

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

**OFFICER-INVOLVED SHOOTING – 054-19**

**Division                      Date                      Duty-On (X) Off ( ) Uniform-Yes (X) No ( )**

Hollywood                      11/25/19

**Officer(s) Involved in Use of Force                      Length of Service**

Officer A	9 years, 9 months
Officer B	5 years, 9 months
Officer C	4 years
Officer E	6 years, 4 months

**Reason for Police Contact**

Officers responded to a commercial robbery call involving the Subject who was armed with a machete. While fleeing from officers, the Subject hijacked a vehicle resulting in the use of less-lethal force. The Subject abandoned the vehicle after crashing it and exited with the machete, resulting in additional uses of less-lethal force. During the Subject's flight, he attacked an officer with the machete, resulting in an officer-involved shooting (OIS).

**Subject(s)                      Deceased (X)                      Wounded ( )                      Non-Hit ( )**

Subject: Male, 22 years of age.

**Board of Police Commissioners' Review**

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

The following incident was adjudicated by the BOPC on September 29, 2020.

### **Incident Summary**

During the late morning of November 25, 2019, the Subject entered an automotive store. The Subject picked up a car battery and two power inverters before walking quickly toward the exit with the items.

According to the Witness A, the Subject walked toward the door which caused Witness A to believe the Subject was going to leave without paying for the merchandise. Witness A approached the Subject and asked him if he needed help before attempting to take the merchandise from the Subject and place it on the front counter. The Subject said, "Leave me be," and raised the car battery above his head before dropping it on the floor. The car battery struck Witness A's toe and broke open, spilling battery acid onto the ground. The Subject then produced a previously unseen 24-inch machete and swung it at Witness A. The machete came within 5 inches of Witness A's chest, causing him to back away from the Subject and stand behind the front counter. After assaulting Witness A with the machete, the Subject returned to the battery section, obtained additional merchandise, and exited the store while still holding his machete.

Witness B witnessed the assault on Witness A and followed the Subject out of the store. He called 911 and reported the crime to Communications Division (CD) as he watched the Subject walk down the street.

CD dispatched three units to the call and requested they respond Code-3 (full emergency equipment activation.) CD broadcast additional information, including the circumstances of the robbery, property taken, the weapon used (machete), the direction of travel of the Subject and his complete description.

In response to the broadcast, multiple uniformed members responded to this incident, including Officers A through N and Sergeant A.

Officers C and D, who had not worked together prior to the day of this incident, were initially assigned the call for service. Officer C was the driver officer, and Officer D was the passenger officer. According to Officer C, "So being brand new partners, we discuss who is going to be cover, who he/she going to be contact, books, the driver." Both officers indicated that there was no additional pre-planning while they were en route to the call, with the exception of Officer D telling Officer C that he/she would retrieve the beanbag shotgun which he/she did as the officers arrived at the scene.

According to Officer C, there was no time for pre-planning while he/she and Officer D were en route to the call. He/she indicated that the police station, from where the officers responded Code 3, was only about one-half mile away from the call location, and that he/she and Officer D were listening to updates on the radio while they were en route. Officer C believed that it took approximately 30 seconds to respond to the scene; however, his/her BWV revealed that it took the officers approximately 90 seconds to get there.

Meanwhile, Officers G and H updated their status and location, placing themselves Code Six in the area. As they drove, they observed the Subject on the sidewalk. The Subject was in possession of the stolen car battery and holding a machete. Officer G positioned his/her police vehicle approximately 100 feet away from the Subject and utilized the public address system to order the Subject to drop the machete; however, the Subject did not comply. Officer G broadcast that the Subject was still armed with the machete and now walking north toward a fast food restaurant.

Responding partner Officers A and B stopped their police vehicle next to Officers G and H's police vehicle. Officer G pointed to the Subject and advised that he was armed with a machete. Officer B told Officer G that he/she and his/her partner would drive ahead of the Subject. According to Officer B, he/she drove ahead of the Subject to contain him in a less crowded area.

Officer B drove north and positioned his/her vehicle approximately 35 feet ahead of the Subject with the driver's side facing him. Officer B exited his/her vehicle and unholstered his/her pistol as the Subject continued walking north toward him/her with the machete in his hand. Officer B ordered the Subject to "drop the knife" and believed the Subject said something to the effect of, "Shoot me." According to Officer B, he/she believed the Subject was attempting to initiate an officer-involved shooting with him/her. Officer B redeployed to the passenger side of his/her vehicle in an effort to create time and distance.

Simultaneously, Officer A obtained the officers' beanbag shotgun and chambered a Super-Sock round before loading an additional round into the magazine. While the officers used their vehicle for cover, the Subject turned and walked away from them.

As the Subject walked away from Officers A and B, Officers K and L arrived and positioned their police vehicle in the street south of him. The officers exited their vehicle and while behind their respective doors, unholstered their handguns. According to Officers G, K and L, the Subject was holding the machete in his right hand and a shorter knife in his left hand. Officer M, who was armed with a 40mm Less-Lethal Launcher (hereafter 40mm), joined Officer K behind the driver's door. Officer N unholstered his/her handgun and joined Officer L behind the right front door. At this point, the Air Unit arrived and began providing updates over the frequency.

A knife was not located during this investigation, however a 7.5-inch, hard-plastic knife sheath was recovered from the sidewalk immediately north of where Officers K and L initially encountered the Subject.

The Subject then picked up the car battery, and while still armed with the machete, walked west into the fast food restaurant parking lot. Officer M transitioned the 40mm to his/her left hand and unholstered his/her handgun with his/her right hand as he/she and Officer N followed the Subject into the parking lot. The Subject approached the passenger side of a Lexus sedan that was stopped at the drive-through window. The Subject placed the car battery on the ground and opened the Lexus' right front door.

Officer M approached the vehicle and ordered the Subject to, "Stop! Get down! Drop the machete," while pointing his/her handgun at the Subject. The Subject responded by saying, "Shoot me," before he picked up the car battery and entered the right front seat of the Lexus. Simultaneously, the driver exited the vehicle from the driver's door.

As Officer C arrived at the incident, he/she unholstered his/her handgun, but re-holstered when Officer M passed the 40mm to him/her. Officer C checked to ensure the 40mm was loaded and assumed the role of less-lethal force. According to Officer C, he/she heard the Subject state, "kill me," or "just kill me," immediately prior to entering the Lexus.

Officer D exited the police vehicle with the beanbag shotgun after Officer C, and he/she also began to head toward the fast food restaurant drive-through. Officer D reported that he/she was unaware of where his/her partner was after exiting the vehicle.

As Officers C and D both reached the general area of the drive-through, Officer C approached several other officers positioned in and around the drive-through as the Subject was entering the Lexus. Meanwhile, Officer D remained behind the cover of a parked vehicle located immediately south of the curb near the drive-through.

Simultaneously, Officer B arrived and approached the driver's side of the vehicle with his/her handgun at a two-handed low-ready position. While holding his/her pistol in his/her left hand, Officer B quickly unholstered his/her TASER and maintained it in his/her right hand.

From an approximate distance of two feet, Officer B discharged his/her TASER through the open driver's window while the vehicle was stationary. Officer B stated he/she did not have time to issue a verbal warning because he/she was exigently attempting to prevent the Subject from gaining control of the vehicle. According to Officer B, he/she targeted the Subject's navel area because he/she believed "[...] if I tase him right now, I'll prevent him from being able to use the vehicle, and like tasing him, it would stop him, and hopefully, I'd be able to grab an arm to put him in handcuffs and on the car."

According to Officer B, he/she believed that he/she was approximately eight feet away from the Subject when he/she discharged the TASER. Officer B believed that the probes entered the vehicle through the open window but did not know if they ultimately made contact with the Subject.

Officer F was standing approximately 25 feet east of the Lexus in the drive-through lane at the point the TASER was discharged. According to Officer F, he/she believed the TASER probes struck the Subject, but that the Subject removed them before fleeing in the Lexus. The investigation was unable to determine if the probes ultimately made contact with the Subject.

As the TASER was discharged, the Subject accelerated east, and struck a curb in the parking lot. The Subject then turned north and struck the back of a parked, unoccupied

police vehicle causing it to collide with a second parked unoccupied police vehicle. The Subject briefly continued north before disabling the Lexus by crashing it into the driver's side of a third unoccupied police vehicle and the west curb.

The Subject, who was unaffected by the TASER, fled in the Lexus while Officer C and several other officers gave chase on foot. Believing a possible pursuit was about to take place, Officer D ran back to his/her police vehicle. According to Officer D, "Not until the driver made a left turn out of the fast food restaurant parking lot and I realized that the subject had gone eastbound [...] whether that was on foot or in the vehicle I realized that I didn't know where [Officer] C was."

As Officer D ran toward his/her police vehicle, he/she heard the Subject crash. Not knowing if the crash had disabled the Lexus, and believing a pursuit was still possible, Officer D reached the police vehicle, ran several steps north, and then returned to the police vehicle.

In response to the Subject's flight, the officers redeployed from the parking lot area onto the street.

After the Lexus became disabled, Officer B moved within 10 feet of the Subject, dropped his/her TASER onto the street, and re-established a two-handed grip on his/her pistol while ordering the Subject to exit the vehicle. Simultaneously, Officer A positioned him/herself behind the engine compartment of a parked unoccupied police vehicle and raised his/her beanbag shotgun in the Subject's direction.

