

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

OFFICER-INVOLVED SHOOTING – 004-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	3 years, 6 months
Officer C	7 years

Reason for Police Contact

Uniformed patrol officers responded to a radio call of a person with mental illness, armed with a knife, vandalizing a home. As officers contacted the Subject, he advanced toward an officer with the knife, resulting in an Officer-Involved Shooting (OIS).

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

Board of Police Commissioners' Review

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

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

The following incident was adjudicated by the BOPC on January 9, 2018.

Incident Summary

An individual called 911 and advised that she was calling on behalf of her family member, Witness A. The individual stated that Witness A asked her to telephone the police because her other family member, the Subject, who suffered from mental illness, was armed with a knife and had vandalized her home. The caller also stated that Witness A requested that the police respond without lights or sirens so that the Subject would not be agitated by their response.

Note: Witness A had contacted the 911 caller via text message. According to Witness A, she had previously planned this text message arrangement so that she could summon help without the Subject being aware that the police had been called.

Communications Division (CD) broadcast the call of a man with mental illness, suffering from schizophrenia, walking around with a knife and vandalizing the home.

Uniformed Police Officers A and B were in a marked black and white vehicle, equipped with ballistic panels and a Digital In-Car Video System (DICVS). Officers A and B had been partners on numerous days during the past eight months and assigned to the same car for one month. During the month of this incident, they had been partners approximately five or six days. During their work assignments, Officers A and B had discussions regarding contact and cover, containing armed suspects and contacts with mentally ill individuals.

Officer B requested CD assign the call to them and read the comments of the call to Officer A. While driving to the location, Officer B requested a supervisor respond to the call. Officers A and B responded to the location without activating their emergency equipment, as requested by the comments of the radio call. Having broadcast that the "Subject was armed with a knife," CD confirmed with Officer B that they were equipped with a beanbag shotgun. Officer B also requested an additional unit to respond to assist with the call.

Note: Communications Division dispatched the call as a "Code 2" call, as the comments of the call requested, "a no lights and sirens" response to prevent agitation of the Subject. Since the emergency equipment was not activated, the DICVS did not activate automatically, nor was it manually activated by the officers, so it did not record the officer's response.

Uniformed Sergeant A responded to Officer B's supervisor request. Uniformed Police Officers C and D responded to the additional unit request. The officers were in a marked black and white police vehicle, equipped with ballistic panels and DICVS. Officers C and D had been partners for two days. During their work assignments, they both indicated they had discussions regarding weapons, ammunition, and contact and cover. However, Officer C stated that he and Officer D did not discuss tactics prior to responding to this radio call.

Officers A and B parked their police vehicle a few houses from the location. Officer A removed the beanbag shotgun from the vehicle rack, chambered a round, and slung the shotgun on his shoulder. Officers A and B activated their Body Worn Video (BWV) and approached on foot. Officer B broadcast that they were at the location and requested that the Person Reporting (PR) step outside to meet with the officers. Witness A walked out of the house and met the officers on the sidewalk.

Witness A advised the officers that the Subject had a mental illness, refused to take his medications, was suicidal, and had a large knife, which he sometimes carried tied to his wrist with a shoelace or sometimes carried in a backpack. Witness A stated that the Subject blamed her for all his problems, and was verbally abusive and aggressive to her. Witness A stated that the Subject had threatened to kill her in addition to himself.

According to Witness A, whenever the Subject would take out the knife, she would be scared. Witness A also stated she told the officers that the Subject had a knife because she knew that their lives could be threatened, in addition to her own life.

As Officers A and B spoke with Witness A, Sergeant A parked his vehicle near the location and broadcast that he had arrived at the location. Sergeant A walked to meet with the officers and Witness A. Sergeant A activated his BWV upon meeting with the officers at scene.

While Officer A interviewed Witness A for details of the incident, Sergeant A asked specific questions of Witness A to obtain more details regarding the knife and whether the Subject was armed with the knife.

Note: According to Sergeant A, Witness A did not provide him with clear information whether the Subject was armed or not. Sergeant A also stated that he was told the knife was in the room, or in a backpack, and sometimes it was in the closet.

Officers C and D parked close to the other officers' vehicle and activated their BWV as they met with the officers already at scene.

