

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

OFFICER-INVOLVED SHOOTING – 018-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	5/5/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	4 years, 9 months
Officer B	4 years, 3 months

Reason for Police Contact

Officers observed a female (Subject 2) using an Automated Teller Machine (ATM) and a male (Subject 1) standing behind her with a black satchel draped around him. Officers A and B observed a bulge resembling a pistol protruding from the front of Subject 1’s satchel. Subjects 1 and 2 entered a white vehicle parked next to them, and the driver quickly sped away. Officers A and B initiated a vehicle pursuit for a “415 Man with a Gun.” Eventually, the white vehicle stopped, and Subjects 1 and 2 exited the vehicle. Officers A and B foot pursued Subject 1, who armed himself with a pistol, resulting in an Officer-Involved Shooting (OIS) in Newton Division, several miles away from the start of the incident in Southeast Division.

Subject	Deceased (X) Wounded () Non-Hit ()
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Subject, 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 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 (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.

The following incident was adjudicated by the BOPC on March 19, 2024.

Incident Summary

Officers A (driver) and B (passenger) were conducting directed crime suppression for a recent homicide in their patrol area.

According to surveillance video, at 0040 hours, a white vehicle driven by an unidentified male pulled into a gasoline station. Upon arrival, a female (Subject 2) exited the front passenger side and a male (Subject 1) stepped out from the rear passenger side of the vehicle with a black satchel draped over his chest.

Subject 2 walked to an exterior ATM adjacent to the gasoline station entrance and waited for Subject 1 to join her. Subject 1 approached Subject 2, engaged her in a conversation, handed her a cellular phone, and walked back to the rear passenger side of the white vehicle as Subject 2 proceeded to utilize the ATM.

Simultaneously, Officers A and B drove into the gasoline station and observed Subject 2 utilizing the ATM at the entrance of the gasoline station. While Officers A and B continued to drive through the gasoline station, they observed Subject 1 approaching Subject 2 from behind with a black satchel draped around him. Subject 2 proceeded to withdraw money from the ATM and handed it over to Subject 1.

Upon circling around the gasoline pumps, Officer A noticed Subject 1 glance in the direction of their police vehicle. Both Officers A and B stated that Subject 1 appeared, *"nervous."* As the officers approached, Officer A continued looking at Subject 1 and noticed that the satchel draped over him was heavily weighted down with an L-shape bulge inside of it.

Officer A stopped their police vehicle and began talking to Subject 1 from their police vehicle. According to Officer A, *"So he made eye contact with me, and I began talking to him from our police vehicle. And I asked him - - I said, 'Hey, do you have anything illegal in that bag?' He looks in my direction and he says, 'No, I don't have anything illegal in this bag.'"*

Simultaneously, Officer B observed Subjects 1 and 2 walking toward the white vehicle. According to Officer B, Subject 1 seemed nervous and was ignoring Officer A's attempts to engage him. Subject 1 stopped in front of the white vehicle while Subject 2 proceeded to the front passenger side, opened the door, and sat inside the vehicle.

Subject 1 shifted the satchel, bringing it to the front of his body, and retrieved a pair of gloves, extending them toward Officer A. Officer A noticed that there was still a large bulge inside the satchel and utilized his/her hand-held flashlight to illuminate it.

Officer A asked Subject 1 again, *"What else is in that bag? Let me see."* Officer A noticed that Subject 1 began holding the satchel closer to his body which led him/her to believe that Subject 1 did not want the large-bulge item to fall out. Officer A believed that Subject 1 was in possession of a pistol.

According to Officer A's BWV, at 0044:18 hours, he/she opened the front driver-side door and placed his/her police vehicle in park to initiate a pedestrian stop on Subject 1.

Simultaneously, Officer B opened the front passenger-side door and stepped out of the police vehicle. Subject 2 shut the passenger-side door as Subject 1 proceeded to the rear passenger side and entered the white vehicle.

After Subjects 1 and 2 got into the white vehicle, it reversed in a clockwise direction, exited the driveway, and proceeded east at a high rate of speed.

Officer A activated their forward-facing red lights and siren and drove out of the gasoline station and proceeded east in the direction of the fleeing white vehicle.

Pursuit

At 0044:52 hours, Officer B broadcast, *"In pursuit of that vehicle..."* As Officer B completed the broadcast, the white vehicle continued at a high rate of speed and entered the northbound Interstate 110 Freeway.

At 0047:22 hours, an Air Support Division airship (helicopter) arrived over the pursuit as the vehicle continued north on the Interstate 110 Freeway.

The white vehicle transitioned onto the eastbound Interstate 10 Freeway and the exited on Maple Street. The airship broadcast, *"Northbound turn at the bottom. Northbound, underneath the 10. They're running, underneath the freeway"*.

Simultaneously, Officers A and B also exited the Interstate 10 Freeway on Maple Street. The officers turned north and observed Subjects 1 and 2 running toward them as the white vehicle continued north.

After Officers A and B drove past Subject 2, Subject 1 made a sudden turn, heading east into a parking lot below the freeway. Officer A stopped the police vehicle, positioning it parallel to the entrance of the gate, and observed Subject 1 scaling a wrought iron gate.

At 0049:00 hours, Officer B stepped out of the police vehicle and unholstered his/her pistol. Officer B assumed a two-handed grip on his/her pistol and pointed it toward Subject 1 who was still in possession of the satchel and scaling the wrought iron gate. Officer B shouted at Subject 1 to stop, but he continued to disregard the commands.

