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

OFFICER-INVOLVED SHOOTING – 027-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Mission	2/22/17		

Officer(s) Involved in Use of Force	Length of Service
Officer A	14 years, 10 months
Officer K	12 years, 1 month
Officer I	18 years, 8 months
Officer J	15 years
Officer B	14 years, 3 months
Officer N	1 year, 4 months
Officer L	5 months

Reason for Police Contact

Officers responded to a radio call of an armed subject brandishing a handgun at passerby's. Upon their arrival, they observed a subject matching the description. The officers detained the subject who refused to cooperate with their directions. The subject subsequently armed himself with a facsimile handgun and pointed it at officers resulting in an Officer-Involved Shooting (OIS).

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

Subject: Male, 19 years old.

Board of Police Commissioners' Review

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

Because state law prohibits divulging the identity of police officers in public reports, for

ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on April 10, 2018.

Incident Summary

On the date and time noted, a PR called the Los Angeles Police Department (LAPD) Communications Division (CD) non-emergency line. He advised the LAPD dispatcher that a subject, armed with a handgun and a knife, had just pointed a handgun at him. The caller said the subject did not shoot at him and walked away westbound from his direction. The subject was described as a male wearing a gray sweater and black pants.

Force Investigation Division (FID) investigators later learned that the PR's true identity was actually the Subject and the description he had provided was actually a description of himself.

Officers A, and B were assigned and responded to the Code Three radio call. Communications Division confirmed that they were equipped with a beanbag shotgun. As the officers were en route to the location, they communicated with each other about their tactics; contact and cover, use of lethal and less-lethal force, and what to do if the Subject ran away. The officers determined that Officer A would be contact and Officer B would be cover.

> **Note:** The actions of the officers and Subject prior to, during, and after the OIS were captured on various officers' Body Worn Video (BWV), apartment security videos, and cell phone video.

Officers C and D advised CD they would back on the radio call. Both Officers C and D have worked together on the same watch for five years and have worked together as partners several times during that time. They have talked tactics, such as contact and cover and various radio calls in the past. While responding to this radio call they only talked about the nature of the call and not tactics.

As Officers A and B turned eastbound into the area, they observed a male matching the subject's clothing description walking westbound on the north sidewalk and holding a cellphone with his right hand. Officer A parked the police vehicle approximately 15 to 20 feet west of the Subject, in a northeasterly direction. Officer B broadcast Code Six on the police radio.

Officers A and B exited their vehicle and unholstered their firearms. According to Officer A, he unholstered his pistol based on the comments of the radio call being an ADW and the subject being armed with a handgun and a knife. These comments made him believe the situation could potentially result in the use of deadly force. According to Officer B, he unholstered his firearm because the subject had pointed a handgun at somebody, the subject was armed with a handgun and a knife, and he believed the

situation could rise to the use of deadly force.

Officer A moved from behind his police vehicle driver's door and approached the Subject, who was facing west bound. Officer A, while pointing his pistol at the Subject, got within approximately 10 feet of the Subject, who had stopped walking. Officer A gave the Subject verbal commands to turn around and keep his hands up. Officer B had positioned himself near the right front fender of their police vehicle and gave similar verbal commands to the Subject. The Subject refused to comply with the commands given by both officers.

Officer A, after a few seconds, moved back behind the driver's door of the police vehicle. From their positions, both officers were able to see the handle of a knife that the Subject had in his right front pants pocket. Both officers continued giving the Subject verbal commands that he continued to ignore. Based on the Subject's refusal to comply with their commands, Officer A instructed Officer B to request a backup. Officer B broadcast a request for a back-up.

> **Note:** According to Officer A, since the Subject was refusing to comply with their commands, Officer A thought that if the Subject saw him, referring to his whole body, that it would increase the rapport with the Subject. Officer A then walked out of cover to the front of his vehicle. Officer A assessed his situation and decided he would be better behind cover and moved back behind his driver's door.

An Air Support Division Unit responded to the back-up request.

Officers E and F heard the back-up request. Officer F advised Officer E of the comments of the radio call as they were en route. At the start of watch, both officers discussed tactics (contact and cover), but they did not have time to talk about tactics for this radio call since they were so close to the location. Officers E and F responded to assist and parked their police vehicle west of the primary unit, facing in a northeast direction. Officer F placed themselves Code Six, via the Mobile Digital Computer (MDC). Both officers exited their police vehicle and walked toward the primary unit's police vehicle.

