

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

OFFICER-INVOLVED SHOOTING – 033-20

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	8/5/20		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	1 year, 10 months
Officer B	1 year, 10 months

Reason for Police Contact

Hollywood Patrol Division officers responded to a radio call of a “Violent Male with Mental Illness,” armed with kitchen scissors, attempting to cut himself at an apartment. The responding officers met with a witness, who advised that the Subject had threatened her with the scissors and that three children were locked inside the bathroom. Additionally, the Subject was standing in front of the bathroom door of the apartment with scissors and a large dog. The Subject barricaded himself behind a hallway door, and subsequently exited and ran at the officers, resulting in an Officer-Involved Shooting (OIS).

Subject	Deceased ()	Wounded ()	Non-Hit (X)
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Male, 32 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, including any Minority Opinions; 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 22, 2021.

Incident Summary

The incident began at 1411 hours, when an Emergency Board Operator (EBO) received a 911 call from Witness A. Witness A reported that the Subject had attempted to cut himself with kitchen scissors inside the residence. Witness A also advised the EBO that the Subject was manic and bipolar.

At 1412 hours, Communications Division (CD) broadcast the request for service and stated that the Subject was attempting to cut himself with the kitchen scissors. Communications Division also provided officers via the Mobile Data Computer (MDC) in the police vehicles additional information that included the Subject's name and the fact that he was Manic and Bipolar.

Communications Division requested a supervisor to respond and verified that the primary unit had either a Beanbag shotgun or 40mm Less Lethal Launcher, which they acknowledged. As the officers were responding, they received additional information from CD, advising that the Subject was under the influence of marijuana and had a Rottweiler dog inside the residence.

Police Officers A and B were in full police uniform in a marked black and white police vehicle. Officers A and B had been assigned partners for three days. According to both officers, they had discussions regarding contact and cover, lethal and less-lethal roles and the equipment they carry. Officer B added that they also discussed various scenarios as well as conducting traffic stops. During their response, Officer B relayed the comments of the call to Officer A as he/she drove to the location.

Officers A and B monitored the radio call while they responded. Additionally, uniformed Police Officers C, D, E, and F responded to the radio call. Uniformed Sergeant A responded to CD's request for a supervisor.

At 1417 hours, Officers A and B notified CD via the police radio they had arrived (Code 6), at the residence followed by Officers C, D, E, and F. Upon their arrival, the officers declared their respective roles. Officer A would provide lethal coverage while Officer B would have the 40mm less-lethal launcher. Officers E and F stated they would be the arrest team and radio communications. Officer E, also in possession of a TASER, would provide less-lethal force if necessary. Officer D armed him/herself with the Beanbag shotgun, while Officer C obtained a fire extinguisher from Officer A's police vehicle. Once they had their designations, Officer E requested that CD have the person requesting (PR), Witness A, step out of the apartment to talk to them.

Witness A exited the apartment and spoke with Officers A and B. Witness A stated there were three children barricaded in the bathroom, and Witness B was inside the apartment also. According to Witness A, the Subject was armed with kitchen scissors and was blocking the bathroom door with his Rottweiler dog. The Subject had attempted to cut himself with the scissors and had charged toward her when she tried to

get the children out of the apartment. According to Witness A, the Rottweiler was not violent unless threatened, but claimed the dog was afraid of the Subject, and he had told the dog to get ready.

Sergeant A arrived at 1421 hours and was briefed by Officer B. Sergeant A verified all officers had their designated roles. Additionally, Sergeant A placed Police Officers G and H to the rear of the apartment complex. According to Officer A, the Subject was yelling aggressively toward them as they were planning their approach.

According to Sergeant A, "Because [of] the kids, I don't know where that suspect was at the moment. I heard him as I approached the call, when I was first coming up. He was yelling. He was angry. I hear that he has scissors or a knife. Time was of the essence because of those kids."

Sergeant A considered contacting the LAPD Mental Evaluation Unit (MEU); he/she stated the following, "I considered MEU, stuff like that, but I felt like I had to give this approach to get them out of the situation again, the factor of the kids right behind him. So I was still, um, we were, it wasn't enough time for me to make that call and get someone to call MEU at the time."

The apartment door was on the ground level, atop a small stairway landing accessed from both the north or south side of the front door.

The team of officers, comprised of Officers A, B, C, D, E, and F approached the front door from the north moving in a southerly direction at 1423 hours. Officer A unholstered his/her pistol, as the Subject was armed with a sharp object that could cause serious bodily injury or death. Officer A held his/her pistol in a two-handed grip, with his/her finger along the frame, and led the team to the front door. According to Officer B, he/she un-holstered his/her pistol as he/she approached the front door, "even though I'm assigned to less-lethal you never search a house with a 40." Officer B stated he/she holstered his/her pistol when he/she reached the front door, as Officer A was positioned in front of him/her with his/her pistol drawn. Sergeant A approached from north to south using the steps on the south side of the door to take a position by the front door. Officer D moved into a position on the ground level with the Beanbag shotgun. Officers A and B gave verbal commands for the Subject to exit the residence. Officers received no response from the Subject, at which time Officer B opened the front metal security door. Sergeant A and Officer A observed Witness B inside the residence and requested that she exit.

Witness B had been filming the Subject's actions prior to and as the police were speaking with the Subject. The video depicts the Subject holding scissors and his dog on a leash. The Subject tells Witness B, "Watch me die, it's time," and, "if the kids are shot, it's on you." Once the police arrived, the video showed the Subject move behind the hallway door frame as Officer B ordered him to exit, the Subject then stated, "Come in."

According to Officer A, the Subject was in front of an open hallway door, with the Rottweiler on a leash beside him. Directly behind the Subject was a closed door, which he/she believed was the bathroom where the children were barricaded.

