

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

OFFICER-INVOLVED SHOOTING – 004-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Mission	1/21/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer B	3 years, 2 months
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Reason for Police Contact

Officers observed a vehicle with three occupants inside. A California Department of Motor Vehicles (DMV) license plate inquiry revealed that the license plates were stolen. The driver of the vehicle, Subject 1, fled from officers in foot pursuit. Subject 1 turned toward the officers and pointed a pistol in their direction, resulting in an officer-involved shooting (OIS).

Suspect(s)	Deceased ()	Wounded ()	Non-Hit (X)
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Male, 32 years of age.			
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Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) 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 (FID) investigation (including all of the transcribed statements of witnesses, pertinent suspect 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 (Chief); 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. This incident was adjudicated by the BOPC on December 5, 2023.

Incident Summary

On Saturday, January 21, 2023, at approximately 0306 hours, Police Officers A and B were conducting extra patrols in an area known for stolen vehicles and narcotic crimes.

At 0306:39 hours, Officers A and B were driving east on when they observed a Honda Civic, parking on the north side of the street, facing west, with three occupants inside. The occupants were the driver (Subject 1), rear passenger (Subject 2), and front passenger (Subject 3).

Officer A explained that as they drove east, he/she looked back and read the license plate to Officer B, who then conducted a wants and warrants check via their Mobile Digital Computer (MDC) inside their police vehicle. The license plate query returned with the license plates reported lost or stolen. According to Officer A, once they received the stolen license plate information, he/she told Officer B, "This could be possibly a stolen vehicle, but let's talk to them and see -- see what we have."

Officer B described that the vehicle was parked with the front license plate on the dashboard when he/she observed it. The officers continued driving east as they waited for the query to return.

At approximately 0306:45 hours, Officer A conducted a U-turn and drove back west when he/she observed the subjects exiting the vehicle. Officer A drove past the subject vehicle and parked west of a large black recreational vehicle, believing the subjects would walk west. Officers A and B exited their vehicle and observed the subjects walking east on the north side of the street. The officers re-entered their vehicle, conducted a second U-turn, and drove east. Officers A and B observed the three subjects continuing to walk east on the north side of the street.

As observed on Officer A's body-worn video (BWV), at 0307:55 hours, Officer A paralleled the three subjects in the patrol vehicle and stopped when he/she caught up to them. According to Officer A, from a seated position in his/her patrol vehicle, he/she asked Subject 1, "What's the deal with the lost stolen plates?" Subject 1 ignored Officer A's question and yelled something unintelligible. Officer A did not understand Subject 1's reply and believed that he/she had reasonable suspicion to detain all three subjects to conduct a stolen vehicle investigation and told them, "Stay where you are right there." Officer A illuminated Subjects 1, 2, and 3 with his/her flashlight. Officer A stated that Subject 1 "did not comply with my orders and began sprinting. He continued going eastbound."

Officer A activated his/her BWV at 0308:44 hours and Officer B activated his/her BWV at 0309:50 hours. Therefore, the initial contact with Subjects 1, 2, 3, the subsequent foot pursuit, and a portion of the OIS were captured during the BWV 2-minute buffer

period with no audio. The officers indicated they did not initially turn on their BWV for the following reasons:

Officer A explained, "No, not right away. Because from my experience with lost stolen plates, like I said, people can -- the people with register -- the registered owners that report their lost stolen plates, sometimes find the plates again and then they just reattach it without notifying police officers. So I wanted to verify with the driver if that was the case."

Officer B explained, "We were verifying what we had at the time. I don't believe we knew exactly what we had until the suspects fled and that's when we realized we were investigating a possible GTA suspect -- or GTA."

Officer A observed Subject 1 holding a bulge on his waistband as he ran. According to Officer A, "As he was going, he was actually holding his waistband. And then when I -- from my training and experience, usually when people hold their waistband -- I also saw a bulge -- people are concealing a possible weapon, possible firearm."

Officer A stated that he/she did not broadcast their location and status ("go Code Six") or exit his/her vehicle prior to speaking with the subjects because he/she wanted to verify if the vehicle's registered owner found the license plates and put them back on the vehicle without reporting that the plates had been located. Officer B stated that he/she did not go Code Six because he/she wanted to verify what they had at that time.

As observed on BWV, at 0308:12 hours, Officer A exited his/her vehicle, unholstered his/her pistol, and held it in his/her right hand pointed in the direction that Subject 1 ran. Officer A ran east in the street, utilizing the tactical light attached to his/her pistol for illumination. Parked vehicles separated Subject 1 running on the sidewalk and Officer A running on the street.

Officer A explained that he/she unholstered his/her pistol because he/she believed that Subject 1 was armed and feared for his/her life and his/her partner's life. Officer A told FID investigators that he/she kept his/her finger along the frame, holding his/her pistol at a low-ready position, toward Subject 1's direction.

