

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

OFFICER-INVOLVED SHOOTING – 027-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Foothill	5/17/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	5 years
Officer C	11 years
Officer E	15 years, 2 months

Reason for Police Contact

Officers responded to a 911 radio call of the Subject throwing rocks at citizens. Upon arrival, the Subject began throwing rocks at the officers from a nearby residence. A short time later, the Subject exited the yard and ran towards the officers with a knife in his hand, resulting in an Officer Involved Shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 34 years of age.

Board of Police Commissioners' Review

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

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on April 14, 2015.

Incident Summary

On the date of this incident, Communications Division (CD) broadcast a radio call of an assault with deadly weapon (ADW) and to meet Witness A outside in a gray Sports Utility Vehicle (SUV). Witness A advised that she and her husband, Witness B were parking their vehicle when it was hit with two rocks coming from their home. CD further advised that it was unknown if someone was inside of their home. CD broadcast further information that the Subject was "there now" and upgraded the call to a Code Three response, requiring an emergency response. Witness A stated that an unknown male was throwing rocks at them.

Police Officers A and B requested the call and Officer A drove with emergency lights and sirens to the location. Officer B read the comments of the call to Officer A from the Mobile Digital Computer (MDC), which included the Subject's description as a shirtless male, wearing black shorts, who was throwing rocks. As Officers A and B traveled to the call, they discussed tactics and agreed that if the Subject was throwing rocks and it was unsafe to approach, they were going to keep their distance and deploy the beanbag shotgun. They also discussed that if required, Officer A would provide lethal cover and Officer B would handle less lethal, depending on the circumstances.

CD broadcast additional information that an additional witness (Witness C) was calling and was standing by in a gold and silver SUV. Witness C stated that she could direct the officers to the Subject, who was throwing rocks at her vehicle.

Officer B broadcast that the officers had arrived at the location. The officers were flagged down by Witness C north of the location. Witness C stated that she had called 911 because rocks had been thrown at her car. Witness C could not provide any additional Subject information or his current location. Officers A and B got back in their vehicle and began searching for the Subject.

The officers then drove east and were flagged down by Witness B. Witness B exited his gray SUV and pointed farther east. Witness B advised the officers that the Subject was in his house and that he had thrown rocks at his vehicle upon his arrival home. The officers then observed a large rock thrown toward their vehicle. Officer A directed Witness B to leave the area.

Note: Witness B's wife, Witness A, who was initially a passenger in the vehicle, drove around the corner, while Witness B remained in the area and continued to observe portions of the incident.

Officer A drove farther east in an attempt to locate where the rock was thrown from. When a second rock was thrown toward the officers' vehicle, Officer A stopped and parked the vehicle in the center of the street, approximately 20 yards west of a residence and pointed the vehicle in a southeast direction. Officer B requested backup,

moved to the rear of their vehicle for protection and to gain access to their equipment in the trunk.

Patrol Division uniformed Sergeant A arrived and placed himself at the scene, via his radio, as Officers A and B were exiting their vehicle.

The officers determined the rocks were being thrown from a specific residence, but they could not see the Subject. Due to the softball-size rocks that were being thrown at them, Officer B unholstered his duty pistol and covered the residence, while Officer A retrieved his Department-approved Remington 870 shotgun from their trunk. The shotgun was loaded with six buckshot rounds in the extended magazine tube. Officer A cycled a round into the firing chamber and topped the magazine tube off with an additional round that he retrieved from the sidesaddle ammunition carrier on the shotgun's receiver. Officer A covered downrange with his shotgun and told Officer B to acquire the beanbag shotgun and to put his helmet on. The officers remained behind the open truck as it provided additional protection.

Sergeant A met with the officers at the rear of their vehicle and assumed the role of Incident Commander (IC). As Officer B was loading the beanbag shotgun, Sergeant A advised him to temporarily keep it in his trunk and to focus on the threat with his duty pistol. Officer B unholstered his pistol and covered down the street with Officer A from the right rear portion of their vehicle. The front ballistic doors to the officers' vehicle remained open for additional protection. Sergeant A ensured that Officers A and B had donned their helmets and advised CD to have all responding units don their helmets upon their arrival. Officer A heard the Subject yelling and attempted to communicate with him. Officer A told the Subject to stop throwing rocks, to come out, and that they just wanted to talk with him. The Subject remained out of view and responded by using profanity. The Subject continued throwing rocks. Sergeant A pointed the spotlights from Officer A's vehicle toward the residence in an effort to illuminate the Subject.