Officer A described the Subject, "As I approach now the suspect's very agitated, kind of seemed like he was on drugs, he, his eyes were like, I don't know, like bulging out, basically. And I saw, when I first saw him I saw the knife, sorry, the scissors on his, if I'm facing him, they were first on his right hand. I want to say approximately four inches in length of just like the scissor part, not including the handle. They were silver, they were shiny, sharp. And he's holding them very aggressively and he kind of like brings it up and he sees us now and he's like, 'Come get me.'"

Officer A directed Officer C to his/her position with the fire extinguisher and told the team he/she would have to shoot the dog if it came toward him/her. According to Officer A, he/she believed the Subject heard him/her say he/she was going to shoot his dog, which caused him to focus on Officer A. As Officer A continued asking the Subject to put the scissors down and come out, the Subject brought his hand up toward his head. According to Officer A, the Subject made his hand in the shape of a gun, pointed his hand to his temple and stated, "shoot me, come at me, shoot me." Additionally, he/she observed the Subject raise his cell phone and began to record the officers and stated, "come on, come get me." At one time, Sergeant A as well as Officers A, B, and D attempted to communicate with the Subject. Numerous commands were given for him to drop the weapon and exit the apartment. Sergeant A requested that Officer F move to the south side of the door and attempt to verbalize with the Subject to exit the apartment.

Officer F's BWV depicted him/her move to the south side of the front door and begin communicating with the Subject, telling him he was not in trouble and asked him to come outside. The Subject replied, "Let her go, just shoot me right here," as he gestured with his right hand pointed at the right side of his neck and face area. At 1426 hours, the Subject moved further into the hallway and closed the door leading from the hallway into the living room taking the officers view of him away.

According to Sergeant A, "if we stayed out in the outer door and he goes in there and starts hurting those children, time is of the essence at this point. That door was not visible. I couldn't see through that door. I couldn't hear anything. I don't know if he retreated back to that bedroom where the kids were or if he retreated into their bathroom and started stabbing those kids. I was worried about that. That was my number one concern at the time."

According to one of the children, "And then when you guys [Police] arrived, like he -- he [the Subject] wanted to get in with us so he started pushing the door and, like, trying to get in and we wouldn't let him in."

At that time, Sergeant A ordered the team to enter the apartment, leading the team inside.

Officer A entered the apartment and cleared the kitchen, as Officer B unholstered his/her pistol, holding it in a two-handed, low-ready position, and proceeded toward the hallway door. According to Officer B, he/she unholstered since he/she did not know if there were any additional weapons in the apartment, or if the Subject was going to harm the children. Sergeant A attempted to open the door as Officer B provided cover; however, the door was locked. Officer B attempted to force the door open using his/her left hand and forearm and was unable to open the door. Sergeant A ordered Officer B to kick open the door at which time Officer B turned his/her back to the door, believing he/she would have more force from his/her kicks in that position. Officer B realized after the first kick that he/she still had his/her pistol unholstered and immediately holstered his/her pistol before proceeding. Officer B proceeded to kick the door an additional two times, breaking the bottom panel on the door.

Review of the BWV depicted Officer B holding his/her pistol in a one-handed grip with his/her finger along the frame. As he/she kicked the door, he/she swung his/her hand upwards in the direction of Sergeant A and Officer A. Officer B then holstered his/her pistol.

The following is an account of each officer's perceptions of the Subject and his actions. Each officer was equipped with Body-Worn Video (BWV).

According to Officer B, he/she backed away from the door as the Subject opened the door. Officer B stated, "I saw him with the dog. And I saw the dog I believe was in his right hand and he had it on the leash. And he was standing there. I couldn't recall exactly what he was saying, but he was very uncooperative. And I could, I don't know exactly what he said but he wasn't cooperating at all. It was more of an aggressive more than anything. He, I believe he was saying cuss words and whatnot. But I can't recall exactly".

According to Officer B, he/she unholstered his/her pistol because he/she was in fear. He/she stated the following, "So pretty much at that point Rottweilers are vicious dogs. They're known to harm and at times even kill people. They're not friendly dogs. And in my past experience as well I - - I've seen that. If the dog let - - goes loose and it bites one of my partners that could cause the suspect to have an advantage on us. If the dog comes at me, same thing, I mean the dog could have bit me. I could have lost, you know, my gun or whatnot, he could have picked it up. So there's multiple different situations that cause me to feel that way. But mainly it was just I felt that if the dog was loose or we - - let's say took our eyes off it was like a distraction plan where he let the dog go, we take our eyes off the dog - - off him for a second and then he comes at one of us."

According to Officer B, he/she knew that the Subject had been in possession of scissors. As the hallway door opened, the Subject and the dog emerged from the hallway toward the living room. Officer B heard the Subject state, "Get 'em." Officer B further stated, "And when he released the leash based on - - pretty much based on my -

- my belief that the situation could of (sic) escalated where deadly force could be used or to - - to pretty much protect myself or others I drew out and I fired one round at the ground towards the dog - - well, I shot one round at the dog as he was getting close to me.”

Officer B fired one round from his/her pistol, using a one-handed grip, toward the dog's upper body, at a distance of approximately two-feet. According to Officer B, after he/she fired, the room filled with smoke, and he/she heard additional shots. Officer B holstered his/her pistol jumped on top of a desk to avoid being struck by crossfire.

According to Officer A, he/she was positioned to the right of Sergeant A while Officer B was kicking the door.

Officer A stated, “at this point when he opened the door he said, ‘Get ‘em.’ He told the dog ‘Get ‘em.’ So now my focus is the dog. The dog is coming towards me. So, I remember shooting at the dog. And then as I’m shooting at the dog now not only the dog is approaching me and then smoke, a lot of smoke, but not only the dog is approaching me I then see, I kind of like look up and I see him running towards me. And again, he was just locked on. He wasn’t looking at anybody else. He wasn’t trying to go after anybody else. It was just me.”

According to Officer A, once the Subject came out of the hallway and stated, “Get ‘em,” the dog ran directly toward him/her. Officer A stated that he/she believed the dog was going to attack him/her, so he/she fired twice in a downward direction at the dog. Officer A held his/her pistol with a two-hand grip and fired from an approximate distance of five feet.