As observed on Officer B's BWV, he/she exited the vehicle almost simultaneously with Officer A and ran toward the parked vehicles on the north side of the street where Subjects 2 and 3 were walking on the sidewalk. Officer B unholstered his/her pistol and held it in his/her right hand, with his/her finger on the frame, in the direction of Subjects 2 and 3.

According to Officer A, Subject 1 ran toward the east end of the cul-de-sac and turned into a carport where he hid behind a grey Nissan. Officer A stated that he/she attempted to de-escalate the situation by telling Subject 1 he was, "stuck against the

wall,” and he/she was going to shoot him. Subject 1 replied, “Shoot me,” and proceeded to run west across the carport.

As Officer A pursued Subject 1 and attempted to de-escalate, Officer B utilized the tactical light attached to his/her pistol to illuminate Subjects 2 and 3. According to Officer B, he/she told them not to move, but they ignored his/her commands and continued walking. Officer B ran east and stopped in front of the driveway apron at the same residence, approximately “four to five feet” west of Officer A. He/she then faced Subjects 2 and 3 who were still walking east on the sidewalk and attempted to detain them.

As Officer B attempted to detain Subjects 2 and 3, at 0308:23 hours, Subject 1 emerged from behind the grey Nissan and ran west across the carport toward the front entrance of the residence. According to Officer A, Subject 1 ran in the direction of the front entrance, through the front yard, and onto the sidewalk continuing west. Officer A stated that Officer B began chasing Subject 1 and he/she was also chasing behind him/her. According to Officer A, his/her focus was on “the driver” (Subject 1) as he/she chased him. Officer A observed Subjects 2 and 3 with their hands visible and did not see any weapons, and they were calm and walking as he/she ran by them.

Officer A stated that he/she was in containment mode when he/she chased Subject 1 east upon exiting his/her patrol vehicle as well as the second time Subject 1 fled west. Officer A chased Subject 1 with his/her pistol unholstered in his/her right hand and facing downward because he/she feared that Subject 1 was concealing a pistol due to him holding a bulge on his waistband.

Officer A advised that he/she did not request additional resources initially because he/she was giving Subject 1 commands. As Subject 1 fled, Officer A retrieved his/her handheld radio to request resources but heard Officer B broadcast the foot pursuit.

According to Officer B, as he/she attempted to detain Subjects 2 and 3, he/she heard Officer A give Subject 1 commands to come out with his hands up or he/she would shoot. Officer B heard the subject respond, “Okay, then [expletive] shoot me,” followed by footsteps. According to Officer B, he/she also heard Officer A running and observed Subject 1 running in the middle of the street. Officer B observed that Subjects 2 and 3 were not armed, and he/she perceived the driver of the vehicle (Subject 1) as a threat because he was non-compliant and fleeing. Subjects 2 and 3 were last observed on Officers A and B’s BWV walking eastbound.

At 0308:28 hours, Officer B began chasing Subject 1, with Officer A trailing behind. Officer B broadcast, “[S]how me in foot pursuit.”

Officer B’s BWV depicted him/her initiating the foot pursuit as Subject 1 was running west through the front yard of the residence, not running on the roadway. Officer B

explained that he/she was in apprehension mode because he/she did not observe any indicators that Subject 1 was armed. Officer B explained that he/she chased Subject 1 while unholstered because, from "prior experience, GTA suspects have been known to be armed with firearms."

According to Officer B, as he/she pursued Subject 1 on foot, Subject 1 stopped, turned, produced a pistol from his waistband and pointed it at him/her. Officer B described that Subject 1 held the pistol with a two-handed grip in an isosceles stance pointed at him/her. Officer B feared that if he/she did not shoot the subject, "that I would be shot and that he was going to kill me." Officer B further described that he/she believed that Subject 1 had fired, "During that time I did believe I had been shot. I believed that I had heard -- it was -- what I -- I heard my gun -- I couldn't tell if it was just my gun. I felt like maybe it was both of us -- both of us shooting at one another."

At 0308:35 hours, Officer B raised his/her pistol toward Subject 1 and fired three rounds. Officer B estimated that he/she fired his/her rounds from approximately 10-12 feet. Officer B then observed Subject 1 running east as he/she "attempted to redeploy."

Officer B believed that he/she initially fired two rounds prior to redeploying. Using the Communications Division (CD) recording and evidence located on scene, FID investigators determined that Officer B fired three rounds prior to re-deploying. The investigation determined that Officer B fired his/her first three rounds from approximately 32 feet, while holding his/her radio in his/her left hand and holding his/her pistol in a one-handed grip with his/her right.

According to Officer A, he/she observed Subject 1 holding a "black firearm" with two hands as he/she was running on the street. Subject 1 then pointed the firearm at Officer B and Officer A heard an exchange of gunfire but did not know if Officer B or Subject 1 had fired. Officer A took cover on the passenger side of their parked police vehicle and briefly moved to the front side of the vehicle before returning to the passenger side.

Officer A described Subject 1's stance, "Yes, it was a shooting stance. He actually had two -- good grips on the gun with his two hands and then he had a firing stance looking like he had his lines -- sights aligned ready to fire."

