

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

OFFICER-INVOLVED SHOOTING 026-19

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Northeast	6/6/19		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	16 years, 2 months
Officer D	1 year, 2 months

Reason for Police Contact

Uniformed patrol officers responded to a radio call of an Assault with a Deadly Weapon suspect, who was armed with a box cutter. As the officers attempted to detain the Subject, he armed himself with a box cutter and charged at the officers, resulting in an Officer-Involved Shooting (OIS).

Subject	Deceased (X) Wounded ()	Non-Hit ()
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Subject: Male, 59 years.

Board of Police Commissioners' Review

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

The following incident was adjudicated by the BOPC on May 12, 2020.

Incident Summary

Witness A was inside her residence when she heard something drop on the porch, followed by the sound of an object hitting the front door. Witness A opened the inner door, looked through the mesh security door, and observed the Subject strike the door with what she believed was a crowbar. Witness A then walked off the porch and onto the street. According to Witness A, as the Subject walked, he used the piece of metal he was holding to strike plants and the ground. Witness A also noted that the Subject left a bent piece of metal on the porch. Witness A stated that she had known the Subject for approximately 30 years, he spoke fluent English, and believed that he was inebriated.

Investigators obtained surveillance video from a nearby location that captured a piece of metal fly onto the porch. Moments later, the Subject was captured opening the gate to the porch and stepping onto the porch with a long metal rod in his left hand. The Subject then used a two-handed overhead grip and twice struck the door frame of the residence with the metal rod. The Subject then walked off the porch, while still holding the metal rod. Investigators were unable to locate the metal rod the Subject was holding as seen in the video. Investigators recovered a separate metal rod, approximately four feet in length, on Witness A's front porch. This metal rod was similar in appearance to the item the Subject used to strike at Witness A's front door. Investigators also noted two small indentations on the framing above the front door.

On June 6, 2019, at approximately 1200 hours, Victim A was walking on the sidewalk when the Subject approached him at the corner of the intersection and stood approximately two to three feet in front of him. The Subject stated, "hey," and produced a box cutter with an exposed blade, which he held in his left hand. The Subject then made a jabbing motion toward Victim A's stomach area. Believing that he was going to be stabbed, Victim A ran away from the Subject on the street and telephoned the police. Victim A looked back and saw the Subject on the street near Victim B, who was standing in the street next to a parked white pickup truck. Victim A further observed Victim B hold his arms up and back away from the Subject.

According to Victim B, he was standing on the driver's side of his parked vehicle. Victim B observed Victim A run down the street, away from the Subject. Victim B heard Victim A yell, "Get away from me. You're crazy." The Subject then walked toward Victim B. According to Victim B, "He (the Subject) never ran towards me, but he was going towards - - he was walking towards me, but with purpose like if he was going to cause me harm." As the Subject approached to within approximately six feet of Victim B, the Subject asked, in Spanish, "What's up?" According to Victim B, the Subject's fists were clenched by his waist, but he did not see any weapon. Victim B walked to the passenger side of his vehicle and then ran down the street. As Victim B continued on the street, he telephoned 911.

According to Witness B, he observed the two encounters with the Subject between Victim A and Victim B. The Subject followed Victim B, at which time Witness B

observed the Subject holding what he believed to be a yellow box cutter with an adjustable blade that was exposed. Soon after, Witness B gave Victim B a ride in his vehicle around the block and back to Victim B's pick-up truck. Witness B also telephoned the police. Investigators later examined the box cutter and determined it to have an overall length of approximately six inches, with an exposed fixed blade, approximately one inch in length.

In response to Victim B's 911 call, Communications Division (CD) broadcast on the police radio, "415 man with a knife [...] Suspect is a male [...] wearing a black long sleeve shirt and blue jeans, chasing passersby with possibly a razor blade or a box cutter, Code 3."

When Victim B telephoned 911, he informed the operator that he was told by someone else that the Subject had a razor or maybe a box cutter.

In response to Victim A's 911 call, CD issued a broadcast on the police radio, indicating that an "attempt ADW just occurred [...] two blocks east of the location. Suspect is a male [...], mid to late 40's, fit, dark hair, wearing a black long sleeve sweater, dark pants, armed with a yellow box cutter[.]"

Uniformed Police Officers A and B responded with emergency lights and siren (Code-3) to the radio call. The officers were equipped with Body Worn Video (BWV) cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white, sport utility patrol vehicle, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Both officers' BWV and DICVS were activated.

According to Officer A, he/she and Officer B had worked together a few times in the past. The officers had previous conversations regarding general tactics and contact and cover roles. While en route to the radio call, Officer A spoke with Officer B about getting distance from the Subject, that he/she would be the contact officer and, if needed, Officer B would deploy the 40 millimeter less-lethal launcher.

According to Officer B, he/she and Officer A had previously worked together at least ten times. The officers had general conversations about contact and cover, foot pursuits, traffic stops, suspects armed with guns, and suspects armed with knives.

At approximately 1209 hours, CD inquired if the officers were equipped with a beanbag shotgun or a 40 millimeter less-lethal launcher, and Officer B broadcast they were. Both Officers A and B donned latex gloves while en route to the location, due to the likelihood of coming into contact with the subject.

Police Officers C and D responded Code-3 to the radio call. The officers were equipped with BWV cameras that were mounted on their mid-upper torsos. The officers were driving a marked black and white vehicle, which was equipped with ballistic door panels

and a DICVS. Both officers' BWV and DICVS were activated. Patrol Division uniformed Sergeant A also advised that he/she was en route to the call.

Upon their arrival in the area, Officers C and D searched the neighborhood but did not locate the Subject. While en route to the radio call, Officer C designated him/herself as the lethal cover officer and Officer D as less-lethal cover officer with a beanbag shotgun.

Upon their arrival in the area, Officers A and B met with Victim B. Officer A's BWV captured Victim B inform Officers A and B that he observed the Subject chasing another person (Victim A) prior to approaching him. Victim B advised officers that the Subject also chased him and was armed with a box cutter, although at the time of his encounter with the Subject, Victim B did not observe the box cutter. Victim B informed the officers that he was unharmed and gave them the last direction of travel for the Subject. Officer A directed Victim B to stand by while the officers searched the area to locate the Subject.