Immediately after firing, the room filled with smoke from the fire extinguisher. According to Officer A, he/she looked up and observed the Subject focused on him/her, running directly toward him/her.

He/she stated, “I kind of like look up and see him running towards me. And again, he was just locked on. He wasn’t looking at anybody else. He wasn’t trying to go after anybody else. It was just me. So, to my knowledge, he’s armed with this, this knife. The dog is running towards me, he’s running towards me. And I shoot one more time. Now to me I was aiming at the suspect, at my second threat. I remember, I think I like tripped over something and he like grabbed me.”

According to Officer A, he/she did not see the weapon in the Subject's hand but stated although he/she never observed him drop it, he/she believed the Subject was still in possession of a sharp object. He/she stated he/she fired at the Subject, “I believed he was armed with the, with the sharp object which could have caused damage, you know, stab me in the eye, he could have stabbed me in the neck, through the vest, so I, I felt like my life was in danger at that moment.”

BWV shows the Subject jumping over the dog and grabbing onto Officer A's shirt at the time he/she fired his/her third round. Officer A fired his/her third shot in a northerly direction, where Officer C was positioned.

According to Officer A, he/she tripped over something as the Subject grabbed him/her. Officer A turned toward the Subject as he fell onto the sofa along the east wall, then onto the floor. After Officer A's third shot, the dog ran under the table as he/she backed into the kitchen, with his/her pistol pointed in the direction of the kitchen table where the dog was hiding. Officer A kept his/her pistol pointed toward the dog until he was contained several minutes after the OIS. Officer A was then able to holster his/her pistol and exit the apartment.

According to Officer C, he/she was assigned the fire extinguisher due to the large dog inside the apartment. When officers entered the apartment, he/she was the fifth in line. Once the Subject opened the hallway door, he/she observed the dog charge toward Officer A, followed by the Subject. Officer C then discharged the fire extinguisher toward the dog to prevent the dog from attacking Officer A.

According to Officer C, "At that point I felt pain to my right arm, and I remember clenching my left, my left, my left hand continuing to deploy the fire extinguisher, but I was clenching my left hand just due to the pain to my right arm. I had realized I had been shot. I fell to the ground and I attempted to exit the well, I exited the residence."

Officer C notified Officer F, who had exited the apartment moments before him/her, that he/she had been shot in the arm. At 1427 hours, Officer F requested a Rescue Ambulance (RA) to respond to their location for a gunshot wound.

According to Officer D, he/she was assigned the less-lethal Beanbag shotgun. After Officer B kicked the door, the Subject opened the door and came rushing toward them.

According to Officer D, "I observed that he was still armed with the knife or the sharp object, appeared to be a knife in his left, left hand. He had the dog and the chain in his right-hand walking towards us. I, I already had the, the beanbag deployed. I didn't have time to transition to my firearm. So I immediately threw one round. After I shot one round, that's when the fire extinguisher went off. At that point I was unable to see anything. I was disoriented because of the fire extinguisher. I couldn't breathe. I couldn't see anything that was going on, to be honest. I kind of walked out of the location. That's when I saw my partner running out. [He/she] was saying [he/she] got hit with, if it was a beanbag because honestly I didn't even know there was shots fired."

Officer D fired one round from the Beanbag shotgun toward the Subject's upper chest from a distance of approximately seven to eight feet, striking the Subject's left bicep.

According to Officer E, after the Subject entered the hallway and shut the door the officers entered the apartment. Once inside the apartment, Officer E unholstered

his/her pistol, due to the Subject being armed with the scissors, which could cause serious bodily injury or death. After Officer B kicked the door, the Subject opened the door, and told the dog to attack.

According to Officer E, "At which point the [Subject] came out. His fists were clenched. It was hard to distinguish if he had anything in his hands due to all the fire extinguisher fluid coming up from the floor due to us re-deploying back. He then, I heard beanbag shots, they, they deployed the beanbag." He continued, "He continued to charge at one of our partners, Officer A. And at which point he jumped up and attacked [him/her]. He jumped and was basically on [him/her]."

According to Officer E, he/she pulled his/her pistol to a close contact position and canted it downward to avoid any crossfire. As he/she did so, he/she noticed that his/her pistol's slide was slightly back, at which time he/she cleared the malfunction, by conducting a tap (to verify the magazine is seated), rack (pulling the slide back) and roll (turning pistol to the side to expel a possible misfed round). A single live round was ejected from the chamber, falling into Officer E's holster.

Officer E believed that he/she unholstered prior to entering the apartment; however, video analysis showed he/she unholstered once inside the apartment.

As captured on Officer E's BWV at 1427:18 hours, Officer E was holding his/her pistol in a close contact position when the front of the pistol dipped in a manner consistent with Officer E having pulled the trigger. Simultaneously a metallic click could be heard on the BWV audio. Officer E was asked by FID Investigators, "Did you ever go on target and pull the trigger with the intention to fire your pistol?" Officer E replied, "No.[...] I -- I did not pull the trigger. I don't know what malfunctioned it, even till now. I just observed the firearm slide back approximately an inch."

According to Officer F, the Subject came out of the hallway door armed and immediately charged at Officer A. He/she then heard the Beanbag shotgun deployment followed by gunshots. Officer F exited the apartment, as it was a confined space. Officer C then came out of the apartment and advised Officer F that he/she had been shot.

According to Sergeant A, upon the initial approach to the door, he/she attempted to communicate with the Subject, at which time he/she realized that he/she was not able to properly control the incident while engaging with the Subject. Sergeant A verified that Officer D was in a clear position if he/she needed to deploy the Beanbag shotgun. Once the Subject closed the door, he/she felt that they needed to enter the apartment for the safety of the children. Sergeant A then advised Officer B to kick the door, until the Subject opened the door, with the dog in front of him. According to Sergeant A, the fire extinguisher was deployed, and he/she became disoriented. Upon review of Officer A's BWV, he/she used the back side of his/her left hand to push Sergeant A aside as the Subject came out of the room. Sergeant A appeared to raise his/her right arm across the front of his/her chest to avoid the Subject and his dog, possibly knocking his/her BWV off and causing it to fall to the ground. According to Sergeant A, he/she

heard shots being fired, he/she was unsure if it was the Beanbag shotgun, or if an Officer-Involved Shooting (OIS) had occurred.