Witness A told the officers that she last saw the Subject in the closet of a rear bedroom of the residence. She provided a description of the floor plan of the house and the location of the closet.

Sergeant A formulated and discussed a tactical plan with the officers. Officer B was designated to be contact and lethal cover while Officer A was directed to provide less-lethal cover with the beanbag shotgun. Officers C and D were directed to be the arrest team, and Sergeant A was to supervise and handle radio communications. The plan was for the officers to initiate contact with the Subject and determine if a mental evaluation hold or hospitalization was necessary.

Note: According to Sergeant A, the determination to enter the residence and contact the Subject was based on Witness A's statement that the Subject had a history of mental illness, had prior incidents of hospitalization, and had threatened to harm himself. Sergeant A stated that Witness A could not confirm that the Subject was armed at that time. Sergeant A stated that he wanted to contact the Subject to determine if he would be compliant or aggressive and to assess whether the Mental Evaluation Unit (MEU) would need to respond. Sergeant A stated that he intended to request MEU, however, the incident quickly escalated when officers made contact with the Subject.

As the officers approached the front door of the residence, Officer B unholstered his pistol and held it in a low-ready position, with his finger along the frame. According to Officer B, because the Subject was reported to be armed with a knife, he unholstered his firearm in the event that the incident escalated to the need for deadly force. Officer B entered the residence foyer area, moved to the right past the front door, and took a position of cover at the door frame of the living room.

Simultaneously, Officer A unslung the beanbag shotgun and held it in a low-ready position with his finger on the safety. As Officer A entered the house, he took a position near the living room doorframe to the left of Officer B. Officers C and D took positions behind Officers A and B, inside the foyer, ready to detain the Subject if necessary, while Sergeant A took a position near the front door. According to Sergeant A, Witness A told him that she had assisted officers in the past with calming the Subject down. Sergeant A considered that as an option and advised Witness A that they would rather not put her in harm's way. Sergeant A directed Witness A to stay outside the house on the porch, near the front door to assist with talking to the Subject if necessary. While the officers entered the house, Witness A stood outside on the porch.

The following accounts of the officers' actions were obtained from their individual BWV and statements:

Officer B called out to the Subject by name and requested that he come out and talk. The Subject immediately began yelling, banging on the walls, and throwing things against the bedroom door. Officer B requested that the Subject come out and talk to them several more times; he did not comply with his requests.

Note: Officer B did not immediately identify that he was a police officer when he yelled to the Subject to come out of the bedroom and talk.

According to the Subject (who was later interviewed), he recognized that police officers were in the house because he heard them come in and also heard them call him by name to come out and talk.

According to Officer B, he was concerned because he could not see the Subject, nor the room where he was concealed, from the foyer area of the house, so he

communicated his concern to Officer A and Sergeant A. Officer B told Sergeant A and Officer A that he was going to move to the hallway door to gain a line of sight. Officer B moved forward through the living room and took a position to the right side of the doorframe of a hallway that connected the living room to the two bedrooms in the residence. From that position, Officer B could see the door of the bedroom where the Subject was located.

The door was closed and the Subject was banging objects against it. Officer A followed Officer B and took a position at the left side of the hallway door to the left of Officer B. The Subject was inside a bedroom that was approximately eight feet to the left of the living room doorway and the officers. At the opposite end of the hallway, to the right of the living room doorway, was a second bedroom. The second bedroom had an open door, which was approximately six inches to the right of the officers. Officer A did not have a line of sight on the Subject's bedroom door due to the angle and distance of the bedroom door to his position. Sergeant A took a position behind Officers A and B in the living room.

Officer B held his position at the door way as he continued to verbalize with the Subject to assess his exact location and state of mind. The Subject yelled out expletives and threatened to kill himself and the officers. (These statements were captured on Officer B's BWV).

Officer B told the Subject they were there to help him and not arrest him. Officer B also asked the Subject if he wanted to go talk to a doctor. The Subject yelled at the officers to leave and stated that he had a knife. The sound of banging and movement could be heard coming from the bedroom, which caused the officers to worry that the Subject was attempting to exit the bedroom from a point other than the hallway door.