Additional units responded to the backup request, including uniformed Officers C and D. Officers C and D arrived on scene and parked their vehicle behind Officers A and B's vehicle. Officer D broadcast that he and Officer C had arrived at the location. Officers C and D donned their helmets and met with Sergeant A at the rear of Officer A and B's open trunk. Sergeant A advised them that when the Air Unit and additional units arrived, they would have the Air Unit pinpoint the Subject's location and attempt to work their way up to where the Subject was located and take him into custody.

Officer D positioned himself behind the driver's side door of another police vehicle, located approximately twenty feet west of Officers A and B's vehicle. Officer D observed rocks continuously being thrown from the residence. Officer D focused on an empty lot south of the primary residence as a potential threat area, while Officer C positioned himself next to Sergeant A and the other officers at the rear of Officer A's vehicle. Officer C relayed the plans being discussed to Officer D.

Foothill Patrol Division uniformed Police Officers E and F arrived on scene. Officer F placed the officers at the scene via his police radio. Officer E parked on the street, west of Officers A and B's vehicle. Officer F donned his helmet, while Officer E began moving toward the group of officers at the rear of the trunk. Sergeant A instructed Officer E to return to his vehicle and don his helmet. Sergeant A's team included lethal and less-lethal force options. Officer A was armed with the shotgun and Officers B and E were armed with beanbag shotguns. Officer F was assigned to carry less-lethal force, equipped with a TASER.

Patrol Division officers from a different Area, uniformed Officers G and H, arrived at the scene and placed themselves Code Six. Officers G and H met with the group of officers at the rear of Officer A's vehicle. Sergeant A directed Officers G and H to drive to the rear of the target residence and provide rear containment. Air Support Division Police Officers I and J, arrived overhead.

Officer B observed the Subject in the street, in front of the target residence and alerted the other officers assembled at the rear of the vehicle. Simultaneously, Air Support broadcast that the Subject was running in the street. Officer A moved from the right rear of the police vehicle to the open driver's door of their vehicle. Officer A held his shotgun in a high-ready position, with his finger along the frame.

The Subject initially ran north across the street, then west toward the officers, with a knife in his right hand, pointed upwards. Sergeant A's duty pistol remained holstered as he loudly alerted the other officers, "He's got a knife, He's got a knife!" The Subject ran at them, and Sergeant A believed he was coming to hurt or kill them. When the Subject was approximately 30 feet away, Sergeant A ordered his primary cover officers, which included Officer A, to shoot. From the driver's door of his vehicle, Officer A noted that the Subject was closing the distance quickly and believed that he was going to stab him or his fellow officers.

Officer A depressed the safety of his shotgun and with an intended target area of the Subject's chest, fired one round. The Subject continued forward and to Officer A's left (north). Officer A fired a second round at the Subject. After the second shot, the Subject retreated and ran east, away from the officers. Officer A brought his shotgun down to a low-ready position and placed his finger along the frame.

Note: Officer A stated that he heard Sergeant A say, "Shoot," but indicated that his decision to shoot was based on his observation of the Subject's deadly actions and not Sergeant A's command. Officer A stated that after his first shot, the Subject turned, and he could no longer see the Subject's right hand. Officer A did not observe the Subject discard the knife and did not see what, if anything, the Subject had in his left hand.

After receiving Sergeant A's instruction to don his helmet, Officer E returned to his vehicle and retrieved his helmet and beanbag shotgun from the trunk. The beanbag shotgun was loaded to patrol-ready with four rounds in the magazine tube. Officer E

loaded a round into the firing chamber and topped off the magazine tube with a round from the sidesaddle on the receiver. Officer E held the shotgun, in a low-ready position, with his finger on the safety as he moved toward the officers assembled behind Officer A's vehicle. As he approached the group, Officer E heard somebody repeatedly say, "He's got a knife," and observed the Subject running at them in a full sprint. Officer E stated, he could see the Subject with a huge knife in his hand and was screaming like a mad man as he was rushing towards the officers.

