

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

OFFICER-INVOLVED SHOOTING – 034-20

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West Valley	8/7/20		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	11 years, 6 months
Officer B	6 months

Reason for Police Contact

Officers A and B responded to a radio call of a man with a knife walking in the roadway. The officers located the subject, who was armed with a knife and ordered him to drop the knife. The subject ran toward the officers while holding the knife, which resulted in an Officer-Involved Shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 31 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 24, 2021.

Incident Summary

On August 6, 2020, Witness A picked up the Subject, from a hospital, following a three-day stay for an involuntary psychiatric hold. Witness A and the Subject went to the Subject's parents' residence and spent the night. According to Witness A, the Subject was anxious about not being able to sleep, so she stayed up with him. Witness A estimated that the Subject slept for approximately one hour the entire night.

On August 7, 2020, at approximately 0600 hours, the Subject advised Witness A that he was going to make breakfast and went downstairs. Witness A started to go downstairs as well and observed the Subject exit the residence wearing only his t-shirt and boxer shorts. Witness A ran back to her bedroom, got dressed, and drove around the area in her vehicle to look for the Subject, but she was unable to locate him.

According to Witness B and Witness C, the Subject's parents, they were in a back bedroom when the Subject left the residence. Witness B attempted to go after the Subject, but he fell and was unable to follow him. Witness C left the residence and began following the Subject on foot but stated that the Subject was walking too fast and she lost sight of him.

According to Witnesses B and C, they did not observe the Subject take anything from the residence when he left.

Beginning at approximately 0603 hours, eight different citizens began calling 911, each reporting that they observed a male walking in the street with a knife.

At approximately 0606:36 hours, Communications Division (CD) broadcast the call over the radio. At 0611:34 hours, Sergeant A broadcast he/she was enroute to the call and advised that he/she would assess and determine what resources were needed. At 0612:40 hours, Officer A and Officer B broadcast that they were responding to the radio call.

According to Officer A, he/she and Officer B had worked together for approximately five weeks. During that time, the officers had various tactical discussions, including how to deal with suspects armed with edged weapons.

According to Officer B, he/she and Officer A spoke about seeking distance, cover, and not losing sight of the suspect. He/she also stated that they would try to deescalate a situation by trying to speak with people in an effort to take a suspect into custody.

As they were driving toward the call, Officer B's BWV captured Officer A make a tactical plan with Officer B. Officer A informed Officer B that if they located the subject, the officers would keep their distance, Officer B would deploy the beanbag shotgun, and they would attempt to deescalate the situation.

According to Officer A, he/she stated that he/she would be lethal cover; however, neither officers' BWV captured that statement.

According to Officer B, this was the first call he/she had responded to involving an edged weapon.

Officers C, D, E, and F also began to respond to the radio call.

At 0614:24 hours, as Officers A and B were enroute, CD inquired if their unit was less-lethal equipped, and Officer A broadcast that they were. The investigation determined Officers A and B were equipped with a beanbag shotgun.

As the officers continued to drive toward the incident location, Officer B's BWV captured Officer A state that he/she believed the situation may be a "suicide by cop." According to Officer A, he/she believed the situation may be a "suicide by cop" due to the fact that there were no reports of the subject interacting with or attacking anyone on the street. Officer A further believed the subject was attempting to draw attention to himself and elicit a police response.

According to Witness D, he observed the Subject holding a knife and speaking to Witness C. Witness D added that the Subject appeared to be speaking to Witness C in another language and gestured at her with one of his hands, which Witness D interpreted as the Subject wanting the woman to get away from him. Witness D stated that he picked up his phone to call 911 but hung up when he saw a police car arrive.

At 0615:39 hours, as Officers A and B neared the incident location, Officer B broadcast to CD that they were Code-6 in the area of the call.

According to Officer A, he/she was initially unsure of the Subject's exact location. However, he/she then observed the Subject holding a knife and walking north in the middle of the roadway.

According to Officer B he/she did not initially see the Subject holding a knife. Officer B recalled that the Subject walked aggressively, as he swung his arms back and forth. Officer B added that the Subject had an angry look on his face, as he unintelligibly mouthed something.

Officer A slowed the police vehicle in preparation to stop. As he/she did so, Officer B's BWV captured both officers acknowledge the Subject's location, as Officer B pointed in the Subject's direction. According to Officer A, he/she angled his/her vehicle in a southeasterly direction, so that he/she and Officer B could use their vehicle's doors as cover. Officer A added, "I felt we were at a good distance, because also I wanted him to be able to hear my commands and be able to, you know, speak to him because of the amount of traffic that was there. It's a loud intersection."

Officer A placed the vehicle in park and began to exit his/her driver's door. As he/she exited, Officer A ordered Officer B to get the beanbag shotgun. Officer B immediately exited his/her door, closed it, and went to the back of the police vehicle to retrieve the beanbag shotgun. According to Officer B, he/she intended to use the rear of the vehicle as cover, but knew that he/she could open his/her front passenger door again and use it for cover if needed.

Officer A stood behind the driver's side door facing the Subject in a southeasterly direction. He/she then unholstered his/her service pistol. According to Officer A, he/she unholstered his/her pistol due to the fact that the Subject was armed with a knife, which could cause serious bodily injury or death, and he/she wanted to be ready if the Subject attacked someone.

At 0615:56 hours, Officer A ordered the Subject to, "Drop the knife man!" According to Officer A upon giving the command, "He gave me the blank stare into my eyes. He kind of slightly started to come exactly directly towards me. He did not stay in his lane of traffic of how he normally was walking. He fixated straight on me."