In the meantime, Officers C and D took positions in the foyer, at the entryway to the dining room, to cover the dining room and the doorway to the kitchen. According to Officer C, he heard the Subject yelling and banging on the walls with an object that had a metallic sound. Officer C was concerned that the Subject could exit the bedroom through the rear of the house and make entry into the kitchen, where he could then attack the officers from behind. Officer C unholstered his pistol and held it in a low-ready position with his finger along the frame. Officer C told Officer D that he had lethal cover. Officer D unholstered his TASER and held it in a low-ready position. Officers C and D had a line of sight on Officers A and B from their position at the dining room entry door. From the living room, Sergeant A could see both pairs of officers positioned to his left and to his right.

At that time, the officers heard sounds that were perceived to be a metal door being opened at the rear of the house. Officer B yelled to the other officers that he believed the Subject had exited the rear of the house and was outside. Sergeant A and Officer C exited the residence onto the front porch and checked the exterior of the house. Officer C held his pistol pointed toward the ground, with his finger along the frame, as he moved from the dining room to the porch.

Simultaneously, Officer D holstered his TASER and unholstered his pistol, which he held in a low-ready position as he maintained a guard position in the foyer, covering the dining room and kitchen. According to Officer D, he unholstered his pistol because the Subject was reported to be armed with a knife, was agitated, and was being aggressive toward the officers.

Sergeant A requested an Air Unit to respond to assist with containment. Sergeant A also requested an additional supervisor and an additional unit to provide containment on the outside of the residence.

Officer C returned to the dining room and illuminated the kitchen with the tactical light that was attached to his pistol. Officer C advised Officer D that he was going to move forward to clear the kitchen. Officer C observed that the layout of the kitchen was in an L-shape and the right rear portion of the kitchen was not visible from the dining room. Officer C moved through the dining room toward the kitchen door and obtained a chair from the dining table with his left hand, while still holding his pistol in his right hand at a low ready position. Officer C pushed the chair into the doorway of the kitchen, which he utilized as a barrier, ahead of his approach. According to Officer C, he placed the chair in the kitchen door to create distance and reaction time in the event the Subject tried to attack them.

Meanwhile, Officers A and B were concerned that the narrow doorway and hallway did not allow both officers to have a line of sight to the door of the bedroom where the Subject was situated. The officers discussed clearing and utilizing the bedroom as a position of advantage to deploy less-lethal weapons if necessary. The bedroom was at the opposite end of the hall from the bedroom where the Subject was located. The door to the bedroom was wide open and the officers could see into the room. Sergeant A directed Officer B to clear the bedroom. As Officer B entered the bedroom, Sergeant A unholstered his pistol and held it in a low-ready position with his finger along the frame. Sergeant A then took a position of cover at the doorframe from where Officer B had just moved away, covering the door of the bedroom where the Subject was contained.

Note: Sergeant A discussed clearing and utilizing the bedroom with the officers and directed Officer B to clear the room.

Sergeant A maintained his cover position until Officer B cleared the room. Meanwhile, Officer A maintained his position in the living room near the hallway door, with the beanbag shotgun at a low-ready position. Officer B confirmed that the Subject did not have a point of entry into the bedroom and advised the officers accordingly. Officer B exited the bedroom, and Sergeant A holstered his pistol as he relinquished his lethal cover position back to Officer B.

Sergeant A then went to the front porch and questioned Witness A regarding any rear doors or exits from the bedroom where the Subject was situated. Witness A told Sergeant A that the rear door and windows were closed, secured with bolts, and the

only way out of the bedroom was through the hallway connected to the living room. Sergeant A informed the officers that the Subject was contained in the bedroom and that the hallway door was the only exit.

Sergeant A directed Officers C and D to clear the kitchen area to verify that the Subject had no pathway from the bedroom to the rest of the house. Officer D, while still holding his pistol in a low-ready position, moved further into the dining room to clear the kitchen. Officer C holstered his pistol and unholstered his TASER, holding it in a low-ready position, to provide less-lethal cover as he stood to the left of Officer D. Officer C verbalized to Officer D that he had less-lethal weapon and was covering to Officer D's left side.