After the OIS occurred, the apartment was engulfed with smoke from the fire extinguisher. Review of Officer E's BWV depicted the Subject rise from the ground and move toward Sergeant A. Sergeant A took ahold of the Subject's left arm in a rear twist lock while controlling his right elbow. Officer E then assisted and took ahold of the Subject's left wrist and they brought the Subject to the ground with the assistance of Officer B. According to Officer E, the Subject was resisting and kicking while he/she attempted to gain control of the Subject's arms. Officer B assisted, maintaining control of the Subject's arm as Officer E placed the handcuffs on the Subject's left wrist then his/her right wrist. Once he was in custody, Officer E began to walk the Subject outside. According to Officer E, as they were walking, the Subject became "deadweight," falling to the ground as he kicked at Officer E's feet. Officers D and E assisted the Subject to a standing position.

Sergeant A was unaware an OIS had occurred when he/she was advised that an officer had been shot. Sergeant A went outside, ensured an RA had been requested, and confirmed that Officer C was receiving medical attention. Sergeant A then went into the apartment and verified the dog was kenneled, the apartment was cleared, and the children were taken from the bathroom. Once the dog was put into the kennel, Sergeant A then became aware that the dog had sustained a possible gunshot wound. Sergeant A asked officers who shot, and Officer A replied that he/she had.

At approximately 1431 hours, uniformed Sergeants B and C responded to the call for assistance.

Sergeant B identified and separated Officers A and B and obtained a Public Safety Statement (PSS) from Officer A. Detective A obtained a PSS from Officer B.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	N/A	N/A
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	No
Officer D	Yes	Yes	Yes	Yes	No
Officer E	Yes	Yes	Yes	Yes	No
Officer F	Yes	Yes	Yes	Yes	No

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

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

B. Drawing and Exhibiting

The BOPC found Officers A, B, E, and F's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Sergeant A's, and Officers B and E's non-lethal use of force to be In Policy.

D. Less-Lethal Use of Force

The BOPC found Officer D's less-lethal use of force to be In Policy.

E. Lethal Use of Force

The BOPC found Officers A and 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 principle 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, feasible, and reasonable to do so. As stated

below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.

Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

Use of Force – Non-Deadly. It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Use of Force – Deadly. It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: Because the application of deadly force is limited to the above scenario, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force. The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

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

A. Tactics

Tactical De-Escalation Techniques

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

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

Planning – When Officer A and B arrived at scene, they communicated with the additional responding officers and designated assignments, such as lethal, less-lethal, arrest team, and a fire extinguisher person to form a contact team to make contact with the Subject. The officers additionally requested the PR of the radio call to exit the apartment and provide officers with additional information. The fire extinguisher was included in the plan to use as a tool in case the Subject's dog charged at the officers. Fire extinguishers have proven effective in preventing dogs from aggressing forward.

Upon Sergeant A's arrival, Officer B briefed Sergeant A on the information the officers had obtained from Witness A. Witness A had advised the officers that the Subject was armed with kitchen scissors and was blocking the door to the hallway where three children had barricaded themselves in the bathroom. The Subject had attempted to cut himself and charged at Witness A when she attempted to get to the children.

The Subject also had his dog with him as he blocked access to the children. Sergeant A verified that the officers all had an assigned role in the contact team and ordered additional officers to assume rear containment by placing themselves to rear of the apartment complex. Sergeant A assessed the situation to be exigent and that time was a factor because of the danger the Subject posed to the children. Sergeant A's plan was to move the contact team to the front door and make contact with the Subject and further assess the situation.

After the Subject closed the hallway apartment door, Sergeant A assessed the situation was exigent and time was "of the essence" because the Subject was armed with scissors, had tried to cut himself, was possibly bipolar, had barricaded himself, had access to the barricaded children in the bathroom, and the officers could not see the Subject's actions. Sergeant A directed the contact team to enter the apartment. Sergeant A then directed Officer B to kick open the hallway door.

The BOPC was critical of Sergeant A's limited planning when he/she directed the contact team to approach the front door of the apartment. Aside from verifying that the contact team had assigned roles, Sergeant A did not verbally instruct the contact team of a specific objective the contact team was fulfilling by approaching the apartment door. Furthermore, after the Subject barricaded himself in the rear hallway of the apartment, Sergeant A did not provide clear instruction or an objective for entering the apartment's living room. Sergeant A also did not stage his/her personnel in appropriate positions of cover and/or tactical advantage, which led to an inability to address the threat the Subject posed when he charged from the rear hallway door into the middle of the contact team.

The BOPC would have preferred that Sergeant A had assumed a command and control-based management style of the incident and provided supervisory oversight to the officers at scene, all of whom had approximately three years or less service as police officers. Sergeant A's decision to act in roles usually assigned to officers, such as contact and point officer, limited his/her ability to form an effective plan to take the Subject into custody.

Assessment – When Sergeant A arrived at the scene of the radio call, he/she was briefed by Officer B on the information that the officers had received from Witness A. Due to Witness A reporting that the children were barricaded in the bathroom and another family member was in the living room of the apartment with the Subject, Sergeant A immediately directed the contact team to move to the front door of the apartment and initiate contact with the Subject.