While this was occurring, Officer B quickly opened the trunk hatch and retrieved the beanbag shotgun from the rear cargo area.

The investigation determined that the Subject was approximately 96 feet from Officer A when he/she first ordered the Subject to drop the knife.

Officer A again ordered the Subject to, "Drop the knife," as he/she raised his/her pistol and braced his/her right forearm against the frame of the police vehicle. According to Officer A, as he/she pointed his/her pistol at the Subject, he/she moved his/her right index finger to the trigger and took out the slack out of it due to the Subject closing the distance on them. Officer A's BWV captured the Subject continue to walk directly toward the officers with the knife in his right hand near his side, with the blade pointed downward. According to Officer A, the Subject held the knife in his left hand.

According to Officer A, the Subject continued to move toward Officer B and him/her, as the Subject raised the knife to shoulder height with his arm bent and the blade protruding from the bottom of his fist. Officer A described the knife as a large, fixed-blade knife.

Officer A's BWV captured him/her again ordering, "Drop the knife," as the Subject began to yell unintelligibly. Almost simultaneous to Officer A giving the command, Officer B's BWV captured him/her chamber a round in the beanbag shotgun, come to a low-ready position, and order, "Hey, drop it!"

According to Officer A, the Subject was quickly closing the distance, creating an imminent threat. As the Subject moved toward Officer A he/she observed the knife move up and down as his arm pumped. Officer A stated, "It was a life -- life or death

situation. He was -- he had the weapon -- his knife in his left hand and he was coming at us to, you know, do damage with it.”

Officer A added, “There was no way to get back in the car and redeploy at that time. Plus, my partner was out of the vehicle. And due to the actions and the -- you know, the knife in this guy's hand, public is at 100 percent danger with this guy running. You know, if he's going to charge us, he can charge anyone that may stand, you know, nearby. If we redeployed, he could have attacked anybody in the intersection. We might not have been able to, you know, prevent that from happening.”

According to Officer A, as he/she assessed his background just prior to the shooting, he/she observed at least one vehicle on the street and a large fence with green netting affixed to it behind the Subject. Due to his/her experience working in the area, he/she was aware that there was a vacant car dealership behind the fence. Traffic began to move, and Officer A believed, “... if I could see green, I don't have people walking or I don't have any vehicles behind him.”

According to Officer A, he/she aimed at the Subject's center body mass area and fired one round. The investigation determined Officer A fired his/her first round in a southeasterly direction from an approximate distance of 52 feet.

According to Officer A, he/she assessed after his/her first shot. It appeared to Officer A that the round struck the Subject, but he/she was unsure where it hit him. Officer A observed the Subject stumble and changed his speed slightly; however, the Subject continued to move forward at a fast pace. The Subject was still charging at the officers, holding the knife in the same position, with his eyes locked on the officers, and Officer A believed the Subject still posed a threat of serious bodily injury or death. Officer A also stated that his/her background had not changed. Officer A again targeted the Subject's center body mass and fired a second round. The investigation determined Officer A fired his/her second round in a southeasterly direction from an approximate distance of 29 feet.

The investigation determined that from the first time Officer A ordered the Subject to drop the knife until the time of Officer A's first discharge, the Subject traveled approximately 44 feet in approximately five seconds.

In the time between Officer A's first shot and his/her second shot, the Subject traveled approximately 23 additional feet in approximately one second.

After the second shot, Officer B's BWV captured the Subject fall to the ground onto his back in the north/south crosswalk near the front of the officers' police vehicle. The Subject's knife fell onto the crosswalk, just west of him.

At the approximate time Officer A fired his/her first round, Officer B threw the beanbag shotgun back into the cargo bay of the vehicle as the Subject closed the distance. According to Officer B, “Everything pretty much just happened too fast. I tried -- when I

loaded it -- well, I believe that I chambered it. I went down and I had my finger on the safety already. And as soon as I pointed -- well, not really pointed, but in the area low ready, that's when the shots came out. So I didn't even get a really chance to have a -- have him on target or anything to shoot. And my only -- you know, my only concern was -- at that time was the safety of my partner, because he was going in his/her direction. So that's when I decided to go drop the beanbag and try to unholster."

Officer B unholstered his/her service pistol based on the fact that shots had been fired and he/she was unsure if the Subject would get back up.

Officer A holstered his/her pistol because he/she believed there was no longer an imminent threat.

At 0616:06 hours, Officer A broadcast that shots had been fired and requested a Rescue Ambulance (RA).

Officer B also attempted to broadcast a help call, but was unsuccessful due to Officer A's broadcast.

Meanwhile, Witness C slowly walked from the southwest corner of the intersection toward the Subject, with her hands near her head and face. Officer B ordered Witness C to stand back. She complied and moved onto the sidewalk.

At 0616:16 hours, Officers C, D, E, and F arrived at the scene.

According to Officer E, he/she believed he/she unholstered his/her pistol upon arrival at scene. Although various BWVs captured Officer E with his/her hand on his/her holstered pistol, it did not appear that Officer E unholstered his/her pistol during the incident.

Officer A's BWV captured him/her move from behind his/her open door to behind the front driver's side fender of his/her vehicle.

As Officers E and F ran north to meet Officers B and A, Officer E's BWV captured Officer A begin to move around the hood of his/her vehicle and walk south, toward the knife, which lay approximately four feet from the Subject. Officer E directed Officer A to move the knife away from the Subject. In response, Officer A, placed his/her left foot on top of the handle of the knife and slid it in a southwesterly direction. According to Officer A, he/she moved the knife because the Subject began to move around, and it was within his reach. Officer A then walked backward and stood back at the front of his/her vehicle.