Officer A stepped out of the police vehicle and ran toward the gate. As Officer A approached the gate, Subject 1 scaled over it and stumbled onto the ground. Officer A began scaling over the gate, continuing to give commands to Subject 1 to stop. Simultaneously, Officer B observed Officer A running toward Subject 1. Officer B holstered his/her pistol and ran toward Officer A, who was at the gate.

Once Officer A scaled over the gate, he/she looked back and observed Officer B also scaling over the gate. Officer A ran after Subject 1 and believed that he was no longer in possession of a pistol.

Officer B scaled over the gate and observed Officer A running toward Subject 1. According to Officer B, he/she pursued Subject 1 in containment mode.

As Officer A approached Subject 1, he/she saw him fall to the ground, and Officer A wanted to render medical aid. Officer A observed the satchel still draped over Subject 1's chest as he lay on his back. Officer A unholstered his/her pistol, assumed a two-handed grip, and pointed the pistol toward Subject 1 as Subject 1 began reaching inside the bag.

According to Officer A's BWV, at 0049:19 hours, he/she shouted at Subject 1, telling him to not reach for the pistol. Simultaneously, Officer A transitioned to a one-handed grip, bent down, and held down the satchel with his/her left hand as he/she shouted, *"Don't move!"*

Subject 1 ignored Officer A's commands and continued reaching inside the satchel as he shifted his body. Officer A placed his/her right knee on Subject 1's left shoulder area and his left knee on Subject 1's left stomach area.

Officer A felt Subject 1 grip the pistol inside the satchel and shouted, *"I'm going to shoot you!"* According to Officer A, *"I knew the gun was in the bag, because I felt it and I felt him grip it."*

Officer A's account of the OIS

Subject 1 removed the pistol from the satchel and Officer A pushed himself off Subject 1. According to Officer A, he/she looked for cover and attempted to redeploy.

As Officer A stepped back, he/she observed Subject 1 drop the pistol away from his body. Officer A transitioned to a two-handed grip of his/her pistol and shouted, *"Don't reach, don't reach for it!"*

According to Officer A's BWV at 0049:38 hours, he/she stepped toward Subject 1 who was now lying on his stomach. As he continued moving forward, Subject 1 shouted, *"[Expletive!] I don't care!"* According to Officer A, he/she contemplated whether to holster his/her pistol and pull Subject 1 away from his (Subject 1's) pistol.

As Officer A stepped over Subject 1, he/she placed his/her left foot between Subject 1's legs. Simultaneously, Subject 1 reached for his pistol, immediately grabbed it, and started turning his body toward Officer A. In response, Officer A fired five rounds from his/her pistol.

Rounds No. 1 and 2

According to Officer A, he/she fired his/her pistol to prevent Subject 1 from shooting him/her or his/her partner.

Round No. 3

After firing his/her first two rounds, Subject 1 continued to move and appeared to clinch tighter to the gun. In response to Subject 1's movements, Officer A fired his/her third round.

Rounds No. 4 and 5

After firing his/her third round, according to Officer A, *“After I fired my third round, it appeared that he had like clenched his whole body up. And I don’t know if he was going to attempt to get up or if he was like trying to take like a mounting position or maybe turn his body towards us.”* In response to Subject 1’s movements, Officer A fired a fourth and fifth round.

Immediately after firing his/her fifth and final round, stopped firing when he/she realized that Subject 1 no longer posed an immediate threat.

Officer B’s account of the OIS

According to Officer B’s BWV, at 0049:24 hours, he/she scaled over the wrought iron gate and began running toward Officer A and Subject 1. He/she unholstered his/her pistol, assumed a two-handed grip, and pointed it toward Subject 1.

As Officer B approached, Officer A was still holding the satchel down. Moments later, Subject 1 removed the pistol from the satchel and pointed it at Officer B. Almost immediately, Subject 1 lost control of the pistol and it *“flew”* approximately two feet away from him.

Officer B shouted, telling Subject 1 not to reach for the pistol. Subject 1 grabbed the pistol with both hands and pulled it into his body. In response, Officer B fired seven rounds from his/her pistol when Subject 1 grabbed his pistol and pulled it toward him.

Round No. 1

According to Officer B, he/she fired his/her pistol to prevent Subject 1 from shooting him/her after he reached for his own pistol.

Round No. 2

After firing his/her first round, Officer B observed Subject 1 still holding the pistol.

Round No. 3

After firing his/her second round, Officer B observed Subject 1 continue holding the pistol.

Round No. 4

After firing his/her third round, Officer B observed Subject 1 continue holding the pistol.

Round No. 5

After firing his/her fourth round, Officer B observed Subject 1 continuing toward the pistol.

Round No. 6

After firing his/her fifth round, Officer B observed Subject 1 continue reaching and holding the pistol.

Round No. 7

After firing his/her sixth round, Officer B continued to see Subject 1 holding the pistol.

BWV depicts Subject 1 grabbing and pulling the pistol toward his/her chest while Officer B fired all seven rounds.

Immediately after firing his/her seventh and final round, Officer B redeployed, and observed Subject 1's head down and arms "*retracted.*" Officer B stated that he/she stopped firing when he/she realized that Subject 1 no longer posed an immediate threat.

Sound Graph Analysis

A Sound Graph Analysis of this incident determined that 1.309 seconds elapsed from when Officer B fired his/her first round until the last round was fired.

Post OIS

According to CD, at 0049:22 hours, Officer A broadcast "*Officer needs help, shots fired!*".

Officers A and B continued pointing their pistols at Subject 1. Officer B communicated, "*Hey, don't reach for it! Sir, Sir.*"

At 0050:02 hours, Officer B broadcast their location.

