

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

OFFICER-INVOLVED SHOOTING – 002-24

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	1/19/24		
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Officer(s) Involved in Use of Force	Length of Service
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Officer G	16 years, 8 months
Officer H	4 years, 11 months
Officer I	11 months

Reason for Police Contact

Olympic Patrol Division uniformed police officers initiated a pursuit of a stolen vehicle. Newton and Southwest Patrol Division uniformed police officers eventually took over the pursuit. The pursuit terminated in Newton Division when the Subject collided with a parked vehicle. The Subject ran into an occupied warehouse followed by officers. The Subject stopped, turned toward officers, drew and racked a handgun resulting in an Officer-Involved Shooting (OIS). The Subject was struck by gunfire and was taken into custody.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 32 years of age.

Board of Police Commissioners' Review

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

The following incident was adjudicated by the BOPC on December 10, 2024.

Investigative Summary

On Thursday, January 18, 2024, Witness A discovered his pickup truck missing from his backyard. The next morning, on Friday, January 19, 2024, at 1000 hours, Witness A reported his truck stolen to an outside police agency. Witness A advised officers of the outside agency that he worked as an armed security guard and kept a loaded semiautomatic weapon inside a locked container in his truck. Witness A also reported that his cousin, (Subject) was the person who stole his pickup truck and believed he was headed to Los Angeles.

On January 19, 2024, at approximately 1210 hours, Olympic Patrol Division Police Officers A and B were patrolling when they observed a truck parked along the south curb. As they drove past the truck, Officer B conducted a want/warrant check on the license plate using the police vehicle's Mobile Data Computer (MDC). Their inquiry revealed the truck, along with a handgun were reported stolen.

Officers A and B continued west and telephoned Olympic Patrol Division, Police Officers C and D. Officer A asked Officer C to assist them in impounding the vehicle, provided them with the description and advised them a handgun was inside the vehicle.

According to Officer A, they were intending to impound the vehicle when they saw that it was now moving northbound. Officers followed the truck east and Officer B broadcast on Olympic base frequency they were following a stolen vehicle and requested a backup and an airship.

Air Support Division responded to the request with Pilot, Police Officer E and Tactical Flight Officer (TFO), Police Officer F. Officer B conducted an additional broadcast indicating a handgun was taken along with the truck.

Unless otherwise specified, the officers involved in this incident were in full police uniform and operating out of a marked black and white police vehicle equipped with Digital In-Car Video System (DICVS). Additionally, each officer was equipped with a Body Worn Video (BWV) camera, ballistic vest, Department-approved handgun, TASER, Oleoresin Capsicum (OC) spray, handcuffs, Hobble Restraint Device (HRD), and a baton.

The officers attempted to stop the truck by activating the emergency lights and siren however the Subject did not yield and a pursuit was initiated. Air Support tracked the vehicle as it traversed city streets through multiple patrol divisions. As the pursuit entered the city's Garment District, in Newton Division, Air Support advised that due to the high-rise buildings in the area, it would not be able to track the vehicle. Air Support maintained a visual of the truck and directed officers to the area.

Southwest Patrol Division, Police Officers G and H and Newton Police Officers I and J responded to the vehicle pursuit.

The pursuit traveled approximately 19 miles through multiple surface streets and the freeway. A pursuit report was completed for the incident documenting and identifying the officers involved in the pursuit, the route, and multiple traffic violations committed by the Subject while evading officers.

At 1238 hours, DICV from Officers G and H's police vehicle, depicted the stolen truck colliding with a parked vehicle. The Subject exited the truck and ran south.

Officer G observed the Subject run east down an alley and noticed an unidentified male entering the loading bay entrance of a warehouse. Officer G saw the Subject follow the unidentified male into the warehouse and believed Subject was "chasing him."

Officers G, H and I exited their police vehicles and chased the Subject into the warehouse. According to all three officers, they believed the Subject might escalate the situation into a hostage scenario and they wanted to prevent it.

Officer I stopped his/her police vehicle near a parked box truck. Officer J was seated in the passenger seat of the police vehicle and could not exit through the passenger door due to the close proximity to the box truck. Officer J's BWV footage captured him/her climbing into the driver's seat and exiting through the driver's side door. Officer I believed there was enough room for his/her partner to exit the vehicle from the passenger side.

Investigators recovered Closed Circuit Television (CCTV) footage from cameras inside the warehouse that captured the incident. The timestamp on the CCTV footage was three minutes and forty seconds behind the actual time and had no audio.