Officer E continued forward, positioning himself to the left of Officer A. Fearing that the Subject was going to stab him and the other officers, Officer E fired two shots from his beanbag shotgun in quick succession. Officer E stated he did not have time to bring the shotgun to his shoulder for the first shot and fired from the close contact shooting position. Officer E was uncertain, but believed the second shot may have been fired from the close contact position as well. Officer E's intended target area for both shots was the Subject's mid-section. After firing, Officer E observed the Subject turn and run away, east and then north.

Note: Officer E stated that the Subject had items in both hands, but specifically saw that he was holding a knife with the blade up in his left hand.

According to Officer C, he was initially positioned behind two or three officers at Officer A's vehicle, when he observed the Subject coming at them with a knife. The Subject made a stabbing motion as he ran at a full sprint toward the officers. Officer C heard unknown officers give the Subject orders to "drop it." Officer C then heard Sergeant A order officers to shoot. Officer C remained holstered and positioned behind other officers as Officers A and E fired. Officer C observed the Subject turn and run eastbound along the north curb. Officer C feared that the Subject may go into a house and create another situation by barricading himself, and he began to follow the Subject on foot.

Note: Officer C believed that the Subject was holding the knife in his right hand with the blade pointed down.

After traveling a few steps, Officer C observed the Subject stop, turn around and look in his direction, while holding the knife in his right hand with the blade pointed up. The Subject took a step toward Officer C, while making a stabbing type motion. Officer C unholstered his duty pistol and fired one round at the Subject. Officer C stated he was aiming at the Subject's center body mass to stop the threat.

Note : Witness testimony and physical evidence both indicate that Officer C actually fired at the same time as Officer A, as the Subject was running toward the officers.

Officer C stated he fired because he observed how the Subject was able to cover ground quickly and believed the Subject would be able to reach him in a matter of

seconds. Officer C believed his life, as well as the lives of his fellow officers, was in danger. Officer C stated he did not fire a second shot because he believed the Subject had dropped the knife and was no longer an immediate threat to him or the other officers.

Note: Officer C stated had he continued to pursue the Subject, he would have attempted to keep eyes on him, verbalize and then assess the situation as to what would be necessary to take him into custody. Officer C believed the Subject dropped a knife at the northwest corner. A flashlight and a lighter were the only items located and recovered at that location.

Note: Although the Subject was approximately 30 feet away, when Sergeant A ordered his primary cover officers to shoot, Sergeant A estimated that the Subject had closed the distance to approximately 20 feet when he observed the officers actually fire.

Sergeant A observed that after the shots were fired, the Subject stopped, turned and ran, and that no additional shots were fired. Sergeant A observed that when the Subject got to the northwest corner, he fell and dropped various items. After the Officer-Involved Shooting (OIS), several officers advanced toward the intersection. Sergeant A directed the officers to stop and to hold their fire because the primary residence had not been cleared.

Note: Sergeant A stated although he told the officers to hold their fire, no one was actually firing at that point.

Uniformed Police Officers K and L arrived at the scene and broadcast their location accordingly. Sergeant A directed Officers A, B, F, K and L to cover the primary residence while calling for additional officers to form an arrest team to take the Subject into custody.

Officer K observed that the officers covering the primary residence did not have cover available to them. Officer K holstered his pistol, located the nearest black and white that was still running (Officer A's vehicle), and moved it east approximately three car lengths. Officer K pointed the vehicle toward the residence with the doors open to provide the officers with cover and concealment.

Officers G and H had not yet redeployed to the south of the primary residence, so they moved east on the north sidewalk and joined Sergeant A to form an arrest team, along with Officers C, D, and E. All the officers approached the northwest corner. Officer H observed the Subject sitting on the west sidewalk with his shorts caught on a chain-link fence in front of a home. The Subject then laid back with his left hand obscured under his body and his head pointed south. Officer C ordered the Subject to let them see his hands. The Subject did not respond. The officers approached within 5 to 7 feet. Officer D gave the Subject commands in Spanish. The Subject did not respond.