According to Officer B, he/she and Officer A continued their search of the area when they contacted Victim A. Victim A informed Officers A and B that he was approached by the Subject, who attempted to cut him with a yellow box cutter. Victim A was able to flee from the Subject unharmed. According to Officer A, Victim A demonstrated the Subject's actions by making jabbing motions, simulating a stabbing motion. Victim A further stated that he last saw the Subject to the south. Officer B's BWV captured Victim A describe the Subject as a male, about 5 feet 10 inches tall, wearing a long sleeve thermal sweater, armed with a yellow box cutter that had a yellow sheath. Officer A then directed Victim A to stand by with Victim B while he and Officer B attempted to locate the Subject. The investigation revealed the box cutter to have a yellow handle, not a sheath.

Officer A drove on the street when he/she met with Officers C and D. According to Officer C, Officers A and B informed Officers C and D that they spoke to two individuals (Victims A and B) who stated the Subject was armed and had chased people. Officer C opined that the Subject had committed an assault with a deadly weapon. Officer A's BWV captured him/her state, "So far it looks like he went after two guys and tried to get 'em." Officer A made a stabbing motion with his/her right hand, while simulating horizontally holding a knife out from his/her body. Officer C advised Officer A that they had searched for the Subject but had not located him. According to Officers C and D, Officer A stated that the Subject was armed with a knife.

After speaking with Officers A and B, Officers C and D remained in their vehicle as Witness B, who was driving north and waving at officers to get their attention, stopped to speak with them. Witness B provided Officers C and D with the Subject's description and last known location. According to Officer D, Witness B did not specify if the Subject was armed.

After speaking with Officers C and D, Officer A conducted a U-turn and stopped behind Officers C and D's vehicle while they conversed with Witness B.

After speaking with Witness B, Officers C and D drove south, followed by Officers A and B. As Officers C and D passed, their DICVS captured them stop and speak with Victim B. Officer D's BWV captured Victim B state, "I was the other guy that got chased too." Victim B informed the officers that when he telephoned the police, the Subject was at a nearby street corner. Victim B pointed to the south as he spoke to the officers. According to Officer D, Victim B stated he was chased by the Subject with a knife.

About this time, Officers A and B's DICVS captured Victim A walk into the intersection and flag them down. Officer A's BWV captured Victim A stating, "It kind of looks like this guy up here on the left. I can't tell from here but that's kind of what he was wearing." Officer A again directed Victim A to stand by with Victim B. According to Officer B, Victim A pointed to the sidewalk on the east side of the street. According to Officer B, Victim A stated, "I believe that's him. I believe that's him."

The two police vehicles continued down the street. According to Officer A, as he/she was traveling south, he observed the Subject walking in the opposite direction on the sidewalk. According to Officer A, as the police vehicle passed him, the Subject looked back in the officers' direction several times, as though he knew the officers were looking for him. Officer A's BWV captured Officers A and B communicating with one another as to whether or not the Subject matched the description given to them. Officers A and B decided to contact the Subject.

Officers C and D's vehicle proceeded, while Officer A conducted a U-turn and drove in the opposite direction. Officer B broadcast their direction on the police radio. According to Officer A, as he/he drove toward the Subject, he/she observed the Subject contact a female on the sidewalk, near a driveway, and believed that the Subject may harm citizens in the area. Officers A and B's DICVS captured the Subject standing within a few feet of an individual on the sidewalk.

According to Officer B, as the officers neared the Subject, he/she observed two individuals down the street, north of their location, pointing at the Subject and stating, "That's him, that's him." Officer B broadcast, "[W]e're going to be Code-Six on a possible suspect." As Officers A and B approached the Subject, their DICVS captured him walking on the sidewalk. Officer A stopped the vehicle approximately 30 feet away from the Subject. The Subject turned and faced in Officers A and B's direction. Officer B immediately exited and took a position of cover behind his/her vehicle door. Officer B's BWV captured him/her ordering the Subject to turn around and let him/her see the Subject's hands. Officer B unholstered his/her service pistol, which he/she held in a two-handed grip, with his/her finger along the frame, pointed at the Subject's upper body. According to Officer B, he/she unholstered because he/she knew the Subject may be armed with a box cutter.

Officer B's BWV captured the Subject raise his hands above his head, at which time Officer B noted that the Subject did not have anything in his hands. Officer B continued

to order the Subject to turn around and face away from officers. The Subject kept his hand raised but was non-responsive.

Upon hearing Officer B's request for the officers to make a U-turn, Officer C did so, and drove north. Officer C stopped his/her vehicle behind and to the right of Officers A and B's vehicle and exited. Officer A's BWV captured him/her exit the vehicle as Officer C exited his/her police vehicle. Officer A directed Officer C to deploy the 40 millimeter less-lethal launcher. According to Officer C, he/she advised Officer D to get the beanbag shotgun from the officers' vehicle.

According to Officers A and B, they did not deploy the 40 millimeter less-lethal launcher, because it was stored in the vehicle's trunk. According to Officer A, he/she did not want to divert his/her attention from the Subject. According to Officer B, he/she was contacting an armed suspect, so he/she wanted his/her pistol drawn.

According to Officer C, he/she felt the safest less-lethal tool for a suspect with an edged weapon was the beanbag shotgun, which would allow distance between the Subject and the officers. Officers C and D did not have a 40 millimeter less-lethal launcher in their police vehicle.

Officer D retrieved the beanbag shotgun from the rack inside the passenger compartment of his/her vehicle. Officer D chambered a round but did not add any additional rounds to the magazine tube. According to Officer D, after chambering a round, he/she disengaged the safety and placed his/her finger along the frame of the beanbag shotgun.

Officer C unholstered his/her service pistol and took a position of cover behind Officer A and B's vehicle passenger side door, slightly behind, and to the right of Officer B. Officers C and D's DICVS captured Officer C hold his/her pistol in his/her right hand, with his/her index finger along the frame, in an indoor low-ready position.

According to Officer C, he/she unholstered his/her pistol to a two-handed, low-ready position.