According to the CCTV, the Subject ran south through the warehouse and passed several workers toward stacked cardboard boxes, with officers behind him. The Subject stopped and turned around, keeping his arms down by his waist. The Subject reached into his clothing with his right hand and pulled out a pistol from his waistband. Holding the pistol in his right hand, he placed his left hand on top of the pistol and racked it. In response, an OIS occurred. The Subject collapsed on the floor after being shot by Officers H, G and I. Still holding the pistol, the Subject leaned forward in their direction, prompting the officers to fire again. Approximately 16 seconds later Subject pushed the pistol sliding it away from him.

Officer H recalled that the Subject removed the pistol from the front pouch of his "hoodie," while Officers G and I reported seeing the Subject remove the pistol from his waistband. During the Subject's arrest, officers recovered a holster from Subject's front waistband.

The following events unfolded rapidly, and several of Officers G, H, and I's actions occurred simultaneously.

Officer G's account of the OIS

At 1238:52 hours, Officer G's BWV depicts him/her running into the warehouse behind Officer H. Officer G unholstered his/her pistol, pointed it toward the Subject and yelled "You're gonna get shot," as he/she positioned himself/herself to the left of Officer H.

According to Officer G, he/she believed that the Subject was armed and that deadly force may be necessary.

Rounds 1 through 4

At 1239 hours, Officer G's BWV depicts him/her firing four rounds at the Subject. According to Officer G, he/she observed the Subject racking his gun and pointing at him/her and believed he fired. Officer G stated that after he/she fired back at the Subject, he did not go down and he/she believed that he/she was going to get shot so he/she moved over to get cover.

Round 5

Officer G moved to his/her left behind a stack of cardboard boxes and yelled at the Subject, "Let me see your hands." Officer G fired an additional round at the Subject.

According to Officer G, he/she moved to the left for cover, he/she could still see the Subject holding his weapon and pointing it at him/her. Officer G stated that he/she assessed and saw that the Subject was not down so he/she fired one additional round and saw that the Subject was still holding his weapon. Officer G then observed the Subject going down. Officer G stated that he/she assessed and then went into incident commander mode and took control of the scene.

While behind cover, Officer G advised Officers H and I that the Subject was "reaching" and directed them to "get cover."

According to Officer G, the reason he/she fired was that he/she feared for his/her life. Officer G stated the Subject reached into his waistband and saw the Subject with a gun and pointed it at him/her and fired.

Officer G described his/her background as a U shaped box that the Subject was near and he did not have anywhere to go. Officer G stated behind that, there were multiple boxes that were high up with a wall behind the boxes.

The investigation determined Officer G fired five rounds from an approximate distance of 40 feet in a southern direction.

Officer H's account of the OIS

Officer H observed the Subject stop and turn in his/her direction. At 1238:55 hours, Officer H' BWV depicts him/her shouting, "Get on the ground, get on the ground right now!" as he/she unholstered his/her pistol.

Rounds 1 through 4

According to Officer H, the Subject did not comply with his/her commands but rather turned around, removed a firearm from the front pouch of his hoodie, racked it and pointed it at him/her. Officer H fired four rounds at the Subject.

Rounds 5 and 6

After firing his/her fourth round, Officer H believed the Subject fired at him twice. Officer H fired his/her fifth and sixth rounds. According to Officer H, the Subject was in the process of going to the ground with the gun still pointed in his/her direction.

Rounds 7 through 12

After firing his/her sixth round, Officer H paused and yelled, "Show us your hands," as he/she continued to point his/her pistol in the Subject's direction. Officer H fired six additional rounds. According to Officer H, the Subject was still on the ground, but he still has his gun pointed at him/her.

After Officer H fired his/her twelfth round, he/she stepped to his/her left, positioning himself/herself next to Officer G. Officer H conducted an in-battery speed reload and dropped his/her magazine on the floor.

Officer H described his/her background as the ground and cardboard boxes.

The investigation determined Officer H fired 12 rounds from an increasing distance of 40 to 43 feet in a southern direction.

Officer I's account of the OIS

Rounds 1 through 7

At 1238:53 hours, Officer I's BWV depicts him/her running into the warehouse and unholstering his/her pistol. Officer I positioned himself/herself to the right of Officer H and fired seven rounds.

