

Incident Summary

On the date of this incident, Witness A dialed 911 to report that a Subject was in front of her residence, armed with a sword, and threatening her friend, (Witness B). Witness A told the 911 operator that the Subject placed the sword to the throat of Witness B.

After making the 911 call, Witness A saw that the Subject had grabbed another friend, (Witness C) and placed the sword up to Witness C's throat. Witness B ran from the area and did not wait for the police to arrive. According to Witness A, the Subject yelled that he was going to kill Witness C because the demons were telling him to do so. The Subject also yelled for someone to call 911 because he wanted the police to kill him in order for the demons to stop talking to him. The Subject then released Witness C.

Note: Detectives were not able to identify, locate or interview Witness C. Witness B was subsequently identified and interviewed.

Witness A provided a description of the Subject and told the 911 operator that she last saw the Subject heading eastbound.

Communications Division (CD) assigned a 415 man with a machete radio call to Officers A and B.

In response to the radio call, the following uniformed officers responded as back up: Officers C, D, E, F, H, I, J and Sergeant A. All of the responding units were driving marked black and white police vehicles. In addition, an air unit staffed by Police Officers K and L responded to the area to provide assistance. They advised CD that they were in the area and requested a description of the Subject.

Communications Division broadcast the description of the Subject that Witness A had provided. The air unit observed an individual resembling the Subject sitting on the south sidewalk. The air unit advised CD and responding units of its observation. Officer L watched as the Subject stood up and ran inside a market. Officer L did not see the Subject armed with a sword.

Officers I and J were the first officers to arrive in front of the market. Officer I stopped their police vehicle north of the front door and indicated that he and his partner had arrived at the location. Officers I and J believed that the situation may result in a confrontation and escalate to where lethal force might be necessary and unholstered their respective service pistols.

Note: Officers I and J had worked together on and off since 1999 in different assignments such as patrol, gangs and other units. Both officers had discussed tactics on many occasions and agreed that Officer J would be the contact officer.

As Officers I and J approached the market, they observed a male standing in front of the market. This individual was an employee of the market, Witness D. Witness D

pointed toward the market and told Officer J, in Spanish, that the Subject was inside the market. Officer J told Officer I what Witness D said. Both Officers I and J held their service pistols with both hands at a low ready. Officer J peeked inside the market and saw the Subject standing approximately ten feet north of the front door holding a sword. The Subject looked back at Officer J and yelled several times, "You guys are going to have to kill me!"

Both Officers I and J believed the situation required them to take immediate action. Although there was no discussion between the officers, they both independently believed that the Subject could cause severe bodily injury to others if they were to delay entering the market. Officers I and J were positioned at the front door. Officer J attempted to verbalize with the Subject and demanded he drop the sword. The Subject held the sword by the handle in front of his chest at about mid-level, with the sword pointed upward. Officer I looked to his rear and saw that several officers were now positioned behind him.

Note: As the additional units arrived they began deploying to the front entrance of the market.

Officer I wanted a less-lethal option and yelled for one of the officers to move forward with a TASER.

Officer B moved into the doorway armed with a TASER. Now standing inside the threshold of the market were Officers B, I and J. The rest of the officers were standing outside the market. Officer I yelled to the Subject that if he did not comply with the officers' commands to drop the sword, the officers would use the TASER on him and he might get hurt. Officer B said that as officers were yelling for the Subject to drop the sword, he kept repeating for them to kill him and to go ahead and use the TASER on him.

As Officer B was warning the Subject about the TASER, he started to advance toward them. According to Officer B, from a distance of ten feet he discharged his TASER at the Subject. Officer B believed the probes contacted the Subject's chest. The Subject then pulled the darts from his chest with his left hand while he held the sword upward in his right hand and continued to advance toward the officers. According to Officer J, he believed that the Subject was going to attack him or injure one of the officers with the sword. Officer J fired one round from an approximate distance of eight feet striking the Subject.

The Subject fell to the floor near the market's front door. Officer B heard a gunshot, but did not know which officer fired.

Note: The market had video cameras covering the inside of the store. The cameras captured the Subject entering the store with a sword, grabbing water from the back cooler, and confronting an unidentified patron. Seconds later, officers can be seen at the front door trying to

speak to the Subject. The Subject then advanced toward the officers with the sword. The officers deploy the TASER on the Subject, followed by lethal force.