Sergeant A entered the fast food restaurant parking lot approximately three seconds prior to the Subject fleeing in the Lexus. Sergeant A re-deployed onto the street and positioned him/herself behind a police vehicle near Officer A as Officers B, F, and K ordered the Subject to "Get out of the car." Approximately nine seconds after disabling the Lexus, the Subject exited and moved quickly toward the rear of the vehicle with the machete in his right hand. According to Sergeant A, he/she observed the Subject exiting the Lexus and saw him reaching for the machete. Sergeant A directed Officer A to discharge the beanbag shotgun at the Subject with the intention of disarming him and preventing him from fleeing again.

According to Officer A, he/she had witnessed the Subject commit a carjacking and had observed him exit the Lexus with a machete in his hand. Officer A believed the Subject was a deadly threat to others and was concerned that he was about to flee again. Officer A discharged one round from the beanbag shotgun, targeting the Subject's abdominal area from an approximate distance of ten feet. Officer A made this decision independently and did not hear Sergeant A's command to fire the beanbag shotgun. Officer A stated that there was not enough time to give a verbal warning prior to discharging the beanbag shotgun. The investigation did not determine if the Subject was struck; however, Officer A believed that the Super-Sock round struck the Subject on the right shoulder area as he turned to run east.

Officer C exited the fast food restaurant parking lot with the other officers and observed the Subject seated inside the disabled Lexus. Officer C sought cover behind a nearby police vehicle. Officer C was aware that the Subject had just carjacked someone while armed with a machete and noted he was acting aggressively toward officers. When the Subject exited the Lexus, he moved in Officer C's direction while holding the machete in his right hand. Officer C stated that there was not enough time to give a verbal warning. Officer C discharged one round from the 40mm, targeting the Subject's abdominal area from an approximate distance of 15 feet. Officer C did not know if the round struck the Subject, nor did he/she see any noticeable effect after the round was fired.

After the 40mm was discharged, the Subject ran to the southeast corner before continuing east along the south sidewalk, with the machete in his right hand.

As the Subject ran, Sergeant A ran to his/her vehicle and shouted, "Get in your car, get in your car."

Officers A, B, C, E, and F followed the Subject on foot while Sergeant A and the other officers returned to their vehicles to assist.

Officer C reloaded the 40mm as he/she followed approximately 90 feet behind the Subject. After running approximately 150 feet, the Subject ran northeast to the north sidewalk. The Subject reached the north sidewalk and ran east as Officer C maintained his/her distance approximately 90 feet behind him. Officer C stated he/she intentionally maintained this distance behind the Subject because he/she was only attempting to "keep eyes on." Officer C believed it was important to follow the Subject because there was a restaurant and elementary school in the direction the Subject was fleeing. Officer C was aware that the Air Unit was overhead and broadcasting his/her location. Officer C also believed that other officers were running with him/her.

As Officer C reached the north side of the street, Officers A and B were approximately 100 feet away on the south sidewalk. Officers A and B stopped following Officer C and ran back to their police vehicle. According to Officer B, he/she was following the Subject in containment mode and he/she believed that returning to obtain his/her police vehicle would be a faster way to catch up to the Subject.

Officer B was ahead of Officer A at the time when they discontinued their foot pursuit of the Subject. As Officer B stopped running and turned back, Officer A yelled, "We gotta get the car."

Officer A independently made the same decision to return to his/her police vehicle. Officer A stated that the Subject had, at a certain point during the foot pursuit, "too much of an advantage on foot." Officer A further stated, "...I was not going to be able to apprehend him, so I run back to the police vehicle at which point once we were at the police vehicle we hear the gunshots."

As Officers A and B returned to their police vehicle, they passed Officer E who was still running in Officer C's direction with Officer F. Officer B told Officer E to keep following.

Officers E and F were approximately 200 feet behind Officer C as they followed him/her across the street.

While on the north sidewalk, Officer C observed the Subject slow to a walk approximately 55 feet in front of him/her. Officer C believed the Subject was about to surrender so he/she slowed his/her pace, slung the 40mm and drew his/her handgun to a two-handed, low-ready position. Officer C ordered the Subject to "Drop the machete."

Officer C continued to follow the Subject before the Subject suddenly turned and began walking toward him/her. Officer C observed that the Subject was looking at him/her with a blank stare and that he was exhibiting no emotion. Officer C pointed his/her handgun at the Subject while walking backwards and ordering the Subject to "Stop!" After taking approximately six steps, the Subject began to run toward Officer C with the machete in his right hand.

Officer C walked backwards for approximately 27 feet before utilizing a two-handed grip to fire six rounds from his/her handgun, targeting the Subject's center body mass. Officer C fired from a decreasing distance of approximately 20 to 3 feet as he/she moved backwards. Officer C stated that the rounds did not have any effect on the Subject.

The Subject continued to charge toward Officer C with the machete in his right hand. After firing his/her sixth round, Officer C quickly moved toward an adjacent palm tree. According to Officer C, he/she did this in an effort to place a barrier between him/herself and the Subject.

Officer C moved past the palm tree, then stumbled and fell as he/she stepped off the curb. As Officer C fell into the street, he/she utilized a two-handed grip to fire two additional rounds at the Subject's center body mass from a distance of approximately three feet.

Officer C fell forward onto the street and rolled onto his/her back as the Subject ran up to him/her and raised the machete above his head. Officer C stated that when he/she looked up, he/she observed the Subject standing over him/her and believed he was about to strike Officer C in the face with the machete. Officer C held his/her pistol in his/her right hand and fired four rounds at the Subject's center body mass from a distance of approximately two feet.

When asked whether he/she assessed the effectiveness of his/her gunfire on the Subject between the rounds that he/she fired, Officer C responded, "After -- after every shot I was assessing to see if he would drop the machete or stop or if the threat would stop or slow down at all. [...] Nothing was working."

Officer E closed within approximately 60 feet of Officer C when Officer C began firing at the Subject. As he/she approached, Officer E, unholstered his/her handgun and

observed Officer C fall onto the street while the Subject pursued Officer C with the machete.

Simultaneous to Officer C's final volley, Officer E observed the Subject standing over Officer C with his machete raised in the air. In an effort to save Officer C's life, Officer E utilized a two-handed grip to fire two rounds, targeting the middle of the Subject's back, from a decreasing distance of approximately 20-15 feet.

Officer F had moved south at this time, back into the traffic lanes of traffic, and he/she was preparing to discharge his/her firearm at the Subject. However, the Subject collapsed before he/she could fire his/her weapon. Officer F was unaware that Officer E had discharged his/her firearm.

The Subject collapsed onto the street next to Officer C with the machete under him. Officers approached and took the Subject into custody. The Subject was then rolled onto his back, and Officer M started Cardiopulmonary Resuscitation (CPR) after determining the Subject did not have a pulse. The Subject was later transported to the hospital where he was pronounced as deceased.

**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
Officer A	Yes	No	Yes	N/A	N/A
Officer B	Yes	No	Yes	N/A	N/A
Sergeant A	Yes	No	Yes	N/A	N/A
Officer L	Yes	No	Yes	N/A	N/A
Officer K	Yes	No	Yes	N/A	N/A
Officer G	Yes	Yes	Yes	N/A	N/A
Officer H	No	Yes	Yes	N/A	N/A
Officer M	No	Yes	Yes	N/A	N/A

**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, along with Officers A, C, E, F, G, K, M, and N's tactics to warrant a Tactical Debrief. The BOPC also found Officers B and D's tactics to warrant Administrative Disapproval.

## **B. Drawing and Exhibiting**

The BOPC found that Officers A, B, C, E, F, G, K, M, and N's drawing and exhibiting of a firearm to be In Policy.

## **C. Less-Lethal Use of Force**

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

## **D. Lethal Use of Force**

The BOPC found Officers C and E's lethal use of force to be In Policy.

## **Basis for Findings**

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

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

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

The Commission is further mindful that it must evaluate the actions in this case in

accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Law enforcement officers are authorized to use deadly force to:

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

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

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

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

## **A. Tactics**

- **Tactical De-Escalation**

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

**Planning** – Officers G and H were the first officers to observe the Subject and immediately updated CD regarding their location and that the Subject was armed with a machete. Officer G positioned his/her police vehicle approximately 100 feet south of the Subject and utilized the PA in his/her police vehicle to order the Subject to drop the machete. Officer G maintained his/her distance and utilized time and distance to attempt to verbally de-escalate the situation, while waiting for additional

units to arrive. Officers A and B arrived shortly thereafter and spoke briefly to Officer G who advised them of the Subject's location, as well as that he was armed with a machete. Officers A and B swiftly made the tactical plan to drive past the Subject and position their police vehicle north of the Subject in an effort to contain the Subject and prevent him from proceeding to the boulevard where they knew there was heavy pedestrian and vehicle traffic. Officer B exited his/her vehicle and directed the Subject to drop his machete, but the Subject refused to comply. Officer A deployed his/her Beanbag Shotgun as the less-lethal cover officer due to the Subject being armed with a machete and believed it would be an effective tool in de-escalating the encounter.

The BOPC noted Officers A and B's articulated intention to contain the Subject and prevent him from becoming a further threat to the community by proceeding to a high pedestrian and vehicle traffic area on the boulevard. However, the BOPC was critical of the tactical positioning of Officers A and B's police vehicle and would have preferred that Officers A and B maintain an appropriate distance while following the Subject and utilizing their vehicle as cover.