According to Officer I, as he/she entered the warehouse, the Subject stopped and faced him/her. The Subject then produced a handgun and was in a fighting stance. Officer I unholstered his/her weapon and saw the Subject racking the weapon, lifting gun up toward him/her so Officer I fired at the Subject.

Officer I stated that the actions of the Subject did not change, so he/she fired his/her second and third rounds. Officer I stated that the Subject's actions were still the same with the weapon still pointed at him/her, so he/she fired his/her fourth, fifth and sixth rounds. Officer I stated that the Subject's actions still remained the same, with his weapon in his hand and pointed toward him/her so he/she fired his/her seventh round and that is when he/she saw the Subject fall to the ground.

Rounds 8 through 12

After firing the first seven rounds, Officer I moved left, closer to Officer H and fired two additional rounds.

According to Officer I, the Subject had his hand tucked into his stomach and was pretty much facing the ground. Officer I stated that he/she had already moved to his/her right and that is when the Subject attempted to get up one more time. Officer I could see that the Subject was still holding his gun and could see the Subject moving his hand toward him/her. Officer I believed that the Subject was going to shoot him/her.

Officer I stated that due to the Subject trying to get up, while pointing his weapon at him/her and other officer, Officer I fired three more rounds because the actions of the Subject remained the same. Officer I stated that after firing his/her twelfth round, he/she saw the Subject collapse back down to the ground.

Officer I positioned himself/herself next to Officer H behind a group of stacked boxes as Officer G yelled for them to "get cover."

Officer G broadcast an officer needs help call and informed officers that the Subject dropped the gun next to him.

The investigation determined Officer I fired 12 rounds from an increasing distance of 40 to 43 feet in a southern direction.

Officers G, H, and I all believed they were fired upon by the Subject. Investigators were unable to locate any physical evidence to confirm that the Subject had fired his firearm.

Sound Graph Analysis

A sound analysis was completed which determined there were a total of two volleys of gunfire identified. The first volley occurred in 2.446 seconds and the second in 3.280 seconds. There was a pause between the two volleys of gunfire that lasted 2.561 seconds. The total duration of time from the first gunshot of the first volley to the final gunshot of the second volley was 8.287 seconds.

Post OIS

Officer G directed officers to obtain a shield and coordinated an arrest team which included himself/herself, along with several assisting officers. Additional officers arrived and assisted the civilians who were hiding behind boxes in exiting the warehouse.

As officers made their approach, Officer K stepped on Subject's gun causing the magazine to eject from the gun's magazine well. According to Officer K, he/she knew that the gun was still close to the Subject and he/she wanted to separate the gun from the Subject in the event the Subject tried to get up. According to Officer K, he/she placed his/her left foot over the top of the gun and kicked it backwards. According to Officer K, after kicking the gun backwards, other officers moved forward to handcuff the Subject. The arrest team approached the Subject and he was taken into custody. Immediately after he was taken into custody, officers began to render aid. According to Officer G's BWV, at 1241 hours, he/she requested a Rescue Ambulance (RA).

Sergeant A arrived, identified the involved officers and instructed officers to move the Subject to an open space to continue to render aid. Officers moved the Subject a few feet in front of the stacked cardboard boxes and continued to render aid. Officer K took the lead in providing medical aid to the Subject. According to Officer K, he/she served in the military as an instructor for the Combat Lifesaver Program. Officer K placed a vent chest seal on the Subject's wound and directed other officers to treat the Subject's injuries. Officer L searched the Subject, recovered a black holster from his front waistband and placed it on the ground.

Sergeant A declared himself/herself Incident Commander and requested additional supervisors to monitor involved officers.

As officers continued to render aid, the Subject yelled, "I can't breathe." In response, officers placed him on his left side. The Subject told officers, "I can't breathe like this," and officers repositioned him on his back. They continued to render aid and monitor the Subject until paramedics arrived.

At 1250 hours, Los Angeles Fire Department (LAFD) RA Firefighters Paramedics (FF/PM) A and B arrived, treated the Subject for multiple gunshot wounds and transported him to a nearby hospital. Officer M accompanied the Subject inside the ambulance during the transport to the hospital. Officer Saucedo turned off his/her BWV as they transported the Subject to the hospital due to not wanting to violate HIPAA laws.

Additional officers arrived and secured the crime scene, located evidence and canvassed the area for witnesses.

Sergeant A notified Southwest Patrol Division Watch Commander, Sergeant B of the OIS. At 1313 hours, the Department Operations Center (DOC) received the initial notification of this incident.