According to Officer B, he/she redeployed to the south sidewalk, tripped over the curb, and fell to the ground, causing him/her to drop his/her pistol and radio to the ground. Officer B believed that Subject 1 had fired his pistol and that he/she (Officer B) had been shot when he/she fell to the ground.

Officer B reacquired his/her pistol and sought cover while observing Subject 1 continuing to run east on the north sidewalk.

The investigation determined that Subject 1 did not fire his pistol during this incident and that Officer B was not struck by gunfire.

At 0308:38 hours, Officer A broadcast, "Officer needs help. Officer needs help."

At 0308:41 hours, Officer B broadcast, "Shots fired. Officer needs help."

Officer B then observed Subject 1 running east on the north sidewalk while turning his upper body and looking in his/her direction. Multiple vehicles were parked on the north curb, causing Officer B to only observe Subject 1 from approximately the chest up. Officer B explained, "What I observed was the suspect turn his body or blade his body toward me so at that time I could see his head, shoulders, and partial chest. I couldn't see, um, his hands or past his torso -- or excuse me -- his -- his waist but at that time it was very -- the -- his -- his body movement was very similar to when he -- when he bladed his body and took that isosceles stance and pointed the firearm at me. So at that time I believed he was turning to point that firearm at me once again."

Officer B believed that Officer A was not behind cover and Subject 1 was facing them both in order to acquire a target and shoot at them. Knowing that Subject 1 had previously pointed a pistol at him/her, believing that Subject 1 had already fired at him/her, and fearing that Subject 1 would again raise his pistol and attempt to shoot at him/her or his/her partner, Officer B fired one additional round toward Subject 1 from a distance that he/she believed to be approximately 30 feet.

Officer B described Subject 1's body movement similar as to when he "took an isosceles stance" and pointed a pistol at him/her. He/she described seeing his head, shoulders, and chest as he slowed down and turned in his/her direction.

The investigation determined that Officer B fired his/her fourth round from approximately 145 feet, while holding his/her radio in his/her left hand and pistol in his/her right hand.

Subject 1 was not struck by gunfire and fled north through the driveway of a residence.

According to Officer A, he/she observed Officer B on the ground and believed that "[he/she] got hit." As he/she approached him/her to render aid, he/she heard the last round fired and believed it was Subject 1 who shot.

Officer A assumed command and control following the OIS. He/she directed Officer B to utilize a Mazda sport utility vehicle (SUV) parked on the south side of the street for cover while requesting and waiting for additional resources.

At 0308:45 hours, CD broadcast "Officer needs help unknown location, officer needs help unknown location." Officer A can be heard on BWV telling Officer B their location.

Officer B then broadcast their location, resulting in CD broadcasting their updated location to all responding units.

At 0308:58 hours, Officer B's BWV captured him/her holding his/her pistol in his/her right hand with his/her right index finger on the trigger for less than one second.

According to Officer B, as he/she picked up his/her digital in-car video (DICV) microphone from the ground with his/her left hand, he/she used his/her upper body to assist in reacquiring a firm grip on the pistol with his/her right hand and was not aware that his/her finger was on the trigger.

At 0309:20 hours, Air Support Division (ASD) acknowledged the help call over Mission base frequency, and an Air Unit directed units to the perimeter as it was enroute to the incident.

At 0312:45 hours, Police Officers C and D were the first back-up unit to arrive.

At 0313:49 hours, Sergeant A arrived at the scene and broadcast that he/she was the incident commander (IC). He/she requested a rescue ambulance (RA) to stage at a nearby intersection and requested additional resources. Sergeant A coordinated with the Air Unit to expand the containment and ascertained from Officers A and B where the OIS occurred as well as the outstanding subjects' descriptors and last known locations.

At 0315:35 hours, Sergeant A briefed Sergeant B. Sergeant B advised Sergeant A that he/she would set up the command post (CP) and assume IC duties, and he/she directed Sergeant A to continue tactical command and control. As Sergeant B redeployed to set up the CP, he/she directed officers to ensure that the subjects' vehicle was clear.

Sergeant A directed officers to don their ballistic helmets, requested a ballistic shield and less-lethal force options, and assigned a designated cover officer (DCO) with a rifle. Sergeant A developed a tactical plan for the protection and safety of all officers due to the outstanding subjects' whereabouts being unknown. Sergeant A remained at scene as the tactical supervisor while awaiting the response of Metropolitan Division personnel.

At 0327:32 hours, Sergeant C responded to the scene and was given the responsibility of monitoring Officer B by Sergeant A. Sergeant C obtained a public safety statement (PSS) from Officer B. Sergeant D responded to the scene and was given the responsibility of monitoring Officer A by Sergeant A. Sergeant D obtained a PSS from Officer A. Officers A and B holstered their pistols when approached by Sergeants C and D.

At 0334:56 hours, Officers E and F observed Subject 2 walking outside of the perimeter. They exited their vehicle and conducted a high-risk stop while awaiting additional units. Police Officers G and H responded, handcuffed Subject 2, and assisted in taking him into custody without incident.