According to Officer I, as the Subject charged toward the officers, he held his pistol at a low ready. Officer I heard Officer J fire his pistol one time and saw the Subject fall down, releasing the sword.

Officer I moved forward and used his right foot to move the sword out of the reach of the Subject by kicking it toward the front door.

According to Officer A, he was standing behind Officer I outside the front door and saw the Subject raise the sword above his head and then advance toward the officers. Officer A heard a shot, saw the Subject fall and drop the sword. Officer A moved into the threshold and using his right foot, pulled the sword out the door and out to the front sidewalk.

After falling, the Subject suddenly got up and again advanced toward the officers, approximately four feet. Officer I could see the Subject's hands and saw that he was no longer armed.

Note: Officer I said that he holstered his pistol before he made contact with the Subject.

According to Officer I, he grabbed the Subject's right hand, Officer E grabbed the Subject's left hand, and Officer B applied a drive-stun TASER to the Subject's torso. Officer B said that the reason he conducted a drive-stun to the Subject was because he was resisting and thrashing around. Officer B used the TASER on drive-stun mode a third time on the Subject's lower back, but it did not appear to have any effect. Officer B did not recall how or at which point he placed the TASER into his back pocket.

Note: Force Investigation Division Investigators downloaded the TASER data, which indicated that the TASER was discharged a total of four times. Officer B recalled discharging the TASER only three times.

According to Officer E, after the Subject was shot, he stood up and again advanced toward the officers, yelling for them to kill him. Officer E saw that the Subject had dropped the sword. Officer E grabbed the Subject from the left shoulder and forced him to the floor. The Subject was now face down on the floor, and Officer E applied his body weight to the Subject's left shoulder as he placed a firm grip on his left arm. Officer E did not know who completed the handcuffing.

Officer I obtained his handcuffs and placed a handcuff on the Subject's right wrist. Officer E grabbed the Subject's left arm, and Officer I handcuffed the Subject. Officer J said when Officer I grabbed the Subject's arm, he decocked his firearm and holstered his pistol. Officer J then assisted with the handcuffing of the Subject by placing a firm

grip on the Subject's right arm. Once the Subject was handcuffed, Officer I ensured that there were no victims in the market and ensured that a Rescue Ambulance (RA) had been requested. Officer J walked outside the market and was met by Sergeant A.

Note: Sergeant A arrived after the OIS. Once at the scene, he began the protocols for an OIS.

According to Officer F, he did not enter the market because there were a sufficient number of officers at the front door, including his partner, Officer E. Officer F remained north of the front door while he obtained more information from Witness D. From his position, Officer F heard the request for a TASER and officers yelling "drop it, drop it." Officer F heard the activation of the TASER and approximately 10 seconds later heard a gunshot. Officer F did not know who fired the shot. Officer F unholstered his pistol momentarily and then placed his service pistol back into the holster. Officer F did not enter the market and remained outside with Witness D.

According to Officer H, as Officer I handcuffed the Subject, the Subject started to kick and attempted to get up. Officer H entered the market and held the Subject's left leg. The Subject continued to resist, and Officer H saw Officer B use the TASER in drive-stun mode, applying it to the Subject's right leg. The Subject then stopped kicking.

Note: Officer H unholstered his pistol upon arrival, but holstered prior to entering the market. Officer H was approximately five feet east of the market's front door when the TASER was discharged and at the time of the OIS.

According to Officer G, he did not unholster his pistol because he was behind Officers A, B, H, I and J. Officer G stated he was outside the front door of the market; however, he was able to see Officer B deploy the TASER on the Subject. Officer G saw the Subject charge at the officers while holding the sword with both hands. It appeared to Officer G as if the Subject was swinging the sword in a circular motion. He saw Officer J fire one time, causing the Subject to fall approximately three feet from the front door. Officer G could not see the Subject anymore and heard somebody yell, "get the sword, get the sword." The sword was kicked out of the market, but he did not know which officer kicked it.

According to Officer C, when he arrived and exited his vehicle, he saw several officers positioned at the front door of the market. As he made his way to the front door, he unholstered his pistol. Since there were other officers in front of him, he holstered his pistol. Officer C said that he heard one of the officers request a TASER. Officer C ran back to his car to obtain his TASER, but before he could retrieve it, he heard someone else say they were equipped with a TASER. As Officer C ran back to the front door, he heard commands from inside the store, indicating, "put it down" approximately three times. Officer C then noticed Witness D standing near the front door. He directed Witness D away from the front door. Officer C heard a gunshot, then the TASER activation, and additional commands to get down or stay on the ground. He heard the

TASER activate a second time and several officers outside the front door went into the market. When Officer C entered the market, he saw three to four officers attempting to handcuff the Subject. The Subject was struggling with the officers, not allowing the officers to handcuff him. Officer C saw the sword on the ground and kicked it further out the door.