Officer M and N discussed their roles prior to their arrival at scene. Officer M would be designated as the less-lethal cover officer and Officer N as the lethal cover officer. Once they arrived at scene, Officer M deployed his/her 40mm LLL in maintaining his/her role as the less-lethal cover officer and due to the Subject being armed with a machete. Additionally, Officer D, while en route to the radio call, advised Officer C that he/she would be deploying their Beanbag Shotgun, due to the nature of the radio call and the Subject being armed with a machete. Upon their arrival at scene, Officer D deployed his/her Beanbag Shotgun, and assumed the role of a less-lethal cover officer.

The BOPC noted that it was Officers C and D's first day working together; however, the BOPC was critical of Officers C and D's lack of discussion regarding tactical planning and communication regarding contact and cover roles, foot pursuits, separation, and general tactical concepts related to suspects armed with edged weapons. The BOPC considered that Officers C and D had responded to a radio call prior to their response to this incident and had sufficient time to discuss basic tactical concepts.

Officer M modified the tactical plan as he/she followed behind the Subject who had proceeded into a crowded fast food restaurant drive-through and assumed the role of a lethal cover officer as he/she transitioned to the point officer closest to the Subject. While providing lethal cover, Officer M passed his/her 40mm LLL to Officer C and directed Officer C to utilize the 40mm LLL to prevent the Subject's aggressive actions as the Subject began committing a carjacking. Officer C received the 40mm LLL from Officer M and assumed the role of a less-lethal cover officer.

The BOPC acknowledged that the tactical situation was dynamic, rapidly evolving and compounding, which did not allow sufficient time for thorough tactical planning

by the officers on scene. Officers had seconds to make a variety of consecutive decisions as a group. The BOPC considered that various officers arrived on scene at different times throughout the incident, and the Subject's erratic and dangerous actions forced officers to react quickly without the opportunity to devise detailed tactical plans as the tactical situation was constantly shifting.

**Assessment** – Upon his/her arrival at scene, Officer G and his/her partner assessed the tactical situation and utilized their police vehicle to maintain their distance from the Subject who was armed with a machete. Officer G provided pertinent information to CD and additional responding officers by broadcasting the Subject's location and that he was armed with a machete. Officers A and B assessed the tactical situation upon their arrival at scene and made the tactical decision to utilize their police vehicle to move ahead of the Subject to contain him from proceeding to the boulevard where he could potentially endanger more community members.

Officers M and N observed the Subject fail to comply with commands to stop and drop his machete and assessed that the Subject was an immediate threat to the community as the Subject proceeded in a westerly direction into the fast food restaurant drive-through. Officer M made the tactical decision to follow the Subject into the drive-through and keep visual contact with the Subject. Officers M and N as well as Officers A, B, C, D, and K all observed the Subject approach a black Lexus sedan, gain entry, and begin committing a carjacking. Officers assessed the tactical situation, observed an immediate threat to a community member, and closed distance on the black Lexus sedan.

Officer B, while approaching the black Lexus sedan, assessed the tactical situation and made the decision to move to the driver's side of the black Lexus sedan in the event the Subject fled along the south wall the fast food restaurant. The remaining officers proceeded to position themselves on the passenger side of the black Lexus sedan. While on the driver's side of the black Lexus sedan, Officer B observed the Subject moving to the driver's side of the vehicle and activated his/her TASER in an attempt to stop the Subject from gaining control of the vehicle and utilizing it as a weapon.

The BOPC was critical of Officer B's assessment and tactical decision to be the only officer to position him/herself on the driver's side of the black Lexus sedan while the remaining officers all positioned themselves on the passenger's side of the vehicle. The BOPC noted Officer B's positioning led to a crossfire situation between him/herself and the other officers positioned on the passenger's side of the black Lexus sedan.

Immediately after the Subject collided with police vehicles parked on the street, officers proceeded to the street, assessed the tactical situation, and deployed in containment positions south of the Subject, who was seated in the stolen black Lexus sedan. Sergeant A observed the Subject collide with the police vehicles and aggressively exit the Lexus sedan armed with a machete. Sergeant A assessed the

tactical situation and directed Officer A, who was standing just west of him/her, to fire his/her Beanbag Shotgun. Officers A and C both observed the Subject exit the black Lexus sedan armed with a machete in an aggressive manner. Officers A and C assessed the tactical scenario and believed the Subject to be an immediate threat to the safety of officers and the community. Officers A and C each fired one round from their Beanbag Shotgun and 40mm LLL, respectively, at the Subject in an attempt to stop him from committing any further violent acts against the officers and public in the area.

The less-lethal munitions were ineffective, and the Subject fled in a northeasterly direction across the boulevard. Officer C assessed the tactical situation and knowing there were schools and cafes nearby, believed the Subject, who was still armed with a machete, to be a clear threat to the safety of community members in the area. Officer C followed after the Subject in foot pursuit to maintain containment and keep visual contact of the Subject. Officers A and B additionally followed after Officer C and the Subject. Officer A and B shortly thereafter assessed the tactical situation and made the decision to turn back to utilize their police vehicle instead of continuing their foot pursuit.

The BOPC noted that Officer C had extensive knowledge of the area, including the high pedestrian traffic generated by various schools, restaurants, and businesses in the area. The BOPC opined that Officer C's decision to follow the Subject in foot pursuit in order to contain and keep visual contact with the Subject, resulted from his/her familiarity with the area. Officer's C's mindset was that the Subject was a clear threat to the community, based on the multiple felony crimes he had committed and being armed with a machete.

After observing the Subject flee the traffic collision scene, Officers E and F assessed the tactical situation, including that their police vehicle had been struck and disabled, and made the decision to follow after Officer C and the Subject, east on boulevard. Officer C observed the Subject suddenly stop, turn around, and charge at him/her. Officer C assessed the imminent lethal threat presented by the Subject, subsequently leading to an OIS. Officer C continually assessed after each round fired, throughout the OIS incident. Officer E observed the Subject charge towards Officer C with a machete, close distance, and stand over Officer C, who had fallen to the ground on the boulevard. Officer E assessed the tactical situation and, based on the imminent threat that the Subject posed to Officer C's life, became involved in an OIS. After the Subject fell to the ground, Officer E assessed that the Subject no longer represented a lethal threat.

After the Subject was taken into custody, Officer M assessed that the tactical situation had ended and immediately began CPR on the Subject, after determining the Subject was in clear medical distress. Officer M continued CPR until he/she was relieved by LAFD paramedics.

**Time** – Upon arrival to the scene, Officers G and H were the first unit to locate the Subject. Officer G maintained distance with the Subject to allow time to communicate with the Subject and with other officers. Officer G communicated their location and confirm to responding officers that the Subject was armed with a machete. Additionally, Officer G utilized the PA in his/her police vehicle to attempt to communicate and direct the Subject to drop the machete and surrender, minimizing the need for any force being applied. After Officers A and B deployed their police vehicle north of the Subject, the Subject's behavior became increasingly erratic and aggressive. The Subject refused to comply with commands to drop his machete and suddenly began moving west into the drive-through of fast food restaurant, forcing the officers on scene little time to form tactical plans and adapt to a rapidly evolving tactical situation.

Officers M and N observed the Subject's movement and immediately followed him into the fast food restaurant drive-through to maintain visual contact with the Subject. The Subject quickly approached a black Lexus sedan and committed a carjacking. Officers M and N as well as Officers A, B, C, D, and K observed the Subject's aggressive actions and closed distance on the black Lexus sedan. Officer B attempted to utilize his/her TASER to prevent the Subject from gaining control of the vehicle but was unsuccessful as the Subject recklessly fled the drive-through in the stolen black Lexus sedan and collided with multiple police vehicles.

The Subject exited the stolen black Lexus sedan armed with his machete, and Officers A and C each discharged one round from a Beanbag Shotgun and 40mm LLL, respectively, in the brief moments they had to assess the threat the Subject presented. The Subject fled on foot to the north sidewalk of the boulevard with Officer C following behind him. The Subject suddenly stopped, turned, and charged Officer C armed with a machete. Officers C and E, based on the imminent lethal threat the Subject's sudden and aggressive actions presented, subsequently became involved in an OIS.

The BOPC noted that the tactical situation was dynamic, rapidly shifting, and officers were required to react to the erratic and hostile actions of the Subject. The BOPC considered that the investigation determined that the entire encounter, from when Officers G and H located the Subject and advised they had arrived on scene to the last lethal round being discharged, was approximately 3 minutes and 19 seconds. The BOPC noted that the time elapsed included the Subject's carjacking of a vehicle, subsequent traffic collisions involving the Subject, his attempt to flee on foot, the Subject turning and charging Officer C, and ultimately the resulting OIS.

Additionally, the BOPC considered that the investigation determined ten seconds elapsed from when the Subject began charging to the last round being discharged in the OIS.