Officer A's BWV captured him/her standing near the front bumper of his/her police vehicle and speaking Spanish to the Subject. Officer A first asked the Subject two times in Spanish if he spoke English or Spanish. The Subject did not reply and continued to hold his hands in the air facing Officer A. Officer A and B's DICVS captured Officer A unholster his/her service pistol and then conduct a chamber check of his/her weapon. Officer A held his/her pistol in his/her right hand, down to his/her right side, with his/her finger along the frame. According to Officer A, he/she could not recall when he/she unholstered his/her service pistol but stated that he/she unholstered because he/she believed the Subject had a box cutter and that the situation could escalate to one involving the use of deadly force.

According to Officer A, he/she recalled moving to the left of his/her door in order to get a better view of the Subject; however, Officer A did not recall moving past the front of his/her vehicle. Officer A believed that he/she could have gone back to the cover of his/her door if the Subject approached.

In between commands to the Subject, and as Officer D positioned him/herself near the front of the police vehicle to the right of Officer A, Officer D's BWV captured Officer A instruct Officer D to have the beanbag shotgun ready. Officer D acknowledged Officer A and stated, "Beanbag's ready."

Officers A and B's BWVs captured both officers order the Subject multiple times in Spanish to turn around while Officer A made a circling motion with his/her left index finger. After being non-responsive to multiple commands, the Subject finally turned to his right and faced away from officers, while still standing on the sidewalk. Officer C and D's DICVS captured Officer C take a small step toward the sidewalk. According to Officer C, he/she moved from behind the vehicle door, because he/she did not have a viewing angle on the Subject.

Officer B's BWV captured Officer B order the Subject in Spanish to come down to his knees. Moments later, Officer D can be heard ordering in Spanish, "the knees." The Subject did not comply with the order. According to Officer D, since he/she is a fluent Spanish speaker, he/she ordered the Subject in Spanish to get on his knees since the Subject was not complying.

Uniformed Police Officers E and F arrived at scene. The officers were equipped with BWV cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white, sport utility patrol vehicle, which was equipped with ballistic door panels and a DICVS. Both officers' BWV and DICVS were activated.

Officers E and F exited their police vehicle. According to Officer E, he/she unholstered his/her service pistol to a low-ready position, believing the situation could lead to deadly force based on the comments of the radio call, which stated the Subject was armed with a knife and had either cut or chased people with it. Officer F's BWV captured Officer E holding his/her pistol in a one-handed, low-ready position with his/her finger along the frame. Officers E and F initially took cover behind Officer C and D's vehicle; however, they could not see the Subject. Officers E and F then repositioned to the driver's side of Officer A and B's vehicle, near the open driver's door. According to Officer E, both he/she and Officer F unholstered their service pistols after they exited their vehicle.

As the Subject continued to face north, Officers C and D's DICVS captured the Subject lower his right hand and reach into his rear waistband area. Officer B's BWV captured Officer B advise the officers that the Subject was reaching into his pocket. Officer A's BWV captured Officer A advising Officer D to ready the 40 millimeter less-lethal launcher (referring to the beanbag shotgun) as the Subject reached to his waistband area. Officers C and D's DICVS captured Officer C take an additional step to his/her right as the Subject began to reach into his rear waistband. The Subject continued to

face north during this movement. The object that the Subject had reached for fell to the ground. The Subject then turned to his right, squatted down, and quickly picked up the object from the ground with his left hand.

According to Witness E, the Subject was facing the officers as he reached into his rear waist area.

According to Officer C, the Subject suddenly reached into his rear waistband area with both hands and pulled an object out, which he then dropped and immediately picked back up. As the Subject picked the object off the ground, Officer C recognized the object to be a yellow box cutter. Officer C's BWV captured him/her advise the other officers, "He's got the knife." Officer E broadcast a back-up request over the police radio.

The Subject then began to run, taking a couple of steps on the sidewalk before changing direction and running towards Officers B and C. Officer A's BWV captured Officer A raise his/her service pistol in the direction of the Subject, while Officer D announced, "Beanbag ready, beanbag ready!" Officer D advanced a few steps out from behind the front fender of the police vehicle as he/she covered the Subject with the beanbag shotgun and followed his movement. Simultaneously, Officer A lowered the muzzle of his/her pistol as Officer D moved in front of him/her and Officer A moved behind the front fender of his/her vehicle.

According to Officer C, he/she stepped out to his/her right to track the Subject's movements and to give him/herself room to fire his/her weapon. Officer C noted the Subject looked in the direction of Officers B and C as the Subject ran at them. As he ran, the Subject held the box cutter at waist level with the blade pointed toward the officers. Officer C estimated the blade to be approximately one to two inches in length. Officer C's BWV captured Officer C yell at the Subject, "Stay! Stop!" The Subject continued his movement, however.

According to Officer D, as the Subject neared Officers B and C, he/she targeted the Subject's navel area and discharged one round from his/her beanbag shotgun. Officer D did not know where the beanbag round impacted. Officer C and D's DICVS showed the beanbag round impacted the Subject's chest. According to Officer D, "If I didn't fire that beanbag shot, he - - he would have still charged. If no action was taken, he could have caused like bodily harm to the officers - - serious bodily harm to them."

The investigation determined Officer D discharged one round from the beanbag shotgun from a distance of approximately 19 feet.

According to Officer D, there was no chance to give the Subject a use of force warning, due to the fact that he charged towards officers.

Almost simultaneous to the discharge of the beanbag shotgun, Officer C targeted the Subject's middle chest area and fired one round from his/her service pistol. Officer C

believed that the Subject had come within an unsafe distance and if the Subject had continued his actions, either Officer B or C could have been seriously injured or killed by being stabbed with the box cutter. Officer C noted that he/she could not back up or reposition, because the Subject was closing distance too quickly and Officer C knew that his/her police vehicle was positioned behind him/her. Officer C stated that his/her background was a house at the time he/she discharged his/her pistol.

Officer C's BWV captured the Subject run a few more steps and collapse onto the street near the curb line, after being struck by the beanbag and gunfire. According to Officer C, he/she assessed that after he/she fired and saw that the Subject had stopped his movement and fallen to the ground.