Metropolitan Division K9 Sergeant E heard the help call and responded with available personnel. At 0337:55 hours, Sergeant E arrived at the CP and met with Sergeant F. After gathering the OIS information, including Officer B's belief he/she had been fired at, Sergeant E contacted Metropolitan Division Special Weapons and Tactics (SWAT) Lieutenant A.

At 0408:34 hours, utilizing the forward-looking infrared (FLIR), the Air Unit identified a heat source under a trampoline in the rear yard of a residence. The Air Unit broadcast the location of the heat source and directed containment be set up.

At 0428:16 hours, Sergeant A briefed the incident with Metropolitan Division K9 Police Officers I and J. Sergeant A remained at scene with oversight of patrol personnel who acted as support for Metropolitan Division personnel which eventually relieved them from their positions.

Sergeant E detailed a plan to evacuate residents from two residences. He/she was concerned that if Subject 1 believed that the officers were coming for him during the extraction of the civilians, they could be caught in a cross-fire situation. Sergeant E met with Lieutenant A and Commander A and requested a K9 announcement exemption. Commander A approved the exemption but only for the search of the front yard. The search was halted once the front yard had been cleared and residents evacuated. The K9 announcements were given in English and Spanish prior to re-initiating the search.

Metropolitan Division SWAT Sergeant G responded to the incident and was briefed at the CP by Lieutenant A. He/she was made aware that the Air Unit had located a hot spot at a residence.

Sergeant G explained that once containment was established with SWAT and K9 personnel, the K9 warning was announced. Due to the incident being led by K9 personnel and supported by SWAT Officers, K9 Officer I provided the search protocol.

After the K9 announcements were completed, Officer I briefed the search team regarding the search and expectations. During the briefing, a less-lethal bean bag shotgun, 40mm less-lethal launcher (LLL), and a shield were assigned and deployed for the search.

Officer I explained to investigators that he/she unholstered and holstered his/her pistol numerous times during the searches because the situation could rise to the level of lethal force. He/she added that he/she could not be sure when he/she unholstered and

holstered during the incident but never went on target or had his/her finger on the trigger.

At 0543:25 hours, the K9 began its search in front of a residence and worked around the east side. At 0545:30 hours, he went to the rear of the residence, out of Officer I's sight. The K9 returned with what later was identified as Subject 3's purse before Officer I again sent him to the rear yard. At 0545:56 hours, the K9 barked one time followed by a high-pitched noise. Officer J stated out loud, "We have a dog. I think that's a dog dude." The K9 momentarily returned to the vicinity of the officers before again running toward the rear of the residence out of the officers' sight.

At 0546:15 hours, a female's shriek was heard on Officer I's BWV, at which time the K9 immediately returned to its handler. Officer J, who was the DCO, shined the tactical light attached to his/her rifle in the direction of the shriek and observed Subject 3 under the trampoline. Officer J advised other officers on the search team that he/she had Subject 3, and he/she would, "go lethal," and directed another officer to give commands. Officer K gave Subject 3 commands to come out from under the trampoline and walk backward toward them. Subject 3 stood up and followed the commands. Subject 3 was handcuffed without incident by Officer K.

Officer K transferred custody of Subject 3 to Officers C and D, who then transported her to the CP.

During the search of the female at the residence, the Air Unit located a second hot spot north of another house, under a chicken coop.

Officer I explained that all residents from the residence were evacuated except for two, who were sleeping. As a result, the decision was made by Sergeant G to have them shelter in place with SWAT personnel. The search team planned to enter the rear yard on the west side through a metal gate that was locked. The team waited approximately 20 minutes for the residents to provide them with the gate key before they could open it and enter.

As the search team waited for the key to open the gate, Metropolitan Division SWAT Police Officer L deployed to the alley located north of a residence. Officer L deployed a Recon Robot into the backyard. Using the live-feed camera, Officer L observed the K9 showing interest in the area of the chicken coop and communicated the behavior to the search team. Officer L stated that he/she did not observe Subject 1 during this time.

At 0625:00 hours, after obtaining the key, the search team opened the gate and Officer I sent K9 A through the walkway on the west side of the house. The K9 made his way north to the rear yard. According to Officer I, he/she observed the K9 appear to be tugging on or pushing something away near an orange cone. At 0625:50 hours, Officer I stated, "Looks like he's got a cone or something."

At 0625:53 hours, as Officer I was making the above statement, a faint yell was heard. Officer J stated, "I thought I heard." Officer M stated, "We might have contact." Officer I explained, "He [the K9] returned back to me, which led me to believe -- and I didn't hear any kind of scream, anything that indicated that he had found a suspect." Officer I sent the K9 back into the yard to search further.

At 0626:25 hours, Officer J stated, "I've got movement." Officer J later explained, "I saw some sort of movement. And I think there was like a milk crate full of recyclables, something like that, that was moved and, obviously, didn't move itself." By this time, the K9 had already returned to the officers. Officer J directed another officer to give commands and described where he/she had observed the movement. At 0627:06 hours, Officer N commanded, "Suspect, stand up. Let me see your hands. Stand up. Keep your hands up. Alright, turn around, turn around, put your hands on top of your head and walk backwards." Subject 1 was handcuffed by Officer M without incident.