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 G	Yes	Yes	Yes	Yes	N/A
Officer H	Yes	Yes	Yes	Yes	N/A
Officer I	Yes	Yes	Yes	Yes	N/A

As this incident occurred inside of an apartment complex, there was no DICVS recording that captured the OIS.

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 Officers G, H and I warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers G, H and I's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers G, H and I's use of lethal force was 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. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications,

and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the Subjected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race,

religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

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

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

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or Subjected offense;
- The level of threat or resistance presented by the Subject;
- Whether the Subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or Subjects;
- The risk or apparent attempt by the Subject to escape;
- The conduct of the Subject being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the Subject;
- Officer versus Subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus Subjects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an Officers alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary,

the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

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

The Department's Evaluation of Deadly Force: The Department will analyze an Officers use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the Officers training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an Officers use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a Subject.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily

injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “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 test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the Subject leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

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

Planning – Officer G was assigned as Officer H’s Field Training Officer (FTO) during Officer H’s first two deployment periods on probation. During this time, they discussed the PATROL acronym and discussed tactics prior to responding to calls. According to Officer H, he/she and Officer G discussed tactics at the start of their shift, which included contact/cover roles and foot pursuit concepts.

According to Officer I, he/she and Officer J have been working together for four months, during which time they have discussed tactics. On the day of the incident, when the pursuit was being broadcast, he/she and Officer J discussed a plan to communicate their response if they became involved in the pursuit.

Assessment – During the vehicle pursuit, officers were conscious of the information that there was a handgun inside of the stolen vehicle. As the Subject ran inside the warehouse, Officer G assessed his/her surroundings and observed more bystanders were located inside. Based on his/her observations of the Subject, Officer G believed the Subject was going to take a hostage or potentially create a hostage situation as there were multiple, potential victims located inside the warehouse. With that in mind, Officers G and H followed the Subject into the warehouse and kept their distance where they observed him produce a handgun from his waistband area. Officers G and H observed the Subject face their direction and rack the slide of the handgun and assessed that the Subject posed an imminent threat.

Time – Officers G and H entered the warehouse following the Subject, maintained distance and utilized cardboard boxes as concealment in an effort to employ more time. After giving commands to the Subject to show his hands, the Subject produced a handgun and an OIS ensued. The imminent threat posed by the Subject producing a handgun significantly limited the time officers were afforded to employ further de-escalation techniques.

Redeployment and/or Containment – After the Subject fled into the warehouse, Officers G, H and I followed him at a distance inside. As they entered the warehouse, Officers G and H positioned themselves behind cardboard boxes and used them as concealment. Officer I entered the warehouse and an OIS ensued. Following the OIS, Officer I redeployed and positioned himself/herself to the right of Officers G and H.

Other Resources – At the termination of the pursuit, the air unit was overhead directing officers to the Subject's location when he fled into the warehouse. After the OIS, Officer G broadcast a "Help" call and requested a ballistic shield. After the Subject was taken into custody, Officer G requested a rescue ambulance (RA).

Lines of Communication – During the following of the stolen vehicle, Officer B broadcast a handgun had been taken along with the pickup truck. After entering the warehouse, the Subject fled in a southerly direction and then stopped and faced officers. Officer H directed the Subject to get onto the ground. Following the OIS, Officer G communicated with officers at scene the need for a shield and coordinated an arrest team prior to making their approach toward the Subject.

During the review of this incident, there were no Debriefing Points identified; however, the following Additional Tactical Debriefing Topics were noted:

Additional Tactical Debrief Topics

Foot Pursuit Concepts – At the termination of the vehicle pursuit, the Subject fled from the vehicle and into an occupied business. Officers G and H pursued the Subject on foot. In pursuing the Subject, Officers G and H did not observe him armed with a handgun. According to officers, the Subject "chased" a bystander into the warehouse, which was occupied by employees/customers.

Video evidence showed a bystander running inside the warehouse and multiple customers and employees inside the warehouse at the time the Subject ran inside. The UOFRB opined the officers did not deviate from Department-approved training.

Cover/Concealment – During both volleys of Officer I's OIS, he/she was without the benefit of cover or concealment. Officer I did not redeploy until after the OIS where he/she found concealment behind cardboard boxes. The warehouse was an open space containing numerous cardboard boxes filled with clothing items. Aside from using the cardboard boxes as a barrier, there were no additional structural barriers or objects that would have provided cover to officers at the time of the OIS. The UOFRB opined the officers did not deviate from Department-approved training.

