

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

OFFICER-INVOLVED SHOOTING 033-19

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	7/16/19		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	2 years, 8 months
Officer B	2 years, 8 months
Officer E	2 years, 8 months

Reason for Police Contact

Uniformed police officers responded to a radio call of a man disturbing the peace. The officers knocked on the door, verbally identified themselves as police officers, and ordered the Subject to exit the bedroom multiple times. He did not comply with their commands. As an officer opened the bedroom door, the Subject emerged holding a machete, resulting in an Officer-Involved Shooting (OIS).

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 49 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 June 23, 2020.

Incident Summary

Witness A was at her residence. According to Witness A, she resided at this location with her husband, Witness B, and subtenants Witness C and the Subject. The location was a small two-bedroom apartment located on the second floor of a duplex. According to Witness A, she and her husband (Witness B) had been subletting one of their bedrooms to the Subject for the seven weeks prior to this incident. A small room, adjacent to the kitchen, was used as an additional living space/bedroom for Witness C.

According to Witnesses A and B, they met the Subject through mutual acquaintances, Witnesses D and E. A few weeks after the Subject moved in, Witness D advised them that the Subject smoked crystal methamphetamine. Witness A was upset that Witness D did not warn her about the substance abuse, but ultimately decided to keep the Subject as a subtenant.

According to Witness D, she had known the Subject for approximately four or five months at the time of this incident. The Subject was a former co-worker of his, who had a history of narcotic use and violent behavior. Witness D added that it was common for the Subject to hallucinate while under the influence of methamphetamine. According to Witness D, the Subject was recently terminated for carrying a machete at work and verbally threatening co-workers.

According to Witness B, the day the Subject moved into his residence, he noticed that the Subject was in possession of a machete. The Subject informed Witness B that he used the machete for work in construction.

According to Witness A and Witness B, in the week leading up to this incident, the Subject's behavior was very strange. They noticed that the Subject locked himself inside of his bedroom for several days and did not appear to be eating or using the restroom. Witness B also noticed a foul smell emitting from the Subject's bedroom. He knocked on the Subject's door and requested to speak with him but received no response.

According to Witness A and Witness B, the Subject would periodically open his bedroom door and peek up and down the hallway. On the day of the incident, the Subject left his door open briefly and Witness A looked inside. She observed beer inside of the room and formed the opinion that the Subject was possibly under the influence of alcohol. The Subject's strange behavior caused Witness A and Witness B to become fearful of him.

On the day of this incident, Witness A called Witness D and requested his assistance with the Subject. According to Witness D, Witness A informed him that the Subject was on drugs and becoming violent. Witness D was at work when Witness A called but agreed to stop by at the end of his shift.

When Witness D finished his work day, he and Witness E drove to Witness A's residence. According to Witness E, when they arrived at the location, she exited the

vehicle and approached the residence, while Witness D looked for a parking space. Witness E met with Witness A on the front porch and discussed going to the local Police Station to report the Subject's behavior. During the conversation, Witness E was standing outside with her back to the front door.

According to Witness E, without provocation, the Subject approached her from behind, pulled her hair and yelled an expletive at her. Witness E struggled and was able to free her hair from the Subject's grasp. After the assault, the Subject fled to her bedroom. According to Witness E, she and Witness A ran downstairs toward Witness D, entered their vehicle, and drove to the Area Police Station. Witness B was hesitant to leave the Subject alone in the residence, therefore, he and Witness C remained at the location.

According to Witness B, after Witness A, Witness E, and Witness D left the location, the Subject exited his bedroom and approached Witness C, who was sitting at the kitchen table. The Subject raised his fist as if he was going to punch Witness C. According to Witness B, Witness C remained still and did not react to the Subject's actions. The Subject then walked back to his bedroom.

According to Witness A, she spoke with an officer at the Station who advised her to contact Communications Division (CD) to report the incident. The officer provided Witness A with a business card that contained a phone number for CD. According to Witness E, she felt nervous and afraid, and therefore, did not tell Witness D or the police officer that she was assaulted by the Subject. Witness D called CD and reported the incident.

During his 9-1-1 call to CD, Witness D reported to the Radio Telephone Operator (RTO) that the Subject was trying to "hurt" people. Witness D told the RTO, "He is doing badly, he is hallucinating, he is having hallucinations. He is trying to hurt the people and the owners of the home are outside of the house because they are afraid of him." The RTO did not ask Witness D for additional information regarding the Subject's attempt to hurt people, and there was no evidence indicating that this specific information was relayed to responding officers.

CD then broadcast the call. Uniformed Police Officers A (driver), and B (passenger), advised CD they would handle the call and responded to the location as a priority call (Code Two).

According to Officer B, as the officers responded to the location, he/she read the comments of the radio call out loud to his/her partner.

At approximately 1810 hours, the officers arrived at scene, and Officer B updated their status and location (Code Six) via their Mobile Data Computer (MDC). According to Officer A, they didn't see anyone in the area that matched the suspect description. Officer B requested that CD contact the person reporting and obtain further information. While they waited for a response, Officer A drove around the block.

Officers A and B were flagged down by Witness D, who was seated in a Sport Utility Vehicle (SUV), parked nearby. According to Officer A, Witness D informed them that

the Subject was inside the residence and under the influence of methamphetamine. Witness D drove to the location, followed by the officers.

Officer A parked their police vehicle near the location, along the curb. Both officers exited the vehicle, activated their Body Worn Video (BWV), and met with Witnesses A, D, and E in front of the location.

As captured on BWV, Officer A asked Witness D what the Subject's name was and Witness D provided it. Witness A advised the officers that the Subject was her tenant and provided them with a brief physical description of him. Witness A further stated that the Subject was under the influence of narcotics and behaving erratically.

Officer A asked Witness A if the Subject had any weapons, and she replied that he did not. Witness A then directed the officers upstairs to her residence. As the officers walked toward Witness A's residence, she advised them that the Subject was alone in his bedroom, but her husband was inside of the location as well. Officer A directed Witness A to wait at the bottom of the stairs.

Witness B met the officers on the front porch and directed them to the Subject's bedroom, which was at the end of a short and narrow hallway, on the south west corner of the residence. The bedroom door was closed. There was an additional bedroom on the east side of the hallway, with a closed door that faced in the opposite direction.

According to Officer A, Witness B informed him/her that the Subject's door was locked. Witness B advised the officers that the Subject was dangerous and wanted him removed from the residence. Officer B explained the eviction process to Witness B and directed him to wait downstairs. Prior to exiting the residence, Witness B informed the officers that the Subject did not speak English.

Officer A walked to one end of the hallway and positioned him/herself just east of the Subject's door. As he/she did so, Officer B remained near the opposite end of the hallway. Officer A opened the bedroom door and looked inside to ensure no one else was inside.

Officer A knocked on the Subject's door and received no response. Using his/her right hand, Officer A attempted to open the bedroom door, but it was locked. Officer A yelled the Subject's first name and advised Officer B that the door was locked. Officer B then yelled the Subject's first name, at which time a metallic sound emitted from the Subject's bedroom. Officer A did not advise Officer B what he/she heard.

Officer B verbally identified themselves as police officers and asked the Subject if they could speak with him. At that time, Officer A redeployed backward and sought cover in the doorway of the bedroom. Simultaneously, Officer B stepped back and utilized the wall of the hallway as cover.

Officer A asked the Subject what was going on and reached for the door handle with his/her right hand. Before Officer A touched the handle, Officer B directed him/her to get cover. Officer A pointed to the east bedroom and advised Officer B that he/she

could seek cover there. Officer B advised Officer A that he/she would be able to see the Subject's hands from his/her position, on the north end of the hallway.