According to Officer D, as he approached the front door behind the other officers, he heard Officer J yell for the Subject to drop the knife. He then heard a TASER activation and, approximately five to seven seconds later, a gunshot. Officer D did not know who activated the TASER or who fired the shot. Approximately 2 seconds later, he saw the Subject stand up and say something to the effect of "kill me or come kill me." Officer D saw that the Subject had blood on his left arm. He then requested a Rescue Ambulance. He did not see the handcuffing of the Subject and did not know how the sword ended up on the sidewalk. Officer D then guarded the sword until the scene was secured.

Witness E was employed at the market as a cashier. According to Witness E, the Subject entered the market holding a sword in his right hand. The Subject walked to the back of the market and grabbed a bottle of water from the wall cooler. The Subject then walked back to the front of the store and demanded to know where the cameras were because he said he was going to kill himself. The Subject placed his sword on top of a floor cooler near the cashier area. The Subject was speaking incoherently and rambling about people and objects. Witness E said he just kept quiet and stood still.

Note: The cashier's area was on the east wall of the market. It consisted of an enclosed counter with a counter to ceiling bullet resistant Plexiglas wall.

During the Subject's ramblings, an unidentified customer walked into the store. The Subject told him to get out or he would be killed. The customer turned around and walked out of the market. The Subject continued to talk incoherently while Witness E remained behind the cashier counter.

When Witness E saw the uniformed police officers at the front door, he heard the officers yell for the Subject to drop to the ground several times, but the Subject did not comply. Witness E said that he heard a TASER activation and then a gunshot.

Although Witness E was approximately three feet from the Subject and had a clear line of sight, he lost sight of the sword. After the TASER activation, the Subject did not fall down. Witness E heard the Subject say something like, kill me already, kill me. Approximately 15 seconds later, Witness E heard a gunshot. The Subject fell to the floor near the front door. Witness E saw approximately five to six officers approach and handcuff the Subject. According to Witness E, the Subject did not have the sword in his hands when the TASER was used on him or when he was shot.

According to Sergeant A, once he determined that Officer J was the involved officer in

this incident, he advised him not to discuss the incident and separated him from the percipient officers. Sergeant A ensured that all officers were not injured and that an RA was en route for the Subject. Sergeant A walked Officer J to his police vehicle and obtained a Public Safety Statement (PSS) from him.

Sergeant A noted that Officer B had his uniform shirt stained with the Subject's blood and had him remove his uniform shirt to ensure he did not become contaminated. Aware that he was the only supervisor at scene, Sergeant A requested additional supervisors and contacted the Area Watch Commander to brief him on the situation. Sergeant A ensured that officers responded to the hospital with the Subject and had non-percipient officers canvass the immediate area.

The Subject was transported to a nearby hospital by the Los Angeles City Fire Department.

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). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found Officers B, E, H, I and J's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers H, I, and J's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officers, B, E, H, I, and J's use of non-lethal force to be in policy.

D. Less-Lethal Use of Force

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

E. Lethal Use of Force

The BOPC found Officer J's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Subjects With Edged Weapons

Officers J and I were approximately ten feet away from the Subject when they initially observed he was holding the sword.

Officers J and I have each worked in the Area for many years and made a quick assessment of the tactical situation to determine the Subject's ability to inflict serious bodily injury or death with the sword if they delayed entering the market, which was open to the public.

Officer J recalled the knowledge he had while en route to the call, including the Subject's actions. Upon arrival, Witness D pointed in the direction of the store. Officer J knew from his training and experiences that something was obviously going on. Officer J believed there was a great possibility that there was a citizen(s) in the market and at least one employee in the market.

Officer I recalled that as he exited his vehicle, he observed Witness D, who told him that the Subject was inside the market. As Officer I started to walk up to the door, probably 12 feet away, he unholstered his sidearm. Officer I did so because of the information that he received over the radio regarding an ADW Subject, armed with a machete and held at the neck of a female. Officer I also had verification from the airship that they had seen the Subject go inside the market. Officer I knew that the market could get very busy with customers, and therefore considered that to be a serious threat. Officer I believed that if the Subject was armed with some type of long blade, there was definitely the potential for bodily injury or the Subject killing someone.