Fire Control/Discipline – The investigation revealed Officer I discharged twelve rounds and Officer H discharged twelve rounds during the OIS. Although the UOFRB assessed each round discharged and found each round to be in policy, officers must balance speed with accuracy and apply the seven elements of marksmanship as they are responsible for every round they discharge.

Preservation of Evidence – As the arrest team approached the Subject, Officer K stepped on Subject’s handgun and kicked it backward causing the magazine to eject from the magazine well. Approximately one minute later, Officer K used his/her foot to move the handgun and magazine further away. Officer K kicked the handgun to prevent the Subject from rearming himself. Officers should avoid kicking firearms so as not to cause an unintentional discharge. Alternatively, Officer K could have left the handgun in place and monitored it or directed another officer to monitor the handgun.

The above issues will be a topic of discussion during the Tactical Debrief.

Command and Control

- Following the OIS, Officer G established command and control by broadcasting a “Help” call, directing officers to seek cover and requesting a ballistic shield. As additional resources arrived, Officer G assembled an arrest team and directed officers to approach the Subject to take him into custody and render aid.

Sergeant A arrived after the OIS and ensured officers continued to render aid. Sergeant A identified the involved officers, collected their body worn video (BWV) cameras and requested additional supervisors to separate and monitor them.

Sergeant B arrived and obtained a Public Safety Statement (PSS) from Officer G. Sergeant C arrived and obtained a PSS from Officer H. Sergeant D arrived and obtained a PSS from Officer I.

The UOFRB commended Officer G’s actions following the OIS. The UOFRB noted as the senior officer and prior to the arrival of a supervisor, Officer G took command and control of the incident by directing officers to seek cover, requested the appropriate resources and assembled an arrest team to approach with rendering aid in mind.

The BOPC determined the overall actions of Sergeants A and Officer G were consistent with Department training.

Drawing/Exhibiting

Officer H (Service Pistol)

According to Officer H, he/she unholstered his/her service pistol because vehicle theft suspects may be “armed and dangerous” and he/she had prior knowledge that the Subject may be armed.

Officer G (Service Pistol)

According to Officer G, he/she learned during the vehicle pursuit that Olympic Area patrol officers were following a stolen vehicle which contained a stolen handgun. Upon entering the warehouse after the vehicle pursuit, Officer G observed Officer H with his/her service pistol unholstered and giving commands to the Subject. Based on the information he/she had, Officer G believed the Subject was possibly armed with a handgun. Believing the situation could escalate to the use of deadly force, Officer G unholstered his/her service pistol.

Officer I (Service Pistol)

Upon entering the warehouse, Officer I observed the Subject face the officers and produce a handgun from his waistband area. According to Officer I, the Subject racked the slide of the handgun and was in a "fighting stance" while facing their direction. Believing the situation could escalate to the use of deadly force, Officer I unholstered his/her service pistol.

The UOFRB assessed Officers G, H and I's drawing and exhibiting of their service pistols. In their assessment, the UOFRB considered the officers had knowledge that the stolen vehicle driven by the Subject contained a stolen handgun. Additionally, the UOFRB noted the Subject presented himself/herself as a deadly threat when he turned toward officers and produced a handgun. As such, the UOFRB opined it was reasonable for Officers G, H and I to believe the situation could escalate to the use of deadly force and that their unholstering of their service pistols was within Department policy.

Based on the totality of the circumstances, the UOFRB determined that an officer with similar training and experience as Officers G, H and I would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officer G, H and I's drawing/exhibiting to be In Policy.

Lethal Use of Force

Sound Graph Analysis – A sound analysis was completed which determined there were a total of two volleys of gunfire identified. The first volley occurred in 2.446 seconds and the second in 3.280 seconds. There was a pause between the two volleys of gunfire that lasted 2.561 seconds. The total duration of time from the first gunshot of the first volley to the final gunshot of the second volley was 8.287 seconds.

Officer G – FN, Model 509, 9mm, five rounds from a distance of approximately 40 feet in a southerly direction.

Background – Officer G described his/her background as consisting of cardboard boxes and a wall.

Volley One (Rounds One through Four)

After pursuing the Subject into the warehouse, Officer G observed the Subject reach into his waistband and produce a handgun. Officer G observed the Subject rack the slide by pulling it to the rear and then point the handgun in Officer G's direction. According to Officer G, he/she believed the Subject shot at him/her. In fear for his/her life, Officer G discharged four rounds at the Subject.