The BOPC considered that the incident occurred in an area with heavy pedestrian and vehicular traffic. The tactical situation was further complicated by the high

volume of traffic during the lunchtime hour when members of the public were patronizing the restaurants in that area. In addition, the immediate neighborhood had multiple schools in close proximity ranging from elementary to high school. The officers' obligation to the public and community's safety was clear. The BOPC opined that the tactical situation was constantly evolving based on the Subject's unpredictable behavior, in which he brazenly committed multiple felony crimes, including a carjacking in front of numerous officers. The officers had minimal time to formulate tactical plans and forced them to adapt and react quickly to address the threat the Subject posed to them and the community. Additionally, the BOPC opined that based on the evolving tactical situations presented to them, it was not feasible for officers to provide use of force warnings prior to discharging their less-lethal tactical weapons.

**Redeployment and/or Containment** – Officer G and his/her partner maintained their distance with the Subject in order to maintain containment and to provide themselves a tactically advantageous position. Officers A and B positioned their police vehicle north of the Subject in order to contain him on the street and prevent him from proceeding to the boulevard, known to have high pedestrian and vehicle traffic. Officer B exited his/her vehicle and immediately redeployed to the rear of his/her police vehicle in order to maintain distance and provide him/herself cover from the Subject who approached him/her armed with a machete.

Officer M and N redeployed into the fast food restaurant drive-through while following the Subject in an attempt to maintain containment, keep visual contact, and minimize the danger to the surrounding community members. Officers A, B, C, D, K, M, and N all observed the Subject approach a black Lexus sedan, gain entry, and begin committing a carjacking. Officers assessed the tactical situation, observed an immediate threat to a community member and closed distance on the Lexus sedan. Officer A, who was initially approaching along the south wall of the fast food restaurant, redeployed to the passenger side of the Lexus sedan after assessing his/her tactical positioning.

Immediately following the Subject carjacking and subsequently gaining control of the Lexus sedan, driving it recklessly out of the drive-through, and colliding with multiple police vehicles, Sergeant A and Officers A, B, C, E, F, and K immediately redeployed from the drive-through to the street. The officers moved to containment positions south of the Subject and the Lexus sedan. After Officers A and C discharged one round each from their Beanbag Shotgun and 40mm LLL respectively, the Subject fled in a northeasterly direction on the boulevard. Officer C immediately began following the Subject in foot pursuit to maintain containment and visual contact of the Subject.

The BOPC noted officers attempted to redeploy and contain the Subject as best as they could during the dynamic encounter; however, the Subject's unpredictable movements and actions compelled officers to adapt their tactics and positions and

choose the most advantageous positions afforded them in the short time they had to make their tactical decisions.

**Other Resources** – Officer G and his/her partner, upon their arrival at scene, utilized the PA system in their police vehicle to attempt to establish communication with the Subject and de-escalate the situation by having him drop the machete. Additionally, a backup and Air Unit were requested to respond to the scene to assist.

Various officers deployed less-lethal impact devices due to the nature of the call which was a robbery suspect armed with a machete. Officer M deployed a 40mm LLL, while Officers A and D deployed their Beanbag Shotguns. The Air Unit arrived overhead and provided pertinent information regarding the tactical situation and the Subject's actions. Immediately following the OIS, and after the Subject was taken into custody, Officers J and L both requested that an RA respond for injuries sustained by the Subject and Officer C.

The BOPC considered that the tactical situation unfolded quickly and shifted multiple times which did not allow time for further resources to be requested. The BOPC noted the officers utilized all the resources they had at their disposal during the chaotic and dynamic encounter.

**Lines of Communication** – Upon the arrival of Officer G and his/her partner to the street, Officer G established lines of communication with the additional responding officers by communicating his/her location and confirming that the Subject was indeed armed with a machete. Additionally, Officer G attempted to establish lines of communication with the Subject by utilizing the PA system in his/her police vehicle to de-escalate the encounter and direct the Subject to drop the machete. The Subject refused to comply.

Officers A and B established lines of communication with Officer G and his/her partner when they arrived, pulled up alongside Officer G's vehicle, and received information regarding the Subject's exact location. Officer B, upon exiting his/her vehicle, attempted to establish lines of communication with the Subject by ordering him to drop his machete; however, the Subject was nonresponsive and noncompliant.

As Officers M and N closed distance with the Subject, armed with a machete and ignoring the officers' commands, the Subject entered the Lexus sedan and committed a carjacking. Officer M attempted to establish lines of communication with the Subject by ordering the Subject to "Stop! Get down! Drop the machete." The Subject was noncompliant and stated, "Shoot me." Officer K closed distance with the Subject and established lines of communication with the officers deployed around the black Lexus sedan by directing less-lethal cover officers to utilize their Beanbag Shotguns on the Subject as the Subject was committing the carjacking.

Immediately following the traffic collision, Officer B approached the driver's side door of the stolen black Lexus sedan and ordered the Subject to exit the vehicle. Sergeant A established lines of communication with Officer A by directing Officer A to fire his/her Beanbag Shotgun at the Subject. Once the Subject fled onto the boulevard, Officer C followed in foot pursuit and continued to attempt to establish lines of communication by ordering the Subject to stop multiple times. Officer C ordered the Subject to drop the machete while on the north sidewalk of the boulevard; however, the Subject refused to comply. Instead, the Subject chose to turn and charge Officer C with the machete. Officer C ordered the Subject to stop and began moving backwards to maintain distance, subsequently leading to an OIS.

Immediately following the OIS, Sergeant A responded to the scene and directed officers to don latex gloves prior to taking the Subject into custody. Officer K responded to the scene and maintained communication with the other officers on scene and assigned Officer M and his/her partner to be the arrest team officers while he/she provided lethal cover.

The BOPC noted that the patrol officers utilized the minimal time they had, requested resources, and attempted to open lines of communication with the Subject. However, the Subject's unpredictable and erratic behavior created a dynamic and evolving tactical scenario in which officers were required to adapt their tactics to the Subject's actions. Officers were provided minimal time to form tactical plans and utilized the resources and tools at their disposal. The officers attempted to continue to establish open lines of communication with the Subject by providing clear commands to stop and drop his machete and to have the Subject surrender peacefully without the use of any force. The Subject was noncompliant and mostly uncommunicative throughout the incident. The Subject refused to comply with the officers and continued his aggressive movements even after the deployment of various less-lethal tools. Eventually, while being pursued by officers, the Subject turned and charged towards an officer while armed with a machete, subsequently leading to an OIS. The officers were required to make decisions that balanced the safety and welfare of the public, themselves, and the Subject while presented with a clear and present deadly threat.

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

- 1. Tactical Planning/Communication** (Substantial Deviation, without Justification – Officer D)

Officers C and D failed to discuss, develop, and communicate a basic tactical plan related to their response to suspects armed with edged weapons. Additionally, Officers C and D did not discuss tactical concepts related to contact and cover roles, foot pursuits, and separation.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, it was Officers C and D's first day working together, and they did not discuss tactical concepts or plans related to their response to various tactical situations. On their approach to the scene, Officer D communicated that he/she would be deploying the Beanbag Shotgun which Officer C acknowledged. Upon their arrival at scene, Officers C and D did not communicate how they would approach or what roles they would have, as they each observed the Subject enter the drive-through area. The officers approached from different angles and rates of advance. Officer C approached the drive-through with other officers more quickly than Officer D. This difference of approach contributed to Officer D working at a distance from his/her partner.

Shortly thereafter, the Subject carjacked a Lexus sedan and collided with multiple police vehicles as he attempted to flee. Officer C and various officers followed the Subject a short distance from the fast food restaurant drive-through to the traffic collision location and attempted to detain the Subject. Officer D proceeded to his/her police vehicle, believing the Subject had fled the location in the stolen Lexus sedan. The Subject exited the stolen black Lexus sedan, fled the location armed with a machete on foot, and was immediately pursued by Officers A, B, C, E, and F. The incident ultimately resulted in an OIS, as Officer C pursued the Subject unaccompanied by his/her partner. Officer D, who had returned to his/her police vehicle, proceeded to the area where Officer C had pursued the Subject. However, Officer C had already been involved in an OIS, and additional officers had already arrived to the OIS scene prior to Officer D's arrival.

The BOPC considered that Officer D is an experienced officer with approximately 19 years as a police officer. The BOPC also considered that it was Officers C and D's first day working together. The BOPC further considered that Officers C and D had responded to a radio call prior to their response to this incident and had sufficient time to discuss basic tactical concepts. The BOPC was critical of Officer D's role in the lack of tactical planning and communication prior to and during the incident. The BOPC opined that Officer D did not take responsibility, as the more experienced and senior officer, to engage his/her partner in discussions related to basic tactical concepts, including contact and cover roles, foot pursuits, separation, and suspects armed with edged weapons. Upon their arrival at scene, Officers C and D did not communicate how they would approach or what roles they would have, as they each observed the Subject enter the drive-through area. Officer C approached the drive-through area, and the other officers already at the drive-through, more quickly than Officer D. Officer C's

earlier arrival positioned him/her to be handed the 40 mm LLL by Officer M and begin assuming the role of less-lethal force.

Officer D approached at a distance behind Officer C and had a better perspective of Officer C's position and actions. As the Subject drove off from the drive-through, Officer C and various other officers ran after the Subject and continued their efforts to detain the Subject by issuing commands and using less-lethal force. Officer D stated he/she did not know where his/her partner was at that time but ran to his/her police vehicle believing the Subject had fled in the stolen Lexus. The BOPC noted that Officer D had minimal involvement in the attempts by Officer C and other officers to detain the Subject. After the Subject fled from the Lexus sedan, Officer D stated he/she had not seen Officer C on the street and assumed he/she had been one of the officers that had run eastbound on the boulevard. The BOPC opined the lack of tactical planning and communication led to Officers C and D approaching the tactical situation from different perspectives, leading to tactical decisions made independently of each other, and ultimately to the officers being separated as Officer C was involved in an OIS.