Officers C and D entered the kitchen, observed that the area was clear, and verified there was no route of ingress or egress through the kitchen or dining room. Officer C holstered his TASER and Officer D holstered his pistol. Officers C and D then took positions in the living room behind Officers A and B to assist with the detention of the Subject.

Sergeant B now arrived at the location and met with Sergeant A at the front door of the residence. Sergeant A directed Sergeant B to team up with a patrol unit to contain the rear of the house. Sergeant A advised Sergeant B that the Subject was locked in the rear bedroom and had no exit point from that location. Sergeant A requested that Sergeant B attempt to gain sight of the Subject through a rear window for intelligence and to determine what his actions were.

Officers A and B assessed the situation and had a discussion that led to a revised tactical plan. Officer B would hold his position at the hallway door, as Officers A and C would take positions in the bedroom. Officer A would have a line of sight on the bedroom door and be in position to deploy the beanbag shotgun if necessary. As Officer A moved into the bedroom, Officer C unholstered his pistol and held it in a low-ready position with his finger along the frame to provide cover for Officer A and followed him into the bedroom. Officer A took a position of cover in the doorframe of a closet in the bedroom, with a direct line of sight on the Subject's bedroom door. Officer C took a position to Officer A's right with a line of sight on the Subject's bedroom door. Officer C attempted to utilize the open closet door as cover, placing the door between himself and the hallway.

According to Officer C, that position did not provide sufficient cover, so he attempted to position himself in the closet with Officer A and discovered that the space was not large enough for both officers to utilize as cover. Officer C then took a position to the right of and slightly behind Officer A, used the open closet door as cover, and stood in a barricaded position. Officer C activated the tactical light attached to his pistol and illuminated the closed bedroom door. Officers A and C discussed deploying the beanbag shotgun first and if that was unsuccessful, Officer C would resort to lethal force if necessary. Officers A and C could see Officer B's hands and pistol as he stood at the hallway doorframe. Officer A advised Officer B of a crossfire concern and advised him

not to enter the hallway. Officer B verbally acknowledged Officer A, stating that he would not step into the hallway.

In the meantime, Sergeant A returned to the living room where Officer B advised him that Officers A and C had moved into the bedroom.

Uniformed Officers E and F arrived at the location and joined Sergeant B on one side of the residence. Sergeant B briefed the officers that their goal was to provide containment. Sergeant B directed Officer E to be lethal cover and Officer F to be less-lethal cover with the beanbag shotgun. Officer F retrieved the beanbag shotgun from his police vehicle, chambered a round, and carried the shotgun upright with the safety on and his finger along the frame. Sergeant B and Officer E attempted to look inside the bedroom windows located to the rear of the residence, but the windows were fully covered on the inside with a cloth material, blocking a view of inside the residence. Sergeant B observed that a rear gate was locked preventing access to the side of the residence. Sergeant B advised Sergeant A that he was unable to observe the Subject.

While Officer B continued to communicate with the Subject, attempting to gain rapport and a dialogue, the Subject opened the bedroom door approximately three inches wide, extended the blade of a knife out of the door toward the officers, holding the knife in his right hand and stated, "If you rush in I swear I'm going to stab you guys." Officer B announced to the officers that the Subject had a knife and verbalized to the Subject to drop the knife. Simultaneously, Officer A announced that the Subject had a knife. According to Officer C, he heard the door open and observed the bladed portion of a knife sticking out into the hallway. The Subject slammed the door closed and banged on the door and walls.

Officer A took a kneeling barricade position in the doorframe of the closet and advised that he could see movement through a keyhole in the door and that the Subject was at the door.

Officer B continued to communicate with the Subject, attempting to deescalate the situation. After several minutes, the Subject opened the door a second time, extended the knife blade a few inches out of the door toward the officers, and threatened the officers. Officer B verbalized to the Subject to drop the knife and to exit the room. The Subject again slammed the door closed and yelled at the officers to leave.

As Officer B continued to talk to the Subject and a dialogue began to develop, which continued for several minutes. The Subject suddenly opened the door and stated "What, you want to shoot me?" as he held the knife in his right hand with his arm bent 90 degrees at the elbow and the blade down above waist level. Officer B verbalized to the Subject to drop the knife and come out of the room without the knife. The Subject reached down and moved items that were blocking the door. Officer A told the Subject that no one wanted to hurt him. Officer A moved from a kneeling barricade position to a standing barricade position in the doorframe of the closet.