Volley Two (Round Five)

After the first volley, Officer G sought cover and assessed. According to Officer G, he/she observed the Subject still armed with the handgun as the Subject began to raise it and point it in his/her direction. In response, Officer G discharged his/her fifth round at the Subject.

Officer I – Smith & Wesson, Model M&P, 9mm, 12 rounds from an increasing distance of approximately 40 to 43 feet in a southerly direction.

- **Background** – According to Officer I, his/her background consisted of boxes and no employees were in the background.

Volley One (Rounds One through Seven)

According to Officer I, he/she observed the Subject turn, face his/her direction and produce a handgun from his waistband. Officer I then observed the Subject cycle the slide of his handgun, point it in his/her and other officers' direction, and begin to shoot. Observing "muzzle flash" coming from the Subject's handgun, Officer I discharged seven rounds at the Subject to stop his imminent deadly threat. Officer I indicated he/she assessed the Subject's deadly actions and described they had not changed in between the rounds he/she discharged during the first volley.

Volley Two (Rounds Eight through Twelve)

Rounds Eight and Nine

According to Officer I, after the first volley, the Subject fell to the ground. Officer I assessed the Subject's actions and determined he was attempting to get up from the ground while armed with the handgun. Officer I observed the Subject lift the handgun and point it in his/her and other officers' direction. In response, Officer I discharged two more rounds (rounds eight and nine) from his/her service pistol.

Rounds Ten through Twelve

As Officer I continued to assess, he/she described the Subject's actions had stayed the same, he was still armed with a handgun and pointing it in his/her direction. In response, Officer I discharged three rounds (rounds ten through twelve).

Officer H – FN, Model 509, 9mm, 12 rounds from an increasing distance of approximately 40 to 43 feet in a southerly direction.

Background – Officer H described his/her background as the ground and cardboard boxes.

Volley One (Rounds One through Six)

Officer H observed the Subject turn away, reach into his sweater and produce a handgun. According to Officer H, the Subject then cycled the slide and pointed the handgun in his/her and other officers' direction. In between each round discharged during the first volley, Officer H assessed and described that the Subject was still in the motion of pointing the handgun in his/her direction and believed he/she was going to be shot. In fear for his/her life, Officer H discharged six rounds at the Subject during the first volley.

Volley Two (Rounds Seven through Twelve)

According to Officer H, while the Subject was on the ground, he was still armed with the handgun and had it pointed in officers' direction. In response, Officer H discharged six rounds at the Subject during the second volley.

The UOFRB assessed the circumstances and evidence related to the OIS. In terms of the first volley of rounds discharged by Officers G, H and I, the UOFRB noted Officers G, H and I observed the Subject retrieve a handgun from his waistband and rack the top slide of his handgun back simulating he was chambering a round.

Based on Subject's deliberate manipulation of his handgun, the UOFRB opined the Subject displayed a clear intent to shoot the officers. The UOFRB also considered Officer I's observation of "muzzle flash" coming from the Subject's handgun in conjunction with Officer G's belief the Subject was actively shooting at them. The UOFRB opined it was reasonable for Officer G, H and I to believe the Subject's actions, while armed with a handgun, posed an imminent threat of serious bodily injury or death to them.

As it pertains to the second volley, the UOFRB considered the pause and assessment conducted by Officers G, H and I after the first volley of rounds fired when the Subject fell to the ground. The UOFRB also noted all three officers assessed the Subject's actions as he was on the ground and they observed him elevate his body while still armed with the handgun as he pointed it in their direction,

prompting the second volley of the OIS. The UOFRB further noted that although the Subject had ample time to discard the handgun prior to the second volley of rounds fired by all three officers, the Subject ignored the officers' commands and opted to maintain control of it. The UOFRB acknowledged the total number of rounds discharged during this incident and discussed each and every one. The UOFRB highlighted the pause between the two volleys and opined it indicated the officers were continuously assessing and making the same observations, as supported by their actions and statements. In their assessment, the UOFRB opined it was reasonable for Officers G, H and I to apply lethal force during the second volley based on the Subject's deadly actions.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers G, H, and I, in the same situation, would reasonably believe the use of lethal force was objectively reasonable, proportional and necessary. Therefore, the BOPC found Officers G, H, and I's use of Lethal Force, all rounds, to be in policy.