Based on the totality of the circumstances, the BOPC determined that Officer D's lack of tactical planning and communication was a substantial deviation, without justification, from approved Department tactical training.

**2. Approaching an Armed Suspect** (Substantial Deviation, without Justification – Officer B) (Substantial Deviation, with Justification – Officer M)

Officer M approached the open passenger side door of the Lexus sedan as the Subject, who was armed with a machete, entered the passenger side door with the driver still seated in the vehicle. Officer B approached the driver's side of the Lexus sedan and placed him/herself within a few feet of the door and open driver's side window, as the Subject moved to the driver's side of the vehicle with the intention of taking control of the vehicle.

In this case, upon his/her observation that the Subject was entering a Lexus sedan in an attempt to commit a carjacking, Officer M closed the distance and approached the open passenger side door. The BOPC noted that Officer M observed there was a driver in the vehicle, and the Subject's actions presented a clear danger to the driver of the vehicle. The BOPC considered that Officer M approached the Subject, who was in the front passenger's seat of the vehicle, still armed with a machete, in order to have a clear visual of the Subject's movements and to take action, if necessary, to protect the driver of the vehicle.

Officer B closed the distance on the Lexus sedan as the Subject was in the front passenger's seat of the black Lexus sedan, still armed with a machete. The driver of the vehicle exited, leaving the front driver's seat unoccupied. Officer B moved to a position a few feet from the open driver's side window in an attempt to utilize his/her TASER to stop the Subject's actions.

Based on the totality of the circumstances, the BOPC determined Officer M's actions of approaching an armed suspect were caused by the Subject's immediate threat to a community member and therefore was a substantial deviation, with justification, from approved Department tactical training.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions placed him/her in a tactically disadvantageous position and therefore was a substantial deviation, without justification, from approved Department tactical training.

**3. Crossfire** (Substantial Deviation, without Justification – Officer B)

In this case, Officer B drew his/her service pistol and positioned him/herself on the driver's side of the Lexus sedan, along the south wall of the fast food restaurant. As Officer B was positioned on the driver's side of the Lexus sedan, facing a southerly direction, Officers A, C, D, K, M, and N were positioned on the passenger's side of the Lexus sedan, facing in a northerly direction.

Based upon the totality of the circumstances, the BOPC determined that Officer B's actions compromised the safety of the additional officers at scene and therefore, were a substantial deviation, without justification, from approved Department tactical training.

**4. Separation** (Substantial Deviation, without Justification – Officer B)

Immediately following the Subject's carjacking and attempt to flee, the Subject collided with multiple police vehicles. Officer C and various officers followed the Subject a short distance to the traffic collision location and attempted to detain him. The Subject fled the location armed with a machete on foot and was immediately pursued by Officer C, who was closest to the Subject as he fled, as well as Officer A, B, E, and F.

Officers A and B began following Officer C and the Subject northeast across the boulevard, after the Subject fled from the traffic collision. Shortly thereafter, Officer B made the tactical decision to stop following Officer C and return back in a southwest direction towards his/her police vehicle in order to catch up to Officer C and the Subject.

In this case, Officer B communicated his/her tactical decision to return and retrieve his/her police vehicle and to his/her partner Officer A. However, due to the dynamic and rapidly evolving tactical situation, Officer B was the officer nearest to Officer C when the foot pursuit began.

Based on the totality of the circumstances, the BOPC determined that Officer B's tactical decision, as the nearest officer to Officer C, to stop following Officer C

during the foot pursuit of the Subject, was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
  1. **Required Equipment** – The investigation revealed that Officer A’s Hobble Restraint Device was not on his/her person but was in his/her police vehicle.
  2. **Tactical Vehicle Deployment** – The investigation revealed that Officers A and B initially proceeded past the Subject, who was armed with a machete on the street as the Subject proceeded north on the west side of the street. Officer B stopped their police vehicle a short distance north of the Subject, in an attempt to contain and prevent the Subject from continuing to the boulevard.
  3. **Situational Awareness (Background)** – The investigation revealed that the victim of the carjacking, who had exited his vehicle, was in the immediate background, while officers were covering the Subject from their positions on the passenger’s side of black Lexus sedan. Although the issue of the victim being in the background of the officers was created by the Subject’s movements, the swift elimination of the victim from the location could have prevented this issue. Additionally, officers in proximity to the vehicle did not communicate to the victim to leave the area and move to a safer location.
  4. **Holding Service Pistol in one Hand and TASER in Other** – The investigation revealed that Officer B, while holding his/her service pistol in his/her left hand, drew his/her TASER with his/her right hand while standing near the driver’s side of the black Lexus sedan.
  5. **Utilization of Cover** – The investigation revealed that Officers F and K immediately followed the Subject a short distance to where he/she had collided with police vehicles. Officers F and K were in close proximity to police vehicles and additional available cover; however, they did not utilize the accessible cover in their vicinity
  6. **Maintaining Control of Equipment** – The investigation revealed that after Officer B followed the Subject a short distance to the area where the Subject collided with police vehicles, dropped his/her TASER on the ground, and acquired a two-handed grip on his/her service pistol, which he/she had been holding in a one-handed grip. As the Subject exited the Lexus sedan and fled, Officer B proceeded to pursue the Subject as his/her TASER rested on the ground where he/she had dropped it.
  7. **Non-Conflicting Simultaneous Commands** – The investigation revealed at various times during the incident that officers provided simultaneous, non-conflicting commands at the Subject to stop and drop his weapon throughout the encounter.

- 8. Code Six** – The investigation revealed that Sergeant A arrived at scene to a tactical situation that was dynamic, rapidly shifting, and required officers to react to the erratic and hostile actions of the Subject. Sergeant A immediately exited his/her vehicle in order to assess the tactical situation in the fast food restaurant drive-through. Sergeant A stated he/she was unable to broadcast that he/she was Code Six because he/she heard the Air Unit was already broadcasting on the base frequency regarding the incident, and Sergeant A felt that the situation needed him/her to immediately exit his/her vehicle and provide command and control to the incident. Sergeant A stated that he/she was not able to advise CD that he/she was Code Six until shortly after the Subject was handcuffed and the OIS scene was being contained.
- 9. Beanbag Shotgun Manipulations** – The investigation revealed that after discharging his/her Beanbag Shotgun at the Subject, Officer A did not re-engage the safety on his/her Beanbag Shotgun.
- 10. Preservation of Evidence** – The investigation revealed as Officer M was handcuffing the Subject, that he/she observed the machete the Subject had been armed with underneath the Subject and moved the machete a short distance away due to it being in the immediate proximity of the Subject. Additionally, Officer B returned to the area where the Lexus sedan had collided with multiple police vehicles and recovered his/her TASER which remained unsecured on the ground. Officer B removed the expended TASER cartridge and placed his/her TASER back into his/her TASER holster. Officer B secured the expended TASER cartridge in his/her police vehicle.
- 11. Securing Beanbag Shotgun/40mm LLL** – The investigation revealed that after responding to the OIS scene in their police vehicles, neither Officers A nor D secured their loaded Beanbag Shotguns in their equipment racks and left them in their unlocked vehicles. Additionally, after Officer A obtained Officer C's 40mm LLL as Officer C was in the process of decontamination, Officer A placed Officer C's 40mm LLL in his/her unlocked police vehicle.
- 12. Profanity** – The investigation revealed that Officer K, while approaching the Subject in the driveway of the fast food restaurant, directed officers to utilize less-lethal impact devices and stated, "Hit that [expletive]!" Additionally, Officer K stated, "Beanbag his [expletive]."
- 13. Completion of Report** – The investigation revealed, while interviewing the Subject's sister, FID investigators learned that she visited the Area Community Police Station on November 29, 2019, and attempted to file a missing person report via the front desk. According to his sister, the front desk officer did not complete a missing person report because the front desk officer believed it was possible that the Subject was just avoiding his family and not actually missing.

**14. Medical Treatment – Rendering Aid:** The investigation noted that following the OIS, the Subject sustained multiple gunshot wounds. After repositioning the machete from the Subject and securing him with handcuffs, the officers placed the Subject on his back to assess his medical condition. Officer M administered CPR until he/she was relieved by responding Los Angeles Fire Department (LAFD) personnel. This/ is a laudable reflection of maturity by the officers to transition from a high stress tactical incident to that of conducting a medical assessment on the Subject and rendering immediate care until the arrival of medical personnel.

**15. BWV Activation –** The investigation revealed that Officer G had a late activation during the incident.

The investigation revealed that Officer M had a late activation during the incident.

The investigation revealed that Officer H had a late activation during the incident.

The investigation revealed that Officer K did not have a full two-minute pre-activation buffer during the incident.

The investigation revealed that Officer L did not have a full two-minute pre-activation buffer during the incident

The investigation revealed that Officer B did not have a full two-minute pre-activation buffer during the incident.

The investigation revealed that Officer A did not have a full two-minute pre-activation buffer during the incident.

The investigation revealed that Sergeant A did not have a full two-minute pre-activation buffer during the incident.