According to Officer E both Officers A and B were near the doors of their vehicle as he/she approached them.

Officer C redeployed around the rear of his/her vehicle, and he/she and Officer D jogged in a southwesterly direction to the group of officers near the Subject. Officer C's BWV captured him/her follow behind his/her partner and open the breach of the 40mm Launcher exposing a live round in the tube. Officer D closed the breach and declared, "40 ready... 40 ready!"

According to Officer D, the 40mm Less Lethal Launcher was loaded at start of watch with a live round inside the launcher tube, which he/she referred to as patrol ready.

Officer B moved from the back of his/her vehicle and momentarily repositioned himself/herself near Officers E and F, west of the Subject, while still holding his/her pistol in a low-ready position. Officer E warned the officers to watch their backs, as Witness C informed the officers that she was the Subject's mother. Officer F requested that Witness C stay back as he/she donned latex gloves. Witness C complied, and Officer F monitored Witness C and two unidentified males, one of which was shouting profanities at the officers.

As Officer C walked south and neared Officer A, Officer C unholstered his/her service pistol with his/her right hand and held it near his/her side in a one-handed grip. According to Officer C, he/she unholstered his/her pistol due to the radio call involving an edged weapon, he/she did not know if the Subject was still armed, and he/she did not know if there were any outstanding suspects. Officers C and D positioned themselves behind Officer A, near the front fender and hood of Officer A's police vehicle. Officer A then broadcast that he/she needed all four directions of traffic blocked at the intersection.

Officer B repositioned to the right of Officer A, in front of their vehicle. Officer E moved closer to the group of officers and told them the Subject needed to be handcuffed. As Officer E moved, he/she used his/her right foot to slide the knife further west, away from the Subject. According to Officer E, he/she knew the knife had already been moved; however, "I didn't think it was far enough so I kicked it further back just to make sure that there was no way he was going to get to that knife again or -- or anybody else at the scene."

Officer D asked where the knife was located and Officer E informed him/her that they had it. Officer E then pointed in the direction of Officers C and D and directed them to put gloves on; however, both of the officers had already donned them prior to arriving at the scene. Officer C then holstered his/her pistol.

According to Officer C, Officer E directed him/her to holster his/her pistol; however, BWV did not capture Officer E giving that order.

According to Officer A, he/she believed he/she had enough personnel at scene to detain the Subject without force and that there was no longer an imminent threat. Therefore, Officer A directed Officer B to holster his/her pistol, which he/she did.

Officer C's BWV captured him/her move to the left of Officer A and ask Officer D if he/she was ready. Officer D responded by telling Officer C that he/she had the 40mm Less Lethal Launcher. Officer D then pointed to Officer B and told Officer C that Officer B would accompany him/her. Officer C began to make a verbal plan to roll the Subject over when Officer E interrupted him/her and directed the officers move in and handcuff the Subject.

In response to Officer E's direction, Officers A, B, C, and D began walking south in the crosswalk and approached the Subject, who was still lying on his back. As Officer C began to make contact with the Subject, Officer D slung the 40mm Less Lethal Launcher over his/her right shoulder, across his/her chest.

Officer C squatted near the Subject's left side and began to roll the Subject to his right by grabbing his left wrist and pushing on his left shoulder, while Officer D pushed on the Subject's left hip with his/her left hand. Officer C completed rolling the Subject onto his stomach and placed the Subject's left arm behind his back. Officer C then grasped the Subject's right forearm and guided it toward the Subject's back, while Officer F handcuffed the Subject's left wrist. Officer C gripped the fingers on the Subject's right hand as Officer F handcuffed the Subject's right wrist. As Officer F handcuffed the Subject, Officer D placed his/her left hand on the Subject's right calf.

Officer C then directed officers to roll the Subject onto his side, and began to do so, as he/she pushed on the Subject's right hip and right arm. Officer F assisted and grabbed the Subject's upper right arm while pushing on the Subject's back. The Subject was only on his left side for a brief moment before Officer F continued pushing the Subject into a seated position with his legs outstretched. Officers C, A, and E immediately directed Officer F to place the Subject back on his side. Officer F then placed the Subject back down on the ground onto his right side.

According to Officer F, he/she placed the Subject into a seated position based on handcuffing training of high-risk suspects that he/she received in the police academy. Officer F believed that he/she rolled the Subject back down on his left side.

At 0618:12 hours, Sergeant A broadcast that he/she was at scene. He/she then approached the officers that were standing near the Subject, checked on their wellbeing, and began directing officers to secure the area with crime scene tape. According to Sergeant A, he/she considered directing his/her officers to render aid to the Subject, but decided against it due to the fact he/she did not know the extent of the Subject's injuries and was aware that a RA had been requested. Sergeant A then walked away from the officers near the Subject and began to manage the scene.

According to Sergeant A, he/she was the Incident Commander because he/she was the first supervisor at scene. Sergeant A believed he/she declared himself/herself the incident commander when asked by CD; however, this broadcast was not captured by CD.

Officer A donned latex gloves and used his/her left hand to hold onto the Subject's left triceps area as he/she spoke to him. According to Officer A, he/she spoke to the Subject in an attempt to comfort him and let the Subject know that someone was with him until the Rescue Ambulance (RA) arrived.

At 06:19:17 hours, uniformed Sergeant B broadcast that he/she was at scene. Sergeant B met with Sergeant A in the intersection and asked if the incident was an OIS and who shot.

Sergeant A confirmed it was an OIS but did not know who the involved officer was, so he/she walked up to Officer A and asked him/her who shot. Officer A responded that he/she had. Sergeant A acknowledged and ensured Officer A was guarding the nearby knife.