Officer A decided to try the Subject's door a second time. Using his/her right hand, Officer A pushed down on the door handle and pulled the door open. After opening the door, Officer A quickly redeployed to the doorway of the bedroom.

As the door opened, Officer B observed the Subject standing in the bedroom holding what he/she believed was two metal poles or pipes; one in each hand.

As captured on BWV, Officer B unholstered his/her pistol and pointed the muzzle toward the Subject.

Officer B yelled, "Drop it" (referring to the metal poles/pipes), but the Subject did not comply with the command. Instead, the Subject quickly pulled the door closed. Officer B immediately advised his/her partner that the Subject had something in his hands. Officer A suggested that they request an additional unit and a supervisor.

Officer B requested an additional unit for a disorderly man. While making the broadcast, Officer B held his/her radio in his/her right hand and his/her pistol in his/her left hand, in a low-ready position, with the muzzle facing toward the Subject's bedroom. Once the broadcast was complete, Officer B transitioned back to a two-handed, low-ready position, with the muzzle pointed toward the Subject's bedroom. Meanwhile, Officer A was standing in the doorway of the bedroom and was not in Officer B's background.

Officer B directed Officer A to try opening the door again and advised A to be careful because the Subject was holding something in his right hand. Officer B also informed Officer A that the Subject was wearing a red long-sleeve shirt. He/she advised Officer A to redeploy backward if necessary.

Officers C and D advised CD they were en route to the additional unit request. They responded to the location Code Two. According to Officer C, during their response, Officer D read the comments of the radio call to him/her.

Uniformed Police Officer E also heard the request and responded to the location Code Two.

Officer B requested a supervisor.

Officer A asked Officer B to contact the witnesses, to see if the Subject suffered from mental illness. Officer B agreed and directed Officer A to take his/her position on the north end of the hallway. Officer A acknowledged this and walked in Officer B's direction. As he/she did so, Officer B lowered his/her pistol as to not cover Officer A with the muzzle. Shortly thereafter, Officer B holstered his/her pistol and walked out of the residence, followed by Officer A. Officers A and B both asked Witness B if the Subject suffered from mental illness, and Witness B replied, "No." Officers A and B walked back inside to the hallway. Officer A again knocked on the Subject's door and continued to verbalize with the Subject. According to Officer A, the Subject's responses

were mostly incoherent. On a few occasions, the Subject referenced his daughters and informed the officers that he intended to leave the residence later that evening.

According to Officer B, he/she holstered his/her pistol prior to requesting an additional unit. Officer A followed Officer B outside in lieu of holding his/her position on the north end of the hallway as requested. An analysis of the BWV evidence determined that the Subject's bedroom door was left unmonitored for approximately 19 seconds. According to Officer A, he/she followed Officer B outside so they would not be separated.

Officer A advised Officer B that he/she was going to open the Subject's door. Officer B advised that he/she would provide cover and directed Officer A to back into the east bedroom once the door was open. Using his/her left hand, Officer A opened the door and quickly redeployed into the east bedroom. As he/she did so, Officer B unholstered his/her pistol, stepped to the left, and utilized the hallway wall as cover.

Once the door was open, Officer B observed the Subject standing in the bedroom near the doorway. Officer B held his/her pistol in a one-handed, low-ready position with the muzzle pointed in the Subject's direction. Officer B ordered the Subject to come "here" and motioned with his/her right hand for the Subject to exit the room. The Subject did not comply with the command and immediately closed the door. Officer A exited the bedroom and joined Officer B on the north end of the hallway/living room area.

Sergeant A advised CD he/she would respond to the scene. He responded to the location Code Two.

According to Officer B, he/she was concerned about the Subject's mental state and wanted to de-escalate the situation. Officer B believed the Subject may be a danger to others, and meet the criteria for a mental evaluation hold, Welfare and Institutions Code (WIC) 5150.

While the officers were waiting for the additional unit and supervisor to arrive at scene, Officer B continued to verbalize with the Subject and attempted to establish a rapport with him. Officer B verbally identified him/herself to the Subject and asked him if he was hearing voices or desired to hurt himself. Officer B tried to encourage the Subject to exit the bedroom and talk with them, but he refused their requests. Officer B even asked the Subject if he would like to speak with a therapist. Throughout the incident, the Subject would periodically move the door handle up and down, but never opened the door.

Officer A exited the apartment and spoke with witnesses. As he/she did so, Officer B remained at one end of the hallway, monitoring the Subject's door. Witness A informed Officer A that the Subject's bedroom did not have an exterior door; however, it did have a window.

Officer B asked CD to verify if a supervisor was responding to their location. CD advised that Sergeant A was en route.

Officer E was the first additional unit at scene. Officer E went Code Six via his/her MDC and activated his/her BWV as he/she walked up the stairwell. Officer B provided Officer E with a synopsis of the incident and informed him/her that the Subject was a possible narcotics user, had been acting strangely, but that no actual crime had occurred. Officer B advised Officer E that they opened the Subject's door and observed something in his hands.

According to Officer A, Officer B informed Officer E that the Subject was armed with metal pipes. A review of the BWV determined that Officer B did not describe the object the Subject was holding to Officer E, nor did Officer E ask for clarification.

Officer E asked Officer B if he/she should retrieve his/her 40-millimeter launcher, to have it available and Officer B replied in the affirmative. Officer E then went to his/her police vehicle to retrieve it. After Officer E exited the residence, Officer B advised Officer A that the Subject was holding a long metal rod or pipe.

Officers C and D arrived at scene at approximately 1824:50 hours. Upon arrival, Officer D activated his/her BWV and exited the vehicle. As the officers approached the residence, they passed Officer E on the stairwell. As captured on BWV, Officer E advised Officers C and D that a person with mental illness was barricaded inside of the residence. He/she further advised them that he/she was en route to retrieve a 40-millimeter launcher from his/her police vehicle.

Officer D broadcast to CD that the officers were Code Six as he/she and his/her partner approached the front door. Once inside the location, Officer B advised Officers C and D that no crime had occurred; however, the Subject was possibly under the influence of narcotics and armed with metal pipes.

Officers A, B, and C communicated with one another regarding the layout of the residence and potential exits accessible to the Subject. Officer C unholstered his/her pistol and checked the kitchen area as well as Witness C's adjacent living space for additional potential suspects and exit routes for the Subject. After clearing the areas, Officer C holstered his/her pistol.

Since the living room was cluttered with furniture and miscellaneous personal items, Officers C and D moved a table and chair to the side, creating space in the living room.

At approximately 1828:23 hours, as captured by BWV, Officer A was standing in the doorway of the bedroom attempting to verbalize with the Subject, when another metallic sound emitted from the bedroom.

Officer A looked at Officer B, who was standing at the end of the hallway and advised him/her of the sound. As captured by BWV, Officer A stated, "It sounded like a sword. You know, when you take a sword out." Officer B relayed the information to Officers C, D, and E.

As the officers awaited Sergeant A's arrival, Officer B formulated a tactical plan. Officer B advised Officer E to be prepared to deploy the 40-millimeter launcher if necessary.

Officer E advised Officer B that the 40-mm launcher was loaded. Officer B also designated Officers C and D to be the arrest team.

Officer C walked toward the Subject's bedroom. Officer C placed his/her left hand on the Subject's door and opened the door just north of the Subject's bedroom (kitchen/closet door) with his/her right hand. Officer C locked the closet door to prevent the Subject from entering that space.

Sergeant A arrived at scene. Sergeant A placed him/herself Code Six via his/her MDC, exited the vehicle, and activated his/her BWV as he/she approached the location.