Officer L had not observed Subject 1 on the Recon Robot until the K9 left the chicken coop area and Subject 1 stuck his head out. Officer L then communicated to the search team about a possible suspect under the chicken coop. Officer L observed Subject 1 come out from underneath the chicken coop and walk toward the arrest team. According to Officer I, he/she was informed of Officer L's observations at approximately the same time as Officer J.

Officer J was the DCO and point on both searches. Officer M was the only officer next to Officer J, at the front of each search team, due to the small spaces on the sides of both residences. None of the officers on the search teams observed a K9 contact or bite during the search. The investigation determined that their BWVs did not capture any contact or bite with either Subject 1 or Subject 2.

Officer M transferred custody of Subject 1 to Police Officers O and P.

At 0554:30 hours, Los Angeles Fire Department (LAFD) Firefighter/Paramedics (FF/PM) assigned to the Fast Vehicle Response/Tactical Emergency Medical Services unit (FRV/TEMS) approached Subject 3 to treat an injury on her right leg. Firefighter/Paramedic A was observed on BWV assessing Subject 3's leg and stating, "No, there is nothing on there." he stated he did not observe blood and asked Subject 3 if she was hurt anywhere and she replied, "No." Subject 3 only claimed to have discomfort in her right leg. Firefighter/Paramedic A did not observe any puncture wounds on Subject 3's pants.

At 0635:49 hours Firefighter/Paramedic A approached Subject 1 to treat injuries to his left leg. They were observed on Officer O's BWV assessing Subject 1's leg and described the injuries as small punctures not needing stitches.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) 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. For every incident, 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 incident, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A and B's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer B's lethal use of force to be In Policy for rounds one through three and Out of Policy for round four.

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 suspected 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 suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect 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 suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- 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 officer's 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 officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a RA 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, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the officer's 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 officer's 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 suspect.

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 suspect 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 involves the use of techniques to reduce the intensity of an encounter with a suspect 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 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.

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Tactical De-Escalation Techniques: **Planning, Assessment, Time, Redeployment and/or Containment, Other Resources, and Lines of Communication.**

Planning – Officers A and B had been partners for approximately two months and had prior tactics discussions, including contact and cover roles, foot pursuits, less-lethal and lethal force roles, and de-escalation techniques. Officers A and B decided to conduct extra patrols in an area known for stolen vehicles and narcotics activity. Upon becoming aware of a vehicle license plate that returned as lost/stolen, Officers A and B communicated a plan to contact the vehicle occupants to further investigate a possible stolen vehicle. The BOPC noted that the UOFRB was critical of the officers paralleling the three occupants and asking them about the stolen license plates, while still seated in the vehicle. The UOFRB would have preferred for the officers to have adhered to the basic concepts of pedestrian stop tactics (refer to Debriefing Topics section).

Assessment – After Subject 1 gave an unintelligible response to Officer A's question about the vehicle's lost/stolen plates, Officer A assessed that there was reasonable suspicion to detain them for a stolen vehicle investigation and issued commands for them to stay where they were. The driver, Subject 1, then fled on foot. Officer A observed Subject 1 holding a bulge on his waistband and assessed that he was possibly concealing a weapon or pistol. Officers A and B exited their police vehicle and further attempted to detain Subject 1, as well as the other two occupants, Subjects 2 and 3. Officer A followed Subject 1 to a carport area, where he/she again attempted to detain him, and Officer B attempted to detain Subjects 2 and 3. As Subject 1 fled from the carport area, Officer B assessed that Subject 1 was the primary threat due to his non-compliance by running away, as well as being the driver of the possibly-stolen vehicle. Both officers observed Subjects 2 and 3

walking calmly, with their hands visible. Based on their assessments, the officers decided to foot pursue Subject 1.

Time, Redeployment and/or Containment – The pedestrian stop quickly escalated when Subject 1 ran from the officers and hid in the carport area. Officers A and B exited their police vehicle and chased after Subject 1 to the carport. Parked vehicles offered cover as they separated the officers from the subjects as they approached the carport. Officer A issued commands from a distance to Subject 1, who was hiding behind a parked vehicle in the carport. Officer B issued commands to Subjects 2 and 3, who were calmly walking on the sidewalk toward him/her.

Subject 1 then fled from the carport, leading Officers A and B to foot pursue him. Officer A advised he/she was in containment mode, believing Subject 1 was possibly armed. Officer B advised that he/she pursued Subject 1 in apprehension mode because he/she did not observe any indicators that Subject 1 was armed. After a short foot pursuit, Officers A and B were unable to continue de-escalation techniques due to Subject 1 stopping and pointing a pistol at Officer B.

Other Resources – Officers A and B broadcast a help call after the OIS, leading to the response of additional resources. ASD personnel responded and assisted in establishing a perimeter to contain the subjects. Sergeant A requested the response of LAFD personnel to respond and stage at the CP.