At 0620:47 hours, Los Angeles Fire Department (LAFD) personnel arrived and began to assess and render aid to the Subject.

Officer A met with Sergeant B in the middle of the intersection and provided Sergeant B with a Public Safety Statement (PSS). Sergeant B then admonished Officer A not to communicate with anybody or use his/her cellular phone.

As LAFD personnel attempted to identify the Subject's wounds, Officer E told LAFD personnel that one officer had fired one round. LAFD personnel asked if it was a knee wound, and Officer E replied he/she believed it was a chest wound. LAFD personnel replied they did not see any wounds to the chest.

Officer E walked a few feet in Officer A and Sergeant B's direction and asked Officer A how many rounds he/she fired. Officer A responded by holding up two fingers. Officer E relayed the information to the LAFD personnel.

Sergeant A walked Officer B into the intersection, obtained a Public Safety Statement and admonished him/her not to discuss the incident.

At 0625:27 hours, additional LAFD personnel arrived at scene and began to prepare the Subject for transportation to the hospital and loaded him into the RA.

Officer E's BWV captured Officer E approach Officer A and inform him/her, "Hit in the knee and the cheek," referring to the Subject's wounds. Officer A nodded his/her head but did not give a verbal response.

Officer E's BWV captured Sergeant B immediately direct his/her attention to Officer E and ask if he/she was on video. Officer E replied that he/she was. Sergeant B instructed Officer E to turn off his/her BWV and stated, "You can't... don't talk with [him/her] on video." In reference to Officer E, Sergeant B stated, "...[he/she] tried to slowly walk up to [Officer A] and [he/she] appeared to want to state something to [him/her]. And that's when I realized that this was occurring..."

Officer E then turned off his/her BWV. According to Officer E, after turning off his/her BWV, Sergeant B admonished him/her not to speak with Officer A any further.

LAFD personnel transported the Subject to a hospital for treatment. The Subject later died as a result of the injuries he had sustained.

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 B	Yes	Yes	Yes	NA	NA
Sergeant A	Yes	Yes	Yes	Yes	Yes
Officer A	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes

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 the tactics of Officers A and B to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found the drawing and exhibiting of Officers A and B to be In Policy.

C. Lethal Use of Force

The BOPC found the lethal use of force by Officer A 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 suspect 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 scenarios, 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 (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)**

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

Planning – Prior to this incident, Officers A and B had worked together for approximately five weeks. Officer A was a Field Training Officer (FTO) and Officer B was a probationary police officer. During that time, the officers had various tactical discussions including how to deal with armed suspects, both with a firearm or an edged weapon.

Officers A and B responded to the radio call of a “415 man” with a knife and while responding to the location, Officer A developed and communicated a tactical plan with Officer B, which included utilizing distance, attempting to de-escalate the situation, and the designation of Officer B as the less-lethal officer.

Assessment – As additional 9-1-1 calls came in, Communications Division provided updates regarding the Subject’s actions and location. Officer A noted that the Subject was not attacking or attempting to contact anyone. Officer A assessed the Subject’s actions as possibly a “suicide by cop” situation and communicated that to Officer B.

Officer A assessed his/her background prior to discharging his/her service pistol and noted that there was a closed car dealership behind the Subject and that there were no people in his/her background. After discharging his/her first round, Officer A assessed the Subject had slightly stumbled; however, the Subject continued to move forward towards the officers while still holding the knife.

Time – Officers A and B responded to the radio call near the completion of their 12-hour shift. While enroute to the call, Officer A utilized their driving time to develop and verbalize a detailed tactical plan with Officer B.

Officer A angled his/her police vehicle in a southeasterly direction, so that he/she and Officer B could use their vehicle’s doors as cover. Officer A parked the police vehicle at a distance to give them time, but also wanted the Subject to be able to hear officers’ commands.

According to the LAPD Training Bulletin, titled “Weapons other than Firearms,” there is an equation that saves lives: distance and cover equal time and time gives officers options. Time is an essential element of de-escalation as it allows an officer the

opportunity to communicate with the suspect, refine tactical plans, and if necessary, call for additional resources.

In this case, the Subject was approximately 96 feet from Officer A when Officer A first ordered the Subject to drop the knife. However, from the first time Officer A ordered the Subject to drop the knife, until the time Officer A discharged his/her first round, the Subject had traveled approximately 44 feet in approximately five seconds, reducing the officers' time to consider additional options or re-deployment.

Redeployment and/or Containment – When Officers A and B arrived at the intersection and observed the Subject, Officer B redeployed to the rear of the police vehicle to obtain the Beanbag shotgun and utilize it as cover. Officer A deployed out of the police vehicle and obtained a position of cover by utilizing the police vehicle's engine block and ballistic door. Due to the Subject's rapid advancement towards the officers and taking into consideration the community members within the immediate area, Officers A and B were unable to redeploy further away from the Subject.

Other Resources – Upon discharging his/her service pistol, Officer A broadcast a "shots fired" call and a request for a RA. As additional Department personnel arrived, Officers A and E directed responding units to secure the location to preserve the scene and secure the intersections for arriving Department personnel.

Lines of Communication – As Officer A and B were responding to the radio call, Officer A communicated the tactical plan to Officer B, which included the utilization of distance and de-escalation techniques with the Subject. Officer A also ensured that Officer B understood his/her assignment as less-lethal officer, which included obtaining the Beanbag shotgun upon their arrival should the need arise.

Officer A provided clear and concise commands to the Subject to drop the knife multiple times as the Subject continued to advance toward the officers.