The Subject then opened the door, raised the knife in his right hand to shoulder level with the blade pointed toward Officer B. The Subject stepped past the threshold of the door, into the hallway, moving toward Officer B.

Simultaneously, according to Officer A, he aligned his sights on the Subject's abdomen, released the safety, placed his finger on the trigger, and discharged one beanbag round from a distance of approximately 15 feet. The beanbag round struck the Subject on the right side of his abdomen. Officer A removed his finger from the trigger, racked the shotgun slide handle, which ejected the spent cartridge and cycled a live beanbag round into the chamber.

Note: According to Officer A, when the Subject opened the door, he immediately stepped through the doorway, which did not provide sufficient time to give any warning prior to firing the beanbag shotgun. Officer A stated he fired at the Subject because he believed that he was charging toward Officer B and was going to attack him with the knife.

Simultaneously, according to Officer C, he aligned his sights on the Subject's upper chest area, placed his finger on the trigger, and discharged one round from his pistol from approximately 16 feet. The round did not strike the Subject but struck the right side of the doorframe, approximately four and a half feet above the floor. Officer C removed his finger from the trigger, placed it along the frame, and assessed. Regarding his decision to shoot, Officer C stated it was possible that the Subject was under the influence of narcotics due to his agitation, and he did not know if the beanbag round would be effective against the Subject. Officer C also kept in mind that Officer B was close to the doorway and that the Subject would only need two steps to reach Officer B to harm him with the knife. Officer C further recalled that the Subject had his hand raised above his shoulder when he pulled the trigger.

Note: Due to the floor plan of the residence and the positions of the doorways, Officer B's position of cover was approximately eight feet from the Subject's bedroom door, Officer C's position was 16 feet away, and Officer A's position was 15 feet away.

BWV captured the sequence and timing of the shots. Officer A shot the beanbag round, followed by Officer C's firing his firearm.

Simultaneously, according to Officer B, he aligned his sights on the Subject's torso and placed his finger on the trigger. Officer B intended to discharge his pistol in immediate defense of his life because of the Subject's threats, in addition to his raising the knife, and moving in Officer B's direction. Officer B stated he believed that the Subject was going to attack him with the knife; however, he did not discharge his pistol because he heard Officer A fire the beanbag shotgun.

After being struck by the beanbag round, the Subject retreated into the bedroom, closed the door, and yelled that he had been shot and was making moaning sounds.

Note: During his interview, the Subject later stated, "I got shot. I had the knife."

Sergeant A broadcast that shots had been fired at the location and requested containment, as the officers still had an armed Subject inside the residence. Sergeant A then confirmed which officers had discharged their firearms. Officer A advised that he fired one round from his beanbag shotgun, which he observed had struck the Subject on the abdomen. Officer B stated that he also observed the beanbag round strike the Subject. Officer C advised that he fired one round from his pistol, but he did not know if the round struck the Subject.

Sergeant A requested four additional units to respond to assist with containment and a Rescue Ambulance (RA) to standby. Meanwhile, upon hearing the sound of gunfire, Officers E and F responded inside the residence. Officer E unholstered his pistol and held it in a low-ready position, with his finger along the frame, as he entered the residence. Prior to entering the residence, Officer F slung the beanbag shotgun. When Officer E entered the living room area, Sergeant A advised him to avoid crossfire and holster his pistol. Officer E immediately holstered his pistol.

Officer E took a position in the living room near Officer D and Sergeant A to assist with the arrest if necessary. Officer F returned to the exterior of the residence to resume containment with Sergeant B. Officer F provided Sergeant B with an update of the situation inside the residence.

Sergeant A assessed and determined that the situation was an ongoing tactical incident, with the Subject still armed and active. Sergeant A stated he believed it was unsafe to remove the officers from inside the residence and he needed to determine if the Subject needed medical attention. Sergeant A directed officers to avoid crossfire and crowding at the hallway doors. Sergeant A then verbally reaffirmed each officer's specific roles. Sergeant A directed Officer B to maintain his position as lethal point on the door, Officer A to maintain his position with less-lethal force with the beanbag shotgun, and Officer D to have a TASER available. Sergeant A assigned Officers D and E to be the arrest team.