During the BOPC's assessment of this incident, they took several factors into consideration. There was an understandable necessity for Officers I and J to approach the business to obtain a better understanding of the tactical situation. The absence of windows on the exterior of the business limited the officer's ability to assess the interior of the business and deploy to more effective tactical positions.

The circumstances of this incident, including the knowledge Officers I and J received from CD with regard to the Subject's behavior with the sword, and their

concern that the Subject had access to additional victims, as well as the layout of the market, were all factors in the officers' decision to close their distance from the Subject and approach the front door of the market so they could look inside and assess the tactical situation. Therefore, the BOPC determined that Officers I and J's actions did not substantially deviate from approved Department tactical training. However, in an effort to enhance future tactical performance, this topic was discussed during the Tactical Debrief.

2. Utilization of Cover

Officers B and J stepped away from what limited cover was available at the front entrance of the business while making contact with the Subject. Officer J moved from his position of cover to accommodate Officer B in the threshold of the market, and Officer B left his position of cover to obtain sight of the Subject.

Officers are trained to utilize cover during tactical incidents involving armed Subjects. The BOPC was critical of Officer J's decision to move to the center of the doorway without cover, and Officer B's decision to leave cover in order to obtain a view of the Subject.

Officer J recalled that as Officer B was standing to his right and Officer I was off to his left shoulder, he was standing in the middle of the doorway. Officer B recalled that because he had to go inside the market, he had to clear the threshold of the door to be able to see the Subject.

Accordingly, the BOPC determined that in this circumstance, Officers B and J's decision to forego cover was appropriate because the officer's intent was to maintain sight of the Subject in order to deploy less-lethal force. The BOPC determined that Officer B and I's actions did not substantially deviate from approved Department tactical training.

In conclusion, Officers B and J are to be reminded that when confronting an armed subject, including those with edged weapons, the decision to leave cover increases the inherent risk. This topic was discussed during the Tactical Debrief.

3. Effective Encounters with Mentally Ill Persons

Officers I and J spoke to the Subject with clear, concise commands and ensured they were equipped with less-lethal force options when they made contact with a reported aggressive and potentially combative person likely suffering from a mental illness.

Officer J recalled that he was verbalizing with the Subject to drop the weapon.

Officer I recalled that he and Officer J had immediately engaged the Subject and ordered him to drop the sword, but the Subject refused and said that they were

going to have kill him. Officer I took time to consider what the officers were doing and subsequently requested a TASER. Officer I wanted to utilize less-lethal force to resolve the matter before having to resort to the use of deadly force.

Officers I and J responded to the market as a result of the radio call they received involving an individual armed with a sword. The comments of the radio call revealed the Subject was likely suffering from a mental illness, as he verbally stated that he wanted the police to kill him. Upon contact with the Subject, Officer I requested a TASER.

Officers should continuously assess the tactical situation before and during their encounter with a Subject, in particular one believed to be suffering from a mental illness, and in possession of a weapon. Moreover, an officer's effectiveness increases when multiple force options are readily available in order to maintain a tactical advantage.

During the BOPC's evaluation of this incident, they took into consideration that Officers I and J immediately requested a TASER when they made contact with the Subject. The first back-up unit arrived and those officers were equipped with a TASER.

The BOPC appreciated Officers I and J's efforts to utilize verbal options in an attempt to deescalate the situation. Once verbalization proved unsuccessful, the officers' options were limited regarding non-lethal, less-lethal, and lethal force. Accordingly, the availability of various force options when confronting a person demonstrating aggressive behavior and suffering from a mental illness increases officers' tactical advantage.

Therefore, the BOPC concluded that it was beneficial for Officer I to request less-lethal force options. Nevertheless, a discussion of Effective Encounters with Mentally ill persons would be beneficial for the involved personnel. This topic was discussed during the Tactical Debrief.

4. Tactical Communication

Officers I and J arrived at the market and encountered a Subject armed with a sword. Officers I and J immediately began issuing commands for the Subject to drop the sword.

Aware that additional units were Code Six, Officer I assumed a leadership role and requested a TASER in order to have a less-lethal force option. Although there was no formal tactical plan with designated roles for the involved officers, Officers B, E, H, I and J acted as a coordinated team and assumed tactical roles in a dynamic and rapidly evolving situation that resulted in taking the Subject into custody.