The investigation revealed Officer C discharged one round from his/her pistol from a distance of approximately 16 feet. An analysis of the BWV, along with measurements taken at scene, determined that from the time the Subject picked up the box cutter and moved towards officers, to the time of the OIS, the Subject travelled approximately 16 feet in approximately two seconds.

According to Officer B, he/she did not discharge his/her service pistol because he/she did not see that the Subject was armed with a weapon. According to Officer A, he/she did not discharge his service pistol because he/she was not sure what the object was that the Subject was holding.

None of the officers at the scene observed Officer C discharge his/her service pistol, and only Officer F believed he/she heard a gunshot. According to Officer D, he/she did not realize Officer C had discharged his/her service pistol until Officer D saw blood coming from the Subject, and Officer C advised that he/she had fired his/her pistol. According to Officer A, he/she heard a loud bang and believed only the beanbag shotgun had been discharged, until he/she saw the Subject bleeding. According to Officer B, he/she heard two shots and believed them to have come from the beanbag shotgun, until he/she saw blood coming from the Subject. According to Officer E, he/she was unsure if a handgun or a beanbag shotgun had been discharged. According to Officer F, he/she observed Officer D discharge the beanbag shotgun and heard a gunshot come from the passenger side of Officers A and B's vehicle.

According to Officer F, he/she unholstered her service pistol into a low-ready position, with his/her finger along the frame, in response to hearing gunfire.

According to Officer A, he/she repositioned to the front of his/her vehicle and saw the Subject on the ground and bleeding. Officer A stated the Subject was still moving and the box cutter was on the ground within his reach, so he/she ordered the officers to kick the knife away. According to Officer C, the box cutter was a few inches from the Subject, so he/she kicked the box cutter away from the Subject's reach, because the officers needed to handcuff the Subject.

Officer E's BWV captured him/her move around the police vehicle to view the Subject, and then ask the officers, "Regular shots fired or beanbag?" Officer C responded, "shots fired" and Officer D responded, "beanbag." In response, Officer E broadcasted a help call on the police radio.

Officer E directed the officers to roll the Subject over onto his stomach and handcuff him. Officer B grabbed the Subject's right shirt sleeve and rolled him over his left side and onto his stomach. Officer F's BWV captured Officer A holster his/her pistol and move in to assist handcuffing the Subject.

As the Subject was being rolled onto his stomach, Officer E held his/her pistol in a one-handed grip, down to his/her right side, grabbed the Subject's right arm with his/her left hand, and assisted Officer B. Officer F's BWV captured Officer E holster his/her service pistol after he/she helped roll the Subject over. Officer F holstered his/her service pistol as he/she walked closer to the Subject. Officer E then ordered Officer F to put gloves on prior to handcuffing the Subject. Officer D slung the beanbag shotgun over his/her right shoulder as officers were handcuffing the Subject.

Officer E broadcast a request for a Rescue Ambulance (RA) to respond and treat the Subject.

Officer F did not don gloves, and instead gave his/her set of handcuffs to Officer A. Officer A then handcuffed the Subject's right wrist and both Officers A and B handcuffed the Subject's left wrist. According to Officer B, he/she holstered his/her service pistol prior to handcuffing the Subject.

According to Officer C, he/she remained unholstered with his/her service pistol, providing lethal cover while the Subject was handcuffed. Officer C holstered his/her service pistol after the Subject was handcuffed. Officer E broadcast that all officers were accounted for, and that the Subject was in custody over the police radio.

Officer E's BWV captured him/her ask, "Who shot?" Officer C answered that he/she shot, and Officer D stated that he/she discharged the beanbag shotgun. Officer E then counted the total number of officers at scene and remarked that they would need six supervisors to respond to their location. Officer E then broadcasted a request for supervisors to respond to their location.

Officer C's BWV captured Officer B order Officer D to clear a path for an RA. As Officer D jogged back to his/her vehicle, Officer C directed Officer D to put the beanbag shotgun away and move their police vehicle. Officer D's BWV captured him/her place the beanbag shotgun in the trunk and move the vehicle.

Detective A was the first supervisor to arrive at scene. He/she wore plainclothes and drove an unmarked police vehicle. Detective A initially responded to the backup request, which was upgraded to a help call prior to his/her arrival. Detective A was accompanied by Police Officer G. Officer G also wore plainclothes and drove an

unmarked police vehicle. Soon after Officer G's arrival, he/she took a position on the perimeter, blocking vehicle and pedestrian traffic from entering the crime scene.

According to Detective A, upon his/her arrival, he/she directed an officer to establish a crime scene log, and he/she determined Officer C was the officer who discharged his/her pistol. Detective A then went to his/her vehicle and retrieved his/her Field Officer's Notebook that contained the Public Safety Statement (PSS) questions. Detective A then returned to Officer C, separated him/her from the other officers, directed him/her to turn off his/her BWV camera, and obtained a PSS. According to Detective A, he/she later collected Officer C's BWV camera. Detective A further stated that he/she was the Incident Commander, since he/she was the first supervisor at scene; however, he/she did not verbally declare it. Detective A stated he/she did not admonish the other officers at scene not to discuss the incident.

Officer E's BWV captured him/her initially ask Officer C if he/she had a medical kit for the Subject, but then moments later, he/she directed Officer F to get his/her medical supplies. According to Officer F, he/she went to the trunk of his/her police vehicle and retrieved and an Individual First Aid Kit (IFAK). Officer F then returned and removed the chest seals from the IFAK. Officer F took the chest seals out of the packaging and handed one of the seals to Officer A. Officer F then put on latex gloves. Officer A moved the Subject's outer shirt to expose the gunshot wound on his upper chest. He/she then applied the chest seal over the Subject's chest wound.

Sergeant A arrived at scene shortly after Detective A. Upon his/her arrival, Sergeant A's BWV captured him/her meeting with Officer E, who informed him/her that Officer C had fired one round, Officer D had discharged a beanbag shotgun, and there was a total of six officers involved in the incident. Sergeant A then briefly spoke with Detective A, who informed Sergeant A that he/she was taking a PSS from Officer C. Sergeant A informed Detective A that he/she (Sergeant A) needed to secure the crime scene.