According to CD, at 0051:02 hours, Officer A requested a Los Angeles City Fire Department (LAFD) Rescue Ambulance (RA) for Subject 1.

When responding officers arrived at the scene, they approached Officers A and B. Officer B communicated, "*He has the gun still under him.*"

According to Officer C's BWV, at 0051:27 hours, he/she communicated with Officer D, "*...you and I are going to go up and handcuff.*"

Officers C and D approached Subject 1 while Officers A and B provided cover.

According to Officer C's BWV, at 0051:50 hours, he/she grabbed Subject 1's left arm out from underneath him and pulled it back up toward him/her. Simultaneously, Officer D grabbed Subject 1's right arm out from underneath him and pulled it back up toward him/her. Officer C handcuffed Subject 1's left wrist followed by his right wrist.

Once Subject 1 was handcuffed, Officer C communicated with Officer D to move him away from the gun.

Officer D grabbed Subject 1 by his left elbow and pulled him back eastward approximately 10 to 12 feet. Officer D placed Subject 1 in a right-lateral recovery position, assessed him for injuries, and checked for a pulse.

At 0051:35 hours, Sergeant A arrived at the scene and walked to where officers were attending to Subject 1.

At 0054:28 hours, Sergeant A's BWV captured Sergeants B and C arriving at scene. Sergeant A directed Sergeant B and Sergeant C to assume responsibility for separating and monitoring Officers A and B. Sergeant B obtained a Public Safety Statement (PSS) from Officer B, and Sergeant C obtained a PSS from Officer A.

According to Officer C's BWV, at 0100:30 hours, an LAFD RA staffed by firefighter paramedics arrived at the scene.

At 0106:28 hours, the RA began transporting Subject 1 to the hospital. An Officer accompanied Subject 1 inside the RA during the transport to the hospital, while his/her partner followed the RA in his/her police vehicle.

At 0118 hours, the Department Operations Center (DOC) was notified of the OIS. The details of the subsequent notifications are attached to this report.

Force Investigation Division (FID) investigators reviewed all documents and circumstances surrounding the separation and monitoring of officers prior to being interviewed by them. The separation and monitoring protocols were documented in the sergeant and watch commander logs.

BWV and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	No	Yes	Yes	Yes	Yes
Officer B	No	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) incident based on the totality of the circumstances, namely all the facts, evidence, statements and other pertinent material relating to the 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 and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officer A's non-lethal use of force to be In Policy.

D. Lethal Use of Force

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

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. 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 suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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 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, suspects, persons in custody, suspects 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.

Detention

While conducting crime suppression for a recent homicide, Officers A and B drove into the gasoline station where they observed Subject 1 wearing a black satchel. In addition to noticing Subject 1's nervous demeanor, both Officers A and B noticed that the black satchel draped over Subject 1 was heavily weighted down with an L-shaped bulge inside of it. Based on their observation, Officer A stopped their police vehicle and began speaking with Subject 1. When Officer A asked Subject 1 what was inside his satchel, Subject 1 opened his satchel and retrieved a pair of gloves; however, Officer A noticed the large bulge was still inside the satchel. As Officer A continued to ask Subject 1 what else was inside the satchel, Subject 1 ignored Officer A, held the satchel closer to his body, and proceeded to enter the white vehicle; which led Officer A to believe Subject 1 was in possession of a pistol. Based on the totality of the circumstances, the officers had reasonable suspicion to detain Subject 1.

A. Tactics

Tactical De-Escalation Techniques:

Planning,

Assessment,

Time,

Redeployment and/or Containment,

Other Resources, and

Lines of Communication.

Planning – Officers A and B received information during roll call regarding a homicide that occurred earlier in the day. As such, Officers A and B discussed tactics, which included contact and cover roles, vehicle and pedestrian stops, and their plan in conducting directed patrol in a known gang area to prevent retaliatory shootings. Upon believing that Subject 1 was in possession of a pistol, Officers A and B communicated a plan to conduct a pedestrian stop. The Use of Force Review Board (UOFRB) was critical of the officers' plan in paralleling Subject 1 as they stopped and communicated with him, while still seated in their police vehicle. The UOFRB would have preferred for the officers to have adhered to the basic concepts of pedestrian stop tactics (refer to Debriefing Point No. 2).

Assessment – During Officers A and B's initial observation of Subject 1, they assessed the possibility of criminal activity occurring, including whether Subject 2 was a victim of a possible robbery or human trafficking. The officers also assessed Subject 1's demeanor and actions, as well as the bulge in his satchel, to determine if he was in possession of a pistol.

As Subject 1 scaled the gate, Officer A assessed whether Subject 1 was still in possession of the pistol. When he/she was unable to see the bulge in the satchel, Officer A decided that Subject 1 no longer had a pistol and foot pursued him. After Subject 1 fell during the foot pursuit, Officer A assessed whether he/she should approach Subject 1 to render aid; however, he/she observed Subject 1 reaching into the satchel and that the pistol was still inside. When Officer A bent down to hold the satchel down, he/she could feel Subject 1 grip the pistol.

After Subject 1 removed the pistol from the satchel, Subject 1 immediately lost control and dropped it away from his body. Officers A and B assessed and began communicating with Subject 1 by ordering him to not reach for the pistol. As Subject 1 reached and armed himself with the pistol, Officers A and B assessed the need for lethal force and continued to assess throughout the entirety of the OIS.