The Subject, still facing west, continued to ignore the officers' verbal commands. Officer A requested Officer B to deploy his TASER and asked the other officers to deploy a beanbag shotgun. Officer E went back to his police vehicle and retrieved the beanbag shotgun, and positioned himself behind the passenger door of his police vehicle. From his position, Officer E observed a knife handle sticking out of the Subject's right front pants pocket.

According to Officer F, he unholstered his pistol because he believed the incident could turn into a deadly force situation. He based this belief on the comments of the radio call stating the Subject pointed the handgun at someone, and observing Officer A with his pistol drawn out and the Subject not complying. Officer F initially positioned himself behind the passenger door of his police vehicle, but then redeployed behind a

telephone pole on the north side of the street, west of the Subject and kept his pistol at a low ready. He did, on occasion, based on the Subject's actions, go up on target. Officer F observed responding uniformed police officers arriving and positioning themselves behind him so he redeployed to the driver's side of the primary unit's police vehicle. Officers A and B continued communicating with the Subject as additional patrol units arrived.

> **Note:** Officer B maintained his pistol on target until back-up units arrived. Officer B then holstered his firearm and switched to a TASER. Officer B thought about deploying the beanbag shotgun, but it was just easier and faster to deploy his TASER which was on his equipment belt.

When Officers C and D arrived at scene, they parked their police vehicle west of the other police vehicles. Officers C and D exited their police vehicle and walked toward the passenger side of the primary unit's police vehicle. According to Officer C, he deployed the shotgun because of the nature of the call and the Subject being armed with a handgun. Officer C initially positioned himself to the right of Officer B.

According to Officer D, he took out the beanbag shotgun from his police vehicle, but after seeing that a beanbag shotgun was already deployed, he put it inside the passenger side of the police vehicle. Officer D walked toward the passenger side of the primary unit's police vehicle and positioned himself to the right of Officer C. Officer D unholstered his pistol, because this was a ADW radio call and the Subject was armed with a gun. Officer D believed that the tactical situation could escalate to where the use of deadly force would be justified. Officer D maintained his firearm at a two-hand low ready.

During the incident, Officer C kept the shotgun at a low ready and depending on the Subject's actions he would come up on target and then return to a low ready. Officer C stated he saw the Subject, who turned and faced south, was armed with a knife, which was inside his front right pants pocket. Officer C also saw what appeared to be the rear sights of a pistol in the Subject's front waistband, when the Subject raised his arms. Officer C stated he relayed this information to the officers near him.

> **Note**: During the incident and prior to the OIS, Officer C switched positions with Officer B. Officer C was now positioned next to the right front fender of the primary unit's police vehicle. Officer C remained at that position until the OIS.

Officers G and H responded to the back-up request. Officer G parked the police vehicle west of the patrol vehicles already on scene. Officers G and H did not discuss tactics while en route to this radio call, but they have talked about tactics, contact and cover, on prior working days. Officers G and H exited their vehicle and positioned themselves behind Officers B, C and D.

> **Note:** On the date of the OIS, it was Officer H's third day out in the field.

According to Officer H, he observed officers with lethal and less lethal weapons deployed. Officer H observed that the Subject had a knife in his front pants pocket, was possibly armed with a handgun, and believed the circumstances justified the use of deadly force, so he unholstered his pistol. Officer H kept his firearm at a low ready, but remained behind Officers B, C, and D. Officer G positioned himself on the passenger side of the primary unit, but did not unholster his firearm.

Officers I and J responded to the back-up request. Officers I and J have worked together on and off for over five years. In those five years, they have discussed several tactical scenarios, including Subjects armed with pistols. Upon arrival, Officer I drove past the primary unit and the Subject, and parked the police vehicle east of the Subject pointing in a northeasterly direction. Officers J and I exited their police vehicle and walked to the south side of the street.

> **Note**: As Officer I and J approached a pick-up truck, which was parked at the curb and directly south of the Subject, they observed a male wearing a red baseball cap, in the driver's seat. Officers J and I directed the occupant to exit the vehicle and leave the location. Officers' BWV depicts that the male remained on the south side of the street, near the apartment complex entrance, and may have witnessed the incident. That male was never identified.

According to Officer J, he unholstered his pistol because of the comments of the radio call, a man armed with a handgun and a knife, which caused him to believe the situation may escalate to a use of deadly force. Officer J added that he clearly observed what appeared to be a large kitchen knife in the Subject's pants pocket.