While at the front door of the apartment, Sergeant A assumed the role of contact officer due to his/her assessment that Officer A was not an effective contact officer; the role he/she had been originally assigned. After the Subject refused to submit to arrest and barricaded himself in the rear hallway, Sergeant A assumed the point position and directed the contact team to enter the living room of the apartment. Based on his/her knowledge that the Subject had already attempted to injure Witness A when he attempted to reach the children, Sergeant A believed the incident could possibly turn into a "suicide by cop situation," and he/she did not want the Subject to have the opportunity to harm the children if the tactical situation were to escalate. In response to the danger posed by the Subject to the children, Sergeant A directed Officer B to breach the hallway door.

The BOPC was critical of Sergeant A's assessment of the incident as requiring immediate action and rapid deployment. The immediate action and rapid deployment directive states that immediate action is necessary in order to stop "ongoing, life threatening situations where delayed deployment could otherwise result in death or serious bodily injury to innocent persons." Due to there being no specific information, as perceived by Sergeant A and the contact teams, that the threat was ongoing such as screams for help or the sounds of a physical commotion, the BOPC did not believe that the incident met the criteria for rapid deployment or immediate action.

Time – When the Subject closed the door to the hallway, Sergeant A immediately directed the contact team to enter the living room and directed Officer B to breach the door to the hallway. Sergeant A did not utilize further time due to the danger he/she believed that the Subject posed to the children who were barricaded in the bathroom.

The BOPC was critical of Sergeant A's use of time as a de-escalation agent. Due to there being no specific information, as perceived by Sergeant A and the contact teams, that the threat was ongoing such as screams for help or the sounds of a physical commotion, the BOPC opined that Sergeant A should have continued to

attempt to communicate with the Subject, organize his/her personnel on scene, and summon additional resources.

Redeployment and/or Containment – Prior to approaching the front door of the apartment, Sergeant A directed Officers G and H to set up rear containment on the west side of the apartment in case the Subject attempted to flee out of a rear window.

Due to Witness A reporting that the Subject had attempted to harm her, himself, and that the children were barricaded in the bathroom near the Subject, Sergeant A did not believe that containment was a viable option. Sergeant A believed that the children were in danger of being harmed by the Subject. Sergeant believed that this situation called for immediate action and, therefore, did not attempt to hold in a position of containment or redeploy to a position of cover.

The BOPC was critical of Sergeant A ordering the contact team to take immediate action instead of containing the Subject and continuing to attempt to gain voluntary compliance. Absent additional information or signs of distress from the children, Sergeant A should have initiated the barricaded suspect protocol and contacted Metropolitan Division, Special Weapons and Tactics (SWAT), in order to complete an assessment with the on-call SWAT personnel.

Other Resources – Sergeant A believed that he/she had sufficient officers and did not believe additional personnel were necessary to effectively handle the incident, specifically because he/she assessed the situation was exigent and that time was a factor.

Sergeant A did not believe that contacting Metropolitan Division or the Mental Evaluation Unit was a viable option due to the danger that he/she believed the Subject posed to the children that were barricaded in the bathroom.

The BOPC discussed that due to Sergeant A believing the situation qualified as an immediate action scenario and due to the numerous officers already at scene, he/she did not request additional patrol resources or attempt to contact Metropolitan Division and the Mental Evaluation Unit. The BOPC would have preferred Sergeant A to have contacted MEU and the Metropolitan Division SWAT for advisement.

Lines of Communication – The contact team communicated amongst each other prior to Sergeant A's arrival and formed a contact team with designated roles. Officers A and B also spoke with Witness A in order to gain more information about the Subject and the events that had occurred prior to the arrival of the officers. Officer B then briefed Sergeant A on the information that they had obtained from Witness A.

Once the contact team moved to the apartment front door, Sergeant A and other officers attempted to communicate with the Subject and gain his compliance.

Sergeant A additionally designated a different officer to make contact with the Subject in an effort to gain his compliance.

The BOPC was critical of the manner in which the contact team attempted to communicate with the Subject. Multiple officers spoke with the Subject simultaneously, including Sergeant A. The BOPC would have preferred that a single officer, not Sergeant A, make attempts to open a dialogue with the Subject and attempt to gain compliance.

The BOPC was critical of Sergeant A's communication with the contact team both prior to approaching the apartment's front door and when the contact team entered the apartment. Sergeant A did not provide clear direction to the contact team at either stage of the incident as to the objective or manner in which said objective would be achieved.

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

1. Tactical Planning/Tactical Communication (Substantial Deviation without Justification – Sergeant A)

Sergeant A failed to formulate a thorough tactical plan and communicate the details of the tactical plan to the officers of his/her contact team.

Upon arrival at the radio call location, Sergeant A arrived and was briefed by Officer B as to the information that Officer B and the other officers had gathered. Sergeant A then verified that he/she had officers assigned to different roles in the contact team such as designated cover officer, less-lethal force options, and an arrest team. Sergeant A additionally directed two officers to act as containment at the rear of the apartment complex.

Officer B advised Sergeant A that there were children barricaded in the apartment's bathroom and there was another female in the living room with the Subject. In fear for the safety of the children and the female, Sergeant A ordered the officers to approach the apartment's front door and make contact with the Subject. Officer B opened the door and Officer A initiated verbal contact with the Subject from the north side of the apartment doorway. Sergeant A positioned him/herself on the south side of the apartment doorway. Sergeant A then assumed the role of contact officer due to his/her belief that Officer A was not an effective contact officer. After Sergeant A and Officers, A, B, D, and F attempted to communicate with the Subject, the Subject entered the hallway, and closed the hallway door.

Sergeant A immediately assumed the point position of the contact team and entered the apartment's living room without unholstering his/her service pistol. Sergeant A moved past the unsearched kitchen and attempted to open the

locked door that the Subject had barricaded himself behind. Prior to Sergeant A directing the contact team to enter the apartment, Sergeant A did not communicate with the contact team their objective in entering the apartment. Sergeant A only told the contact team, "Alright let's go in," and then bypassed the officers during the entry into the apartment. Sergeant A did not delineate if the contact team was moving to arrest the Subject, attempt further communication with the Subject, or to extract the barricaded children.