As captured by BWV, Officers A and B met with Sergeant A on the stairwell. Officer B briefed Sergeant A on the incident, including a synopsis of the radio call, witness statements, and relationship between the Subject and the witnesses. Officer B informed Sergeant A that the Subject was alone inside of a bedroom and when they attempted to open the door, he closed it on them.

Officer B advised Sergeant A that they established verbal communication with the Subject, who said he would leave the location that evening. Officer B described the Subject's behavior as erratic and said he was armed with two metal poles. The officers also advised Sergeant A that, according to the witnesses, no crime had occurred.

According to Sergeant A, he/she did not recall Officer B mentioning that the Subject was armed with two metal poles. Sergeant A said he/she would have taken additional steps had he/she been aware that the Subject was armed. Officers A and B did not inform Sergeant A about the metallic sound, resembling a sword being drawn from a sheath when they briefed him/her.

Sergeant A entered the residence, knocked on the Subject's door, and verbally identified him/herself as a police sergeant and requested to speak with him. Sergeant A offered the Subject food and water, as well as a trip to the beach. The Subject advised Sergeant A that he intended to leave the premises that evening. According to Sergeant A, "Upon speaking to him (the Subject), it didn't appear he was very coherent or making sense, either suffering from some type of mental illness or drug induced altered state of mind."

As Sergeant A was communicating with the Subject, Officer A spoke with Witnesses A, D, and E for further clarification. They informed Officer A that they were fearful of the Subject and wanted him to leave the residence but did not wish to press charges. Officer A relayed that information to Sergeant A. Although Officers A and B had multiple conversations with the witnesses, they were never advised that Witness E was the victim of a battery.

According to Sergeant A, his/her intentions were to contact the Mental Evaluation Unit (MEU) after the Subject was detained. According to Sergeant A, he/she considered the concept of tactical disengagement; however, he/she felt that it was not feasible to leave the Subject at the location with the witnesses because they all lived together, and the witnesses feared for their safety.

Sergeant A formed a contact/arrest team and devised a tactical plan to approach the Subject. Sergeant A designated Officers A and B (lethal) as the contact officers, Officer E as less-lethal (40mm), and Officers C and D as the arrest team. Sergeant A directed the officers to don protective gloves. Officer E then unholstered his/her TASER and held it in his/her right hand. Due to the confined space in the hallway, Officer E believed a TASER would be the optimal less-lethal option, as opposed to the 40-millimeter less-lethal launcher.

Officers A and B approached the Subject's door. During the approach, Officer A unholstered his/her pistol and held it in his/her right hand with the muzzle pointed toward the ground. Officer B opened the door to the east bedroom and positioned him/herself adjacent to the Subject's door. Officer A was standing in the hallway, north of Officer B.

Officer B, using his/her right hand, attempted to open the Subject's door; however, he/she was unable to do so because the Subject was holding the door closed from the inside. Officer A holstered his/her pistol and continued verbalizing with the Subject. Officer A advised the Subject that he was not in trouble and requested that he exit the bedroom. The Subject told the officers that they were the ones with the problem.

Sergeant A considered posting Officer E west of the Subject's door, but decided it was unsafe due to the confined space in the hallway.

Sergeant A directed Officers A and B to try opening the door again. Officers A and B switched assignments. Officer B was then the designated lethal officer. Officer A positioned him/herself adjacent to the Subject's door, and Officer B was positioned near one end of the hallway. According to Officer A, his/her plan was to redeploy into the east bedroom if necessary, where he/she could seek cover/concealment. Officers C and E and Sergeant A were standing in the living room area, east of the hallway, and Officer D was standing near the kitchen, west of the hallway.

Officer A, using his/her right hand, attempted to open the Subject's door. According to Officer A, he/she felt resistance and formed the opinion that the Subject was holding the door closed from the inside. As captured by BWV, Officer A stated, "Oh yeah, he's holding it," and pulled hard on the door, successfully opening it. Officer A then quickly redeployed into the bedroom. Aware that the Subject was possibly armed with metal pipes, Officer A unholstered his/her pistol, which he/she held in a two-handed shooting position, with the muzzle pointed toward the Subject's bedroom.

According to Officer B, as the door opened, he/she observed the Subject emerge from the bedroom holding a machete in his left hand and a long sharp object, also resembling a machete, in his right hand. Officer B quickly redeployed in a southerly direction, unholstered his/her pistol, and sought cover behind the hallway wall and refrigerator. Officer B ordered the Subject to put the machetes down.

According to Officer B, the Subject stepped out of the bedroom and, using his left hand, swung a machete in an up and down motion toward Officer A from an estimated

distance of three feet. According to Officer B, "I drew out as soon as I saw the machetes. And then when...when I saw the...the machete swing in the forward motion direction of my partner, that's where I discharged my...my weapon."

Believing the Subject was going to attack Officer A with the machete, Officer B fired six rounds at the Subject from an approximate distance of eight feet. According to Officer B, he/she was aiming for the Subject's left wrist. As described by Officer B, all he/she could see of the Subject when he/she fired his/her weapon was the Subject's left arm and a machete. Officer B's rationale for firing his/her weapon was that he/she "reasonably believed that he [the Subject] was going to attack" his/her partner with the machete and cause him/her "serious injury."

The Subject responded to the gunfire by backing up into his bedroom. According to Officer B, he/she assessed the Subject's actions prior to each shot he/she fired. As captured by BWV, he/she paused after firing the sixth round, to assess the situation.

Nearly simultaneous to the OIS, Officer E transitioned his/her TASER into a two-handed shooting position and fired it toward the Subject's chest from an approximate distance of nine feet. According to Officer E, "The Subject comes out the door. I see him holding a machete in each hand wearing a red shirt. It looks like he's running out the door. That's when I shoot my TASER." According to Officer E, he/she did not give a use of force warning prior to deploying the TASER, due to the immediate threat posed by the Subject.

Officer E estimated that he/she was approximately eight feet away from the Subject when he/she discharged the TASER and believed he/she fired it from a one-hand shooting position (right hand). Officer E did not believe the taser barbs made contact with the Subject. One TASER barb was subsequently recovered from the hallway wall and the second barb was recovered from the window curtain of one of the bedrooms.

Within seconds, the Subject re-emerged in the doorway of his bedroom, still armed with the machete in his left hand. According to Officer B, the Subject took a step toward Officer A, at which time he/she fired two additional rounds at the Subject from an approximate distance of seven feet. According to Officer B, he/she was aiming at the Subject's right torso.

After Officer B's final shot, the Subject dropped the machete, but was still armed with the second object. Officer B yelled, "Drop the machete, drop the machete," at which time the Subject entered his bedroom and closed the door. Officer B communicated with the officers at scene, advising that the Subject retreated into the bedroom.

Aware that the Subject was armed with two sharp objects/machetes, and in response to the OIS, Officers C and D unholstered their pistols. Shortly after the Subject retreated into his bedroom, they re-holstered.

Sergeant A broadcast a help call, advising that shots had been fired at the location.

The machete was lying on the hallway floor, partially inside of the Subject's bedroom. The handle was inside of the bedroom and the blade was in the hallway, facing in a northeasterly direction.

Officer B directed Officer A to recover the machete and redeploy to the living room.

According to Officer A, he/she attempted to move the machete using his/her left foot but was unsuccessful because it was wedged between the door and the flooring.

Officer A left the machete in the hallway and moved toward the living room. As Officer A did so, he/she side stepped toward his/her right (north) and pointed his/her pistol toward the Subject's bedroom. As Officer A moved in his/her direction, Officer B lowered his/her pistol, to avoid covering his/her partner with the muzzle and allow Officer A to pass. Officer B maintained cover behind the hallway wall/refrigerator and pointed his/her pistol toward the Subject's bedroom. Sergeant A directed Officers A, C, D, and E to redeploy to the side of the living room.