According to Officer I, he unholstered his pistol because he believed the Subject was armed with a handgun. Officer I remained near the front of the pick-up truck, in the open. Officer I maintained his firearm with his right hand, in front of his equipment belt, pointed left and toward the ground. Officer I described the handling of his firearm as being in a "modified low ready" in front of him so he could come up on target if needed. Prior to the OIS, Officer I repositioned himself near the right rear fender of his police vehicle.

Officers K and L responded to the back-up request. Officers K and L have worked together for about a month. In the month working together they have discussed tactics such as contact and cover, radio calls of Subjects with guns, and communication with each other. While en route to this call, the comments of the call were read by Officer K. Officer L parked the police vehicle west of the other patrol vehicles.

According to Officer K, he exited the police vehicle and deployed the beanbag shotgun because he was unsure if a beanbag shotgun had already been deployed. Officer K initially positioned himself near the driver's door of the primary unit's vehicle and relieved Officer E of the beanbag shotgun responsibilities. Officer E slung his beanbag shotgun.

According to Officer L, he unholstered his pistol and positioned himself behind the driver's door of one of the police vehicles. Officer L then redeployed behind a telephone pole, on the north sidewalk, just west of the Subject. Officer L unholstered his firearm and maintained it at a low ready, based on the Subject being armed and the nature of the back-up request. While Officer L was behind the telephone pole, he observed a stainless-steel knife in the Subject's right front pants pocket.

> **Note:** Officer G, who was initially behind the officers on the passenger side of the primary unit's police vehicle, heard the Subject state that he had a gun. Officer G observed that there was no police rifle deployed so he decided to return to his police vehicle and deployed his police rifle. Officer G chambered a round into his police rifle and repositioned himself by Officer L, behind the telephone pole. Officer G was able to see the handle of a knife sticking out of the Subject's right front pants pocket.

Officers M and N responded to the back-up request. While en route, the officers discussed the nature of the radio call; man, possibly armed with a gun and knife, but not tactics. This was the first time that Officers M and N worked together and had not talked about tactics during their shift. Officer M parked the police vehicle west of the patrol vehicles on scene.

According to Officer N, as he exited the police vehicle, he was instructed by Officer M to deploy the bean bag shotgun. Officer N deployed the bean bag shotgun from their police vehicle and walked toward the primary unit's police vehicle. Officer N positioned himself to the right of Officer D. According to Officer M, he exited his police vehicle and positioned himself behind and to the left of Officer A. Officer M stated he did not unholster his firearm prior to the OIS. Officer M stated that from his position he was able to see what appeared to be a handle of a knife in the Subject's right front pants pocket.

> **Note:** During the incident and prior to the OIS, Officer N positioned himself to the right of Officer B and then to the left of Officer D.
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> Officer E is then seen on Officer M's BWV unholstering his firearm and holding it at a low ready when Officer K relieves him. Shortly after, Officers E and F were asked to holster up by Officer M as he formed an arrest team, in case they had to approach the Subject.

As the above-mentioned officers arrived at scene, Officers A and C continued to verbalize and attempted to de-escalate the incident with the Subject. The Subject stated he was armed with a handgun and a knife, and at one point threatened to shoot them (police). Officer A advised the Subject that if he did not follow their directions they might have to use a bean bag or TASER or him and that it would hurt.

Officer D broadcast on the radio that the Subject said that he had a gun. Officer D also broadcast that the Subject stated that if he was bean bagged or tased, he was going to shoot officers.

Officer A told the Subject that they did not want to hurt him and just wanted to figure out what was going on. Officer A even added that he might not be arrested, but he needed to follow their directions. According to Officer A, he noticed the Subject was nervous.

According to Officer A, when he turned to his left, he observed Officers L, G, E, and F west of him, out in the open. Officer A instructed the officers to take cover. Officer A knew that part of de-escalation was to have cover and distance. Officer G and L moved back behind the driver's door of the police vehicle and Officer E unholstered his primary weapon and moved back behind the passenger door of the same vehicle. Officer F moved behind the driver's side of the primary unit's vehicle. Officer K repositioned himself behind the passenger door of the primary unit's police vehicle.