## **Command and Control**

- The investigation revealed that Sergeant A was the first supervisor to the scene, arriving seconds before the Subject drove the stolen Lexus out of the drive-through area. Sergeant A observed the Subject attempt to flee in the black Lexus sedan and observed the traffic collisions that ensued. Sergeant A, while assessing the tactical situation and the movement of the Subject and the officers on scene, directed Officer A to discharge his/her Beanbag Shotgun at the Subject. After the Subject fled eastbound on the boulevard armed with a machete, Sergeant A immediately responded to the OIS scene and provided oversight of the officers who were formulating a tactical plan to approach and take the Subject into custody. Sergeant A advised officers to don latex gloves prior to handcuffing the Subject due to the blood in the area. Sergeant A declared him/herself the Incident Commander after

the OIS and proceeded to direct the containment of both the crime scenes and the general area. Sergeant A maintained his/her role as the IC until relieved.

The investigation revealed that Sergeant B was the second supervisor to arrive at the OIS scene as officers were formulating a tactical plan to take the Subject into custody. Sergeant B provided oversight and assisted Sergeant A in providing direction to the responding officers and containing both the OIS scene and the traffic collision scene next to the fast food restaurant. Sergeant B identified Officers C and E as the involved officers, separated them, and directed Sergeant C and Detective A to separate, monitor, and obtain a Public Safety Statement (PSS) from them.

Sergeant B identified additional witnessing officers and requested additional supervisors to respond and assist with the separation and monitoring of the witnessing officers. He/she assured the witnessing officers were separated, monitored, and transported to the Community Police Station. Additionally, Sergeant B assured a Rescue Ambulance (RA) was enroute to the incident and directed personnel to canvass the immediate area for witnesses.

Several additional supervisors responded to the scene and assisted in the separation and monitoring of the involved and witnessing personnel.

These topics were to be discussed at the Tactical Debrief.

- In conducting an objective assessment of this case, the BOPC determined that Sergeant A, along with Officers A, C, E, F, G, K, M, and N's tactics did not substantially and unjustifiably deviate from approved Department tactical training.

However, the BOPC determined that Officers B and D's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer C**

### First Occurrence

According to Officer C, as he/she arrived on scene, he/she was advised by officers at scene that the Subject was armed with a machete. Officer C observed the Subject pick up the machete and quickly walk towards the drive-through. Officer C moved north through the parking lot of the fast food restaurant and drew his/her service pistol due to his/her observation that the Subject was armed with a machete and was a danger to both the officers and the community.

### Second Occurrence

According to Officer C, as he/she followed after the Subject in a containment position, he/she observed the Subject slowing down and almost come to a stop. Officer C harnessed his/her 40mm LLL and drew his/her service pistol as the Subject turned around towards him/her with a blank stare, armed with a machete. Officer C drew his/her service pistol due to the tactical situation and imminent threat of serious bodily injury or death based on the Subject's aggressive actions and the fact that he was armed with a machete.

- **Officer E**

According to Officer E, he/she was following after Officer C east on the boulevard in the middle of the street. He/she observed the Subject charge west towards Officer C on the north sidewalk of the boulevard. Officer E observed Officer C begin to discharge his/her service pistol towards the Subject due to the Subject being armed with a machete and being an imminent threat to Officer C. Officer E drew his/her service pistol as he/she observed the Subject continue to charge Officer C and Officer C fall onto the street. Officer E believed the Subject was an imminent threat to Officer C and the public's safety and drew his/her service pistol to protect Officer C's life and the public's safety.

- **Officer F**

### First Occurrence

According to Officer F, when he/she arrived at scene, he/she was aware from the comments of the radio call that the Subject had just committed a robbery and that officers were trying to make contact with him. Officer F observed that the Subject had entered the passenger's side of a Lexus sedan and was moving from the passenger seat into the driver's seat. Officer F drew his/her service pistol as he/she observed the Subject was holding a machete in his hand. Officer F believed the Subject had just stolen the vehicle from an unknown citizen.

### Second Occurrence

According to Officer F, immediately after the Subject attempted to flee in the Lexus sedan, he was involved in a traffic collision. Officer F redeployed to where the Subject had collided and gave commands for the Subject to get on the ground. Officer F observed the Subject exit the Lexus while still holding the machete. The Subject was disobeying commands that were being given by additional officers. Officer F drew his/her service pistol in order to protect him/herself and other officers in case the Subject decided to approach them.

### Third Occurrence

According to Officer F, he/she and his/her partner were following Officer C, east on the boulevard. He/she observed the Subject with the machete in his hand, raised up in the air, as the Subject was charging Officer C. Officer C was backpedaling west on the north sidewalk of the boulevard. Officer F drew his/her service pistol based on the imminent threat the Subject presented as he was aggressively charging toward Officer C while armed with a machete.

- **Officer A**

According to Officer A, he/she had knowledge that the Subject was armed with a machete. As he/she exited his/her police vehicle and encountered the Subject, Officer A drew his/her service pistol based on his/her belief that the tactical situation would escalate to the use of deadly force at that particular time.

- **Officer B**

According to Officer B, he/she observed the Subject walking north on the west sidewalk of the street. As Officer B exited his/her police vehicle, he/she observed the Subject start walking towards him/her from approximately 15 feet away. Officer B observed the Subject armed with a machete in his hand and drew his/her service pistol based on his/her belief the situation could escalate to the point where deadly force may be justified. Officer B immediately began directing the Subject to drop the machete.

- **Officer M**

According to Officer M, as he/she deployed out of his/her vehicle and moved north on the street, he/she initially deployed a 40mm LLL. As the Subject moved west into the drive-through, Officer M followed after the Subject. Officer M drew his/her service pistol based on his/her belief that the situation would rise to the level of deadly force. Officer M observed the Subject still armed with a machete and walking towards a black Lexus sedan. Additionally, Officer M wanted to make sure he/she could address any deadly issues with deadly force.

- **Officer N**

### First Occurrence

According to Officer N, he/she observed the Subject walking northbound on the street on the west sidewalk with a machete. Officer N observed the Subject turn around and wave the machete. Officer N drew his/her service pistol, based on the fact that the Subject was armed with a machete and to protect the officers and others due to the threat the Subject presented and not knowing exactly what the Subject was going to do.

### Second Occurrence

According to Officer N, immediately after he/she responded to the scene of the OIS, he/she drew his/her service pistol based on the fact that the Subject still had the machete underneath him and he/she wanted to provide lethal cover for the officers at scene, since the Subject had not yet been taken into custody.

### Third Occurrence

According to Officer N, he/she briefly holstered his/her service pistol in order to put on gloves to help take the Subject into custody. Officer N observed that the machete was still underneath the Subject and that additional officers at scene had already donned gloves and were intending to make contact with the Subject. Officer N drew his/her service pistol in order to once again provide lethal cover.

- **Officer K**

### First Occurrence

According to Officer K, as he/she arrived on scene, he/she observed the Subject holding a machete, a big, long huge knife, and another knife in his left hand. Officer K drew his/her service pistol based on his/her belief that the Subject was actively trying to evade officers and the Subject had two knives. Additionally, Officer K was scared that the Subject was going to approach one of the officers and could swing the knife at them.

### Second Occurrence

According to Officer K, as he/she approached the Lexus sedan, he/she observed the Subject actively getting into a Lexus with an individual still in the driver's seat. Officer K believed that the Subject, still armed with a machete, might cause harm to the driver of the Lexus or officers that were approaching the Lexus and drew his/her service pistol.

### Third Occurrence

According to Officer K, immediately following the Subject's traffic collision, he/she followed after the Subject and observed the Subject still armed and actively resisting. Officer K drew his/her service pistol based on his/her observation that the Subject still had the machete and was a threat to the officers in area.

### Fourth Occurrence

According to Officer K, as he/she exited his/her vehicle upon his/her arrival at the scene of the OIS, he/she observed that the Subject was not in handcuffs, and Officer K didn't know if the knife was under the Subject or underneath the car. Based on

Officer K's belief that the Subject was still a potential threat and he/she was unable to see the weapons the Subject had been armed with, Officer K drew his/her service pistol.

- **Officer G**

First Occurrence

According to Officer G, he/she drew his/her service pistol as soon as he/she got out of his/her police vehicle because the Subject had the machete in his hand and Officer G was afraid the Subject was going to attack him/her and his/her partner or somebody else. Officer G felt the situation could escalate to the need of possible deadly force.

Second Occurrence

According to Officer G, while he/she was in the parking lot of the fast food restaurant, he/she drew his/her service pistol because of the Subject's actions and that the Subject not following the officers' instructions. The Subject still had the machete in his hands, and Officer G believed the situation could escalate to the use of deadly force based on the potential for great bodily injury to somebody else. According to Officer G, he/she was unsure if he/she drew his/her service pistol two or three times after his/her initial drawing.

The BOPC conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw and exhibit their service pistols. The BOPC conducted a thorough evaluation of the reasonableness of Officers A, B, C, E, F, G, K, M, and N's drawing and exhibiting of their service pistols.

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

**C. Less-Lethal Use of Force**

- **Officer B** – (one TASER activation, in probe mode)

TASER Activation – One two-second activation in probe mode, from an approximate distance of two feet.

