio call in a primarily residential area. The OIS incident occurred on the north sidewalk. According to the FID investigation, BWV depicted that vehicles were parked along the north curb line. The review of the BWV also determined that there was no pedestrian or vehicular traffic observed in the Subject’s background.

According to the FID investigation, Officer A discharged two rounds from his/her service pistol from an approximate distance of twelve feet. Both rounds were fired within approximately one second. The time between the first and second shot was approximately 0.43 of one second. The time from when the Subject began walking towards the officers with the knife to the time of the OIS was approximately six seconds. In addition, the analysis determined that Officer A backed up approximately 32 feet prior to discharging his/her first round.

The BOPC considered that Officer A attempted to detain the Subject by grabbing the Subject’s left wrist. The Subject resisted detention and began walking backwards, causing Officer A to lose his/her grip of the Subject. The Subject produced a kitchen knife from her rear waistband and then walked towards Officer A, with what Officer A described as at a “fast” pace, while holding the knife in her right hand. Officer A walked backwards as quickly as he/she could, in an effort to create distance from the Subject. Officer A felt like the Subject was “power walking” towards him/her and had closed distance on him/her. Officer A discharged one round from his/her service pistol at the Subject to prevent the Subject from injuring or killing him/her or Officer B. Officer A estimated that the Subject was approximately four to five feet from him/her when he/she discharged the first round.

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 was necessary and objectively reasonable.

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