Officer B advised the officers at scene that the Subject had been armed with two machetes; and that he had dropped one and was in still possession of the second one. Sergeant A asked Officer B if the Subject was down. According to Officer B, he/she observed blood near the machete and formed the opinion that the Subject was injured during the OIS. Officer B informed Sergeant A that the Subject was hit by gunfire and bleeding.

Sergeant A requested a Rescue Ambulance (RA) for the Subject. He/she advised CD that the Subject was barricaded in a room and armed with two machetes. Sergeant A advised the responding units to approach from either direction on the street.

Sergeant A directed Officer D to take a position in front of the residence and direct responding units to their location. Officer D exited the residence and ordered the witnesses move from the front yard to the sidewalk.

Sergeant A directed Officers C and E to take positions to the rear of the location for containment purposes. Prior to exiting the residence, Officer E relinquished the 40-millimeter launcher to Sergeant A. Officer A holstered his/her pistol, took the 40-millimeter launcher from Sergeant A, and slung it over his/her left shoulder. Officer A then unholstered his/her pistol again.

Officers C and E went to the rear of the location and identified the Subject's bedroom window. According to Officer C, the window was open, and he/she observed blood on the curtains. Officer C then observed the Subject on the roof holding a metal object in one of his hands. Officer C advised Officer E that the Subject was on the roof and pointed in the Subject's direction.

Officer C broadcast that the Subject was on the roof, moving in a northbound direction. Sergeant A and Officers A and B heard the broadcast and immediately ran out of the residence toward the front yard.

Officer C did not mention the Subject was armed with a metal object to Officer E nor during the broadcast he/she made to CD. When Sergeant A and Officers A and B left the residence, the OIS scene was left unsecured. According to BWV evidence, the residence was left unsecured for approximately eight minutes.

During the time that the OIS scene was unsecured, Witness B went up to the Subject's bedroom. As described by Witness B, "And after the shooting and everything, there were no police. Because I didn't know or anything, you know, I went upstairs. I went to the room, and when I arrived, well, I saw the machete. The blade of the machete was out." According to Witness B, the bedroom door was closed at that time.

Officer D was standing in the street, in front of the location, when he/she heard Officer C's broadcast. He/she then observed the Subject running down the driveway, in his/her direction. According to Officer D, he/she believed the Subject could still be armed with a machete; therefore, he/she unholstered her pistol, which he/she held in a two-handed shooting position, pointed the muzzle toward the Subject, and ordered him to drop the machete.

As captured by Officer D's BWV, the Subject raised both of his arms but continued running in his/her direction. According to Officer D, he/she could see both of the Subject's hands and determined that he was not holding a weapon. Officer D ordered the Subject to turn around, but he did not comply with his/her commands. Instead, the Subject continued running down the driveway and onto the sidewalk.

The Subject continued running on the sidewalk then turned one the sidewalk of the next street. Officer D holstered his/her pistol and pursued the Subject on foot, followed by Sergeant A, and Officers A, B, C, and E. Officer D was aware that the aforementioned officers were behind him/her.

According to Officer D, as he/she pursued the Subject, he/she observed a machete in the Subject's rear waistband. As Officer D turned, he/she broadcast the Subject's direction of travel.

According to Officer D, when he/she initially saw the Subject running toward him/her in the driveway, he/she observed that his hands were empty, and he/she intended on apprehending him. After observing the Subject armed with the machete, Officer D intended to just keep line of sight on him. Officer D estimated he/she was approximately 30 to 40 feet behind the Subject during the foot pursuit.

The object in the Subject's rear waistband was subsequently recovered and determined to be a large kitchen knife inside of a sheath.

Officer B broadcast that the officers were in foot pursuit and described the Subject as a male wearing a red shirt and blue jeans. The Subject then ran toward a convenience store located on the corner.

Multiple units responded to the help call, including Officer K. Officers F and G arrived at scene and observed the Subject running toward the convenience store parking lot,

followed by Officer D. Officer F observed blood on the Subject's hands and the handle of a knife sticking out of his rear waistband. Officer F drove into the parking lot behind the Subject and parked their police vehicle diagonally, facing in a northwesterly direction. Concerned for the safety of the patrons and employees of the convenience store, both officers exited the vehicle and unholstered their pistols. Officers F and G each held their pistols in their right hands as they ran towards the entrance to the convenience store.

As the Subject ran toward the entrance, Officer D observed multiple patrons inside the business. According to Officer D, "He was running right for the door and I believed he was going to arm himself with the machete and possibly do harm to those people. So, at that point, I unholstered again." Officer D unholstered his/her pistol in the parking lot and pointed the muzzle toward the Subject. With his/her pistol drawn, Officer D continued to chase the Subject toward the store's entrance and ordered him to drop the machete. As he/she did so, he/she transitioned back and forth between a one-handed and two-handed grip on his/her pistol. The Subject did not comply with Officer D's command and entered the convenience store.

As captured by security video, the Subject entered the business and walked in a westerly direction, down aisle number one, toward the refrigerated section/beverage aisle. Officer F was the first officer to enter the location, followed by Officers C, D, G Sergeant A, and Officers A, B, and E. Upon entering the location, Officer F directed the patrons to exit the premises. Officer B and Sergeant A both broadcast to CD, advising that the Subject was inside the convenience store.

The Subject paced back and forth along the beverage aisle, removed non-alcoholic beverages from the refrigerator and consumed them. Sergeant A directed the officers to hold their positions on the east side of the aisles. As captured on his/her BWV, Officer A opened the breach of the 40-millimeter launcher, verified there was a round loaded in the chamber, and announced, "I have the 40."

Officer D advised officers at scene that the Subject had a machete in his rear waistband. Sergeant A placed his/her hand on Officer A's right shoulder and directed him/her to fire the 40-millimeter launcher at the Subject. Sergeant A then directed store employees to exit the premises. They complied with his/her commands.

At approximately 1847:36 hours, Officer A aimed at the Subject's stomach and fired the first 40-millimeter round, from the east side of aisle number two, in a westerly direction from an approximate distance of 23 feet. As captured on security video, the round appeared to strike the Subject on his left side, causing him to lose his balance and bend forward at the waist. Officer B ordered the Subject to place his hands up, but he did not comply with the command.

According to Officer A, he/she fired the 40-millimeter because the Subject was armed with the knife in his waistband and, "I was afraid that we were going to use lethal to apprehend the subject which I wanted to avoid by using -- by deploying the 40-

millimeter and take him into custody.” Officer A further stated he/she believed the Subject’s demeanor to indicate that he may charge at the officers while armed.

According to Sergeant A, he/she had sufficient officers inside the convenience store. As additional units arrived at scene, he/she directed them to remain outside. Sergeant A then assigned two officers to the east side of each aisle, one designated as lethal and the other as less-lethal.

Sergeant A directed Officer A to fire a second 40-millimeter round at the Subject. The Subject was pacing back and forth along the west wall, therefore, Officer A repositioned to aisle number one. Meanwhile, Officer B continued giving commands to the Subject, ordering him to drop the machete and put his hands up. The Subject did not comply with the officers’ commands.

Sergeant A contacted Officer H, who was standing just outside the front entrance and requested he/she respond to the OIS scene and secure the location. Officer H broadcast that the incident had been resolved (Code Four), advising CD that there were sufficient units at the location; however, the Subject was not in custody. Officer H requested additional units respond to the OIS scene.

Unbeknownst to the officers, as captured by security video, the Subject removed the knife from his rear waistband and placed it between the shelving and a case of water bottles that were stacked on the west side of the store, between aisles one and two.