Lines of Communication – Officers A and B issued Subjects 1, 2, and 3 commands to stop when they first attempted to detain them. The subjects failed to comply with their commands, with Subject 1 running away and hiding in a carport port of a residence. Officer A stated that he/she attempted to de-escalate the situation by telling Subject 1 that he was stuck against the wall and that Officer A was going to shoot him. Subject 1 heard the commands and replied to Officer A to shoot him. Subject 1 again failed to comply with commands and ultimately fled on foot again. As Subject 1 fled from the carport, Officer B pursued after him and broadcast that they were in foot pursuit. After the first volley of the OIS, Officers A and B each broadcast a help call.

Prior to contacting the subjects, Officers A and B communicated with each other that they would contact the subjects to investigate if the vehicle was stolen. However, after Subject 1 fled on foot, Officer A observed Subject 1 holding a bulge on his waistband and believed that Subject 1 was possibly concealing a weapon or pistol. The BOPC noted that the UOFRB was critical of Officer A not communicating this information to Officer B (refer to Debriefing Topics section).

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

Debriefing Point No. 1 Code Six

Officers A and B did not place themselves Code Six (broadcast their location and status) prior to conducting a pedestrian stop on possible stolen-vehicle suspects.

In this case, Officers A and B observed a Honda Civic parking with three occupants inside. Using the MDC in the police vehicle, Officer B conducted a want/warrant check on the license plate. After the license plate returned lost/stolen, officers conducted a U-turn, exited their police vehicle, and observed the three suspects walking east on the north sidewalk. Officers A and B decided to contact them to determine if the vehicle was stolen; however, they did not place themselves Code Six on the incident. According to Officer A, he/she did not broadcast Code Six because he/she wanted to verify if the vehicle's owner had found the license plates and did not report them found. According to Officer B, he/she did not broadcast Code Six because he/she was trying to verify what they had at the time.

The BOPC noted that the UOFRB was critical of Officers A and B's lack of broadcasting their Code Six location. The UOFRB would have preferred that officers had broadcast their Code Six location when they made the decision to investigate further and contact the vehicle's occupants. The UOFRB noted that if officers had placed themselves Code Six sooner, that would have minimized the delay of additional resources when the help call was broadcast.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's failure to go Code Six prior to initiating contact with the subjects was a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 2 Pedestrian Stop Tactics

Officers A and B failed to employ proper tactics in the pedestrian stop of three subjects. In this case, Officers A and B drove past the subjects' vehicle and noted that the occupants were exiting it. Officers A and B positioned themselves in front of a parked vehicle west of the subjects. The officers exited their vehicle with the intent to detain the subjects, expecting that they would walk west towards them. After the subjects walked east, the officers entered their vehicle and made a U-turn to drive east. While seated in the patrol vehicle, Officer A paralleled Subjects 1, 2, and 3 and questioned Subject 1 about the stolen license plates on the Honda Civic. Subject 1 then ran east into a carport as Officer A followed behind him. At that time, Officer A was in containment mode because he/she observed Subject 1 holding a bulge in his waistband and he/she believed Subject 1 was armed with a pistol. Officer A remained on the sidewalk where he/she used parked vehicles as cover while Subject 1 attempted to conceal himself behind a vehicle in the carport.

Officer B exited the vehicle almost simultaneously with Officer A and ran toward the parked vehicles on the north side of the street where Subjects 2 and 3 were walking on the sidewalk. Officer B ordered them not to move but they ignored his/her commands and continued walking. Officer B ran east and stopped in front of the driveway apron at a residence, just west of Officer A, and again attempted to detain Subjects 2 and 3, who were still walking east on the sidewalk. As Officer B

attempted to detain Subjects 2 and 3, Subject 1 emerged and ran west across the carport toward the front entrance of a residence.

The BOPC noted that the UOFRB was critical of Officer A's lack of adherence to contact and cover concepts during a pedestrian stop. Instead of exiting the police vehicle and contacting the subjects, Officer A paralleled them, which placed the officers at a disadvantage when trying to detain all three. The UOFRB would have preferred that the two officers had selected a place to stop and exit their vehicle before attempting to contact the subjects. By doing so, it could have offered the officers a better tactical advantage and more time to request additional resources.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 3 Tactical Communication

In this incident, as Subject 1 ran east, Officer A observed Subject 1 holding a bulge in his waistband. Officer A did not communicate his/her observations with Officer B that Subject 1 could possibly be armed. As Subject 1 attempted to hide in a carport area, Officers A and B stayed on the sidewalk at the apron of the driveway as Subjects 2 and 3 walked toward them. After Subject 1 ran from the carport, Officer B engaged in a foot pursuit, pursuing Subject 1 as he ran west through the front yard of a residence. Officer B explained that he/she was in apprehension mode because he/she did not observe any indicators that Subject 1 was armed. Officer A advised that he/she pursued Subject 1 in containment mode based on his/her observations that Subject 1 could possibly be armed.