> **Note:** During Officer E's first interview, he stated he did not unholster his firearm. However, a review of Officer M's BWV depicted Officer E unholstering two times.
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> Officer E was re-interviewed regarding his unholstering and shown a video clip from Officer M's BWV. Officer E stated he saw that he did unholster twice, but still did not remember doing that at the time of the incident. Officer E added that he would have unholstered at the time of the incident, because the radio call was of a man armed with a gun, he had a knife in his pocket and was dangerous. Officer E stated he reverted to his training. Officer E stated that the first FID interview was done more than a month after the incident.

Officer A broadcast on the radio that the Subject stated he had a gun on him and that he could see a knife in the Subject's right front pants pocket.

As the air unit was orbiting overhead, they were instructed by Officer A to gain some altitude so that the officers on the ground could continue communicating with the Subject and not be drowned out by the helicopter noise. The air unit complied and began orbiting wide and away from location.

Sergeant A responded to the back-up and supervisor request. Upon arrival, Sergeant A began taking control of the incident and the personnel at scene. According to Sergeant A, as he exited his vehicle and walked toward the primary unit's police vehicle, he observed an officer, later identified from Sergeant A's BWV as Officer E, behind the passenger door of the second police vehicle west of the Subject. Officer E had his pistol pointed toward the Subject, who was still facing south.

Sergeant A advised Officer E that he could not shoot from his location and instructed him to holster his pistol, which he did. Sergeant A walked toward the passenger side of the primary unit's police vehicle and saw Officer H, with his pistol unholstered, behind several officers. Sergeant A advised him to holster his pistol, which he did. Sergeant A then walked to Officer D, who was now to the right of Officer N, and advised him to holster his pistol, which he did. Sergeant A assessed Officer N's position, with the bean bag shotgun, and advised him to remain at his location. Sergeant A told Officers D and

H that they would be the arrest team when they take the Subject into custody.

> **Note:** According to Officers M, E, and F they were also told by Sergeant A that they would be part of the arrest team.
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> Officer E added that Sergeant A did not want outside area officers involved in an area use of force, if force had to be used. Officer E, secured the bean bag shotgun in his vehicle. A review of Sergeant A's BWV, which was on during the entire incident, determined that no such statement was made by Sergeant A about not wanting an outside area officer involved in the use of force. Officer E was re-interviewed regarding the statement he heard Sergeant A make. Officer E was shown video clips from Sergeant A and Officer M when they talked about an arrest team. Officer E stated he confused Officer M and Sergeant A since he does not work that division. Officer E stated it was an officer that told him that an area officer was going to take over less lethal and the statement about outside area officers not being involved in a use of force was never made by anyone.

Officer O responded to the back-up request and parked his police vehicle west of the other patrol units. According to Officer O, he was the last officer to arrive at scene prior to the OIS. Officer O exited his vehicle and walked toward the passenger side of the primary unit's police vehicle. Officer O observed officers with lethal and less lethal deployed. Officer O also saw two officers (Officers D and H) who did not have their firearms unholstered. Officer O believed the two officers, who had their firearms holstered, were going to be part of the arrest team. Officer O observed and heard Sergeant A and other officers giving verbal commands to the Subject. Officer O positioned himself diagonally to the right of Officer D in case they needed help with the arrest. From Officer O's position he was able to see that the Subject was armed with a knife in his right front pants pocket. Officer O did not remove his weapon from the holster.

According to Sergeant A, he asked Officers C, B, D, K, and N if there was any evidence that the Subject had a gun. Officers K and D told Sergeant A that the Subject claimed he had a gun. Officer C added he had seen the Subject's gun. Sergeant A told Officer D that he was to handcuff the Subject when he turned around and began complying. Sergeant A told Officer D that Officers C and B would provide cover when they approached the Subject.

> **Note:** Officer C stated that at one point the Subject lifted his arms enough that he could see the Subject's front waistband and observed what he believed to be the rear sights of a pistol.

Sergeant A also began ordering the Subject to turn and face the fence. The Subject can be heard on BWV responding, "It's just a BB gun," but he still would not comply with the verbal commands. The Subject stated several times that it was just a "BB gun." Sergeant A warned the Subject that if he did not comply they were going to deploy a

bean bag, a 37 mm, or TASER and that it would hurt or cause injury. As Sergeant A was giving verbal commands to the Subject, Sergeant A saw a kitchen knife sticking out of the Subject's pants pocket. Sergeant A stated, "And it was while we were talking to him and other officers were talking to him, it became obvious to me that there's some sort of mental illness or some sort of under the influence of something."