Officer A fired a second 40-millimeter round at the Subject’s stomach, from aisle number one, also in a westerly direction, from an approximate distance of 22 feet. As captured on security video, it appears that the second round also struck the Subject on the left side, causing him to bend forward at the waist and lose his balance. The Subject then sat on the floor the west end of aisle number one, facing the refrigerators. According to Officer A, he/she fired the second 40-millimeter round because the first round was ineffective, and the Subject was still pacing back and forth while armed with a knife.

According to Officer A, he/she did not give a verbal use of force warning to the Subject prior to deploying the 40-millimeter launcher because other officers were in the process of giving him/her commands. Officer A also feared that he/she would lose the element of surprise by warning the Subject that he/she was going to deploy the 40-millimeter launcher, allowing the Subject the opportunity to seek cover and/or conceal himself.

Sergeant A was cognizant of the Subject’s background and was concerned about public safety and potential crossfire. He/she directed Officer H to reposition the exterior officers from the west side of the parking lot to the east side and to establish traffic control. With the assistance of an Air Unit, Officer H shut down traffic for the nearby intersections.

Units from the Los Angeles City Fire Department (LAFD) arrived in the area. They were advised to stage nearby, due to the ongoing tactical situation.

Sergeant B arrived at scene and stood just outside the convenience store's entrance. Sergeant A requested Sergeant B look through the exterior windows to see what the Subject was doing. Sergeant B was joined by Officer I, who was armed with a Patrol Rifle and together they walked toward the corner of the building.

As captured by BWV, Officer I held his/her rifle in a low-ready position, with the muzzle pointed in the Subject's direction. Officer I looked through the window and observed the Subject sitting on the floor as well as the knife behind the water bottles. Officer I and Sergeant B relayed their observations to Sergeant A, who relayed the information to the officers inside the store. Sergeant A directed Officer H to request a shield.

Sergeant A formed an arrest team. Sergeant A directed the arrest team to walk down aisle number three, to get a visual of the Subject's position. As the arrest team made their approach, Officers D and F had their pistols unholstered, which they held in a two-handed, low-ready position. When the team reached the end of the aisle, Sergeant A directed Officer D to holster his/her pistol and designated Officer F as lethal. The officers identified the location of the knife and relayed that information to Sergeant A. Sergeant A directed the officers to hold their position at the end of aisle number three.

Sergeant A and Officer H formulated a plan to recover the knife, prior to apprehending the Subject. Sergeant A advised the arrest team of the plan and formed a contact team to recover the knife. Prior to making their approach, Officer H walked down aisle three, where the arrest team was positioned and identified the location of the knife.

Sergeant A directed uniformed Police Officer J, to watch the security monitor mounted on the ceiling between aisles one and two and advise the contact team if the Subject made any movement toward them.

The contact team walked down aisle number two, utilizing the store shelves as cover. Upon reaching the end of the aisle, Officer H recovered the knife. Initially, Sergeant A directed Officer H to maintain custody of the knife. Officer H momentarily placed the knife on the store counter, at which time Sergeant A advised him/her to relinquish the knife to another officer outside. Officer H exited the store, transferred custody of the knife to another officer, and went back into the store.

The Subject stood up of his own accord. Officer A ordered the Subject to put his hands up and go down to his knees. The Subject complied with Officer A's commands and went down on his knees facing toward the window in southerly direction.

The arrest team approached the Subject from behind and grabbed both of his wrists. He was then taken into custody without further incident. The Subject was subsequently transported to a hospital, where he was treated for non-life-threatening injuries.

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

Basis for Findings

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

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

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-

second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

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

Law enforcement officers are authorized to use deadly force to:

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

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

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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his/her/hers 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 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 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/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.

Planning – Officers A and B had previously discussed contact and cover roles, as well as lethal and non-lethal force options. Throughout the incident, the officers demonstrated their ability to pre-plan which began with Officers A and B. While they traded off between contact and cover roles when attempting to establish lines of communication with the Subject, neither officer gave simultaneous commands. While one officer was speaking, the other took on the role of the cover officer. After Officer A opened the Subject's bedroom door and Officer B observed what he/she perceived to be metal poles or pipes in the Subject's hands, the officers planned on waiting for additional resources.

Upon the arrival of additional resources, Officer B outlined a tactical plan which included Officer E as the designated less-lethal force option and Officers C and D as the designated arrest team. Upon arrival, Sergeant A took over command and control, re-affirming the tactical plan established by Officer B. After the OIS, Sergeant A directed Officer D to go to the front of the location and assist in guiding the responding units to the residence. On the recommendation of Officer B, Sergeant A directed Officers C and E to establish containment to the rear of the residence. At the termination of the foot pursuit, Sergeant A advised officers to establish containment for each of the aisles inside the store. While inside the store, Sergeant A designated lethal and non-lethal force options for each aisle. In addition, Sergeant A formed a tactical team to retrieve the large kitchen knife that the Subject had placed approximately six feet away from him and a separate contact team to take the Subject into custody.

Assessment – Throughout the incident, officers assessed the actions of the Subject. After observing what Officer B perceived to be metal poles or pipes, the officers' assessment of the situation led to the request of additional resources. Officer E, who was designated as the less-lethal force option, assessed the confined space of the location and opted to use the TASER over the 40mm LLL. During the OIS, Officer B conducted an assessment after each round was fired. Subsequent to the OIS, Officer B's assessment of the situation caused him/her to direct Officer A to redeploy from the adjacent bedroom to where the other officers were positioned. When the Subject fled the location, Officer D assessed that he/she was in the line of

sight of other officers, thereby enabling him/her to engage in a foot pursuit. Upon arrival at the store, Officer K observed that there were multiple officers with their service pistols drawn, causing him/her to not go further inside of the store. Instead, he/she took a position behind Officer E while equipped with a TASER in order to have lethal and less-lethal force options available.

Officers A and B assessed that the Subject posed a danger to Witnesses A and B. They based their assessment on Witness A's statement that the Subject had been acting erratically all day, hallucinating, and talking to himself. She believed the Subject was possibly under the influence of narcotics. According to Witness A, the Subject had additionally raised his hand and lunged at them, making movements as if he was going to hit them. Officers A and B had discussed the possibility of tactical disengagement; however, based on the Subject's erratic behavior and possession of two poles, they believed the Subject posed a danger to Witness A and Witness B. Officer B stated he/she was concerned for the Subject's mental state and wanted to detain him for a mental evaluation hold. According to Sergeant A, he/she also considered the concept of tactical disengagement but did not find it to be a feasible option given the danger the Subject posed to the other tenants, Witness A and Witness B, who occupied the residence with the Subject.

Time – Officers A and B used time to their advantage. They made several attempts to make contact with the Subject, through his bedroom door, prior to opening it. After observing that the Subject was possibly armed with poles and closing his bedroom door, the officers contained him to the apartment and made repeated contacts with the PR and witnesses to gather additional information on the Subject. They inquired if the Subject had a history of mental illness or if he possessed any weapons. The officers also worked to determine if a crime had occurred. While at the store, the officers did not rush to take the Subject into custody; instead, officers established containment and attempted to verbalize with the Subject. Officers then used cover and time to their advantage, holding their positions in the store until vehicular and pedestrian traffic was stopped in an attempt to avoid any type of crossfire situation.

Redeployment and/or Containment – Officer C inquired about potential windows in the Subject's bedroom considering the containment of the location. Immediately following the OIS, Officer A redeployed from the adjacent bedroom to where the other officers were positioned, creating distance between him/herself and the Subject. On the recommendation of Officer B, Sergeant A directed Officers C and E to establish rear containment of the location. While at the store, officers established containment in each of the aisles with lethal and non-lethal force options, as well as to the rear of the location.