The BOPC noted that the UOFRB was critical of the lack of communication by Officer A in not notifying Officer B that Subject 1 was possibly armed due to observing Subject 1 holding a bulge in his waistband. The UOFRB opined that Officer A placed himself/herself and his/her partner at a tactical disadvantage when he/she did not communicate to his/her partner his/her observations of an apparent threat. Officer B was unaware of his/her partner's observations when pursuing Subject 1 in apprehension mode. The UOFRB opined that if Officers A and B had established clear communication, they could have formulated a plan to better deploy on the subjects while establishing containment and requesting additional resources.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 4 Firearms Safety Rules

Officer B violated the basic firearm safety rules by momentarily placing his/her finger on the trigger of his/her pistol without intending to shoot. In this case, after Officer B fired rounds one through three, he/she redeployed to the south sidewalk, tripped

over the curb, and fell to the ground, causing him/her to drop his/her pistol and radio. Officer B believed that Subject 1 had shot him/her when he/she fell to the ground. Officer B reacquired his/her pistol and sought cover while observing Subject 1 run east on the north sidewalk. As Subject 1 ran east, Officer B pointed the muzzle of his/her pistol in Subject 1's direction as he/she ran, which also appeared to cover the area of Officer A, who was between a parked vehicle and the police vehicle.

After Officer B fired his/her fourth round, he/she bent down and picked up his/her DICV microphone from the ground while his/her pistol remained in his/her right hand. After doing so, Officer B reacquired his/her grip on his/her pistol and placed his/her index finger on the trigger for less than one second. While he/she made hand adjustments, his/her muzzle appeared to momentarily cover Officer A, who had approached in his/her direction.

The BOPC noted that the UOFRB evaluated Officer B's muzzle direction while Officer A was positioned in his/her foreground. The UOFRB noted that Officer B continued to watch Subject 1 as he ran east. As he/she watched Subject 1 run, he/she tracked him with his/her muzzle pointed in his direction, allowing the muzzle to cover the area where Officer A was seeking cover. As it pertains to Officer B's finger on the trigger, the UOFRB took into consideration that Officer B just encountered Subject 1 pointing a pistol at him/her and his/her belief he/she had just been shot. The UOFRB noted that Officer B was assessing the event when he/she picked up his/her pistol and violated a basic firearms safety rule by placing his/her index finger on the trigger.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer B were a substantial deviation, without justification, from Department-approved firearms safety training.

Additional Tactical Debrief Topics

Holding Pistol in One Hand, Radio in the Other - As Officer B foot pursued Subject 1, he/she held his/her pistol in his/her right hand and his/her hand-held radio in his/her left hand. He/she ultimately fired his/her pistol with one hand while still holding his/her radio in the other hand.

B. Drawing/Exhibiting

Officer B

Officer B verified that the license plates to the Honda Civic were lost/stolen. Due to Officer B's training and experience, he/she knew grand theft auto (GTA) suspects are known to carry firearms. He/she exited the police vehicle to contact Subjects 2 and 3 and unholstered his/her pistol.

Officer A

Officer A paralleled Subject 1 as he walked on the sidewalk. Officer A observed a bulge in Subject 1's waistband and knew the vehicle that Subject 1 exited displayed lost/stolen plates. From his/her training and experience, Officer A knew that it was common for suspects of stolen vehicles or plates to carry firearms. Believing that Subject 1 was possibly armed and the incident could escalate to lethal use of force, Officer A unholstered his/her pistol.

The BOPC noted that the UOFRB assessed Officers A and B's drawing and exhibiting of their pistols. The UOFRB noted that the officers were conducting a stolen-vehicle investigation. Both officers acknowledged that based on their experience, suspects of stolen vehicles are known to carry weapons. In addition, Officer A observed Subject 1 holding a bulge at his waistband area. As such, the UOFRB opined that it was appropriate for the officers to draw and exhibit their service pistols.

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

C. Lethal Use of Force

Officer B – Pistol, four rounds in two volleys.

Volley One - Officer B fired three rounds in a northwesterly direction.

According to Officer B, he/she saw Subject 1 running in the middle of the street and he/she foot pursued him. While doing so, Officer B retrieved his/her radio and broadcast that he/she was in foot pursuit. Shortly thereafter, Subject 1 stopped running, turned toward him/her, produced a pistol from his waistband, and pointed it at him/her. Officer B raised his/her pistol and fired what he/she believed were two rounds in Subject 1's direction. According to Officer B, he/she fired the first round, took a step back to redeploy while assessing, and fired the second round, because Subject 1 continued to point the pistol at him/her. After the second round, Officer B saw Subject 1 fleeing east. Officer B continued his/her assessment and redeployed to bushes on the south side of the street. While redeploying, Officer B believed that he/she was shot when he/she tripped and fell on the curb.