Time and Redeployment and/or Containment – Due to the layout of the area, which consisted of a large, empty parking lot, Officers A and B were limited in available cover. The decision to foot pursue Subject 1 and close the distance on him limited the officers' time to wait for additional resources to arrive.

After Subject 1 removed the pistol from the satchel, Officer A pushed him/herself off Subject 1 and looked for cover and attempted to redeploy. During the initial firing of their pistols, Officers A and B and A redeployed to gain distance from Subject 1, who was armed with a pistol.

Other Resources and Lines of Communication – The UOFRB noted that Officers A and B's communication with one another and responding units during the entirety of the incident was limited. Upon first contact with Subject 1, Officers A and B did not advise Communication Division (CD) of their location. In their decision to foot pursue Subject 1, neither Officer A nor Officer B advised CD of their updated location or their involvement in a foot pursuit. The UOFRB would have preferred for the officers to have had better communication with CD and each other (refer to Debriefing Points No. 1 and 3).

Officer B's broadcast of the vehicle pursuit initiation prompted CD to request the response of a back-up unit, airship, and supervisor. An airship was able to join the vehicle pursuit and alert Officers A and B to the white vehicle's route of travel and to Subjects 1 and 2 running under the freeway overpass.

After the OIS, Officer A requested an RA for Subject 1. Officer C communicated with the other responding officers as he/she delegated roles until he/she was relieved by Sergeant A.

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

Debriefing Point No. 1: Code Six

Officers A and B did not advise CD of their Code Six (on scene to investigate) location when they intended to conduct a pedestrian stop on Subject 1. According to Officer B, they did not advise CD Code Six because they were focused on the

tactical situation as they observed what appeared to be a pistol in Subject 1's satchel.

The UOFRB assessed Officers A and B's adherence to the Department's Code Six policy. The UOFRB noted that although Officers A and B observed the possibility of a crime in progress, neither officer advised CD of their location. Instead, the officers chose to engage Subject 1, asking him what was inside of his satchel. The UOFRB opined that nothing prevented the officers from advising CD of their location before approaching Subject 1.

The UOFRB noted that the purpose of the Code Six policy is for officers to advise CD of their location should the incident necessitate the response of additional personnel. Based on the officers' observation of Subject 1's satchel possibly containing a pistol, the UOFRB opined that they were intending to detain him. As such, the UOFRB opined that when Officers A and B contacted Subject 1, they were attempting to confirm their suspicion of him carrying a pistol inside of his satchel, and they should have advised CD of their location before initiating the pedestrian stop. By not doing so, the UOFRB opined that Officers A and B placed themselves at a significant tactical disadvantage.

The UOFRB also noted that approximately 4 minutes and 28 seconds had passed since the start of the officers' investigation until the time Officer B advised CD of their location. The UOFRB opined that too much time had elapsed before the advisory was made and that it was only made after Subject 1 entered the white vehicle and fled the gasoline station. The UOFRB would have preferred for Officers A and B to have placed themselves Code Six prior to stopping their police vehicle and initiating any contact with Subject 1.

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. 2: Pedestrian Stop Tactics

The UOFRB assessed the tactics utilized by Officers A and B during their pedestrian stop of Subject 1. The UOFRB concluded that Officers A and B failed to employ proper tactics when conducting a pedestrian stop of Subject 1. During their assessment, the UOFRB noted that Officer A stopped their police vehicle parallel to Subject 1, and neither Officer A nor B exited their vehicle prior to contacting him, even though they observed possible criminal activity occurring and believed that Subject 1 was carrying a pistol inside his satchel. Additionally, the UOFRB noted that the officers allowed Subject 1 to reach into the satchel that they believed contained a pistol, while remaining seated in their police vehicle. The UOFRB opined that Officers A and B's tactics while contacting Subject 1 placed them at a significant disadvantage by restricting their mobility and limiting their ability to control Subject 1's actions. The UOFRB also opined that allowing Subject 1 to reach inside his satchel while the officers remained seated inside their police vehicle further jeopardized their safety.

Based on the totality of the circumstances, the UOFRB believed that Officers A and B should have selected a place to park and exit their police vehicle before contacting Subject 1. By doing so, officers could have had a tactical advantage and more time to request additional resources. In addition, the UOFRB would have preferred that Officer A had slowed down the incident by communicating with his/her partner and ensuring high-risk pedestrian stop tactics were employed.

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: Foot Pursuit Concepts

- After exiting eastbound Interstate Freeway 10 on Maple Street, Officers A and B observed Subjects 1 and 2 running toward them as the white vehicle continued north. The officers observed Subject 1 turn east toward a parking lot, scale a wrought iron gate, and continue running. In response, Officer A scaled the gate, followed by Officer B, and they foot pursued Subject 1; but neither Officer A nor Officer B advised CD of their location or that they were in foot pursuit. As he ran, Subject 1 lost his balance and fell. Officer A then closed distance with Subject 1 and began giving him commands to not reach inside the satchel.

Although the UOFRB was unanimous in its recommendation regarding the overall tactics employed during Officers A and B's foot pursuit of Subject 1, there was a minority opinion rendered during the UOFRB's discussion on the topic of apprehension versus containment.

The UOFRB assessed Officer A's decision to pursue Subject 1 in apprehension mode. The UOFRB Majority noted that Officer A was unable to see if the satchel still had the bulge, as Subject 1 scaled the gate, and he/she believed that it was possible that Subject 1 could have either left the pistol inside the white vehicle or tossed it during the vehicle pursuit. The Majority opined that Officers A and B should have expected Subject 1 to be armed.