Officers A and C assessed their positions and discussed utilizing the bedroom closet for cover. Officer A assumed a kneeling barricade position in the closet doorframe and Officer C took a standing barricade position in the closet doorframe above Officer A.

Sergeant A requested that Sergeant B establish a Command Post (CP) and to direct responding units. In the meantime, Officer B resumed attempting to communicate with the Subject, asking if he was injured, telling him that an RA was coming, and that officers wanted to help him. For several minutes, the Subject remained silent and did not respond. The officers discussed the necessity to enter the room to determine if the Subject needed medical attention. The officers also discussed the need to use breaching tools to enter the bedroom.

Officer D located a broom in the residence that could be utilized to push open the bedroom door to assess the Subject's condition. According to Officer B, for officer safety and to avoid crossfire, he announced that Officer D was going to attempt to push open the bedroom door. Officer D was unable to push the door open with the broom. Sergeant A directed Officer D to tap on the bedroom door with the broom to determine if the Subject was still active in the room. When Officer D tapped on the door with the broom handle, the Subject began yelling again and could be heard moving around in the room. Officer B resumed talking to the Subject.

Sergeant A requested that CD contact Metropolitan Division and request the response of Special Weapons and Tactics (SWAT) to assist with an armed barricaded Subject.

After several minutes, the Subject opened the bedroom door approximately two inches while still holding the knife in his right hand. Officer B warned the Subject to put the knife down and requested that he come out of the room unarmed. The Subject opened the door holding the knife in his right hand, showed the knife to Officer B, and again threatened the officers. The Subject then threw the knife backwards, over his right shoulder, and stated that he was coming out. The Subject opened the door and displayed his empty hands. Officer B announced that the Subject was exiting the room and was unarmed. Officer D unholstered his TASER and held it in his right hand in a low-ready position to provide less-lethal cover. Simultaneously, Officer A slung his beanbag shotgun on his shoulder and unholstered his TASER, which he held in a low-ready position. According to Officer A, he unholstered his TASER in the event that the Subject became combative while the officers were taking him into custody.

The Subject exited the bedroom with his hands above his shoulders, near his head, and walked backward into the hallway. Officer B holstered his pistol, retrieved his handcuffs from his belt and held the cuffs in his right hand as he approached the Subject. The officers took the Subject into custody using firm grips and bodyweight.

Los Angeles Fire Department personnel responded, and assessed the Subject's injuries. He was not struck by the gunfire but did sustain some non-life-threatening injuries, so he was transported him to a nearby hospital for treatment of those injuries.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements, and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident

as it is reviewed by various levels within the Department and by the BOPC. Based on its review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Sergeant A's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers A, B, C, and D's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

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

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officer C's lethal use of force to be in policy.

Basis for Findings

Detention

- The officers responded to a radio call at a residence for a man suffering from mental illness, who was armed with a knife and vandalizing the home. When the officers made verbal contact with the Subject, the Subject threatened to kill himself and his family member. The Subject also threatened to use his knife on the officers. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

Tactical De-Escalation

- Tactical de-escalation does not require that an officer compromise his 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.

In this case, the officers were dealing with a Subject who was armed with a knife and suffering from mental illness. An officer continued to verbalize with the Subject in an effort to get the Subject to surrender and resolve the situation peacefully. The Subject refused to comply and eventually stepped out of the bedroom in the direction of an officer with the knife in his hand.

Faced with an imminent threat of serious bodily injury or death, one officer deployed less-lethal force and one officer utilized lethal force to stop the deadly threat.

Immediately thereafter, the Subject retreated back into the bedroom and closed the door. Once again, an officer began to verbalize with the Subject in an effort to get him to surrender. After a brief period, the Subject exited, surrendered to the officers, and was taken into custody without further incident.