Note: Officer D stated when he first observed the Subject, he was on his back with his feet up against a gate. Officer E believed it was the Subject's right hand that was tucked under his body.

Sergeant A assigned officers to cover and handcuffing assignments. Officer H, who had unholstered his pistol after hearing the gunfire, kept his pistol out to provide lethal cover while Officer G unhooked the Subject's clothing from the fence. Officer H secured the Subject's partially-obscured left arm by stepping on his bicep between his elbow and shoulder. Officer D continued to provide lethal cover with his pistol, while Officer C holstered his pistol and secured the Subject's right hand. The officers rolled the Subject onto his stomach, and Officer C used his handcuffs to secure the Subject's hands behind his back.

Officer E observed the Subject on the ground with a laceration to his stomach and believed it may have occurred as a result of the Subject attempting to jump over a fence. Officer E, unaware that the Subject was the victim of gunshot wounds, requested a Rescue Ambulance (RA) for a male, approximately 25 years of age, conscious and breathing, suffering from a large laceration to his stomach. Sergeant A, aware that an OIS had occurred, upgraded the request by advising CD that they had shots fired and a Subject down.

Note: Although Air Support broadcast the Subject's actions, direction of travel, and final stopping point, they were unaware that an OIS had occurred until Sergeant A broadcast the request for the RA Unit.

Officer E placed his beanbag shotgun in Officer A's vehicle without downloading it or further manipulating it.

Patrol Division uniformed Sergeant B and uniformed Lieutenants A and B responded to the scene. Sergeant B removed Officers A and C from their tactical assignments of covering the primary residence and obtained Public Safety Statements (PSS) from them independently, in addition to ordering the officers not to discuss the incident.

Sergeant A, with assistance from Sergeant B and Officer K formed a search team which was comprised of Officers B, F, K, and L, along with Officers M, N, O and P. After confirming with Air Support that they had containment on the residence, Sergeant A directed the search of the primary residence for potential subjects or victims. There were no additional victims or subjects.

Officer E retrieved his police rifle from his vehicle, so he could possibly assist in the clearing of the primary residence, but when he returned, Sergeant A had already assembled a search team to clear the house, and they were moving forward. Officer E maintained his rifle and provided force protection for the responding Los Angeles Fire Department (LAFD) personnel. The LAFD personnel examined the Subject and determined death.

After the search, Lieutenant A formed a search team for the knives that could have possibly been linked with the Subject. Officers O and P located the knives in the bushes in front of a nearby residence. The knives were not handled prior to the arrival of the Scientific Investigation Division (SID). After the knives had been recovered by SID, Witness B positively identified them as having been removed from his residence.

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 Sergeant A, Officers A, E and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, C and E's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officer A and C'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. Responsibilities of a Line Supervisor

Upon Sergeant A's arrival to the scene, he assumed overall command and control of the incident while effectively directing the officers involved in the application of force and subsequent arrest of the Subject.

Command and Control is an essential component of any critical incident involving a large contingent of police personnel while dealing with a potentially violent Subject. The coordination of various resources combined with effective tactics and communication can ensure operational success. In this circumstance, Sergeant A arrived at the location, requested two additional units, and advised the responding personnel to don their helmets upon their arrival, due to the large rocks being thrown in the direction of Officers A and B. Within moments, Sergeant A directed the officers to deploy the appropriate resources to effectively handle the tactical situation.

According to Sergeant A, he was unaware where the rocks were coming from and how many subjects he was dealing with. However, Sergeant A knew that he had some distance from where the rocks were coming from, so he knew that he had some time available; therefore he instructed his officers accordingly. Sergeant A stated that without having to give them any further instructions his officers started trying to make contact with the Subject.

Additionally, Sergeant A observed that the location provided a small amount of artificial lighting, which inhibited the officers' ability to observe the threat. As a result, Sergeant A provided additional lighting to the area, where they believed the Subject was located by utilizing Officer A's police vehicle spotlights. Lastly, Sergeant A coordinated the response of additional personnel, with the assistance of Air Support Division (ASD), to effectively contain the Subject.