The BOPC was critical of Sergeant A's limited tactical plan and his/her lack of communication with the contact team prior to approaching the apartment, as well as when the contact team entered the apartment and attempted to breach the hallway door. The BOPC would have preferred that Sergeant A had delineated clear objectives and the manner in which he/she wanted the contact team to fulfill those objectives. This lack of a clear plan made containing the Subject's charge out of the doorway difficult and led to the use of multiple force options which further led to an officer being injured.

The BOPC noted that all the officers that comprised Sergeant A's contact team were newer officers with tenures ranging from one to three years. Sergeant A's lack of communication with the officers had a more pronounced effect due to the lack of experience of the officers. Sergeant A should have formulated a tactical plan and communicated in detail the actions he/she required the contact team to take in order to effectively control this incident.

Based on the totality of the circumstances, the BOPC determined that Sergeant A's lack of tactical planning and lack of communication with the officers on the contact team was a substantial deviation, without justification, from approved department policy.

2. Barricaded Suspect – (Substantial Deviation without Justification – Sergeant A)

Sergeant A failed to contact the Metropolitan Division watch commander and request SWAT when the Subject, armed with scissors, barricaded himself in the rear hallway of the apartment and refused to submit to arrest.

After the Subject refused to submit to arrest, he maintained control of his scissors and barricaded himself in the hallway of the apartment. Sergeant A assessed that the Subject presented an immediate threat to the children who were barricaded in the bathroom. Sergeant A ordered Officer B to breach the hallway door that the Subject had fled behind. There were no sounds of commotion or distress emanating from the area the children were said to have been located. Sergeant A did not contact Metropolitan Division in order to perform an assessment of the possible barricaded suspect due to the belief the incident was exigent due to not knowing the condition of the three children in the bathroom and the danger the Subject posed to them.

The BOPC was critical of Sergeant A's decision to attempt an immediate entry into the hallway of the apartment. The BOPC would have preferred that Sergeant A use additional time in order to contact Metropolitan Division and request SWAT due to the fact that Sergeant A knew that the Subject was armed and had locked himself into the rear hallway of the apartment. The BOPC also discussed that since the children were barricaded in the restroom, separate from the Subject, the situation could also be interpreted as a possible hostage situation. Without additional information or observations, such as sounds of distress from the children, Sergeant A should have contacted Metropolitan Division for a SWAT assessment.

Based on the totality of the circumstances, the BOPC determined that Sergeant A's decision to take immediate action and not contact Metropolitan Division regarding a possible barricaded suspect, was a substantial deviation, without justification, from approved Department tactical training.

3. Basic Firearms Safety Rules – (Substantial Deviation without Justification – Officer B)

Officer B failed to safely maintain control of his/her service pistol when he/she kicked the hallway door that the Subject had closed and barricaded himself behind. As Officer B initiated his/her first kick at the hallway door, Officer B unintentionally swung his/her hand holding his/her service pistol upwards and temporarily covered members of the contact team.

After the Subject barricaded himself in the rear hallway, Sergeant A ordered the contact team to enter the apartment living room. Sergeant A stated that he/she then directed Officer B to breach the door to the hallway. Officer B placed his/her back toward the hallway door and maintained control of his/her service pistol in his/her right hand, pointed towards the floor. Sergeant A stood adjacent to Officer B. Officer B proceeded to kick the door with his/her left foot and simultaneously raised his/her service pistol to head level and temporarily covered members of the contact team. Officer B realized after the first kick that he/she still had his/her pistol unholstered and immediately holstered his/her pistol before proceeding. Officer B proceeded to kick the door an additional two times, breaking the bottom panel on the door.

The BOPC noted that all LAPD officers are instructed in safe weapon handling during the Academy and during regular firearms qualifications. These weapon handling skills are encapsulated in the basic four firearms safety rules. Officers are expected to follow these safety rules in any duties they self-initiate or are ordered to complete by a supervisor. Training Division advised that if a similar incident occurred during in a training scenario, the officer committing the violation would be disqualified and sent off the firearms range. Training Division further advised that there is no formal training provided to any LAPD officers during the Academy in regard to the kicking open of doors. Training Division advised that

this type of training was supplementary and usually provided to new police officers during the field training program from training officers. The BOPC was additionally critical of Officer B turning his/her back to the hallway door as he/she kicked it open, which left him/her in a disadvantageous position to the Subject's position.

The BOPC opined that being placed in a disadvantageous position by a supervisor does not absolve an officer from conducting him or herself in a safe manner as it relates to firearms handling.

Based on the totality of the circumstances, the BOPC determined that Officer B's unsafe handling of his/her service pistol was a substantial deviation without justification, from approved Department tactical training.

- The BOPC also considered the following:

Tactical Vehicle Deployment – Officers A and B parked their police vehicle in front of the location of the radio call.

Dog Encounters – Officer A directed Officer C to retrieve a fire extinguisher from his/her police vehicle as a possible deterrent to the Subject's dog. Officer C retrieved and utilized a particulate fire extinguisher to stop the Subject's dog from charging at the officers. The fire extinguisher particulate filled the room and made it difficult for the arrest team to see and breathe, which lead to confusion and difficulty when officers took the Subject into custody. The dog encounter directive specifically states that a CO2 fire extinguisher may be effective however, CO2 fire extinguishers are no longer carried in police vehicles.

Contacting Mental Evaluation Unit – Due to the perceived danger that the Subject posed to the children in the apartment, Sergeant A did not contact MEU prior to attempting to detain the Subject.

Non-Conflicting Simultaneous Commands – Sergeant A and Officers A, B, and D provided non-conflicting simultaneous commands to the Subject from the doorway of the apartment.

Building Entry – When entering the apartment's living room, Sergeant A and Officers C, E, and F stood in the open area in front of the hallway door without utilizing available cover or positions of tactical advantage.

Designated Less-Lethal Duties – Officer B retrieved a 40mm LLL and was designated a less-lethal force option. During the incident, Officer B carried the 40mm LLL in a slung position, which would have required a delay in its deployment.