While Sergeant A later directed officers to the rear of the residence, it would have been preferable if containment was set earlier during the incident. By the time containment was being established, the Subject had already exited out of his bedroom window and was running from the location

Other Resources – Officer B broadcast a request for an additional unit and a supervisor after observing the Subject in possession of two possible metal poles. Upon his/her arrival, Officer E retrieved and deployed a 40mm LLL, which the officers had available during the tactical operation. Subsequent to the OIS, Sergeant A broadcast the help call requesting additional units. While at the store, officers benefitted from having additional resources at scene which allowed them to establish containment on each aisle, as well as to form tactical teams for the retrieval of the knife and to take the Subject into custody. Sergeant A was judicious with his/her use of those additional units, limiting the number of officers inside the convenience store to a minimum. On the recommendation of Officer B, Sergeant A requested a ballistic shield to be utilized in taking the Subject into custody. While inside of the store, officers used the surveillance cameras to their advantage and monitored the movements of the Subject via the hanging surveillance monitors, which allowed officers to maintain distance between themselves and the Subject. Sergeant A requested an RA unit for the Subject. Los Angeles Fire Department personnel responded to the scene and staged nearby, prior to the Subject being taken into custody. Sergeant B requested the response of the Metropolitan Division's Special Weapons and Tactics (SWAT) team to respond for a barricaded suspect with a knife.

Lines of Communication – Having learned from the PR that the Subject was a Spanish speaker, Officers A and B gave the Subject commands in Spanish and attempted to open lines of communication. When they were unable to solicit a response, officers varied their commands between Spanish and English in an attempt to gain compliance but were unsuccessful. The officers' compassion was demonstrated in their attempts to create a dialogue with the Subject. Officer B offered to help the Subject and Officer A offered the Subject the opportunity to speak with a therapist. The active thought processes of Officers A and B were demonstrated through their consideration of tactical disengagement. Following the OIS, Officer B verbally ensured that Officer A was uninjured. Officers demonstrated clear lines of communication amongst each other at scene, as well as through their broadcasts, by updating responding units of the unfolding status of the incident. Multiple officers attempted to open lines of communication with the Subject throughout the incident. While at the store, Sergeant A kept the officers informed of the forthcoming 40mm LLL discharge.

The BOPC noted that neither Officer A nor Officer B advised Sergeant A of the sound that Officer A had described as being consistent with a sword or knife being removed from a sheath. This information may have been beneficial to Sergeant A's planning during the incident.

The BOPC noted that due to the rapidly unfolding nature of this incident, escalated by the deadly actions of the Subject, the officers had limited time to react. Sergeant A, along with Officers A, B, C, D, and E were required to make decisions that balanced the safety of the community, their own welfare, and the containment of a dangerous subject followed by his apprehension.

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

1. Contact and Cover Roles

In this case, Officers A and B switched the role of the contact officer back and forth while attempting to obtain a response from the Subject. In addition, while Officer A had a cover officer positioned down the hallway, he/she did not have a cover officer positioned next to him/her in the room adjacent while attempting to open the Subject's outward opening bedroom door. Officers A and B's actions demonstrated their continued efforts to establish lines of communication with the Subject and thus de-escalate the situation. The BOPC noted the empathy demonstrated by the officers towards the Subject and the officers' continued attempts to complete their investigation. The BOPC would have preferred that one officer exercised the role of contact officer to eliminate possible confusion. In addition, the BOPC considered the confined space of the location which limited the ability of the officers to deploy inside of the location.

Based on the totality of the circumstances, BOPC determined that Officers A and B's actions were reasonable and did not deviate from approved Department tactical training.

2. Barricaded Suspects

In this case, Officer A pulled the Subject's bedroom door open. After opening the door, Officer A quickly redeployed to the doorway of the bedroom. As the door opened, Officer B observed the Subject standing in the bedroom holding what he/she perceived to be two metal poles or pipes, one in each hand. Officers A and B did not recognize that they had a suspect who may have met the criteria for a barricaded suspect. Upon arrival at scene, Sergeant A was briefed by Officer B regarding metal pipes in the Subject's hands, however, Sergeant A did not contact Metropolitan Division's Watch Commander to request additional resources.

The BOPC noted that when Officers A and B initially decided to open the Subject's bedroom door and carried out their plan, they were not aware that the Subject was armed. The officers had specifically asked the PR if the Subject was in possession of any weapons and the PR replied that the Subject was not. The PR wanted the Subject to be evicted, and the officers were attempting to keep the peace between both parties by making contact with the Subject even though no crime was reported by the PR. The BOPC considered that in order to meet the second prong of the barricaded suspect criteria, officers would have to establish that the Subject was a threat to the lives and safety of the community and/or the police. To do so, officers would need to continue their investigation and make contact with the Subject.

The BOPC considered that the officers did not have information regarding the Subject being armed or having access to weapons. The BOPC also noted that

there were no additional metal pipes or poles found at the scene. The machete may have reasonably appeared larger in size when perceived by Officer B.

The BOPC concluded that the criteria for barricaded suspects was not met in this incident. However, the BOPC would have preferred that on scene personnel contacted the Metropolitan Division Watch Commander for guidance and advice or to potentially enlist the assistance of the Special Weapons and Tactics (SWAT) Crisis Negotiation Team (CNT).

Based on the totality of the circumstances, the BOPC determined that Sergeant A, along with Officers A and B's actions were reasonable and did not deviate from approved Department tactical training.

3. Back-Up Request

In this case, Officers A and B did not request a back-up after Officer B observed the Subject standing in the bedroom holding what he/she believed were two metal poles or pipes, one in each hand. Instead, Officer B requested an additional unit and a supervisor for a "415" man.

The BOPC noted that a back-up request would have been preferable to the additional unit request.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were reasonable and did not deviate from approved Department tactical training.

4. Tactical Planning

In this case, Officers A and B did not wait for their additional units to arrive at scene prior to attempting to open the Subject's bedroom door after observing the metal pipes or poles. In addition, Sergeant A along with Officers A, B, C, D, and E did not establish containment to the rear of the Subject location prior to the OIS.

The BOPC considered that even though the officers appeared to be addressing a landlord/tenant dispute it would have been preferable to have an additional unit for rear containment. It would have preferred Officers A and B to have waited for the response of additional units prior to attempting to open the door for the second time. Immediately following the OIS, on the recommendation of Officer B, Sergeant A directed Officers C and E to establish rear containment.

Based on the totality of the circumstances, the BOPC determined that Sergeant A, along with Officers A, B, C, D, and E's actions were reasonable and did not deviate from approved Department tactical training.

5. Tactical Communication

Upon arrival at scene, Sergeant A was briefed by Officer B. Officer B informed Sergeant A that the Subject was in possession of two metal pipes. According to Officer B, it slipped his/her mind to mention the noise heard by Officer A, which sounded like a sword or a knife being removed from a sheath.

In this case, Officer D believed he/she broadcast that the Subject was armed with a knife during the foot pursuit. However, a review of the CD audio and Officer D's BWV recording did not capture his/her broadcast that the Subject was armed. The FID investigation determined that Officer D can be heard yelling at the Subject to "Drop it, Drop the machete," in the presence of the first arriving back-up unit at the store.

The BOPC would have preferred that Officers A and B emphasized the perceived metal poles or pipes, as well as mentioned the sound heard, in their briefing to Sergeant A. Additionally, the BOPC would have preferred that Officer D broadcast information regarding the knife in the Subject's possession while he fled the OIS scene. This incident rapidly escalated, was dynamic in nature, and posed challenges to the involved officers.

Based on the totality of the circumstances, the BOPC determined that Sergeant A along with Officers A, B, and D's actions were reasonable and did not deviate from approved Department tactical training.