- During the review of the incident, the following Debriefing Topics were noted:

1. Code Three Response

Emergency Call. A radio call accompanied by a "Code Three" designation is an emergency call. It shall be answered immediately, but in a manner that will enable the unit to reach the scene as quickly and safely as possible. A specific unit shall be dispatched "Code Three" and ALL additional responding units may also respond "Code Three."

An officer may initiate a "Code Three" response to any emergency. An emergency exists when one or more of the following elements are present:

- A serious public hazard;
- An immediate pursuit;

- The preservation of life;
- A serious crime in progress;
- The prevention of a serious crime; and,
- Officer requests another unit “Code Three.”

Officers responding “Code Three” should notify Communications Division of their “Code Three” response and their starting point. The notification should be given, if feasible, with consideration to radio congestion or other factors that occur during emergency situations.

Should the vehicle operator decide not to initiate a “Code Three” response, he/she shall obey all traffic laws (Los Angeles Police Department Manual, Volume 4, 120.40).

The purpose of broadcasting a Code Three response is to advise CD and officers in the area of their emergency response, as well as to avoid potential traffic collisions with other officers responding to the same incident.

As the driver officer, Officer A did not initially respond Code Three and activate his/her police vehicle’s emergency equipment while responding to the radio call. Officers A and B advised CD they would respond to the radio call Code 3. As they began to respond to the call, Officer A developed and communicated a tactical plan with Officer B, who was completing his/her first Deployment Period upon graduation from the Police Academy. Officer A delayed responding Code Three and activating his/her emergency lights in order to communicate a specific tactical plan with Officer B and to ensure Officer B understood the plan. Additionally, Officer A was knowledgeable of the area and believed they were within one minute of arriving. Officer A also stated that as updates were broadcast by CD, he/she did not want to pass the Subject and have to turn around. As they proceeded towards the incident location and additional information was broadcast by CD, Officer A advised Officer B that the incident may be a “suicide by cop” and activated the police vehicle’s emergency lights and siren approximately one minute and 26 seconds after beginning the officers’ response.

In this case, the BOPC considered the discussion of a tactical plan that took place in the police vehicle between Officers A and B and noted its depth and detail. Officer A, as a Field Training Officer, was cognizant of ensuring Officer B understood they would utilize distance, de-escalation techniques, and that upon locating the Subject, it would be Officer B’s responsibility to obtain the Beanbag shotgun to be utilized during the incident if needed. The BOPC opined that the officers utilized their allotted time while enroute to the call to discuss important tactical aspects when responding to a suspect who was armed with an edged weapon and in doing so, adhered to the Department’s de-escalation guidelines, which was commendable. It was also noted that while viewing video associated with this incident, Officer A appeared to obey all traffic laws prior to activating

his/her police vehicle's emergency equipment and his response did not delay his/her arrival nor unnecessarily place himself/herself, his/her partner, or the community at risk.

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

2. Basic Firearm Safety Rules

Firearms safety is critical. Officers must have the ability to draw, holster and manipulate weapons safely at all times, especially under stressful conditions. Firearms safety rules have been established based upon real life situations and are applicable at all times. Violations of any of the safety rules will not be tolerated.

The Four Basic Firearm Safety Rules

1. All guns are always loaded.
2. Never allow the muzzle to cover anything you are not willing to shoot.
3. Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.
4. Be sure of your target.

Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results.

Officer A was at a two-handed low-ready with his/her right index finger along the frame of his/her service pistol. As the Subject ran towards Officers A and B and closed the distance with the officers, Officer A came up on target and moved his/her right index finger to the trigger on his/her service pistol to "take in the slack," which would have disengaged the trigger safety on his/her service pistol. Officer A began pressing the trigger with the intention to discharge his/her service pistol.

An additional interview of Officer A was conducted to clarify his/her actions described in his/her original interview. Both Officer A's statements during his/her prior interviews and in his/her final interview were taken into consideration. Officer A discussed being at a "low-ready" for a "split second" before the Subject began to run. Officer A also stated he/she was on target when the Subject started running and Officer A's finger was on the frame of his/her service pistol. Officer A then described that he/she moved to taking the "safety off of the trigger." When asked by FID investigators to break down that statement, Officer A stated he/she had his/her finger on the trigger of his/her service pistol and was

disengaging the trigger safety mechanism in the anticipation of "if" he/she had to utilize his/her service pistol and that the Subject was closing the distance. The movement of the trigger finger to the trigger and the disengagement of the trigger safety was possibly concerning as it may have heightened the possibility of an unintentional discharge. However, Officer A clarified that statement in his/her final interview and stated he/she intended to discharge his/her service pistol prior to disengaging the safety mechanism by removing the slack and pressing the trigger on his/her service pistol in one motion.

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

3. Officer Needs help Call/Back-up Unit Request

Officer Needs Help: An emergency call shall be broadcast when an officer requires immediate aid for a life-threatening incident or an incident that requires immediate aid because of serious bodily injury, death, or a serious threat to public safety is imminent. The officer requesting shall include the location, followed, if possible, by the unit identification and all other pertinent information. A specific unit shall be dispatched "Code Three" and ALL additional responding units may also respond "Code Three."

Back-up Unit Request: This emergency call shall be broadcast when an officer requires additional units immediately, but the situation does not rise to the level where serious bodily injury, death or serious threat to public safety is imminent. The officer requesting shall include the location, followed by the unit designation and all other pertinent information, including the reason for the request (Los Angeles Police Department Manual, Volume 4, Section 120.40).

As Officers A and B traveled toward the incident location, Officer B advised CD they were "Code Six in the area." Officer A observed the Subject holding a knife and walking north in the middle of the roadway. Both Officers A and B acknowledged the Subject's location. Officer A placed the police vehicle in park and began to exit his/her driver's door. As he/she exited, Officer A ordered Officer B to get the beanbag shotgun. Officer A stood behind the driver's side door facing the Subject in a southeasterly direction. Officer A ordered the Subject to drop the knife.