Officer F, the designated TASER officer, exited the apartment at the time of the OIS. Officer F left the apartment without advising other officers on the contact team and did not return to a position to provide assistance.

Designated Cover Officer – Officer A was assigned as the Designated Cover Officer (DCO) on the contact team. At the time the Subject opened the hallway door, Officer A was positioned as the DCO as Officer B attempted to breach the hallway door by kicking it open. As the Subject exited the hallway with his dog, Officer A first focused on the dog as opposed to the Subject, who had been in possession of scissors and advancing toward the officers.

Preservation of Evidence – Prior to the OIS, Officer E stated that he/she pulled his/her service pistol to a close contact position and noticed the slide of his/her service pistol had a malfunction, which he/she was able to clear. While clearing the malfunction a live round fell on the floor. After the OIS, Officer E picked up the live round from the floor which had fallen out of his/her service pistol.

Profanity – Officer E utilized profanity when he/she took the Subject into custody. Officer B additionally used profanity after the Subject was taken into custody.

Command and Control

- The BOPC was critical of Sergeant A's lack of tactical planning and communication with the contact team prior to the officers' approach to the apartment's front door and when Sergeant A directed the team to enter the apartment, which occurred after the Subject had barricaded himself in the rear of the apartment. The BOPC was also critical of Sergeant A's decision to assume the designated roles that had already been assigned to officers in the contact team. Sergeant A temporarily assumed the role of a contact officer and a point officer. The assumption of these roles hindered Sergeant A's ability to effectively manage the contact team from a command and control aspect.

The actions of Sergeant A were not consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

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

In conducting an objective assessment of this case, the BOPC determined that Sergeant A and Officer B's tactics were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

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

Therefore, the BOPC found Sergeant A and Officer B's tactics to warrant Administrative Disapproval. The BOPC also found Officers A, C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, he/she unholstered his/her service pistol because the Subject was armed with a sharp object, scissors, which could cause serious bodily injury or death. Officer A believed that he/she may have to use deadly force in response to the threat posed by the Subject.

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

According to Officer B, he/she unholstered his/her service pistol due to his/her knowledge that the Subject was armed with scissors and yelling at and the officers. Officer B additionally stated the contact team was also going to search the apartment and a building search is not conducted with a less-lethal force option such as the 40mm LLL, which was Officer B's assigned role in the contact team. Officer B stated that he/she holstered his/her service pistol as the contact team reached the front door of the apartment due to his/her partner, Officer A, assuming the point position of the contact arrest team.

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

According to Officer B, he/she was one of the first officers to enter the apartment after being directed to do so by Sergeant A. He/she unholstered his/her service pistol due to the Subject being behind a closed door, being armed with a weapon, the possibility the Subject could have additional weapons behind the door, and the Subject's ability to cause harm to the children barricaded in the bathroom.

- **Officer B (3rd Occurrence)**

According to Officer B, after he/she kicked a hole in the bottom panel of the hallway door, the Subject opened the door. Officer B disengaged from kicking the door but was still within "two arms lengths" of the Subject.

- **Officer E**

According to Officer E, he/she recalled unholstering his/her service pistol prior to entering the apartment because the Subject was armed with a weapon, and he could cause serious bodily injury or death to the officers. According to Officer E, after the Subject entered the hallway and shut the hallway door, the officers entered the apartment.

- **Officer F**

According to Officer F, he/she did not recall unholstering his/her service pistol during any part of the incident. However, according to the FID investigation, he/she was observed on BWV momentarily unholstering his/her service pistol immediately after the OIS, when he/she exited the apartment and maintained a position in the walkway as the other officers attempted to take the Subject into custody. Officer F holstered his/her service pistol when Officer C redeployed out of the apartment after being shot in the forearm by Officer A.

The BOPC conducted an evaluation of the reasonableness of Officers A, B, E, and F's drawing and exhibiting of their service pistols. The BOPC discussed that the comments of the radio call stated that the Subject was armed with scissors and the officers were informed by Witness A that the Subject had charged toward him/her armed with the scissors and was attempting to cut himself. The BOPC additionally discussed Officer F not recalling that he/she had unholstered his/her service pistol. The BOPC took into consideration that Officer F had the same knowledge of the facts as Officers A, B, and E at the time, in addition to observing the Subject advance on the officers prior to the OIS incident.

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

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

C. Non-Lethal Use of Force

- **Officer B – Firm Grip and Physical Force**

According to Officer B, after he/she discharged his/her service pistol at the Subject's dog, he/she jumped onto a table to avoid possible crossfire from other officers. He/she then observed another officer attempting to take the Subject into custody. Officer B jumped off the table and utilized a firm grip on the Subject's right arm. Officer B then assisted the other officers in guiding the Subject to the floor in order to place him into handcuffs.

- **Officer E** – Firm Grip, Physical Force, and Bodyweight

According to Officer E, he/she observed Sergeant A grabbing the Subject's right arm. Officer E utilized a firm grip on the Subject's left arm and guided him to the ground. While on the ground, Officer E additionally used his/her bodyweight to control the Subject as he continued to resist and kick. With the assistance of Sergeant A and Officers B, Officer E was able to handcuff the Subject and take him into custody.

- **Sergeant A** – Firm Grip and Physical Force

According to Sergeant A, he/she grabbed one of the Subject's arms to control him due to not seeing any weapons in the Subject's hands. Sergeant A then used physical force to guide the Subject to the ground. The Subject continued to resist when he was on the ground, and Sergeant A continued to restrain the Subject by holding his arm until the Subject was handcuffed.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Sergeant A and Officers B and E's use of non-lethal force. The BOPC discussed that the Subject had just attacked Officer A which led to an OIS. The Subject then did not submit to orders given by Sergeant A and stood back up. The BOPC would have preferred that Sergeant A had not utilized force but directed officers to take the Subject into custody. However due to Sergeant A's position in the room and his/her proximity to the Subject, it was necessary for Sergeant A to take action in order to safely arrest the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A and Officers B and E would reasonably believe the Subject's actions presented an immediate threat of violence or physical harm to the officers on the contact team and that the use of non-lethal force was objectively reasonable.