6. Tactical Disengagement

According to Officer B, Witness A stated the Subject had been acting erratically all day and believed he was under the influence of narcotics. Witness A stated the Subject had been hallucinating and talking to himself. According to Witness A, the Subject had raised his hand and lunged at the witnesses, making movements as if he was going to hit them. Officers A and B discussed the possibility of tactical disengagement, however, based on the Subject's erratic behavior and being in possession of two metal poles, they believed the Subject posed a danger to Witness A and her husband. Officer B stated he/she was concerned for the Subject's mental state and wanted to detain him for a mental evaluation hold. According to Sergeant A, he/she also considered the concept of tactical disengagement but did not find it to be a feasible option given the danger the Subject posed to the older tenants of Witness A and Witness B, who occupied the residence with him.

The BOPC noted that tactical disengagement was on the forefront of the officers' minds and was considered during the incident. The circumstances of this incident, which rapidly escalated by the Subject, did not allow for the officers to utilize tactical disengagement to resolve the incident.

Based on the totality of the circumstances, the BOPC determined that Sergeant A's actions were reasonable and did not deviate from approved Department tactical training.

7. Use of Force Warning

In this case, Officer E did not provide a less-lethal verbal warning prior to the TASER application on the Subject. According to Officer E, he/she did not provide a verbal warning because the Subject was attacking the officers and Officer E was reacting to the Subject's actions. Officer E reacted immediately to the Subject's violent actions by discharging the TASER in order to stop his advance with the machetes on the officers. A TASER warning was not feasible given the hasty violent assault by the Subject.

The BOPC noted that with his/her discharge of the TASER, Officer E was responding to the Subject who was armed with a machete in one hand and a knife in the other while he was moving towards the officers.

Officer A did not provide a less-lethal verbal warning prior to the 40mm LLL discharges. According to Officer A, he/she did not give a verbal warning because multiple officers were already giving the Subject commands to which the Subject was being non-compliant. In addition, due to the Subject pacing back and forth, giving the Subject a warning would have put Officer A in a tactically disadvantageous position.

In its review of the 40mm LLL discharges, the BOPC considered that the Subject was given a partial warning which fulfilled the "command" portion of the requirement.

Based on the totality of the circumstances, the BOPC determined, that Officers A and E's actions were reasonable and did not deviate from approved Department tactical training.

8. Apprehension vs. Containment Mode

Sergeant A, along with Officers A, B, C, D, and E, engaged in a foot pursuit of the Subject, whom they believed was armed with a machete and presented an immediate danger to the community.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

In this case, Officer D initiated the foot pursuit because he/she observed that the Subject was armed with a machete and wanted to maintain a visual of him. Officer D maintained a line of sight to other officers who were also in close proximity to render immediate aid, if needed. The officers in his/her line of sight

included the officers engaged in the foot pursuit with him/her, as well as an additional unit responding to the help call. The Subject was running from a residence and ultimately entered into a store which was occupied by numerous persons.

Based on the totality of the circumstances, the BOPC determined that Sergeant A along with Officers A, B, C, D, and E's actions were reasonable and did not deviate from approved Department tactical training.

The BOPC also considered the following:

- 1. Effective Encounters with Mentally Ill Persons** – The investigation revealed that Sergeant A, along Officers A and B, heard the Subject talking to himself and speaking incoherently. This behavior could be consistent with a person suffering from mental illness and/or being under the influence of drugs or alcohol, which led Officers A and B to inquire with the residents of the location if the Subject had any history mental illness. The residents advised they were unaware that the Subject suffered from any mental illness. Sergeant A along with Officers A and B implemented their plan to detain the Subject for a mental evaluation hold, with the intent to contact the Department's Mental Evaluation Unit (MEU) after detaining the Subject.
- 2. Required Equipment** – The investigation revealed that Officer E was not equipped with his/her side-handle baton. Officer E left his/her side-handle baton in his/her police vehicle during the incident.
- 3. Tactical Communication** – The investigation revealed that while Sergeant A assumed the duties of an Incident Commander, he/she did not declare him/herself as such.

The investigation revealed that Officer E did not advise Sergeant A of the condition of the loaded 40mm LLL upon transferring it to him/her prior to exiting the residence to establish rear containment.

- 4. 40mm Less-Lethal Launcher (LLL) Manipulations** – The investigation revealed that Officer E loaded one round into the chamber of the 40mm LLL at his/her start of watch, prior to securing it into his/her police vehicle.
- 5. Protocols Subsequent to a Categorical Use of Force** - The investigation revealed that Sergeant A, along with Officers A and B, left the OIS scene unsecured in order to engage in a foot pursuit of the Subject. The OIS scene was left unsecured for approximately eight minutes. According to Officer A, he/she left the apartment because he/she heard fellow officers making contact with the Subject and was concerned for officer safety, as well as the apprehension of the Subject.

The investigation revealed that Sergeant A utilized officers involved in the OIS in the subsequent tactical operations, which ultimately resulted in an additional less-lethal use of force.

The investigation revealed that at the conclusion of the incident, Officer E removed the wires from his/her TASER cartridge and discarded them in the store parking lot.

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

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified 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.

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

B. Drawing and Exhibiting

- **Officer B**

First Occurrence

According to Officer B, when Officer A opened the Subject's bedroom door, it opened approximately a foot and a half. While standing approximately 10 to 11 feet away, Officer B observed the Subject wearing a red shirt and what Officer B believed to be two metal poles, one in each hand. Officer B drew his/her service pistol because he/she saw that the Subject was armed with two objects and Officer A was in close proximity to the Subject, approximately three feet away. Officer B believed that the Subject was going to be "unpredictable" and attack his/her partner and cause serious bodily injury.

Second Occurrence

After Officer B observed the Subject in possession of two possible metal poles, Officer A asked Officer B to inquire with the witnesses as to whether the Subject suffered from a mental illness. Officer B agreed. Officer B holstered his/her pistol and walked out of the residence, followed by Officer A. Witness B advised the officers that the Subject did not suffer from a mental illness. Officers A and B walked back into the residence. Officer A knocked on the Subject's bedroom door and continued to verbalize with the Subject. While waiting for additional units to arrive, Officer A advised Officer B that he/she was going to open the Subject's door. Officer B advised Officer A that he/she would provide cover and advised Officer A to back into the bedroom once the door was open. Officer A opened the door and

redeployed into the bedroom. Officer B drew his/her pistol, stepped to the left, and utilized the hallway wall as cover.

Third Occurrence

According to Officer B, when Officer A opened the Subject's bedroom door, Officer B drew his/her service pistol after observing that the Subject was armed with machetes. Officer B redeployed backwards and observed the Subject raise a machete and come out through the "wedge of the door."

Fourth Occurrence

According to Officer B, he/she observed the Subject in possession of the knife and drew his/her service pistol because of the Subject's actions of pacing back and forth in the store.

- **Officer A**

First Occurrence

According to Officer A, he/she drew his/her service pistol after he/she opened the Subject's bedroom door. Officer B had already advised him/her that the Subject was possibly armed with two metal pipes. As Officer A opened the door, Officer A redeployed backwards toward the room adjacent to the Subject's bedroom. As he/she was redeploying, Officer A drew his/her service pistol because the Subject was possibly armed with two metal pipes and Officer A believed at that point, there was a substantial risk where deadly force may be justifiable.

Second Occurrence

According to Officer A, he/she momentarily holstered his/her service pistol after the OIS in order to sling the 40mm LLL given to him/her by Sergeant A. After slinging the 40mm LLL, Officer A drew his/her service pistol once again.