While the UOFRB noted that Officer A's justification for pursuing Subject 1 in apprehension mode was due to his/her concern for the safety of community members in the area as well rendering aid to Subject 1 after he/she fell, they opined that Officer A's decision placed him/herself and Officer B at a significant tactical disadvantage and unnecessarily risked their safety. Furthermore, the Majority also noted that Officer A's decision to pursue Subject 1 in apprehension mode contributed to Officer A holding his/her pistol when he/she contacted Subject 1.

Regarding Officer B, the Majority noted that Officer B still believed that Subject 1 was in possession of the pistol and pursued Subject 1 in containment mode as he/she was not trying to immediately apprehend him, but was trying to watch him. The UOFRB discussed Officer B's justification and determined that it was insufficient as there was a lack of planning before the foot pursuit and no communication with each other during the foot pursuit. Additionally, when Officer A scaled over the

fence first to foot pursue Subject 1, Officer B never directed his/her partner to stop. As such, the Majority opined that Officer B' actions were more in-line with being in apprehension mode of an armed suspect. Alternatively, the UOFRB would have expected Officers A and B to maintain distance while foot pursuing Subject 1 and make efforts to establish containment.

Therefore, the UOFRB Majority opined that the tactics employed by Officers A and B in foot pursuing Subject 1 in apprehension mode were a substantial deviation, without justification, from Department-approved tactical training.

The UOFRB Minority disagreed with the Majority's opinion regarding Officers A and B's decision to foot pursue Subject 1 in apprehension mode. The Minority noted that the policy on foot pursuit tactics states that officers should "generally" be in containment mode when foot pursuing armed suspects. Per Officer A, he/she believed that Subject 1 had discarded the pistol, and neither Officer A nor Officer B saw Subject 1 in possession of a pistol at the onset of the foot pursuit. However, the Minority also noted that Officer A considered the possibility of Subject 1 still being armed because of the belief that if there is one pistol, there could possibly be a second one. Officer A also expressed concern for the safety of those experiencing homelessness, as he/she believed Subject 1 to be a potential robbery or human trafficking suspect. The Minority opined that Officer A did not want to risk the safety and lives of those potential victims merely based on the possibility of Subject 1 being unarmed.

Regarding Officer B, the Minority noted that Officer B initially stepped out of the police vehicle and began giving verbal commands to Subject 1 prior to becoming involved in the foot pursuit. As such, the Minority opined that Officer B was only reacting to Officer A's decision to run toward Subject 1 and noted that Officer B believed that he/she and Officer A were in containment mode to watch Subject 1 since Officer B knew an airship was still following the white vehicle.

Therefore, the UOFRB Minority opined that the tactics employed by Officers A and B in foot pursuing Subject 1 in apprehension mode were a substantial deviation, with justification, from Department-approved tactical training.

In reflecting upon the UOFRB's discussion regarding the separation between Officers A and B, the UOFRB noted that when Officer B scaled over the fence, Officer A was approximately 71 feet ahead of him/her. The UOFRB also noted that Officer A was still separated from Officer B when he/she closed distance and physically engaged with Subject 1 over the satchel. Although the UOFRB considered Officer A's statement that after scaling over the gate, he/she looked back and saw Officer B scaling over the fence, the UOFRB opined that by Officer A's distancing him/herself from Officer B, Officer B was not in a position to help him tactically or to render aid, thereby jeopardizing their safety and increasing Officer A's tactical disadvantage. The UOFRB would have preferred that Officer A had waited for Officer B to fully scale the gate before running after Subject 1 or waited for Officer B before attempting to take Subject 1 into custody after he fell.

The UOFRB discussed Officer A's decision to close the distance and make physical contact with Subject 1 by him/herself. During the UOFRB, a Department Tactics Subject Matter Expert (SME) stated that when officers believe a suspect to be armed, they are trained to keep distance while utilizing cover, request additional resources, and give commands to the suspect. In this incident, commands could have included directing Subject 1 to take off the satchel and drop it to the ground, followed by commands to walk to the left or right away from that satchel, and directing Subject 1 to a prone position. The UOFRB noted that although Officer A articulated his/her belief that Subject 1 was possibly armed and was attempting to reach for a pistol inside his satchel, Officer A approached Subject 1 without the benefit of cover or aid of his/her partner. In doing so, the UOFRB opined that Officer A jeopardized his/her safety and placed him/herself in a tactical disadvantage.

The UOFRB also noted that before and during Officers A and B's foot pursuit of Subject 1, neither officer advised CD of their location nor did they advise their involvement in a foot pursuit. In not doing so, UOFRB opined that Officers A and B placed themselves at a significant tactical disadvantage and unnecessarily risked their safety. Furthermore, the UOFRB opined that Officers A and B's failure to update their status at the termination of the vehicle pursuit significantly delayed responding units to their location, reduced their ability to de-escalate this situation, and negated efforts in establishing containment on an armed suspect.

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.

Additional Tactical Debrief Topics

Initiating Physical Contact with a Suspect While Holding Pistol – Officer A held his/her pistol in his/her right hand as he/she utilized his/her left hand and both his/her knees to hold and prevent Subject 1 from reaching into his satchel. During Officer A's physical engagement of Subject 1, he/she inadvertently placed the muzzle of his/her pistol on the left side of Subject 1's face briefly. This can be seen on Officer A's BWV footage at 0049:29 hours.

Situational Awareness – Before the OIS, Officer A stepped over Subject 1 and placed his/her left foot between Subject 1's legs. When Subject 1 armed himself with the pistol, Officer B began firing his/her pistol while Officer A was still standing over Subject 1. Simultaneously, Officer A began taking a few steps backward as he/she fired at Subject 1, slowly triangulating on him. Alternatively, Officer A could have avoided placing his/her foot between Subject 1's legs, and both officers could have triangulated more on Subject 1 as they engaged with him.