Upon Officer A discharging his/her service pistol, Officer B stated he/she discarded the Beanbag shotgun, drew his/her service pistol, and attempted to broadcast a help call; however, Officer A was already broadcasting for resources over the radio. Neither Officer A nor Officer B broadcast for a "Back-up" or an "Officer Needs Help" call upon seeing the Subject with the knife.

According to the FID investigation, Officer A did broadcast, "Shots fired, shots fired! We got one suspect down. Give me an RA for a male, 35 years of age,

breathing, not conscious.” Additionally, the FID investigation determined that from the first time Officer A ordered the Subject to drop the knife, until the time Officer A discharged his/her first round, the Subject had traveled approximately 44 feet in approximately five seconds. The Subject traveled an additional 23 feet in approximately one second from the time between the first and second discharged round from Officer A’s service pistol.

In this case, the BOPC considered that Officer A was immediately engaged with the Subject in an attempt to de-escalate the situation and while doing so, the Subject’s focus turned to the officers. Officer A was mindful of directing Officer B to secure a less-lethal option at the onset of their arrival and was also aware that the intersection was large with access to vehicles and pedestrians in the area. In response to Officer A’s attempts to communicate, the Subject charged at the officers.

Although the BOPC would have preferred Officers A or B broadcast a “help” call or a request for a back-up, the BOPC also considered the amount of information Officer A did broadcast, including that shots had been fired, an RA was needed, and that Officer A confirmed the location. In addition, there was already an awareness by Officer A that additional units were responding, and another unit had arrived immediately after the OIS.

The BOPC also noted that as a probationary police officer, Officer B discarded the Beanbag shotgun when Officer A discharged his/her service pistol and drew his/her service pistol, while also attempting to broadcast a request for assistance over the radio. Cognizant that his partner, Officer A, was already broadcasting the information, Officer B refrained from completing his own broadcast.

The BOPC noted that the Subject’s actions dictated the response of Officers A and B. These officers were confronted with an immediate and deadly threat. Despite positioning the police vehicle 96 feet away from the Subject, Officers A and B were afforded only seconds to react due to the Subject’s rapid advance towards them. Officer A did broadcast pertinent and relevant information for responding units and Officer B, given his/her limited time on the Department, attempted to broadcast a request for assistance as well.

Based on the totality of the circumstances, the BOPC determined that Officers A and B’s actions were not a deviation from approved Department tactical training.

4. Medical Treatment/Rendering Aid

As first responders, officers are sometimes in position to assess needed medical aid, request additional resources, and initiate actions regarding the well-being and care of persons in need of immediate, life-saving medical attention. The Los

Angeles Police Department is guided by the overarching principle of the reverence for human life. In keeping with this principle, officers should take into consideration the response time of the fire department and take necessary action when safe and practicable to do so to provide medical assistance until the arrival of more qualified emergency rescue personnel.

SUPERVISOR'S RESPONSIBILITIES: Supervisors should ensure that medical assistance has been initiated under the guidelines of this Bulletin and that fire department response has been requested in accordance with existing Department policy and procedure (Los Angeles Police Department, Training Bulletin, Volume XLVIII, Issue 2, "Rendering Medical Aid," dated July 2019).

Immediately following the OIS incident, Officer A requested an RA to respond to the scene and render medical aid to the Subject. After the Subject was handcuffed, the Subject was immediately placed into a seated position and then moved to a right-side lateral recovery position as officers monitored him until relieved by Los Angeles Fire Department (LAFD) personnel. Officer A donned latex gloves and used his/her left hand to hold onto the Subject's left triceps area as Officer A spoke to the Subject in an attempt to comfort him. Officer A advised the Subject that he (Officer A) was with him until the RA arrived.

Sergeant A approached the officers that were standing near the Subject, checked on their wellbeing, and began directing officers to secure the area with crime scene tape. According to Sergeant A, he/she considered directing his/her officers to render aid to the Subject; however, he/she decided against it due to the fact Sergeant A did not know the extent of the Subject's injuries and was aware that an RA had been requested.

According to FID investigators, LAFD personnel arrived approximately two minutes after Sergeant A approached the Subject.

The BOPC considered Sergeant A's reasoning for not directing the rendering of medical aid, the injuries sustained by the Subject, and the proximity of the RA, along with Officer A's monitoring and communication to the Subject until the arrival of LAFD personnel.

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

- The BOPC also considered the following:
 - **Personal Protective Equipment (Non-Medical Face Coverings)** – Personnel were observed at scene not wearing or attempting to wear a non-medical face covering.