According to Officer B, he/she observed the Subject making his/her way across to the driver's side of the Lexus sedan. Officer B's intention was to stop the Subject

from gaining dominion and control of the Lexus and keep him contained in that parking lot. Officer B believed the Lexus was in park and it would take the Subject a moment to gain control of the vehicle. Officer B's goal was to prevent the Subject from driving off, which Officer B believed could cause more mayhem and possibly lead to a dangerous vehicle pursuit. Officer B deployed his/her TASER and activated it one time in probe mode, through the Lexus' open driver's side window while aiming for the naval area, in order to cause the Subject to clench up and avoid him gaining control of the Lexus. Additionally, Officer B did not believe he/she had the time to issue the Subject a use of force warning due to the exigent nature of the Subject's deadly actions.

In this case, the BOPC considered several factors during its assessment of the use of the TASER by Officer B. The BOPC considered what was known to Officer B at the time of his/her TASER activation. Officer B believed the Subject to be armed with a machete based on the comments of the radio call broadcasted by CD and observed the Subject with the machete upon his/her arrival to the scene. The BOPC noted when Officer B positioned his/her police vehicle to contain the Subject and prevent him/her from continuing north to the boulevard, Officer B believed he/she heard the Subject state, "Shoot me," and intended to provoke an OIS.

The Subject was non-compliant and began moving into the fast food restaurant drive-through armed with the machete, in defiance of officers' commands to stop and drop the machete. The BOPC noted the tactical situation was dynamic and rapidly evolving due to the erratic and aggressive actions of the Subject, who rapidly approached a Lexus sedan in the drive-through of fast food restaurant, opened the door of the occupied Lexus sedan, and proceeded to commit a violent carjacking. Officer B observed the Subject brazenly commit a crime in front of numerous officers and endanger members of the public. Officer B closed the distance on the Subject in an attempt to contain the Subject and prevent his dangerous actions.

The BOPC noted that the Subject was in the process of a carjacking, the Lexus sedan was stopped, and the Subject moved from the front passenger's seat into the driver's seat in a swift manner. The BOPC was critical of Officer B's positioning between the narrow area between the Lexus and the south wall of the fast food restaurant. However, the BOPC considered Officer B's proximity to the Subject and his/her intention to utilize the TASER in an attempt to prevent the Subject from gaining control of the Lexus and utilizing it as a weapon, potentially further endangering officers and the public. The BOPC noted Officer B's belief that the Subject would take a few moments to familiarize himself with a new vehicle and Officer's B's attempt to utilize those few moments to incapacitate the Subject utilizing the TASER. The BOPC opined that Officer B utilized the few moments he/she had to take immediate action, and providing a verbal warning was not feasible in this circumstance. The BOPC noted the investigation had revealed that Officer B had activated his/her TASER just prior to the Subject gaining control of the vehicle and fleeing. The BOPC discussed that when practical, officers should avoid using the TASER on individuals who are operating or riding any mode of transportation and

noted Officer's B's belief that the Subject had not established control of the vehicle at the time he/she activated his/her TASER.

Based upon 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 believe the application of the TASER to stop the Subject's actions was objectively reasonable.

Therefore, the BOPC found Officer B's less-lethal force utilizing the TASER to be objectively reasonable and In Policy.

- **Officer A** – (Beanbag Shotgun, one Super-Sock round)

According to Officer A, immediately after the Subject drove off and became involved in the traffic collisions, Officer A followed after the Subject and took a position of cover behind the front hood of his/her black and white police vehicle. Officer A observed the Subject exit the Lexus sedan while still holding the machete. Officer A believed the Subject was unsafe to approach and believed his/her Beanbag Shotgun was a good tool to use as a less-lethal option. Officer A believed the Subject appeared to be agitated and was going to flee from the location. Based on the Subject being armed with a machete, utilizing the machete in the commission of a robbery, and the threat the Subject presented to officers and the community, Officer A, while targeting the Subject's naval area, discharged one Super-Sock round from his/her Beanbag Shotgun. Officer A advised there was no time to give a use of force warning due to the rapidly evolving tactical situation. Officer A believed his/her Super-Sock round struck the Subject in the right shoulder, however, it appeared to be ineffective.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer A's less-lethal use of force utilizing the Beanbag Shotgun. The BOPC noted that Officer A was aware of the comments of the call indicating the Subject was a robbery suspect armed with a machete. Upon his/her arrival to the scene, Officer A observed the Subject armed with a machete and was not complying with commands to stop and drop the machete. Officer A deployed his/her Beanbag Shotgun as a potential less-lethal option and observed the Subject commit a violent carjacking in front of him/her. Officer A observed the Subject drive away from the fast food restaurant drive-through in a reckless manner and collide with multiple police vehicles. The BOPC noted Officer A's observation that the Subject was armed with a machete throughout the encounter, had committed a robbery, was not complying with commands by officers to drop the machete, had committed a carjacking, and had attempted to flee the location in a reckless manner.

Officer A followed the Subject a short distance from the drive-through to the street, where the Subject had been involved in a traffic collision. Officer A took a position of cover behind the front end of his/her police vehicle and observed the Subject exit the stolen Lexus sedan, armed with the machete, in an aggressive manner. Officer A

believed the Subject was an immediate danger to both officers and residents in the area. Officer A discharged one Super-Sock round from his/her Beanbag Shotgun to stop the immediate threat posed by the Subject. Officer A assessed and immediately ceased firing based on the Subject being out of view and fleeing in a northeasterly direction onto the boulevard. The BOPC considered the limited amount of time to provide the Subject a verbal warning prior to the discharging of the Beanbag Shotgun, based on the Subject's sudden and aggressive exit from the Lexus sedan, and opined it was not feasible in this circumstance. Additionally, the BOPC noted that Officer A discharged his/her Beanbag Shotgun based on his/her independent assessment and belief that the Subject's actions were an immediate danger to officers and the community, and not as a result of Sergeant A's direction to fire the Beanbag Shotgun.

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 believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect the Subject's arrest.

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

- **Officer C** – (40mm LLL, one foam projectile)

According to Officer C, immediately after the Subject attempted to flee the location in the Lexus sedan, the Subject became involved in a traffic collision. Officer C followed the Subject a short distance to where the Subject had collided and deployed behind the cover of a black and white police vehicle. Officer C observed the Subject exit the Lexus while holding the machete in an aggressive manner. After exiting the vehicle, the Subject faced south, then faced and took a step towards Officer C's direction. Officer C fired one 40mm foam projectile from a standing position at the Subject due to his aggressive combative behavior towards the officers and the imminent threat of serious bodily injury to the officers and public in the area. Officer C advised that the Subject's sudden exit from the Lexus did not allow time to issue a use of force warning or any commands, noting that the Subject had ignored all prior commands issued to him by officers. Additionally, Officer C believed his/her 40mm LLL foam projectile struck the Subject in the chest area, but it was ineffective.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer C's less-lethal use of force utilizing the 40mm LLL. The BOPC noted that Officer C was aware of the comments of the call, indicating that the Subject was a robbery suspect armed with a machete. Upon his/her arrival to the scene, Officer C observed the Subject armed with a machete and moving west in the fast food restaurant drive-through in an aggressive manner towards a Lexus sedan. Officer C was provided a 40mm LLL from Officer M, who was the officer nearest to the Subject and providing commands to the Subject to stop and drop the machete.

The BOPC noted that once Officer C received the 40mm LLL, he/she assumed the duties of the less-lethal officer and attempted to get into position to utilize the 40mm LLL. Officer C observed the Subject commit a violent carjacking in front of him/her, drive away from the fast food restaurant drive-through in a reckless manner, and collide with multiple police vehicles. The BOPC noted Officer C observed that the Subject was armed with a machete throughout the encounter, had committed a robbery, was not complying with commands by officers to drop the machete, had committed a violent carjacking, and attempted to flee the location in a reckless manner.

Officer C followed the Subject a short distance from the drive-through to the street, where the Subject had been involved in a traffic collision. Officer C took a position of cover behind the rear of a police vehicle, in a southeasterly position from the Lexus sedan. Officer C observed the Subject exit the stolen Lexus sedan armed with the machete in a rapid and aggressive manner. Officer C fired one foam projectile from his/her 40mm LLL to stop the imminent threat posed by the Subject to him/herself, other officers, and the community. Officer C assessed that the 40mm LLL had no effect on the Subject. As the Subject fled in a northeasterly direction, Officer C began reloading his/her 40mm LLL as he/she followed after the Subject. The BOPC considered the limited amount of time to provide the Subject a verbal warning prior to the discharging of the 40mm LLL, noted the Subject's sudden and aggressive exit from the Lexus sedan, and opined it was not feasible in this circumstance. Additionally, the BOPC noted based on the investigation that both the Beanbag Shotgun and the 40mm LLL were fired simultaneously.

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

Therefore, the BOPC found Officer C's less-lethal force utilizing the 40mm LLL to be objectively reasonable and In Policy.

#### **D. Lethal Use of Force**

- **Officer C** – (pistol, 12 rounds fired in three volleys of fire)

**Volley One** – Six rounds fired in an easterly to northeasterly direction from an approximate decreasing distance of 20 to 3 feet.