In this instance, Sergeant A found himself with several officers in a fluid and dynamic life-threatening situation, which he thoroughly managed and commanded with his communication skills, decisiveness and situational awareness while remaining holstered. The BOPC found that Sergeant A's actions were commendable and within Department guidelines, as well as what they expected of a field supervisor. Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents.

2. Subjects Armed with Edged Weapons

Sergeant A, along with Officers A, C and E encountered the Subject, who was armed with a knife running in their direction.

Officers are trained to utilize cover and distance to enhance their tactical abilities while dealing with a Subject armed with an edged weapon. Moreover, the

availability of less-lethal force options maximizes the possibility for a successful outcome. In this circumstance, the initial comments of the radio call indicated that the Subject was in possession of the large rocks. Based on this belief, Sergeant A devised a tactical plan involving the utilization of cover, the deployment of a less-lethal force option, and the deployment of a lethal force option if necessary.

According to Sergeant A, he advised Officer E to be his less-lethal cover, and that he was going to start forming an arrest team. Sergeant A knew Officer E armed himself with a beanbag and he had Officer F there as well. Sergeant A believed that Officers C and D arrived next, and Sergeant A began forming an arrest team. According to Sergeant A, they held their position behind the vehicle trunk of Officer A's vehicle.

Within moments, the Subject ran in their direction while armed with a knife. Consequently, Sergeant A, along with Officers A, C and E were in a tactically advantageous position to effectively handle the situation. In this instance, the BOPC noted the sworn personnel at scene assumed a position of cover and made numerous attempts to make verbal contact with the Subject. The sworn personnel also devised a tactical plan to approach and use the minimum force necessary in order to take him into custody. However, after the Subject appeared with a knife and continually moved toward the officer's location in a threatening manner, the officers quickly responded to his deadly actions with the appropriate force.

Based on the totality of the circumstances, the BOPC determined that Sergeant A, along with Officers A, C and E's actions were reasonable, and did not substantially deviate from approved Department tactical training. These topics were discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Required Equipment (Baton and Hobble Restraint Device)

The FID investigation revealed Officer A did not have his side handle baton or an asp on his utility belt at the time of the incident. The investigation further revealed he did not have a hobble restraint device on his person. Officer A is reminded of the importance of maintaining the required equipment on his person, in order to ensure that various force options remain available to them. This was a topic of discussion during the Tactical Debrief.

2. Radio Communications

At some point during the incident, Sergeant A inadvertently hit the toggle switch on his handheld police radio from position A to position B. This created a condition where Sergeant A could hear information being broadcast by the Air

Unit; however, the Air Unit could not hear any information being disseminated to them by Sergeant A. This was a topic of discussion 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 Sergeant A, Officers A, C and E's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officers A, C and E responded to an Assault with a Deadly Weapon radio call. Upon arrival to the location, they were quickly met by the aggressive actions of the Subject, as he threw large rocks at their police vehicle. The sworn personnel used Officers A's police vehicle as cover and deployed less-lethal and lethal force options.

Officer A exhibited his Remington 870 shotgun. Officer A loaded it, chambered a round and then inserted an additional round into the magazine well, thus making the shotgun loaded to its full capacity. Officer A, with his partner provided cover for additional personnel at scene and officers responding to the incident, in anticipation of a possible confrontation with the Subject that could escalate into a deadly force situation.

Officer A recalled that he deployed his shotgun and kept his eyes on the residence. Officer A heard the Subject using profane language, while continuing to throw large rocks towards them. According to Officer A, several of the rocks were hitting the hood and the windshield, but he could not see the Subject.

Officer C and his partner arrived at the scene, observed the rocks being thrown in their direction, and assumed a position of cover behind Officer A's police vehicle. As Officer C was participating in the tactical plan, the Subject emerged from the foliage located in front of the residence and charged at the officers while holding a knife in his hand.

According to Officer C, when the Subject got to the corner, he stopped, turned around and looked in his direction, while still holding the knife in his hand. The Subject had his hand parallel to the ground, holding the knife in a stabbing motion

and took a step towards him. At this point, Officer C unholstered his firearm and fired once in the direction of the Subject.