According to Sergeant A, he assessed the officers with lethal and less lethal and redeployed Officer K, who was behind the passenger door of the primary unit's police vehicle. Sergeant A directed Officer K across the street and behind the pick-up truck next to Officer J, who was prepared with lethal force. Sergeant A told Officer K to use cover as he redeployed.

Sergeant A proceeded to communicate with the air unit to give them a status update on the Subject and the incident. Sergeant A told the air unit that they had a possible "5150" who was not complying with their commands.

Sergeant A walked to Officers C, B, N, D, and H location and advised them that the beanbag shotgun was going to be used on the Subject since he was not complying. Sergeant A walked toward Officers G and L. Sergeant A advised them that the beanbag shotgun was going to be used on the Subject and that he would yell it out so that there was no contagious fire. Sergeant A then walked up to the area where Officers A, M, F, and E were and advised them of the same above information.

Sergeant A walked back to the passenger side of the primary unit's vehicle and again advised the Subject that they were going to use a bean bag or TASER on him if he did not comply and that it would hurt or cause injury.

> **Note:** Officers A and C had continued talking to the Subject in an effort to gain compliance as Sergeant A walked around and advised the officers at scene about the use of the bean bag.

Sergeant A proceeded to walk eastbound to tell the officers east of the Subject that the beanbag shotgun was going to be used. Sergeant A wanted to prevent the officers on the east side from engaging in contagious fire. Sergeant A walked in the open and in the middle of the street, between the Subject to the north and Officers K and J to the south. Sergeant A believed that was the fastest route to get to the officers and relay the message.

For over 16 minutes, until the OIS, Officers A, B, C and Sergeant A verbalized and attempted to deescalate the incident with the Subject. The officers took turns, without talking over each other. Officers A and B initially used loud and authoritarian voices, but both noticed it was not working. Then officers used their calm voices, took turns speaking with the Subject, and spoke slowly with easy instructions to follow. Officer A obtained the Subject's first and last name to have a more personal interaction. The Subject stated he wanted to call his mother and they advised him that as soon as he complied they would call his mother. The Subject requested that the officers tell an unknown occupant that had exited the apartment building on the south side of the street

to leave. Officer D requested that unknown person to leave.

Officer I believed that the Subject was planning a suicide by cop because he (the Subject) was not complying with the officers' commands and the last thing the Subject wanted to do was to talk to his mother.

Officer A told the Subject that they did not want to hurt him and wanted to help him. Officers A and C also tried several times to minimize the Subject's actions by advising him that it was not against the law to have a BB gun and that he would probably go home after their investigation. The Subject at times appeared as though he was going to comply by partially turning around to face the wrought iron fence, but then would disregard the officers' commands and continue to disobey. The Subject also at times would lower his hands, but then would raise them above his head when ordered by the officers to do so. The Subject was also given numerous warnings about the use of less lethal force; however, all efforts failed.

The Subject, who was close to the wrought iron fence, began visually tracking Sergeant A and then quickly moved toward the street while bringing his hands down. Simultaneously the Subject used his left hand to lift his sweater and with his right hand pulled out a pistol from inside his waistband. The Subject raised his right arm and extended it as he pointed the pistol in the direction of Sergeant A. Sergeant A can be heard on his BWV stating, *"We're going to beanbag him"* and then the sound of gunshots from officers is heard.

The following describes the perceptions and actions taken by each officer at the time of the OIS. However, it does not represent the sequence in which the officers discharged their weapons since the shooting happened simultaneously.

According to Officer A, he was standing behind the driver's door of his police vehicle when he observed the Subject reaching for his waistband and believed that he was arming himself to either shoot at him or the officers east of him, referring to Officers I and J. Officer A stated he fired two to three rounds at the Subject, in a northeast direction, aiming at the Subject's center mass, using an isosceles stance from an approximate distance of 35 feet. Officer A stated there were less lethal options available, however, since the Subject had stated he had a handgun, had reached for his waistband and was possibly trying to arm himself with a handgun to use against the officers, Officer A knew that deadly force was the best option.

> **Note:** While behind the driver's door of the police vehicle, prior to the OIS, Officer A kept his firearm at a low ready in front of him. However, when his arms would get tired he would rest them on the door frame of his police vehicle.

Officer A described his background as a building behind a wrought iron fence and a parking lot with one vehicle parked inside. Officer A did not see any pedestrians in his background.