Sergeant A then approached Officers A, B, E, and F, who were all standing near the Subject's body. Sergeant A identified that the officers were percipient witnesses to the OIS, and ordered them to stay in place and stand-by for the RA. According to Sergeant A, he/she advised officers at scene to clear a path for the RA and then directed officers at the scene to set up and inner and outer perimeter with crime scene tape. Sergeant A was then directed by officers to Witness A, who was reported to be planning to leave the scene in a short time. Sergeant A's BWV captured him/her conduct an interview of Witness A and obtain his information.

Lieutenant A also responded to the scene. Lieutenant A walked near the crime scene, motioned to Officers A and B, and determined that Officer C was the involved officer. Lieutenant A then located Officer C and Detective A and made sure a PSS had been given and Officer C had been separated, which he/she had. Lieutenant A also located Officer D, whom he/she noted had been separated.

As Officers A, B, E, and F stood together near the Subject's body and waited for the RA, they had a brief conversation with each other in regard to their positioning and how the incident unfolded. According to Officer A, he/she believed that as the primary unit assigned to the call, he/she would need to have enough knowledge of the incident to later relay to a supervisor. According to Officer B, his/her adrenaline was going, and he/she was trying to gather potential information for a supervisor.

Los Angeles Fire Department personnel arrived at scene and determined the Subject to be deceased.

Lieutenant A met Sergeant A and directed him/her to administer a PSS to Officer D, which Sergeant A did.

Officer B's BWV captured Detective C walk to the edge of the inner perimeter and meet with Officers A and B. Detective C then ordered them to be separated. Officer B obtained personal belongings from his/her police vehicle, and then exited the inner perimeter and met with Lieutenant A. Lieutenant A ordered Officer B to turn off his/her BWV. According to Lieutenant A, he/she administered a PSS to Officer B. Officer A's BWV captured Officer A obtain personal belongings from his/her police vehicle and then stand near uniformed Sergeant B inside the inner perimeter.

Force Investigation Division (FID) reviewed all documents and circumstances surrounding the separation and monitoring of the involved officers.

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 and Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

- A. Tactics** – The BOPC found Officers A, B, C, D, E, and F's tactics to warrant a Tactical Debrief.
- B. Drawing and Exhibiting** – The BOPC found Officers A, B, C, E, and F's drawing and exhibiting of a firearm to be In Policy.
- C. Less-Lethal Use of Force** – The BOPC found Officer D's less-lethal use of force to be In Policy.
- D. Lethal Use of Force** – The BOPC found Officer C's lethal use of force to be In Policy.

Basis for Findings

- In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department’s guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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

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

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

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the suspect’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance,

officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

Tactical De-Escalation

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

Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers A and B had worked together multiple times in the past and had addressed general tactics including contact cover roles, foot pursuits, traffic stops, and

suspects armed with handguns and knives. While en route to the radio call, Officers A and B discussed keeping distance from the Subject and that Officer A would be the contact officer. Officer B was designated as the officer who would deploy the 40mm Less-Lethal Launcher (LLL), if necessary. Additionally, both officers donned latex gloves in the event they would have to make physical contact with the Subject. While enroute to the radio call, Officer C designated him/herself as the lethal cover officer and Officer D as the less-lethal cover officer with a beanbag shotgun. Officer E and F discussed tactics while enroute to the radio call and determined that Officer E would be the cover officer and Officer F would be the contact officer if they were the first to arrive and contact the Subject. Additionally, Officer E and F determined that they would deploy a beanbag shotgun if one had not yet been deployed.

While the officers planned for their initial response to the incident, additional planning for other possibilities, such as a containment perimeter if the Subject attempted to leave the densely residential area, would have been preferred.

Assessment – Officer A assessed the tactical situation immediately after conducting his/her pedestrian stop on the Subject. Officer A requested Officers C and D to deploy a 40mm LLL due to the Subject not immediately complying with the commands being provided by Officer B, and the likelihood that the Subject was armed with a box cutter. Officer A requested for Officers C and D to deploy a 40mm LLL. Officer D deployed a beanbag shotgun instead, due to not having a 40mm LLL in their vehicle.

Both Officers C (service pistol) and D (beanbag shotgun) utilized fire control, immediately assessing after the round each fired to determine if the Subject still presented an imminent threat. Officer A continued to assess after the OIS and directed officers to move the box cutter away from where it landed due to its close proximity to the Subject's body. Officer E assessed the tactical situation immediately after the OIS and directed officers to handcuff and take the Subject into custody as he/she was in close proximity to them and was unsecured. Additionally, he/she requested an RA for the Subject and determined that an OIS had occurred in addition to the discharge of a beanbag shotgun.

Time – Officers A and B, after initiating their pedestrian stop on the Subject, attempted to communicate with him in both English and Spanish while also maintaining their distance. As units arrived, a beanbag shotgun was deployed as an additional de-escalation tool to gain more time to safely resolve the incident. The Subject, suddenly and without warning, rapidly escalated the incident, by reaching into his rear waistband and arming himself with a box cutter. The Subject charged at Officers B and C, who were positioned on the passenger side of Officer A's police vehicle. The Subject held the box cutter pointed towards Officers B and C, in his left hand, as he charged towards them. The Subject travelled approximately 18 feet in approximately two seconds. Officer D stated he/she fired his/her beanbag shotgun from the driver's side of Officer A's police vehicle to stop the immediate deadly threat posed by the Subject. Officer C stated he/she fired his/her service pistol to protect him/herself and Officer B from the deadly threat the Subject presented. The Subject's actions did not afford the officers

any additional time to respond to his deadly actions, which reduced the time they had to respond, and significantly limited their tactical options.

Redeployment and/or Containment – Officers A and B met with both Victims A and B upon their arrival in the area of the radio call and verified that the Subject was armed with a box cutter and had attempted to assault both of them. After locating the Subject, Officer A observed Witness A in close proximity to the Subject. Based on the threat officers believed the Subject presented to Witness A and the wider community, they immediately stopped their police vehicle and attempted to detain the Subject, which did not allow for containment to be properly established. While attempting to communicate with the Subject and to have him place himself into a prone position, the Subject armed himself with a box cutter and charged toward Officers B and C. Due to the speed in which the Subject closed distance on Officers B and C, the officers had an extremely limited time in which to react to the lethal threat presented to them. The Subject's actions, in which he rapidly closed to an unsafe distance armed with a box cutter, did not allow space for Officers B or C to redeploy from their positions.