- **Code Six** – The FID investigation revealed Officer E, a Field Training Officer, and Officer F, a probationary police officer, did not place themselves Code Six upon arrival at the scene. According to Officer E, the OIS had just occurred, and his/her focus was on managing the tactical situation, which included ensuring Witness C did not interfere, as well as directing officers to take the Subject into custody. Although Officer E did not go Code Six, he/she did broadcast a request for additional units to block traffic at the location approximately 58 seconds after arriving at scene.
- **Unsecured Police Vehicle** –As Officers C and D exited their police vehicle and responded to Officers A and B’s location, Officer C left the police vehicle’s keys in the ignition and Officer D left the passenger side door of the police vehicle open.
- **Less-Lethal Weapon Protocols** – The FID investigation revealed that Officer B loaded one round into the Beanbag shotgun and assumed a low-ready position as Officer A discharged two rounds from his/her service pistol. Upon the rounds being discharged, Officer B discarded the loaded Beanbag shotgun into the trunk of the police vehicle and drew his/her service pistol.
- The FID investigation revealed, Officer D loaded one round into the 40mm LLL at the beginning of his/her shift and stored the loaded 40mm LLL in his/her police vehicle, which Officer D described as “patrol ready.” Upon completion of the incident, Officer D returned the loaded 40mm LLL to the police vehicle without downloading the loaded round.
- **Contact/Cover Roles (Arrest Team)** – Subsequent to the OIS incident, Officer C and Officer D, who was equipped with a 40mm LLL, along with Officers F and B were beginning to formulate a tactical plan to approach the Subject when Officer E interrupted and directed the officers to move in and handcuff the Subject. As Officer E monitored the officers, Officers C, B, D, and F approached and took the Subject into custody without the benefit of lethal cover or arrest team roles firmly established.
- **Preservation of Evidence** – The FID investigation revealed Officer B utilized his/her foot to move the knife away from the Subject’s reach. In this case, the proximity in which the knife fell from the Subject was a factor in repositioning the knife. However, Officer E utilized his/her foot to slide the knife even further away from the Subject. In this case, there were sufficient personnel on scene to monitor the knife and the FID investigation indicated the knife was nine feet away from the Subject after Officer A initially moved it. Officer E is reminded of the importance of preserving evidence to minimize altering the crime scene and to take precautions to avoid altering conditions when touching evidence.

This topic was to be discussed at the Tactical Debrief.

- **Less-Lethal Weapon System Positioning** – The FID investigation revealed Officer D initiated physical contact with the Subject as he/she had the loaded 40mm LLL slung across the front of his/her chest. Officer D is reminded to transition his slung less-lethal weapon system to his/her back, prior to initiating contact, to reduce a suspect's access to the weapon system.
- **Search of Arrestees** – Subsequent to the Subject being placed into handcuffs and taken into custody neither Officers C, D, nor F completed a search of the Subject.

Command and Control

- Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained enough situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Officer E arrived on scene where he/she assumed command and control by identifying the officers involved in the OIS and directing officers to take the Subject into custody. As the Subject was being placed into custody, Officer E requested additional Department resources to secure the scene and disseminated information to Communications Division and arriving supervisors. Officer E continued to direct personnel at scene to establish a perimeter and relayed information to LAFD personnel; however, he/she did communicate with Officer B regarding the OIS after Officer B was separated, admonished, and provided a Public Safety Statement

(PSS). Officer E did so in the first instance to relay information to LAFD personnel in their attempt to assess the Subject's injuries. In the second instance, Officer E advised Officer A of the Subject's injuries because according to Officer E, Officer A appeared distraught.

Sergeant A was the first supervisor to arrive to the scene, where he/she assumed the role of Incident Commander. Sergeant A established a Command Post and directed officers to establish a crime scene, as well as identify witnesses and surveillance cameras. Sergeant A monitored the Subject, as well as the evidence at scene. Sergeant A did not initially identify the involved officers but ultimately separated Officer B, obtained his PSS, and admonished Officer B not to communicate with anyone; other than allowing Officer B to utilize his/her cellular phone to inform his/her family that he/she was alright. However, Sergeant A obtained Officer B's PSS, while both he/she and Officer B's BWV were still recording.

Although there were some areas identified for improvement, overall, the actions of Sergeant A and Officer E were consistent with Department training and the BOPC's expectations of a field supervisor and a senior officer during a critical incident.

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

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

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

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, as he/she arrived on scene, he/she observed the Subject in the middle of the street with a "large knife" in his "left hand." Wanting to maintain some distance, Officer A stopped his/her police vehicle "approximately 30 feet" from the Subject's location. Prior to exiting his/her police vehicle, Officer A directed Officer B to "grab the Beanbag" shotgun. Officer A observed the Subject with a large knife in his left hand that Officer A described as "stainless steel" and approximately "10 inches" in length with a "fixed blade." Officer A observed that the knife blade was "shining," an indication to Officer A that the blade was "real." Officer A exited and stood behind his/her driver's side police vehicle's door for "cover" as the "lethal" officer. As Officer A exited, he/she drew his/her service pistol with his/her right hand and utilized a two-handed grip because Officer A believed this

situation could escalate to the point where the officers and the “public” were at risk of “serious bodily injury” or death. Officer A ordered the Subject to “drop the knife.” The Subject became “fixated” on Officers A and B with a “blank stare,” brought his knife to “shoulder distance” with the bladed pointed “downwards” and “screamed.”

The BOPC conducted an evaluation of the reasonableness of Officer A’s Drawing/Exhibiting. The BOPC noted that upon arriving to the intersection, Officer A immediately observed the Subject, who matched the suspect description and was holding a knife. Officer A described the knife as large with a fixed, stainless steel blade and believed it to be authentic. In addition, Officer A articulated the Subject’s unwillingness to comply with Officer A’s commands and as having a blank stare. The BOPC also considered Officer A’s concern that knives cause serious bodily injury or death, making the Subject a threat to the community and the officers. In this case, the BOPC discussed that it was reasonable for Officer A to believe this incident had elevated to the point where deadly force would be necessary.

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

Therefore, the BOPC found Officer A’s drawing/exhibiting to be In-Policy.