According to Officer L, he was standing behind Officer G, who was behind the driver's door of the police vehicle. Officer L stated he saw the Subject using his right hand to reach toward his right waistband area. Officer L believed the Subject was reaching for the firearm that he claimed to have on him. Officer L observed the Subject withdraw a firearm with his right hand, turn toward Officer C, and aim the handgun at him. Officer L believed if he did not act, Officer C would have been injured or killed. Officer L raised his pistol using an isosceles stance as he fired three consecutive rounds in an easterly direction, aiming at the Subject's right rib area, from an approximate distance of 53 feet. Officer L saw the Subject go down and believed the threat had been neutralized. Officer L assessed and then took his finger off the trigger.

Officer L described his shooting background as being a car and a van parked on the north sidewalk. Officer L stated to his knowledge there was no one behind the Subject at the time of the OIS.

According to Officer J, he was standing behind a pick-up truck using the engine compartment as cover when he observed Sergeant A walk toward Officer I. Officer J believed that Sergeant A had developed another plan of action and was going to inform Officer I. Officer J then observed the Subject running toward Officer I. Officer J observed the Subject reach toward his waistband, pull out a handgun with his left hand and point the handgun in Officer I's direction. Officer J feared for his life and the lives of Officers I and K and Sergeant A. Officer J raised his pistol and fired what he believed were two consecutive rounds in a northerly direction aiming at the Subject's upper front torso, from an approximate distance of 44 feet. Officer J stated that he stopped shooting after assessing the Subject's actions and seeing that he went down to the ground.

> **Note:** Officer J believed that Sergeant A had walked behind him, toward Officer I.

Officer J described his background as a closed business with an empty parking lot. Officer J was unsure of his shooting stance, but demonstrated how he fired his weapon, which was an isosceles shooting stance. Officer J stated it happened so fast and remembered being at a low ready, but does not recall coming up on target on the Subject.

According to Officer I, he was behind the left rear fender of his police vehicle and observed Sergeant A walking toward him. Officer I turned back to look at the Subject and noticed that the Subject had focused on Sergeant A. The Subject began to pull out a handgun from his waistband and walk toward Sergeant A at a fast pace. Officer I believed there was an imminent threat to Sergeant A's life. Officer I raised his pistol and fired four rounds in a northwest direction at the Subject using a two-hand isosceles stance from an approximate distance of 42 feet, aiming at the Subject's upper torso.

Officer I assessed and stopped firing when the Subject went down and he did not see him anymore. Officer I believed the Subject had ducked and went behind a parked van on the north side of the street. Officer I moved to the front of his police vehicle to see if

the Subject was moving toward him, but he did not see the Subject emerging from the rear of the parked van. Officer I then moved to Officer J's position.

Officer I described his background as being a building, but he did not see anybody inside. The Subject was standing in front of a fence that surrounded the building.

According to Officer B, he was standing to the right of Officer C when he saw the Subject lower his hands and reach down. Officer B saw the Subject raising a pistol with his right hand, but he did not see where the Subject pulled the pistol out from. Officer B saw the Subject take two steps toward the east and point the pistol at him and his fellow officers. Officer B believed that the threshold for the use of deadly force had been crossed and he discharged one TASER cartridge in a northeasterly direction at the Subject. Officer B believed he did not strike the Subject with the TASER darts. After discharging the TASER, Officer B heard multiple gunshots.

According to Officer N, he was standing to the right of Officer B when he observed the Subject lower his hands from his head and began reaching toward his waistband. Officer N believed the Subject was going to arm himself with a handgun, so Officer N fired one round from his bean bag shotgun. Officer N aimed at the Subject's upper torso, but was unsure if he missed or if the bean bag round was ineffective. Officer N proceeded to fire a second bean bag round at the Subject's torso. As Officer N fired his second bean bag round, he observed the Subject pull out a firearm and point it at Sergeant A. Officer N also heard several rounds being fired at the Subject.

> **Note:** Prior to the OIS, Officer N had heard the Subject threaten to shoot them (officers) if they used a bean bag shotgun on him.