Officers E and F initially took cover behind Officer's C and D police vehicle, however they redeployed to the driver's side of Officer's A and B police vehicle in order to place themselves in a more advantageous tactical position and to provide assistance.

Other Resources – Due to the nature of the radio calls, additional units broadcast they were responding to the radio call to support Officers A and B. When Officers A and B initially made contact with the Subject, they did not observe the Subject armed with a weapon, but believed he was possibly armed. They attempted to communicate with him and direct him to the ground. Less-lethal force options were considered, and a beanbag shotgun was deployed by Officer D upon the request of Officer A. Officers E and F observed that Officer D had already deployed a beanbag shotgun and made the determination not to deploy an additional less-lethal option at the time. The Subject armed himself with a box cutter, ignored verbal commands to de-escalate, and charged the officers. Officer D fired his/her beanbag shotgun and Officer C fired his/her service pistol in response to the Subject's lethal threat. Additionally, Officer E requested an RA to respond immediately after the OIS.

The BOPC noted that while Officer D deployed a beanbag shotgun, it would have been preferable for the deployment of an additional less-lethal force option. This would have been beneficial due to the Subject being on the move and the unpredictable nature of his movements and changing of directions. This would have allowed for additional tactical options during the incident. It was noted that due to the rapid escalation of the incident by the Subject and the reduction of the time available to the officers, the deployment of other force options was limited. Although there was a 40mm LLL located inside one of the police vehicles at the location, due to the proximity of the Subject and the rapid escalation of the incident, it was understandable that the 40mm LLL was not deployed due to the initial inability of the officers to access it. The officers were equipped with TASERS if the circumstances required the deployment of one. The incident may have also benefitted from the request for an Air Unit to respond to the

location. This would have allowed for additional coordination of resources and also the tracking of the Subject if he had gone mobile and attempted to leave the area.

Lines of Communication – Throughout the incident, officers utilized open lines of communication. Officers A and B initially opened lines of communication with Officers C and D, informing them of the crime that had occurred and the weapon used based on the information they received from Victims A and B. Officers A and B communicated to each other their observation of the Subject walking on the street. They communicated to Officers C and D to turn their police vehicle around to assist them with a possible suspect. Officers utilized both English and Spanish commands to direct the Subject to the ground. Additionally, officers attempted to communicate with the Subject as he aggressively reached in the rear of his waistband to arm himself with a box cutter. Officers ordered the Subject to put his hands up and “Stop” prior to the OIS occurring.

The BOPC noted that the responding officers had limited time to react to the deadly actions of the Subject. Officer A stated he/she observed the Subject appear to be making contact with Witness A and immediately attempted to detain him based on the crimes he had committed and his continuing danger to the community. Officers A and B attempted to de-escalate the encounter by communicating with the Subject in both English and Spanish in order to gain compliance and allow additional time to calmly resolve the incident. Officers also deployed a less-lethal force option in the event its use became necessary. However, the Subject suddenly and unexpectedly armed himself with a box cutter and began to charge at the officers. The aggressive actions and lethal threat presented by the Subject limited the time and options available to the officers and forced them to react to the imminent lethal threat. Officers were required to make decisions that balanced the safety of the community and their own welfare while presented with an imminent lethal threat.

During its review of the incident, the BOPC noted the following:

1. Utilization of Cover

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer’s tactical options.

Officer A left a position of cover when he/she moved from the protection of the police vehicle.

In this case, upon exiting the police vehicle, Officer A moved away from his/her driver’s door and in front of the left front fender of the police vehicle in order to get a better view of the Subject and to also give commands for the Subject to place himself into a prone position. The BOPC noted that the Subject appeared to be unarmed at this time. Both a utility pole and a light pole were between Officer A and where the Subject was initially contacted, which provided an obstacle.

Officer A stated he/she believed that the two poles were a barrier between him/her and the Subject, which would provide Officer A sufficient time to move back the short distance to the cover of his/her police vehicle and react to a threat. Officer A believed he/she was in close proximity to his/her police vehicle and would be able to utilize the cover afforded by his/her police vehicle.

Based on the totality of the circumstances, the BOPC determined that Officer's A actions were not a deviation from approved Department tactical training.

2. Searches of Arrestees

Officers are trained to conduct a search of arrestees to ensure that they are not armed with weapons and do not possess items of contraband on their person. This practice is necessary for the safety of not only the officers, but also medical personnel and the public.

Following the OIS, Officers A and B did not search the Subject for additional weapons that he may have possessed on his person.

The BOPC noted that after the OIS, the Subject fell to the ground and was virtually motionless. The box cutter that the Subject was reportedly holding and observed to be armed with had fallen from the Subject's grasp and was moved away from the Subject. Officers immediately observed that the Subject was bleeding profusely and requested an RA to respond for the Subject's injuries. Additionally, Officer A located the wound to the Subject's chest and applied a chest seal from an IFAK provided by Officer F.

Based on the totality of the circumstances, the BOPC determined that the officers were focused on rendering aid to the Subject. As such, while identified as an area for improvement, the officers' actions did not represent a deviation from approved Department tactical training.

- The BOPC also considered the following:
 - 1. Initiating Contact While Seated in Police Car** – The investigation revealed that Officers A, B, C, and D initiated contact with witnesses while still seated in their police vehicles. The officers were reminded of the importance of proper safety tactics when encountering pedestrian contacts, including the increased visibility and mobility provided by exiting their vehicles during these encounters.
 - 2. Supplemental Information Broadcast** – The investigation revealed that Officers A and B did not broadcast updated information regarding the crime committed by the Subject, as well as a verified description of the box cutter he was armed with to responding officers. The officers were reminded that the omission of this information can create a circumstance wherein responding personnel are not

fully aware of the circumstances of the evolving tactical situation they may be encountering.