That being said, officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack. After a review of the communications between the officers throughout this incident, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training. This topic will be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Equipment (Impact Devices)

Officers H, I and J, were not equipped with an asp or baton on their person during this incident. Officers H, I and J arrived at the market and were faced with a rapidly evolving and dynamic situation where they believed they had to take immediate action in a situation with a Subject armed with a sword. Although they did not have their respective impact devices on their person, Officer B was equipped with a TASER, ensuring that the officers had other force options. However, Officers H, I and J are reminded that the baton can prove to be a valuable tool for safely and effectively controlling a subject. This topic will be discussed during the Tactical Debrief.

2. Equipment (TASER)

The FID investigation revealed Officer B retrieved the TASER from the glove compartment of his police vehicle as he arrived at the incident location. Upon exiting the police vehicle, Officer B carried the TASER in his hand. The investigation revealed at the conclusion of the incident, Officer B discovered the TASER secured in his right rear pant pocket, although he does not recall placing it there. Officer B is reminded that securing the TASER in the designed holster affords better retention and effective retrieval of the TASER. This topic will be discussed during the Tactical Debrief.

3. Optimum TASER Target Area

During this incident, Officer B recalled aiming at the Subject's center body mass when he discharged the TASER in probe mode. Officer B is reminded that the optimum TASER target area when in probe mode is the navel area. This topic will be discussed during the Tactical Debrief.

4. Stepping on a Suspect's Limbs

As the Subject was lying face down on the ground while handcuffed, he rolled onto his left side. Officer A placed his foot on the middle of the Subject's back and utilized his foot as a controlling agent to prevent the Subject from rolling over, and Officer H stepped on the Subject's left calf to control his movement. The investigation revealed that as a result of the OIS, the Subject sustained a

gunshot wound to his left forearm, and was bleeding from the wound during the non-lethal use of force portion of this incident. Although officers are discouraged from stepping on a Subject's limbs, in this instance, due to the amount of blood on the Subject's person, it was reasonable for the officers to briefly use their feet as a controlling agent. This topic was discussed during the Tactical Debrief.

5. Requesting a RA

After the Subject was in custody, Officer B broadcast that an OIS had occurred and indicated that the Subject was down but did not request an RA. However, immediately following the officer's broadcast, the air unit requested an RA to respond to provide medical treatment to the Subject. All officers are reminded that it is the responsibility of all Department employees to request a RA for a Subject, arrestee, or any other person requiring medical treatment, or when it is apparent that they are in need of such assistance. This topic will be discussed during 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 merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officers B, E, H, I and J's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers H, I and J responded to a radio call of an ADW Subject, armed with a sword. Additionally, the comments of the call indicated that the Subject possibly intended to be killed by police. Based on the information provided by CD, Officers H, I and J drew their respective service pistols.

Officer J recalled the knowledge he received from CD while heading to the call. Officer J knew the Subject's actions and what the citizen was reporting. Upon arrival, Witness D pointed in the direction of the store. Officer J recalled that with his training and experience, there was obviously something going on. Given the fact that the market was open and the time of day, there was great possibility that there was a citizen(s) inside and at least one employee working. Officer J formed the opinion that he needed to unholster his weapon because the situation could

immediately escalate to a deadly force situation, especially since the Subject was armed with a machete.

Officer I recalled that as soon as he exited his vehicle, Witness D told him that the Subject was inside the market. As Officer I was within twelve feet of the front door, he unholstered his weapon. Officer I did this because of the information that he received over the radio, that of an ADW Subject armed with a machete being held at the neck of a female. Officer I further had verification from the airship that they had seen the Subject going inside the market. Officer I knew that the market could get very busy, with constant pedestrian traffic going in and out of the market. Although Officer I had no idea who was inside the market, he still considered the subject to be a threat to those inside. Officer I considered that the Subject might be armed with some type of long blade, and there was definitely the potential for bodily injury or the Subject killing someone.

Officer H recalled that CD broadcast a call of an ADW Subject that was holding a machete to one of the victim's throat. Officer H recalled that CD broadcast something about the Subject wanting to be killed by the police. Upon arrival and based on the radio call that the Subject had a possible machete, he unholstered his weapon, believing that the tactical situation could escalate to the use of deadly force.

In evaluating the actions of Officer H, I and J, the BOPC took into consideration that the officers were responding to a radio call involving a Subject who had threatened several individuals with a sword and stated that he wanted to be killed by the police, causing the officers to recognize that the above circumstance could escalate to a life-threatening situation.