- **Officer E**

According to Officer E, he/she observed customers running out of the store. Officer E ran inside the store which consisted of approximately five to six aisles and observed officers holding individual aisles. Officer E drew his/her service pistol to hold aisle one, closest to the door. Officer E drew his/her service pistol because the Subject was still armed with his machete and Officer E was designated as the lethal force option for aisle one.

- **Officer D**

First Occurrence

According to Officer D, as soon as Officer B fired rounds, Officer D drew his/her service pistol because the Subject was armed with machetes, and Officer D knew that deadly force would be a possibility.

Second Occurrence

According to Officer D, when he/she heard an officer broadcast that the Subject was on the roof, he/she looked up the driveway and observed the Subject running at him/her. Based on her knowledge that the Subject was previously armed with a machete, Officer D drew his/her service pistol, believing that the Subject still had the machete on him and was armed.

Third Occurrence

According to Officer D, the Subject made his way into the parking lot of the store and ran at a group of people inside the store. Believing that the Subject was going to arm himself with the machete and possibly do harm to those people, Officer D drew his/her service pistol and gave the Subject commands to drop the machete. Officer D drew his/her service pistol to, if needed, use deadly force in order to preserve the lives of the citizens inside of the store.

Fourth Occurrence

According to Officer D, he/she along with approximately three to four other officers made entry into the store. Once Officer D observed the Subject, he/she drew his/her service pistol to establish containment of the Subject.

- **Officer C**

First Occurrence

According to Officer C, he/she drew his/her service pistol while clearing the room adjacent to the Subject's bedroom because Officer C believed that he/she might come in contact with an armed suspect and needed to be able to protect him/herself.

Second Occurrence

According to Officer C, he/she drew his/her service pistol after the Subject came out of his bedroom armed with two long sharp metal objects, proceeding quickly toward officers. Officer C believed that the Subject would commit serious bodily injury against one of the officers.

Third Occurrence

According to Officer C, he/she drew his/her service pistol when he/she first entered the store. Officer C was attempting to contain the Subject because the Subject was still armed and posing a threat to officers. Additionally, Officer C believed that the Subject could hurt the officers with his weapon.

- **Sergeant B**

According to Sergeant B, he/she was directed by Sergeant A to position him/herself and observe the Subject from the exterior of the store and verbally relay the Subject's activity. Sergeant B drew his/her service pistol because the situation could have escalated to a use of deadly force, not knowing if the Subject was armed with any potential firearms.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Sergeant B's, along with Officers A, B, C, D, and E's drawing and exhibiting of a firearm. The BOPC conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw their service pistols and noted that the Subject's actions presented a potential deadly threat to the community as well as the officers. The BOPC considered that for each occurrence of drawing their service pistols, the officers had a reasonable belief that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

C. Less-Lethal Use of Force

- **Officer E** – (TASER, one four-second activation in probe-mode, from an approximate distance of nine feet)

According to Officer E, he/she observed Officer A open the Subject's bedroom door and the Subject come out of the door holding a machete in each hand. Officer E was next to Officer B, as he/she redeployed backward. Officer E observed the Subject holding the machete up, in a position of "readiness." Officer E stated he/she believed the Subject was running out of the door and advancing on the officers when he/she discharged his/her TASER.

- **Officer A** – (40mm Less-Lethal Launcher)

First Discharge, one 40mm round from an approximate distance of 23 feet

According to Officer A, the Subject was pacing back and forth inside the store. The Subject was uncooperative and non-compliant to commands given by multiple officers. Officer A knew the Subject had been armed with machetes at the apartment and was advised by officers that the Subject was possibly armed with a knife in the store. Officer A stated that Sergeant A also directed the discharge of the 40mm LLL. In addition, Officer A stated that the Subject was still armed with a possible knife in his waistband and wanted to avoid using lethal force to take him into custody. Officer A was attempting to de-escalate the situation by discharging the 40mm LLL.

Second Discharge, one 40mm round from an approximate distance of 23 feet

According to Officer A, the Subject continued moving back and forth when Sergeant A directed Officer A to discharge the 40mm LLL for a second time. Officer A discharged a second 40mm round because the first one was ineffective and the Subject was still pacing back and forth while being armed with a knife.

In its review of the TASER discharge, the BOPC considered that the Subject escalated the situation when he exited his bedroom armed with two machetes, and that Officer E discharged the TASER to defend him/herself, as well as Officers A and B, from the armed Subject rapidly closing the distance between the officers.

The BOPC considered several factors during their assessment of the 40mm LLL discharges. The factors taken into consideration included the Subject previously attempting to attack the officers with two machetes, the continuing threat posed by the Subject who refused to surrender by evading arrest, and the Subject still being in possession of the large kitchen knife. The BOPC noted that those factors amounted to the Subject violently resisting arrest and posing an immediate threat of violence to the officers, as well as the larger community.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and E, while faced with similar circumstances, would believe that the same applications of less-lethal force would be reasonable to protect themselves and others, as well as to effect the arrest of the Subject.

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

D. Lethal Use of Force

- **Officer B** – (pistol, eight rounds in two volleys, in a southerly direction from an approximate distance of eight feet)

First Volley, Rounds One through Six

According to Officer B, when Officer A opened the Subject's bedroom door, Officer B observed the Subject immediately launch in the direction of Officer A, while holding two machetes. Officer B observed the Subject swing the machete, which the Subject held in his left hand, in a forward and up-and-down motion in the direction of Officer A, who was approximately three feet away. Believing that the Subject was going to attack his/her partner with the machete and cause his/her partner serious injury, Officer B fired approximately four or five rounds at the Subject. Officer B fired his/her service pistol to stop the threat, while assessing after each shot. After each shot fired, Officer B stated he/she observed that the Subject was still up and still making motions towards Officer A.

FID investigators presented that Officer B fired six rounds from an approximate distance of eight feet. The time that elapsed between Round One and Round Six was approximately two seconds.

Second Volley, Rounds Seven and Eight

According to Officer B, the Subject retreated back into the bedroom after the first volley of shots fired. Approximately half a second later, the Subject came back out in the direction of Officer A while still having control of the machetes. Believing that the Subject could seriously injure his/her partner, Officer B fired two rounds at the Subject to stop the threat. After the final round, the Subject dropped the machete and immediately closed the door.

FID investigators presented that approximately two seconds after Officer B's First Volley, Officer B fired two additional rounds from an approximate distance of seven feet. The time that elapsed between Round Seven and Round Eight was approximately one second.

The total time elapsed between Round One and Round Eight was approximately five seconds.

In this case, the BOPC conducted a thorough review of the incident. During its review, the BOPC took into consideration that the Subject was in possession of a machete and a large kitchen knife. The Subject rapidly escalated the incident when he exited his bedroom, lunging towards officers with an edged weapon in each hand. The BOPC noted that Officer B used lethal force to prevent serious bodily injury to him/herself and his/her partner.

The BOPC noted that Officer B continued to assess after firing each round and observed that the machete was in the Subject's hand after firing each round. Officer B continued to fire to stop the threat. In addition, it was noted that when the Subject retreated, Officer B immediately ceased firing. Officer B reengaged the Subject when he came back out of the bedroom with the machetes, while rapidly approaching the officers.

The incident rapidly escalated due to the Subject's actions. The BOPC considered the minimal amount of time which Officer B had to make decisions based on the imminent threat posed by the Subject to Officer A, due to the confined space of the residence. The BOPC noted that Officer B articulated his/her perception of an imminent threat, when the Subject, armed with a machete and a large kitchen knife, lunged in the direction of Officer A. Officer B specifically articulated his/her reason for the use of lethal force, which was to defend his/her partner. The BOPC also considered Officer B's assessment of the Subject's actions between each discharged round.

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

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