- **Officer B**

According to Officer B, as he/she “grabbed the Beanbag” shotgun to be utilized as a less-lethal option and loaded a round into the chamber, he/she heard Officer A commanding the Subject to “drop the knife, drop the knife.” Officer B heard the Subject “scream,” and the Subject lifted the knife, and closed the distance “at a rapid speed.” Officer B described the Subject as “charging” towards the officers and heading in Officer A’s direction. Officer B pointed the Beanbag shotgun toward the Subject, commanded the Subject to drop the knife, and heard “gunshots.” Officer B described not being able to come up on target with the Beanbag shotgun, because “everything happened too fast” and the Subject was rapidly closing the distance on Officer A. Officer B “tossed it back in the trunk” and “unholstered” his/her service pistol. Officer B believed the “tactical situation” had escalated and drew his/her service pistol for the safety of his/her “partner” and to protect Officer A from being stabbed, which would have resulted in “serious bodily injury” or “death.”

In this case, the BOPC conducted an evaluation of the reasonableness of Officer B’s Drawing/Exhibiting. The BOPC noted that upon arriving to the intersection, Officer B retrieved the Beanbag shotgun as a less-lethal option; however, upon hearing Officer A fire his/her service pistol and observing the Subject close the distance to Officer A, Officer B was concerned for his/her partner’s safety. Officer B was not aware if Officer A had struck the Subject initially or if the Subject was going to stand

up again. The BOPC concluded that it was reasonable for Officer B to believe this incident had escalated to the point where deadly force may be necessary.

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

Therefore, the BOPC found Officer B's drawing/exhibiting to be In-Policy.

C. Lethal Use of Force

- **Officer A** – two rounds in a southeasterly direction from a decreasing approximate distance of 52 feet to 29 feet.

According to Officer A, he/she instructed Officer B to obtain the Beanbag shotgun as Officer A observed the Subject holding a "large knife in his left hand." Officer A held his/her service pistol with a two-handed grip in a "low-ready" position as he/she ordered the Subject to "drop the knife multiple times" in an attempt to "de-escalate," while utilizing "cover behind" his/her police vehicle's door. The Subject "made eye contact" with Officer A "within seconds" of ordering the Subject to drop the knife. Officer A stated the Subject fixated on him/her and Officer B, who were in "full uniform" and had their emergency lights illuminated on the police vehicle, identifying them as "police officers." The Subject then "raised the knife" and began "yelling, screaming." The Subject "ran at" Officer A and "quickly" closed the distance as Officer A "continued to verbalize" with the Subject to drop the knife. Officer A believed that the "threat was imminent" and that this was a "life or death situation."

Officer A stated that as the Subject "started running" towards the officers, Officer A transitioned to an "on target" position and raised his/her service pistol towards the Subject. Officer A indicated there was "no time" for other resources because the Subject was "immediately" an imminent threat. Officer A stated he/she began "taking in the slack" of his/her service pistol with the intent to discharge it due to the Subject "closing the distance so quick" and that "edged weapons" could "kill" or "seriously" injure a person. Officer A assessed that there was a "closed car dealership" behind the Subject and that there were no "people walking" or "vehicles behind" the Subject. Officer A discharged one round from his/her service pistol towards the Subject's "center mass" in a "southeast direction," which Officer A estimated the Subject was approximately "18 to 20 feet" from the front of the police vehicle. Officer A assessed the Subject "slightly stumble;" however, the Subject continued "moving forward at a fast pace" with the "knife still in the left hand." Officer A again assessed that he/she had "a clean background" as he/she aimed at the Subject's "stomach-chest area." Officer A estimated the Subject was approximately "10 to 12 feet" from Officer A, when Officer A discharged a second round from his/her service pistol. Officer A believed that if the Subject would have gotten closer, the Subject would have "stabbed" and "attempted to kill" the officers.

the Subject fell to the ground with his back toward Officer A and “curled up.” the Subject’s knife fell onto the crosswalk, just west of him. Officer A holstered his/her service pistol and requested a rescue ambulance for the Subject.

The BOPC conducted a thorough review in evaluating the circumstances and evidence related to the necessity and reasonableness of Officer A’s use of lethal force. Officer A quickly confirmed that the Subject was armed as described. FID determined that the Subject was approximately 96 feet from Officer A when he was first ordered to drop the knife. Officer A continued his/her attempts to de-escalate the situation and ordered the Subject to drop the knife a second time, yet the Subject ignored Officer A and charged towards the police vehicle and Officers A and B.

In their analysis, the BOPC noted that the Subject was approximately 52 feet away, holding the knife at chest level, and rushing towards the officers when Officer A fired his/her first round. Officer A was detailed in his/her assessment and was cognizant of his/her background when firing his/her two rounds. The BOPC discussed Officer A’s assessment of his/her first round and determined, that despite a slight stumble, the Subject was still an imminent threat, because the Subject continued to advance towards the officers an additional 23 feet in one second, while still holding the knife in his right hand. Officer A fired his/her second round when the Subject was 29 feet from Officer A.

The BOPC also considered that in continuing his/her assessment between rounds, Officer A observed his/her second round had been effective in stopping the Subject’s deadly and imminent threat, causing Officer A to stop firing. The BOPC opined that the Subject’s rapid advancement did not allow time for the Beanbag to be utilized, given that the entire incident had unfolded within six seconds. The injury to Officer A could have been serious or even deadly had Officer A not taken action and fired the two rounds at the Subject. The Subject’s refusal to comply and drop the knife, then charging at the officers with his knife at shoulder level, reduced the time the officers had to consider other options.

Background – The incident occurred during daytime hours, at approximately 0616 hours. Officers A and B’s BWVs captured a black pickup truck and a white pickup truck in northbound lanes of traffic at the approximate time of the OIS. Green fencing can be seen in the space between the two vehicles, as described by Officer A. Due to the angle of Officer A’s BWV, investigators were unable to determine if either vehicle was in the Subject’s background at the time of the OIS.

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

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