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

Therefore, the BOPC found Officer H, I and J's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- **Officer B** - Firm Grip, Physical Force
- **Officer E** - Firm Grip, Bodyweight, Physical Force
- **Officer H** - Firm Grip, Bodyweight, Physical Force
- **Officer I** - Bodyweight, Firm Grip, Physical Force
- **Officer J** - Firm Grip, Physical Force

After the OIS occurred, the Subject fell to the floor and dropped the sword. Officer I kicked the sword away from the Subject. Shortly thereafter, the Subject stood up and advanced toward Officers B, I and J in an aggressive manner. Officer I

observed that the Subject was unarmed and holstered his service pistol. Officer I grabbed the Subject's right arm utilizing a firm grip as Officer E stepped forward and grabbed the Subject's left shoulder, also utilizing a firm grip.

Officer I recalled that the Subject was yelling, something to the effect of, "You're going to have to kill me." Officer I recalled that the Subject got back up, and he could see that both of hands were empty so he went for his right hand.

Officer E recalled that the Subject spun around, and his shoulder was in front of him. Officer E grabbed the Subject's shoulder.

Officer I utilized physical force and brought the Subject's right arm behind his back. As this occurred, both Officers E and I felt what they described as the Subject's knees give out, and the officers assisted him to the floor. Officer E held the Subject up by his left shoulder to control his fall to the floor.

Officer E recalled that the Subject was falling, and he was trying to hold him up and guide him to the ground at the same time.

The Subject fell facedown to the floor. Once the Subject was on the floor, Officer E placed both his knees on the Subject's left shoulder and utilized bodyweight to keep him from standing up. Officer E then grabbed the Subject's left arm with both hands, below the elbow, and utilized a firm grip and physical force to hold the Subject's left arm behind his back.

Officer E recalled the Subject was facedown and placed his knees by the Subject's shoulder between his legs and used bodyweight. Officer E recalled that he was holding the Subject's left elbow area.

As the Subject was face down on the floor, he continued to resist the officers by kicking his legs, moving his body around, and attempting to stand up. Officer B moved behind the Subject and discharged the TASER in Drive Stun mode on the Subject's lower back in an attempt to gain compliance. Officer H took control of the Subject's left leg by utilizing a firm grip and bodyweight to hold it on the ground.

Officer H recalled the Subject started kicking and trying to come up again, so he held his legs. After holstering his pistol, Officer J stepped in and utilized a firm grip and physical force to assist Officer I in controlling the Subject's right arm and also assisted with placing the Subject in handcuffs. Officer J recalled that he was helping place the Subject's right arm behind his back so that officers could handcuff the Subject.

Officer B also utilized physical force to assist Officer I with the Subject's hands as he was handcuffing the Subject. Officer B recalled assisting with the Subject's hands as the handcuffs went on.

Once the Subject was controlled with the collective efforts of the involved officers, Officer I placed the Subject in handcuffs. Once the Subject was handcuffed, no further force was used.

After the Subject was handcuffed and still lying face down on the ground, the Subject rolled onto his left side. Officer I immediately placed his right hand on the Subject's left shoulder as an assisting officer briefly placed his right foot on the middle of the Subject's back as a controlling agent to prevent him from rolling over and pushed the Subject back onto his stomach. At the same time, Officer I guided the Subject back to the facedown position. Simultaneously, Officer H placed the upper portion of his right foot, with his heel still on the ground, on the Subject's left upper calf area as a controlling agent to prevent him rolling over. Once the Subject was back on his stomach, Officer H continued to maintain control of the Subject's left leg.

The BOPC determined that an officer with similar training and experience would reasonably believe that the non-lethal force utilized to control and effect the arrest of the Subject was justified. As such, the BOPC found Officers B, E, H, I and J's non-lethal use of force to be objectively reasonable and in policy.

D. Less-Lethal Use of Force

- **Officer B** – (one TASER activation in Probe Mode from a distance of approximately eight to ten feet, one TASER activation in Drive Stun/Direct Stun mode)

Upon arrival at the market, Officers I and J observed the Subject armed with a sword inside the location. Officers I and J ordered the Subject to drop the sword; however the Subject refused to comply with the officers' commands. Officer I requested a TASER, and Officer B advised that he was armed with a TASER. Officer I issued the Subject a verbal use of force warning that if he did not drop the sword, he would be tased. The Subject ignored Officer I's warning and according to Officer I, the Subject advanced toward the officers while holding the sword. Subsequently, Officer B discharged the TASER at the Subject's center body mass.