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Tactical Communications/Planning – (Substantial Deviation – Sergeant A)

Sergeant A did not effectively communicate the officers' responsibilities prior to entering the residence of an armed suspect.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Supervisors and officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Sergeant A directed his officers into a residence with a Subject he believed was probably armed without speaking with the officers about their knowledge of the incident and did not communicate effectively with the officers as the incident unfolded.

Based on the totality of the circumstances, the BOPC determined that Sergeant A's actions were a substantial deviation, without justification, from approved Department tactical training.

2. Barricaded Subjects – (Substantial Deviation – Sergeant A)

Sergeant A failed to recognize the situation met the criteria for a barricaded Subject and request the resources of SWAT personnel.

In this case, prior to entering the residence, Sergeant A knew the Subject was probably armed with a knife, was suffering from a mental illness, and had already displayed violent behavior toward his family member. With this information, he should have developed a plan to call the Subject out of the residence.

Upon entering the residence with the officers, he was able to confirm that the Subject was in his bedroom, armed with a knife, and refusing to comply with their commands.

Based on the totality of the circumstances, the BOPC determined Sergeant A's failure to identify the situation as a barricaded suspect situation was a substantial deviation, without justification, from approved Department tactical training.

3. Building Searches

Officer C conducted a limited search of the kitchen while using his TASER as lethal cover.

In this case, officers received information regarding a Subject suffering from a mental illness who was possibly armed with a knife. Officer C and his partner were advised that the Subject did not have access to the kitchen and were directed to clear the area. Officer C then holstered his pistol, drew his TASER, and advised his partner that he would be utilizing less-lethal force.

Based on the totality of the circumstances, the BOPC determined that in this circumstance Officer C's decision to clear the kitchen with his TASER was not a substantial deviation from approved Department tactical training.

- The BOPC also considered the following:
 1. Situational Awareness – The investigation revealed that Officers C and B placed their fingers on the trigger before they intended to shoot. The officers were reminded of adhering to the Basic Firearms Safety Rules to avoid a potential for an unintentional discharge.
 2. Use of Force Warning – The investigation revealed Officer A did not provide a Use of Force Warning prior to deploying his less-lethal force option. Officer A was reminded that a Use of Force Warning shall be given whenever feasible.
 3. Taser in Primary Hand while Handcuffing with Support Hand – The investigation revealed that Officer D held his TASER in his primary hand while he assisted handcuffing the Subject with his support hand. Officer D was reminded that an officer's hands should be free of equipment when initiating physical contact with a subject as it may inhibit an officer's ability to fully engage with the subject.
 4. Simultaneous Commands – The investigation revealed that several officers were giving simultaneously commands to the Subject during the incident. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

These topics were to be discussed during the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident

specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC found Sergeant A's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers A, B, C, and D's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- According to Sergeant A, he drew his service pistol to provide temporary cover for Officer A while Officer B cleared the bedroom under his direction.

According to Officer B, based on the information that the Subject was armed with a knife and making threats, he drew his service pistol prior to making entry into the residence.

According to Officer C, he drew his service pistol and held the kitchen entryway with Officer D because he believed the Subject could possibly have access to the kitchen area. According to Officer C, he drew his service pistol a second time because the Subject was possibly armed with a knife and the situation could escalate to one involving the use of deadly force. Officer C holstered his service pistol after the OIS and drew it a third time while clearing the Subject's bedroom for possible additional suspects.

According to Officer D, he drew his service pistol to hold the kitchen area and make sure the Subject was not going to come around the side.

Based on the totality of the circumstances, the BOPC determined a supervisor and officers with similar training and experience as Sergeant A and Officers B, C, and D, when faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant A, along with Officers B, C, and D's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer A** – (beanbag shotgun, one round)

According to Officer A, he observed the Subject come out of the bedroom in an aggressive and combative manner with both hands up and the knife in his right hand. Officer A then fired one beanbag round from his beanbag shotgun at the Subject's abdomen area.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, when faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to overcome the Subject's resistance.

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

D. Lethal Use of Force

- **Officer C – (pistol, one round)**

According to Officer C, he observed the Subject come out of the bedroom with a knife in his right hand and step into the hallway toward Officer B's direction, while raising his hand with the knife. Officer C then fired one round from his service pistol at the Subject to prevent him from stabbing Officer B.

Based on the 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.