Officer B believed that he/she initially fired two rounds prior to redeploying. Using the CD recording and casing evidence located at the scene, FID investigators determined that Officer B fired three rounds prior to redeploying. The investigation determined that Officer B fired his/her first three rounds from approximately 32 feet, while holding his/her radio in his/her left hand and his/her pistol in a one-handed grip with his/her right hand.

Volley Two - Officer B fired one round in a northeasterly direction.

According to Officer B, he/she observed Subject 1 running east on the north sidewalk while turning his upper body and looking in his/her direction. Multiple vehicles were parked on the north curb, causing Officer B to only observe Subject 1 from the chest up. Officer B explained that Subject 1 turned, or bladed, his body toward him/her so at that time he/she could only see Subject 1's head, shoulders, and partial chest. He/she could not observe his hands or waist, but at that time, Subject 1's body movement was very similar to when he had bladed his body, took an isosceles shooting stance, and pointed the pistol at him/her. At that time, Officer B believed that Subject 1 was turning to point his pistol once again at him/her. Officer B believed that Officer A was not behind cover and Subject 1 was facing them both to acquire a target and shoot at them. Knowing that Subject 1 had previously pointed a pistol at him/her and believing that he had already shot at him/her, Officer B feared that Subject 1 would again raise his pistol and shoot him/her or his/her partner. Therefore, Officer B fired one additional round toward Subject 1 from a distance of approximately 145 feet. Subject 1 was not struck by gunfire and fled north through the driveway of a residence.

The BOPC noted that the UOFRB evaluated Officer B's lethal use of force. As it pertains to Officer B's first three rounds, the UOFRB noted that as he/she foot pursued Subject 1, he stopped, turned, produced a pistol from his waistband, and pointed it at him/her. Officer B described that Subject 1 held the pistol with a two-handed grip in an isosceles shooting stance and pointed the pistol at him/her. Officer B feared that if he/she did not shoot Subject 1, he was going to shoot and kill him/her. In defense of his/her life, Officer B fired three rounds from his/her pistol at Subject 1. The actions of Subject 1 forced Officer B to make a split-second decision to shoot his/her pistol.

Based on the totality of the circumstances, the BOPC determined that for rounds one through three, an officer with similar training and experience as Officer B, in the same situation, would reasonably believe that the lethal use of force was necessary, proportional, and objectively reasonable.

The BOPC noted that the UOFRB had an extensive evaluation regarding Officer B's fourth round. After firing the first three rounds and redeploying, Officer B observed Subject 1 continuing to run east on the north side of the street. Due to multiple vehicles parked along the curb, Officer B could only observe Subject 1 from his chest up. Officer B explained that Subject 1 turned, or bladed, his body toward him/her, allowing him/her to see only Subject 1's head, shoulders, and partial chest. Officer B opined that Subject 1 was turning his pistol on him/her again in the same manner in which he had just assaulted him/her with his pistol. Officer B also believed that Officer A was not behind cover and was in Subject 1's line of fire. Based upon Subject 1's prior assault and his actions being consistent with another assault, Officer B fired one additional round to protect him/her and his/her partner's life.

The UOFRB noted that Officer B could not observe Subject 1's hands or waist and acknowledged Subject 1's body movements were similar to when he bladed his body to

an isosceles shooting stance and pointed a pistol at him/her moments earlier. The UOFRB also considered the lighting conditions of the area, acknowledging it was dimly lit with minimal street lighting. The UOFRB further considered the discrepancy in Officer B's estimate that he/she had fired at Subject 1 from 30 feet while the FID investigation video placed the fourth round being fired from approximately 145 feet. The UOFRB assessed a surveillance video obtained from a nearby residence, which captured the sound of the fourth round being fired while depicting Subject 1 running east toward the driveway. While the audio and video syncing could not be confirmed, Subject 1 was depicted as turning his body away from Officer B at the time of the fourth round. While taking lag time into account and the limits of the audio and video recordings, the UOFRB ultimately determined that the fourth round was unreasonable, not meeting the necessary element of the standard, due to Officer B not seeing Subject 1 pointing the pistol at him/her or his/her partner and Subject 1 being depicted running away at a distance of 145 feet with parked vehicles between them.

Based on the totality of the circumstances, the BOPC determined for round four that an officer with similar training and experience as Officer B, in the same situation, would not reasonably believe that the lethal use of force was necessary, proportional, and objectively reasonable.

The BOPC noted that the FID investigation was unable to locate Subject 1's pistol; however, based on the evidence in the investigation it appears to support that Subject 1 had been in possession of a pistol and pointed it at Officer B at the time he/she fired his/her first three rounds. The investigation captured video images that appears to support that Subject 1 pointed a pistol at Officer B prior to him/her firing his/her first three rounds and as Subject 1 is fleeing after Officer B's fourth round. While being treated at the hospital, FID investigators conducted a gunshot residue swab on Subject 1, which tested positive for gunshot residue. Although his pistol was not located, the BOPC noted that the evidence supports that Subject 1 was in possession of a pistol at the time all four rounds were fired by Officer B.

The BOPC found Officer B's lethal use of force to be In Policy for rounds one through three and Out of Policy for round four.