Simultaneous, Non-conflicting Commands – As Officer A pushed him/herself off Subject 1, he/she observed Subject 1 drop the pistol away from his body. Officers A and B gave simultaneous non-conflicting commands to Subject 1 to not reach for the pistol. Even though their commands were simultaneous and non-conflicting, Officers A and B should have designated a single point of contact with Subject 1 for clarity.

Profanity – While Subject 1 was scaling the wrought iron gate, Officer B used profanity in directing Subject 1 to stop. As Officer A scaled the gate, Officer A used profanity in telling Subject 1 that he/she was serious. After Subject 1 fell to the ground, Officer A used profanity when directing Subject 1 to give up and surrender himself peacefully. While Officer A physically engaged Subject 1 for the pistol in his satchel, Officer A used profanity when ordering him to not move. After Officer B ran toward Officer A and Subject 1, Officer B used profanity as he/she ordered Subject 1 to not move. After the pistol fell to the ground near Subject 1's body, both Officers A and B used profanity in directing Subject 1 to not reach for the pistol. While issuing orders to his/her personnel, Sergeant A used profanity.

Bloodborne Pathogens – Officer C handcuffed Subject 1 without wearing gloves. After Subject 1 was moved approximately 10 to 12 feet eastward, Officer A assisted with placing Subject 1 in a right-lateral recovery position without wearing gloves.

Command and Control

- At 0051:27 hours, Officer C directed Officer D to join in handcuffing Subject 1 while Officers A and B provided cover with their pistols. After Subject 1 was handcuffed, Officer C directed Officer D to move Subject 1 away from the pistol. Additionally, Officer C directed additional responding units to set up crime scene tape, mark casings with folded Field Identification (FI) cards, and initiate a Crime Scene Log. Officer C also directed another officer to monitor Subject 1's pistol.

At 0051:35 hours, Sergeant A arrived at scene, ensured that the area was cordoned off, and requested two additional supervisors to assist him with scene management. Additionally, Sergeant A ensured that there was a clear path for the responding RA, identified Officers A and B as the officers involved in the OIS, and confirmed that Subject 2 was an outstanding suspect, directing officers to search for her. At 0054:19 hours, after obtaining situational awareness, Sergeant A declared him/herself the Incident Commander (IC). At 0054:28 hours, Sergeants B and C arrived at scene. Sergeant A directed Sergeants B & C to separate and admonish and monitor Officers A & B. Sergeant B obtained a PSS from Officer B while Sergeant C obtained a PSS from Officer A. Sergeant A also assigned officers to provide cover for Officer D, who was attending to Subject 1, because he/she was unsure of Subject 2's location. Lieutenant A arrived at scene at 0106:07 hours and, upon being briefed by Sergeant A, assumed the role of IC at 0108 hours.

The UOFRB discussed Officer C and Sergeant A's role in taking command and control after the OIS. The UOFRB noted that Officer C was the first officer to initiate command and control, directing Officer D to assist with handcuffing and directing Officers A & B to provide cover. The UOFRB also noted that Officer C began delegating roles to responding officers to ensure that scene integrity was maintained until the arrival of Sergeant A. The UOFRB commended Officer C for his/her role in initiating command and control.

In terms of Sergeant A, the UOFRB noted that Sergeant A observed Officer D attending to Subject 1 and considered the possibility of Subject 2 still being in the

area. In his/her observation, Sergeant A directed additional officers to search for Subject 2 and provide cover for Officer D. The UOFRB also noted that Sergeant A delegated and ensured the separation and monitoring of Officers A & B to Sergeants B & C.

The BOPC determined that the overall actions of Officer C, Sergeants A, B, C, and Lieutenant A, were consistent with Department training.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB and Chief determined, and the BOPC concurred, that the actions of Officers A and B were a substantial deviation, without justification, from approved Department tactical training. The BOPC found Officers A and B's tactics to warrant a finding of Administrative Disapproval.

Each tactical incident merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident. Therefore, the Chief directed Officers A and B to attend a Tactical Debrief and the specific identified topics be discussed.

General Training Update (GTU)

- Officers A and B attended a GTU on May 22, 2023.

B. Drawing/Exhibiting

Officer A

After Officer A scaled the fence, he/she foot pursued Subject 1 and saw him fall to the ground. Officer A approached and observed the satchel still draped over Subject 1's chest as he lay on his back. As Subject 1 began reaching inside the satchel, Officer A unholstered his/her pistol. Officer A believed that a pistol was inside the satchel and Subject 1 was going to arm himself with it, leading to a situation where lethal force would be justified. This could be seen on Officer A's BWV footage at 0049:18 hours.

Officer B (1st Occurrence)

At 0049 hours, Officer B stepped out of the police vehicle and unholstered his/her pistol, assuming a two-handed grip. Officer B pointed it toward Subject 1, who was in the process of scaling the wrought iron gate. Officer B believed that Subject 1 was still in possession of a pistol because he/she was still in possession of the satchel and believed that the situation could escalate to the point where he/she would need to protect him/herself or his/her partner.

Officer B (2nd Occurrence)

According to Officer B's BWV, at 0049:24 hours, he/she scaled over the wrought iron gate and began running toward Officer A and Subject 1, at which time he/she unholstered his/her pistol and assumed a two-handed grip, pointing it toward Subject 1. Officer B believed that Subject 1 was still in possession of a pistol and observed Subject 1 reaching into his satchel to possibly arm himself.