Officer E secured the Beanbag shotgun in Officers A's police vehicle. Officer E then returned to his vehicle and retrieved his Police Rifle from the trunk of his police vehicle.

According to Officer E, it was still a fluid situation because the officers didn't know if any Subjects were inside the other house, so he went back and retrieved his police rifle. By the time Officer E returned, Sergeant A had already put together a search team to clear that house. Officer E observed that other officers were already moving forward so he just stood by, waiting to assist if they needed back up.

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

In conclusion, the BOPC found Officers A, C and E's Drawing and Exhibiting to be in policy.

C. Less-Lethal Use of Force

- **Officer E** – (Beanbag shotgun, two rounds)

Officer E responded to Officer B's backup request, and upon his arrival deployed his Beanbag shotgun. Within moments, the Subject emerged from the front of the residence armed with a knife while running toward the officers' direction.

According to Officer E, he heard somebody yelling "He's got a knife." Officer E then observed what he believed was a large knife in the Subject's hand, and the Subject was running straight at him and the other officers, closing fast. Officer E did not have time to come up on target and shot from a close contact position, while moving forward. As Officer E was still moving forward, he racked the next round and fired a second shot. At that point, the Subject paused, turned and ran away.

In evaluating Officer E's less-lethal use of force, the BOPC took into account several factors. The BOPC noted the Subject's unprovoked and dangerous actions against several community members could have escalated to a life-threatening situation. Additionally, the BOPC assessed the Subject's actions of being armed with a knife while rapidly approaching the officers' position.

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer with similar training, experience and in a similar circumstance. The BOPC determined that an officer with similar training and experience would reasonably believe that it was not safe to approach the Subject,

and therefore the less-lethal use of force, specifically the beanbag shotgun to stop the Subject's actions, was reasonable and would have acted in a similar manner.

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

D. Lethal Use of Force

- **Officer A** (shotgun, two rounds)

Officer A was providing cover for personnel responding to or at the scene and positioned himself behind his police vehicle.

According to Officer A, he observed the Subject running straight towards him while holding a knife. Officer A was in fear that the Subject was going to stab him or his partner, who was next to him. Officer A did not want to get stabbed, so he fired two rounds at the Subject. Officer A recalled that when he fired the first round, the Subject was coming straight at him. Following the first round being fired, the Subject continued to move closer, circling towards Officer A's left side, and at that time he fired a second round.

- **Officer C** – (pistol, one round)

Officer C was positioned behind Officers A's police vehicle when the Subject charged at the involved personnel, armed with a knife and yelling unintelligible statements. According to Officer C, after the initial office- involved shooting, the Subject turned and ran from the involved personnel's location. Fearing the Subject may enter a residence and create a hostage situation, Officer C followed behind him. Shortly thereafter, the Subject stopped running away, turned toward Officer C's direction and with the knife still in his possession, made a stabbing motion toward him.

Officer C recalled that at that point, he unholstered his firearm and fired one round in the direction of the Subject. According to Officer C, the Subject dropped the object that appeared to be a knife and continued running northbound.

Note: Officer C believed that he was behind Officers A and E with his service pistol still holstered when they fired their weapons at the Subject. According to Officer C, he did not fire his weapon until after their shooting, when he observed the Subject run away and then turn back toward him and the other officers with the knife still in his hand.

However, Officer C's spent casing was recovered inside the opened trunk of Officer A's police vehicle and none of the other officers described the Subject turning back around after the initial officer involved shooting. Additionally, independent witnesses interviewed by

detectives only indicated hearing one firing sequence and according to Sergeant A, the officer involved shooting had concluded after his order to cease fire had occurred and before any personnel had moved forward to search for the Subject.

Based on these facts, the evidence suggest that Officer C would have had to be standing near the trunk of Officers A's vehicle at the time he fired his weapon and likely fired his weapon at the same time as the other officers.

In conclusion, an officer with similar training and experience as Officers A and C, would reasonably believe that the Subject presented an imminent threat of death or serious bodily injury and therefore the use of lethal force in defense of their lives was objectively reasonable and within Department policy. Therefore, the BOPC found Officer A and C's lethal use of force to be objectively reasonable and in policy.