3. **Situational Awareness (Air Unit request)** – The investigation revealed Officers A and B while attempting to locate the Subject, did not request an available Air Unit to respond and assist with their search. Officers A and B were reminded to utilize all available resources at their disposal in order to provide a situation of tactical advantage and ensure operational success.
4. **Situational Awareness (Chamber Check)** – The investigation revealed that Officer A chamber checked his/her service pistol after drawing it from his/her holster during the high-risk pedestrian stop of the Subject. Officer A was reminded of the importance of ensuring the condition of his/her service pistol prior to deploying it in tactical situation in the field.
5. **Non-Conflicting Simultaneous Commands** – The investigation revealed that several officers gave simultaneous commands to the Subject prior to the OIS. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.
6. **Beanbag Shotgun Manipulations** – The investigation revealed that during the incident, Officer D disengaged the safety of the beanbag shotgun prior to intending to shoot. Officer D was reminded of the importance of proper beanbag shotgun manipulation during tactical situations and that the premature disengagement of the safety can increase the likelihood of an unintentional discharge.
7. **Use of Force Warning** – The investigation revealed that a Use of Force warning was not provided by officers at scene prior to Officer D discharging the Beanbag Shotgun. In this case, the Subject charged officers, limiting the time to provide the verbal warning. The officers were reminded of the importance of providing a Use of Force Warning, when feasible, prior to utilizing less-lethal control devices.
8. **Situational Awareness (Background)** – The investigation revealed that at the time the Subject was detained, Witness A was not in the officers' background. As the Subject moved toward the officers, the background of Officers A and D began to angle in a southerly direction, to then include Witness A. As Officer D fired his/her beanbag shotgun at the Subject, who was moving, Witness A entered into his background. Additionally, Witness A also entered the background of Officer A as Officer A tracked the movement of the Subject with his/her service pistol. Although the issue of Witness A being in the background of the officers was created by the Subject's movements, the removal of Witness A from the location could have prevented this issue. Officers at scene did not identify and communicate to Witness A to leave the area and move to a safer location. The officers were reminded to be mindful of their background during tactical encounters which may result in the use of deadly force and attempt to

communicate with community members in the vicinity to leave the area for their safety. The removal of uninvolved community members also allows for officers to focus on handling suspects without further distractions.

- 9. Basic Firearms Safety Rules** – The investigation revealed that Officer A briefly allowed the muzzle of his/her service pistol to cover Officer D's back during the incident. Even though this incident was dynamic and fluid in nature, Officer A was reminded to remain mindful of the Department's Basic Firearm Safety Rules at all times.
- 10. Tactical Communication** – The investigation revealed that officers at scene did not communicate with each other prior to moving forward and handcuffing the Subject. Officers were reminded of the importance of effective communication during a tactical incident to provide critical basic direction, reduce possible confusion, and improve operational success.
- 11. Initiating physical contact holding service pistol** – The investigation revealed that as the Subject was being rolled onto his stomach, Officer E held his/her service pistol in a one-handed grip down to his/her right side. Officer E grasped the Subject's right arm with his/her left hand to assist Officer B with rolling the Subject onto his stomach. Officer E holstered his/her service pistol after he/she assisted rolling the Subject onto his stomach. Officer E was reminded that initiating physical contact with a suspect, while holding a service pistol, may inhibit an officer's ability to utilize other force options or to de-escalate. There is also an increased risk the suspect could gain control of the service pistol.
- 12. Preservation of Evidence** – The investigation revealed that after the OIS, Officer C kicked the box cutter a short distance away from where it fell, due to it being within arm's reach of the Subject. In this case, the proximity in which the box cutter was in relation to the Subject was a factor in immediately moving the box cutter. However, to enhance future performance, officers were reminded that whenever tactically feasible, it is preferable to have an uninvolved officer guard evidence and leave it undisturbed until FID investigators can properly document and preserve the scene. If evidence must be moved, officers should don appropriate personal protective equipment, such as latex gloves, to minimize altering or contaminating the evidence.
- 13. Protocols Subsequent to a Categorical Use of Force** – As Officers A, B, E, and F stood together at scene after the OIS, waiting for the RA unit to respond, they had a brief conversation with each other in regard to their positioning and how the incident unfolded; however, they had not been separated or admonished not to discuss the incident by a supervisor. Additionally, Officers E and F made telephone calls to personal associates, advising them they were involved in an OIS. These calls were not made in the presence of a supervisor; however, they were made prior to the officers being separated and admonished not to discuss the incident. Officers were reminded of the importance of protocols subsequent

to a Categorical Use of Force, specifically not discussing the incident until interviewed by FID investigators.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

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

Although it was determined that Detective A and Sergeant A would not receive formal findings, the BOPC believed that they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

The BOPC found Officers A, B, C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, he/she did not recall exactly when he/she drew his/her service pistol. However, Officer A stated he/she drew /her service pistol because he/she believed the Subject had a box cutter and the situation could escalate to one involving the use of deadly force. Additionally, Officer A believed he/she drew his/her service pistol out to a low-ready position.

- **Officer B**

According to Officer B, he/she deployed out of the passenger side of his/her police vehicle and was the cover officer. He/she drew his/her service pistol immediately upon exiting the police vehicle based on his/her knowledge from speaking with Victims A and B, as well as the comments of the call, which had informed him/her that the Subject was armed with a yellow box cutter. Officer B believed the tactical situation could escalate to one involving the use of deadly force.

- **Officer C**

According to Officer C, he/she had received information from Officers A and B that the Subject had previously chased two victims with a weapon and had attempted to commit an Assault with a Deadly Weapon. Due to the nature of the call, a man armed with a knife, as well as his/her observation that the Subject was not completely complying with the commands being given by Officers A and B, he/she drew his/her service pistol to a low-ready position.

- **Officer E**

According to Officer E, upon his/her arrival at the Subject's location, he/she drew his/her service pistol after exiting his/her police vehicle based on the comments of the radio call, a man armed with a weapon chasing people, and due to the situation potentially leading to the use of deadly force.

- **Officer F**

According to Officer F, he/she drew his/her service pistol to a low-ready position after he/she heard gunfire.