Officer B recalled hearing one of the officers yelling for a TASER. Officer B made entry into the door of the market, and other officers continued ordering the Subject to drop his weapon. Officer B observed the Subject had the sword up on his hand and was saying something to the effect of "Come get me. Come kill me." Officer B heard commands by other officers for the Subject to drop the sword. Officer B advised the officers that he was going to tase the Subject. Officer B shot the TASER and saw contact made with the Subject's chest, causing him to fall back into a candy rack.

The TASER appeared to have an effect on the Subject, causing him to lean back onto a snack display; however, he remained on his feet. The Subject regained his balance and appeared to remove the TASER probes from his torso with his left hand

while still holding the sword with his right hand. The Subject then advanced toward the officers while holding the sword in an aggressive manner.

Subsequently, Officer J was involved in an OIS. The OIS caused the Subject to fall to the floor and drop the sword. Officer I kicked the sword away from the Subject. The Subject again stood up and advanced toward the officers. The officers observed that the Subject was unarmed, and Officers E and I collectively used a combination of firm grips, physical force, and bodyweight to guide the Subject to the floor. While on the floor, the Subject continued to resist the officers by moving his body and kicking his feet. Subsequently, Officer B administered one TASER activation, in Drive Stun mode, to the Subject's lower back area.

Officer B further elaborated on his reasoning for the administering the TASER in Drive Stun mode on the Subject's lower back. Officer B recalled, that the Subject was still flailing and resisting. Officer B thought that the Subject was on drugs and he was trying to get the Subject to comply.

According to Officer B, he discharged the TASER two times on the Subject during this incident. However, according to Officer I, Officer B also discharged the TASER in Drive Stun mode on the front torso of the Subject prior to the take down as he advanced toward the officers at the front door of the business, while unarmed, after the OIS occurred. Officer J also recalled hearing a second discharge of the TASER almost simultaneously to the OIS; however, he could not recall if Officer B discharged a second set of TASER probes at the Subject, or if he reactivated the TASER utilizing the same probes.

According to Officer H, Officer B also discharged the TASER in the Drive Stun mode on the back of the Subject's right leg while the Subject was on the ground still resisting officers.

Note: The FID investigation revealed the data from the TASER utilized by Officer B during this incident indicated that the TASER was discharged four times for durations of five seconds each time. However, Officer B only recalls utilizing the TASER two times on The Subject. The BOPC determined that if Officer B did utilize the TASER four times as indicated by the TASER data retrieved and other officer's statements obtained during the FID investigation, all four discharges were reasonable and justified.

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer with similar training and experience and in a similar circumstance. The BOPC determined that an officer with similar training and experience would reasonably believe that the application of less-lethal force to stop the Subject's actions was reasonable and would have acted in a similar manner.

Therefore, the BOPC found Officer B's less-lethal use of force to be objectively reasonable and in policy.

E. Lethal Use of Force

- Officers I and J observed the Subject armed with a sword inside of the market and ordered him to drop the sword several times. The Subject ignored the officer's commands and responded by yelling, "You're going to have to kill me." Officer B discharged the TASER from a distance of approximately eight to ten feet. The TASER had minimal effect, and without warning, the Subject advanced toward the officers with a two-hand grip on the sword, with a very aggressive striking stance. Believing the Subject was going to severely injure or kill an officer, Officer J fired one round from his service pistol at the Subject to stop his actions.

Officer J recalled that he thought the Subject was going to make an attempt to try to kill him and/or other officers or do great seriously bodily injury one of them. Therefore, Officer J fired a round at him to stop his actions.

Note: The surveillance video depictions were consistent with the statements of the involved officers.

In this circumstance, the Subject refused to comply with Officers I and J's commands to drop his sword and then advanced without warning toward Officers B, I and J while holding the sword in a threatening manner. Consequently, Officer J's decision to discharge his service pistol to stop the Subject's actions and protect his and his partners' lives was objectively reasonable.

In conclusion, an officer with similar training and experience as Officer J would reasonably believe that the Subject presented an imminent threat of death or serious bodily injury and that the use of lethal force in order to address this threat would be objectively reasonable.

The BOPC found Officer J's use of lethal force to be objectively reasonable and in policy.