The UOFRB assessed Officers A and B's drawing and exhibiting of their pistols. Regarding Officer B's first occurrence, the UOFRB noted that Officer B observed Subject 1 in possession of the satchel, which Officer B believed contained a pistol. Additionally, the UOFRB considered Officer B's belief that Subject 1 could potentially retrieve the pistol from his satchel and shoot him/her or Officer A. In terms of his/her second occurrence, The UOFRB noted that Officer B only holstered his/her pistol while he/she and Officer A scaled over the gate. As a result, the UOFRB opined that Officer B's rationale for the second drawing and exhibiting of his/her pistol was a continuation of the first and noted that Officer B observed Subject 1 reaching into the satchel as he/she ran towards Officer A and Subject 1.

Regarding Officer A, the UOFRB noted that he/she unholstered his/her pistol because he/she observed Subject 1 reaching into the satchel, which Officer A believed to contain a pistol. The UOFRB opined that Officer A believed that the situation could escalate to the point where lethal force would be justified.

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 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. Non-Lethal Use of Force

- **Officer A – Bodyweight**

In review of this incident, the BOPC determined that Officer A utilized bodyweight to prevent Subject 1 from accessing the pistol inside the satchel when he/she placed his/her right knee on Subject 1's left shoulder area and his/her left knee on Subject 1's left stomach area as Subject 1 shifted his body. This application of bodyweight should be assessed as a non-lethal use of force.

Based on the totality of circumstances, the BOPC determined that an officer with similar training and experience as Officer A would believe that the non-lethal force used was objectively reasonable, proportional, and necessary; therefore, the BOPC found the non-lethal use of force was In Policy.

D. Lethal Use of Force

Officer A – five rounds from approximately three feet, in a northwesterly direction.

Background – Upon inspecting the scene and relevant video evidence, FID investigators determined that the background for all five rounds was the same, consisting of a concrete column that supports the Interstate 10 Freeway overpass, a metal railing surrounding the concrete column, and the concrete ground of the parking lot.

Rounds One and Two

According to Officer A, as he/she placed his/her left foot between Subject 1's legs, Subject 1 simultaneously reached for the pistol, immediately grabbing it. In response, Officer A fired his/her first and second round from his/her pistol to prevent Subject 1 from shooting him/her and his/her partner. The investigation determined that Officer A fired both rounds from approximately three feet away, utilizing a one-handed grip.

Round Three

According to Officer A, Subject 1 was still holding the pistol and appeared to grab it tighter. Believing that Subject 1 was still a threat to the officers' safety, Officer A fired a third round from approximately three feet away in response to his actions, utilizing a one-handed grip.

Rounds Four and Five

According to Officer A, Subject 1's body appeared to be tensing up, and he/she believed that Subject 1 was either going to stand up or turn his body to face and shoot the officers. In response to Subject 1's actions, Officer A used a one-handed grip to fire his/her final two rounds from approximately three feet away, causing Subject 1's body to stop moving on the ground.

Officer B –seven rounds from approximately six feet, in an easterly direction.

Background – Upon inspecting the scene and relevant video evidence, FID investigators determined that the background for all seven rounds was the same, consisting of an empty parking lot and the concrete ground of the parking lot.

Round One

According to Officer B, as he/she approached Officer A and Subject 1, he/she observed Subject 1 remove the pistol from the satchel and point it at him/her. Almost immediately, Subject 1 lost control of the pistol and it dropped approximately two feet away from him. Officer B directed Subject 1 to not reach for the pistol, but Subject 1 ignored his/her commands, grabbing the pistol with both hands and pulling it into his body. In fear of being shot by Subject 1, Officer B fired his/her first round from his/her pistol from approximately six feet away.

Round Two

According to Officer B, he/she observed Subject 1 still holding the pistol. In defense of his/her life, Officer B fired his/her second round from his/her pistol from approximately six feet away.

Round Three

According to Officer B, he/she observed Subject 1 still holding the pistol with his arm extended. In defense of his/her life, Officer B fired his/her third round from his/her pistol from approximately six feet away.

Round Four

According to Officer B, Subject 1 continued to ignore his/her commands and he/she observed Subject 1 still holding the pistol. In defense of his/her life, Officer B fired his/her fourth round from his/her pistol from approximately six feet away.

Round Five

According to Officer B, he/she observed Subject 1 still holding the pistol. In defense of his/her life, Officer B fired his/her fifth round from his/her pistol from approximately six feet away.

Round Six

According to Officer B, he/she observed Subject 1 still reaching and holding the pistol. In defense of his/her life, Officer B fired his/her sixth round from his/her pistol from approximately six feet away.

Round Seven

According to Officer B, he/she observed Subject 1 still holding the pistol. In defense of his/her life, Officer B fired his/her seventh round from his/her pistol from approximately six feet away. After firing his/her seventh and final round, Officer B redeployed and observed Subject 1's head down and arms "retracted," no longer posing an immediate threat.

The UOFRB evaluated Officers A and B's lethal use of force. The UOFRB noted that despite the commands given to Subject 1 by Officers A and B to not reach for the pistol, Subject 1 reached for and armed himself with the pistol. The UOFRB also noted that both officers observed Subject 1 maintaining control of the pistol throughout the entirety of their rounds being fired, further noting that Officer A believed that Subject 1 was trying to get back up before firing his/her last two rounds. Based on Subject 1's actions, the UOFRB opined that Officers A and B reasonably believed that he posed an imminent lethal threat.