In this case, the BOPC conducted a thorough review evaluating the reasonableness of Officers A, B, and C's drawing and exhibiting of a firearm. The BOPC noted that the Subject had attempted to assault both Victims A and B with a box cutter, both of whom avoided harm only by fleeing from the Subject. The Subject's actions presented a potential deadly threat to the community as well as responding officers.

The BOPC conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw/exhibit their service pistols. The BOPC considered that Officers A and B responded to multiple radio calls that indicated the Subject was armed with a box cutter or razor blade. Upon their arrival, they met with both Victims A and B who confirmed that the Subject was armed with a box cutter and had attempted to assault them. Officer C, who had responded to the radio call to assist Officers A and B, also had knowledge of the comments of the radio calls and was informed by Officer B of the Subject's aggressive actions relayed by Victims A and B. The BOPC noted that upon encountering the Subject, Officers A, B, and C believed the Subject was armed with a box cutter and observed he was not immediately complying with commands to place himself on the ground.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and C, 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, B, and C's drawing and exhibiting of a firearm to be In Policy.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officers E and F's drawing and exhibiting of a firearm. The BOPC noted that Officers E and F were aware of the comments of the multiple radio calls indicating the Subject was armed with a weapon.

The BOPC conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw/exhibit their service pistols. The BOPC noted, upon his/her arrival at scene, Officer E drew his/her service pistol immediately upon exiting the police vehicle. Officer E believed the Subject may have been armed with a weapon based on the comments of the radio calls and believed the tactical situation may escalate to one involving the use of deadly force. The BOPC also considered that Officer F was initially designated by Officer E as the less-lethal cover officer while en route to the call. Officer F drew his/her service pistol immediately after he/she heard gunfire, believing there was an immediate danger to the officers and that the tactical situation could escalate to one involving the use of deadly force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers E and F, 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 E and F's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

- **Officer D** – (Beanbag Shotgun, one super sock round)

According to Officer D, he/she observed the Subject arm him/herself with a knife and begin charging at the officers. As the Subject approached Officers B and C, Officer D targeted the Subject's navel area and discharged one round from his/her beanbag shotgun due to the Subject not listening to commands and posing a threat to Officers B and C. Officer D believed the Subject was approximately five to seven feet away from Officers B and C when Officer D fired the beanbag round and deemed that the Subject would have caused serious bodily harm to the officers had he/she not taken action. Officer D stated that when the Subject charged towards the officers, there was no opportunity to provide the Subject a use of force warning.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer D's less-lethal use of force. The BOPC noted that Officer D was aware of the comments of the call indicating the Subject was armed with a box cutter or razor. Additionally, he/she was informed by Officers A and B that the Subject had attempted to assault Victims A and B with a box cutter. While en route

to the radio call, Officer C had designated Officer D as the less-lethal cover officer. Upon his/her arrival at scene, Officer D deployed a beanbag shotgun and moved to the driver's side of Officer A and B's police vehicle. The BOPC considered Officer D's attempt to direct the Subject to his knees in Spanish, to which the Subject did not respond. Additionally, the BOPC noted, the Subject reached into his rear waistband and armed himself with a box cutter. The Subject charged towards Officers B and C armed with the box cutter, rapidly escalating the encounter and presenting an imminent lethal threat. Officer D fired one beanbag round to stop the lethal threat posed to both Officers B and C. Officer D assessed and immediately ceased firing after firing his/her only beanbag round.

The BOPC also considered the limited amount of time to give the Subject a verbal warning prior to the discharging of the beanbag shotgun and that the Subject charged at officers.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect the Subject's arrest.

Therefore, the BOPC found Officer D's less-lethal use of force to be objectively reasonable and In Policy.

D. Lethal Use of Force

- **Officer C** – (pistol, one round)

According to Officer C, he/she observed the Subject not fully complying with commands being provided by Officers A and B, which included him continuing to drop his hands. Officer C observed the Subject reach behind his back into his rear waistband and drop an object on the ground. The Subject picked up the item, which Officer C recognized as a yellow box cutter. The Subject immediately began to run straight towards Officers B and C with the box cutter pointed at them. Officer C believed that he/she and Officer B would be seriously injured or killed. Officer C fired one round from his/her service pistol as the Subject charged towards them to defend his/her life and Officer B's life. Officer C stated the Subject had closed to an unsafe distance and believed there was no time to redeploy or utilize any other options because the Subject was closing the distance too quickly. Officer C assessed after he/she fired and observed the Subject had fallen to the ground, and no longer posed a lethal threat.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer C's use of lethal force. The BOPC took into consideration that the Subject was armed with a box cutter and had aggressively attempted to assault two victims without provocation prior to the officers' arrival.

Upon arrival at scene, Officer C drew his/her service pistol and took up a position on the driver's side of Officers A and B's police vehicle. Officer C had designated him/herself as the lethal cover officer while his/her partner, Officer D, would be the less-lethal cover officer. Officer C observed as the Subject failed to comply with commands being provided in both English and in Spanish by Officers A and B to place himself on the ground. The Subject, suddenly and without warning, reached into his rear waistband and armed himself with a box cutter, escalating the incident.

The BOPC considered the rapid speed in which the Subject armed himself and began to charge at Officers B and C armed with the box cutter, which had the blade in the open position. The BOPC also considered the minimal time in which officers had to make a decision, as well as the threat posed by the Subject to the officers. Multiple officers, including Officer C, attempted to order the Subject to stop; however, he proceeded towards Officers B and C swiftly and in an aggressive manner. The BOPC considered that the Subject, while armed with box cutter, travelled approximately 16 feet in approximately two seconds, closing the distance to Officer C.

The BOPC also reviewed the incident and noted that Officer C, in response to the imminent lethal threat presented by the Subject's actions, fired one round from his/her service pistol. Officer C ceased fire immediately after as he/she assessed and observed the Subject fall to the ground, no longer posing a deadly threat. Officer C's assessment and the single shot (fire control) contributed to the lack of contagious fire that can occur during similar incidents. The BOPC noted in their evaluation of Officer C's actions, although Officer C used lethal force to defend both his/her life and Officer B's life, he/she demonstrated composure under a highly tense and dynamic encounter while exercising notable fire control.

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

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