According to Officer C, he/she followed after the Subject as the Subject fled in a northeast direction on the boulevard in order to maintain visual contact of the Subject, who was still armed with a machete. As Officer C continued to follow east behind the Subject on the north sidewalk of the boulevard, he/she observed the Subject slow down to a stop, turn around, and focus on him/her. Officer C believed the Subject was approximately 35 to 40 feet from him/her when the Subject began

running and sprinting towards him/her, holding the machete in a swinging position. Officer C moved backwards, to maintain distance from a charging the Subject. Officer C stated the Subject gained distance on him/her very quickly leading Officer C to be in fear for his/her life. Based on the imminent threat presented by the Subject's aggressive actions, Officer C believed that he/she had to act and proceeded to fire six rounds from his/her service pistol, at the Subject's center mass area. Officer C assessed after each round to see if the Subject would stop, drop the machete, or if the threat would stop or slow down at all. However, Officer C observed that though he/she was firing at the Subject, the Subject was still charging towards him/her and it didn't stop the Subject.

**Volley Two** – Two rounds fired in a northerly direction, from approximately three feet.

According to Officer C, as he/she continued to back away east on the north sidewalk of the boulevard, he/she observed a palm tree to his/her right, which he/she believed he/she could utilize as cover, to create distance or barrier between him/herself and the Subject. As Officer C was moving to his/her right, he/she was moving backwards and shooting. Officer C observed the Subject continue charging at him/her in an aggressive manner, while still armed with the machete. Based on his/her observations that the Subject was armed with a machete and charging at him/her, Officer C believed the Subject to be an imminent threat and proceeded to fire two additional rounds as he/she moved backwards in a southerly direction, off the north curb of the boulevard.

**Volley Three** – Four rounds fired upward in a northwesterly direction from approximately two feet.

According to Officer C, as he/she moved backwards off the north curb of the boulevard in a southerly direction, he/she lost his/her footing and fell to the ground. Officer C observed the Subject standing above him/her with the machete raised in the air, causing Officer C to believe the Subject was about to swing right at his/her face. Officer C was in fear for his/her life and believed he/she had to take action. Based on the Subject's close proximity to Officer C in conjunction with the Subject's aggressive action of raising up the machete, Officer C fired four rounds at the Subject, from a close contact position, while on the ground. Officer C was in fear for his/her life and fired his/her service pistol to stop the imminent threat of serious bodily injury and death that the Subject presented to him/her. Officer C assessed and observed the Subject fall onto the ground. Officer C immediately repositioned him/herself into a standing position and determined that the Subject was no longer an imminent threat.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer C's use of lethal force. The BOPC took into consideration that Officer C had knowledge that the Subject was a robbery suspect armed with a machete based on the comments of the radio call, which was initially assigned to

Officer C and his/her partner, as well as the broadcasts by Officer G, advising that the Subject was armed with a machete.

Once Officer C arrived at scene, he/she observed the Subject armed with a machete and rapidly moving west in the drive-through of the fast food restaurant, while being followed by additional officers. The BOPC noted that Officer C was in visual contact with the Subject as he made entry into the Lexus sedan and committed a violent carjacking. Officer C was handed a 40mm LLL and assumed a less-lethal role as he/she attempted to reposition to where he/she could utilize the 40mm LLL. However, before Officer C could utilize the 40mm LLL, he/she observed the Subject flee the location in the stolen Lexus sedan, which collided with multiple police vehicles in an uncontrolled manner. The BOPC noted, though officers commanded the Subject to stop and drop his machete at various times throughout the encounter, the Subject was non-compliant and generally unresponsive.

Officer C moved a short distance to the location where the Subject had been involved in a traffic collision. Officer C fired his/her 40mm LLL one time as the Subject aggressively exited the Lexus sedan, while still armed with a machete. The BOPC noted that Officer C observed the Subject flee in a northeast direction across the boulevard and immediately followed in foot pursuit in order to maintain containment and visual contact due to the high pedestrian traffic in the area from multiple schools and cafes in the area. Officer C knew the area and was aware of the many shops and restaurants along the boulevard, an elementary school located a block north, and a high school that was located a block west. Officer C showed great concern for the restaurants that had people eating in their outside sitting areas, specifically the restaurant that was located in the direction toward where the Subject had fled.

The BOPC considered that Officer C followed behind the Subject at a significant distance and assessed that the Subject presented an imminent lethal threat when the Subject suddenly stopped, turned, and aggressively charged at Officer C, while armed with the machete. Officer C slung his/her 40mm LLL, drew his/her service pistol, and attempted to command the Subject to stop and drop the machete, while he/she began backing up to maintain distance from a charging Subject. Officer C observed the speed at which the Subject was closing distance. Officer C believed the Subject was an imminent lethal threat to him/her and feared for his/her life. Officer C believed he/she need to act to stop the imminent threat that the Subject's actions posed and discharged his/her first volley of six rounds from his/her service pistol as he/she continued to back up in a westerly direction.

The BOPC noted that Officer C observed a tree just south of him/her and attempted to move to the cover of the tree as the Subject continued to charge and close distance while armed with the machete. Officer C, while moving in a southerly direction, turned and discharged two additional rounds from his/her service pistol to stop the imminent lethal threat that the Subject's intentional and aggressive movements posed to him/her. The BOPC noted the investigation determined that

the Subject had closed to within two feet of Officer C when he/she discharged his/her second volley at the Subject.

The BOPC noted that Officer C lost his/her balance immediately after firing his/her second volley and fell to the ground on the boulevard. Officer C quickly rolled to his/her back, and observed the Subject standing over him/her with the machete raised in the air with the intention of striking him/her. The BOPC noted that the investigation determined the Subject was approximately two feet from Officer C as Officer C discharged his/her third volley of four rounds from his/her service pistol, based on Officer C being in fear for his/her life and to defend his/her life from the clear and imminent lethal threat the Subject presented. The BOPC noted that Officer C immediately repositioned after the Subject fell to the ground and assessed that the Subject was no longer a lethal threat. The BOPC opined that Officer C was continually assessing after every round, including attempting to reposition him/herself to a more advantageous tactical position; however, the Subject's actions stayed consistent as he charged, while the discharged rounds did not appear to have an effect on the Subject until the end of the encounter. The BOPC noted the investigation determined approximately 10 seconds elapsed from the moment the Subject began advancing on Officer C to the last round being discharged.

Based on a preponderance of evidence and totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, would reasonably 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.

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

- **Officer E – (Pistol, two rounds)**

According to Officer E, he/she was following after Officer C and the Subject east on the boulevard attempting to close distance. As Officer E continued east, he/she observed the Subject turn around with the machete in his hand and began chasing/running towards Officer C. Officer C began moving away from the Subject and fired several rounds at the Subject. Officer E observed Officer C fall down on his/her back as he/she attempted to move away from the Subject. Officer E observed the Subject in close distance and standing directly in front of Officer C, who was on the ground, as the Subject raised the machete. Officer E believed the Subject's intention was to use force to strike down with the machete onto Officer C. Believing Officer C was in imminent danger, Officer E fired two rounds from his/her service pistol to save Officer C's life and protect him/her from any bodily force or death. Officer E immediately observed the Subject collapse to the ground. Officer E assessed and stopped firing as soon as he/she observed the Subject was no longer a threat.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer E's use of lethal force. The BOPC took into consideration that Officer E had knowledge that the Subject was a robbery suspect armed with a machete based on the comments of the radio call broadcast by CD as well as the broadcasts by Officer G, advising that the Subject was armed with a machete.

Officer E arrived on scene and had just entered the drive-through of the fast food restaurant when he/she observed the Subject accelerate and exit the drive-through in a reckless manner, causing the Subject to collide with multiple police vehicles. Officer E followed after the Subject to the scene of the traffic collision and observed the Subject exit the Lexus sedan, aggressively armed with a machete. The BOPC noted that Officer E observed the Subject flee on foot in a northeasterly direction and immediately moved to his/her police vehicle, which he/she immediately determined was disabled from the traffic collision.

Officer E and his/her partner began following after Officer C east on the boulevard. The BOPC noted the investigation determined that Officer E was initially 200 feet west of Officer C when he/she began following after Officer C. Officer E, as he/she continued in a northeasterly direction on the boulevard, observed the Subject suddenly turn and begin charging west towards Officer C on the north sidewalk of the boulevard. The BOPC noted that Officer E continued to close distance as Officer C moved backwards and discharged his/her service pistol to stop the lethal threat posed by the Subject's aggressive actions.

Officer E observed Officer C fall to the ground. Officer E drew his/her service pistol and continued to close the distance between him/her and Officer C and the Subject. The BOPC considered that Officer E observed the Subject's aggressive charge at Officer C, while armed with a machete, and Officer E's observation of the Subject standing over Officer C with the machete raised up in a striking motion. Officer E was in fear for Officer's C's safety and his/her life and discharged two rounds from his/her service pistol to protect Officer C and save his/her life from the imminent lethal threat presented by the Subject's intentional and aggressive actions.

The BOPC noted that Officer E immediately assessed after discharging his/her rounds and observed the Subject had fallen to the ground. Officer E determined the Subject was no longer an imminent threat and continued to cover the Subject as he/she waited for additional officers to arrive. The BOPC noted the rapid development of the tactical situation and that the investigation determined approximately 10 seconds elapsed from the moment the Subject began advancing on Officer C to the last round being discharged. The BOPC opined that Officer E's assessment and timely decision to utilize lethal force saved Officer C's life.

Based on a preponderance of evidence and totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer E, would reasonably 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.

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