Therefore, the BOPC found Sergeant A and Officers B and E's use of non-lethal force to be In Policy.

D. Less-Lethal Use of Force

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

According to Officer D, he/she was assigned as a less-lethal force option and was armed with a Beanbag Shotgun. After Officer B kicked the hallway door, the Subject opened the hallway door and came rushing toward the officers in the living room.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer D's use of less-lethal force. The BOPC discussed that the

Subject, who had been previously armed prior to closing the hallway, charged toward the officers of the contact team, which led Officer D to believe that he posed an immediate threat of violence or physical harm. In response to the threat that Officer D perceived from the Subject, Officer D fired one beanbag round at the Subject, striking his left bicep.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D, would reasonably believe the Subject's actions presented an immediate threat of violence or physical harm to the officers on the contact team and that the use of less-lethal force was necessary and objectively reasonable.

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

E. Lethal Use of Force

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

Volley One – two rounds.

According to Officer A, during the incident he/she was the designated lethal force cover officer. The Subject opened the door and directed his dog to attack the officers by saying "Get 'em." The dog ran toward Officer A. Officer A discharged two rounds from his/her service pistol at the dog. After he/she fired the two rounds, the apartment filled with smoke and he/she directed his/her attention to the Subject.

Volley Two – one round.

According to Officer A, during the incident he/she was the designated lethal force cover officer. The Subject opened the door and told his dog to attack the officers. The dog ran toward Officer A. Officer A discharged his/her service pistol twice at the dog and the apartment filled with smoke. The Subject, who Officer A had previously seen armed with scissors, also ran towards Officer A. Officer A believed that the Subject was armed with a sharp object because he/she had not seen the Subject discard his scissors and believed he intended to stab him/her. In defense of his/her life, Officer A attempted to discharge his/her service pistol at the Subject.

- **Officer B** – (pistol, one round)

According to Officer B, after he/she kicked a hole in the bottom panel of the hallway door, the Subject opened the door. Officer B disengaged from kicking the door but was still within "two arms lengths," of the Subject. Officer B stated, "When he (the Subject) opened the door to the hallway the bathroom door was still completely closed. And he had his dog in his -- he had his dog in his right hand, if I could believe, and a leash. And the dog -- I began -- I believe, the dog barked. He did say the words, I believe it was "Get 'em," or I can't -- I can't recall exactly. But he said

like, "Get 'em." And he released the leash. And when he released the leash based on -- pretty much based on my -- my belief that the situation could of escalated where deadly force could be used or to -- to pretty much to protect myself or others I drew out and I shot one round at the ground towards the dog -- well, I shot one round at the dog as he was getting close to me." Officer B feared that the dog would bite him/her or one of the other officers causing serious injury. Officer B fired one round from his/her service pistol at the dog.

Background – The OIS occurred inside an apartment. The front door was in the northeast corner of the living room. The hallway door was in the northwest corner of the living room. Directly behind the hallway door was a bathroom. Behind the west wall of the living room was a hallway. Officer B discharged his/her service pistol downward in northeasterly direction. Officer A discharged his/her service pistol twice downward in a westerly direction. Officer A's third shot was in a northerly direction.

In this case, the BOPC conducted a thorough review and analysis of the necessity and reasonableness of Officer B's use of deadly force. The BOPC noted that Officer B was in close proximity to the doorway where the Subject emerged and was unable to redeploy due to the small size of the apartment living room. Officer B was standing with a wall behind him/her and several other officers in front of him/her. Officer B heard the Subject order the dog to attack him/her and the other officers. Officer B had knowledge at the time that Rottweiler dogs were an aggressive breed of dog and believed that the breed's size and propensity for aggression, coupled with the Subject's attack order, placed him/herself and the other officers in danger of being bitten and severely injured. Officer B discharged his/her service pistol in a downward direction with the floor as his/her background, which did not place the other officers in a potential crossfire situation.

The BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officer A's use of deadly force (Volley One). The BOPC noted that Officer A observed the Subject open the hallway door and ordered his dog to attack the officers with the command, "Get 'em." Officer A saw the large dog charging at him/her and believed that it was going to attack him/her. Officer A discharged his/her service pistol twice at the charging dog, in a downward angle towards the floor, to defend him/herself from the imminent threat of serious bodily injury that was posed by the charging dog.

The BOPC reviewed Officer A's discharging of an additional round (Volley Two). The BOPC discussed that Officer A had last seen the Subject armed with a pair of scissors when he had barricaded himself in the hallway. The Subject then charged towards Officer A after exiting the hallway door. During the Subject's charge, Officer C utilized a chemical fire extinguisher to stop the charge of the Subject's dog. This led to an impaired view of the Subject due to the large white cloud of chemical powder emitted from the fire extinguisher. Due to Officer A's previous knowledge of the Subject being armed with scissors and his charge towards him/her, Officer A

believed that the Subject was going to stab him/her in the neck and/or face. To defend him/herself from being stabbed in the face and/or neck, Officer A raised his/her service pistol and attempted to discharge a round at the Subject. Simultaneous to Officer A raising his/her pistol toward the Subject, the Subject leapt over his dog and grabbed Officer A. Officer A discharged a round in a northerly direction and struck Officer C in the right forearm instead of the Subject, which was his/her intended target.

The BOPC discussed at length the circumstances under which Officer A's gunfire inadvertently struck and injured Officer C. The BOPC was concerned that there were multiple officers present within a confined space due to the poor tactical decisions that were made during this event. As a consequence, Officer A's background was not clear at the time Officer A discharged his/her pistol. The BOPC also recognized that Officer A's decision to discharge his/her weapon was consistent with current policy and training, given the immediacy and perceived severity of the direct attack on Officer A by the Subject.

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

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