The UOFRB discussed the possibility of the officers' deficiencies in tactics leading up to the OIS, and if they significantly contributed to the cause of the shooting. In

their discussion, the UOFRB was critical of the officers for not using cover prior to the OIS and in their actions to foot pursue Subject 1 in apprehension mode rather than containment mode. The UOFRB was also critical of Officer A's decision to physically engage with Subject 1 by him/herself, as Subject 1 reached into the satchel, which the UOFRB viewed as one continuous incident. However, the UOFRB also noted that at the time Subject 1 dropped the pistol and lost control of it and it landed two feet away from him, there was a separation from the sequence of events which allowed for Officers A and B to slow down the incident and establish communication with Subject 1. The UOFRB opined that Officers A and B furthered their de-escalation efforts by ordering Subject 1 to not grab the pistol. The UOFRB also opined that Subject 1's response to the officers' commands was he did not care and noted the officers only fired their pistols when Subject 1 had reached for his own pistol. As such, the UOFRB opined that Subject 1's independent decision to arm himself was not based on the officers' tactics.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, in the same situation, would reasonably believe that the lethal use of force was necessary, proportional, and objectively reasonable. Therefore, the BOPC found Officers A and B's lethal use of force to be In Policy.

Medical Treatment/Rendering Aid

At 0051:02 hours, 1 minute and 21 seconds after the OIS, Officer A requested an RA for Subject 1. After additional officers arrived at scene, Officer C handcuffed Subject 1 with assistance from Officer D at 0051:50 hours, 2 minutes and 9 seconds after the OIS. Once Subject 1 was handcuffed, Officer C told Officer D to move Subject 1 away from the pistol. In doing so, Officer D moved Subject 1 in eastward and placed him in a right-lateral recovery position with assistance from Officer A. Officer D then assessed Subject 1 for injuries and checked him for a pulse. At 0100:30 hours, 10 minutes and 49 seconds after the OIS, an LAFD RA arrived at scene.

While monitoring Subject 1 within the time period of 8 minutes and 40 seconds, and prior to the arrival of the RA, Officer D checked Subject 1's pulse and assessed his need for Cardiopulmonary Resuscitation (CPR). At 0106:28 hours, 16 minutes and 47 seconds after the OIS, Subject 1 was transported by the RA to the hospital. Subject 1 was pronounced deceased by the doctor at the hospital at 0115 hours.

In evaluating the medical aid rendered to Subject 1, the UOFRB had concerns with the amount of medical aid effort utilized by Officer D and the oversight by Sergeant A. Regarding Officer D, the UOFRB noted that Officer D did not have an Individual First Aid Kit (IFAK) on his/her person, nor did he/she request an IFAK from officers nearby. The UOFRB also noted that Officer D only checked Subject 1's pulse to assess the need for CPR. Per Officer D, based on his/her training and knowledge, if he/she did feel a pulse, then it was his/her understanding that CPR was not needed.

Additionally, despite Officer D observing several gunshot wounds on Subject 1's torso, the UOFRB noted that Officer D did not attempt to apply direct pressure to any

of Subject 1's injuries. Per Officer D, based on the level of his/her training and experience, regarding Subject 1's multiple gunshot wounds, he/she did not believe that there was additional medical treatment he/she could have rendered to Subject 1.

Regardless of the extent of Subject 1's injuries, the UOFRB opined that Officer D could have done more than just monitor for a pulse to determine if CPR was required. The UOFRB would have preferred that Officer D had reached out to officers nearby and had them retrieve their IFAKs or, at a minimum, utilized gauze tape to apply direct pressure collectively to slow down or stop the bleeding.

Regarding Sergeant A, the UOFRB noted that although Sergeant A observed that officers were monitoring Subject 1 and was aware that an RA had been requested, the UOFRB opined that he/she could have taken the time to ensure proper medical treatment was being rendered to Subject 1. The UOFRB believed that these issues could be addressed during the Tactical Debrief.

Although not identified as substantially involved, due to the concerns identified in the rendering of medical aid to Subject 1, Officer D and Sergeant A would benefit from attending the Tactical Debrief. Therefore, the Chief directed Officer D and Sergeant A to attend the Tactical Debrief.

Requirement to Intercede

Based on their review of this incident, the BOPC determined that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and the officers did not deviate from the duty to intercede.

Required Equipment

Officer B did not have his/her Oleoresin Capsicum (OC) spray on his/her person. Officers A and B did not have their batons on their person. As these issues were addressed at the divisional level via informal meetings, with Operations South Bureau and Office of Operations concurrence, the BOPC deemed no further action to be necessary.

Audio/Video Recordings

Body-Worn Video – FID investigators identified 59 BWVs as being related to this incident. The BWVs were tagged in Evidence.com. Officer A and B had late BWV activations, so audio cannot be heard during the initial contact.

Digital In-Car Video (DICV) – Units assigned to Southeast Division patrol were equipped with DICV. Officers A and B' DICV captured the vehicle pursuit. There was no DICV footage that captured the OIS. The DICV videos from all the responding units were reviewed and uploaded to Coban.

Outside Video – During the investigation, security video footage was downloaded from multiple locations near the scene and from the initial contact at the gasoline station. The footage was analyzed by FID investigators and vaulted at Technical Investigation Division (TID) Electronics under their respective media control numbers.

Other Department Video – None.

Social Media – The FID Cyber Unit monitored social media sites from the date of the incident until the submission of this investigative report. No relevant social media posts were found.

Photographs – During this investigation, TID photographed the scene, involved officers, and evidence.