According to Officer K, he was standing by the pick-up truck and observed the Subject visually tracking Sergeant A as he made his way eastbound in front of him. Officer K observed the Subject bring his hands down and grabbed a handgun from his waistband. The Subject took several steps toward Sergeant A, stretched out his right arm and aimed his handgun at Sergeant A. It was at this point that Officer K fired one bean bag round in a northerly direction at the Subject, aiming at his midsection. Officer K advised he fired his bean bag shotgun, because it was what he had in his hands, to stop the Subject from shooting at Sergeant A. Officer K then heard gunshots from other officers. After shooting his one bean bag round he moved to cover along the passenger side of the pick-up truck.

According to Officer C, he was standing by the right front fender of the primary unit's police vehicle, with the shotgun at the low ready. Officer C stated the Subject was to his right, but did not see when the Subject moved. Officer C believed he might have been looking to his left and when he looked back at the Subject, he (Officer C) observed a handgun in the Subject's right hand. Officer C raised his shotgun to come up on target, but made sure not cover Officer B, who was to his right. As Officer C came up on target he heard multiple gunshots and saw the Subject falling backwards while still holding the handgun in his hand. Officer C observed the Subject on the ground with his handgun laying by his left shoulder. Officer C remained on target due to the tactical situation,

however he did not fire at the Subject.

According to Officer D, he was standing to the right of Officer N when he observed the Subject, who was refusing to cooperate, pull out a handgun from his waistband which resulted in an OIS. Officer D stated and demonstrated how the Subject used his right hand to pull out the handgun from his waist, raised it, and began to point it at them (officers). Officer D stated Sergeant A had previously told him to holster his firearm because he was going to be part of the arrest team and that is why he did not have his firearm out of his holster.

According to Officer O, he was standing next to Officer D when he heard Sergeant A giving the Subject verbal commands, but the Subject would not cooperate. Officer O said he focused on Sergeant A as he walked eastbound on Rayen Street. Officer O heard the first gunshot and returned his attention to the Subject. Officer O observed the Subject with a handgun in his hand, pointed at Sergeant A. Officer O then heard an additional six to seven gunshots. Officer O did not see the officers who fired their weapons.

According to Officer G, he was standing behind the driver's door of the Devonshire police vehicle when Sergeant A had advised him they were going to use the bean bag shotgun. Officer G stated that after Sergeant A walked away, he (Officer G) heard what he believed to be bean bag rounds and a Taser being fired. Officer G then observed the Subject go down to the ground and smelled gun powder in the air. Officer G realized that Officer L had fired his firearm, but did not know how many rounds he had fired. Officer G recalled that he along with Officer L began moving up toward the telephone pole, believing they were going to take the Subject into custody. However, Officer G stopped at the telephone pole because he saw that the Subject was still moving. Officer G was also unsure if the officers on the other side of the police vehicle had already formed an arrest team.

According to Officer H, he was standing on the passenger side of the primary unit's police vehicle when he observed the Subject focusing his attention on Sergeant A as he walked eastbound toward officers on the east side. The Subject then reached for his waistband and pulled out a handgun. It seemed to Officer H that every officer who was holding a weapon fired at the Subject at that point. Officer H stated he did not have his firearm out because he was part of the arrest team. He then saw the Subject go down to the ground.

According to Officer M, he was standing behind Officer A, on the driver's side door of the primary unit's police vehicle. Officer M stated they tried for approximately 15 minutes to get the Subject to cooperate and de-escalate the situation. According to Officer M, the Subject refused to follow directions and made a quick movement to his left, and pulled out what appeared to be a handgun with his left hand. The Subject pointed the handgun at the officers and an OIS occurred.

According to Officer E, he was standing on the driver's side of the primary unit's police vehicle prior to the OIS. Officer E observed the Subject reach for his waistband, with

his right hand, and then moved toward the officers on the passenger side of the police vehicle. Officer E then lost sight of the Subject because the police vehicle blocked his view. Officer E heard approximately 10 to 15 gunshots.

According to Officer F, he was standing on the driver's side of the primary unit's police vehicle prior to the OIS. Officer F saw the Subject pull out a handgun, with his right hand, and point it as he took a step forward. Officer F demonstrated how the Subject extended his right arm out, parallel to the ground, and pointed the handgun in a southerly direction. Officer F was unsure if the Subject pointed the handgun at someone because his field of vision was blocked by the police vehicle but he knew there were officers south of the Subject. Officer F then heard several gunshots fired.

According to Sergeant A, he was on the passenger side of the primary unit's police vehicle advising officers about the use of the bean bag shotgun. Sergeant A saw that the east side was contained by Officers I and J. Sergeant A saw Officer I looking at the Subject and a couple of times, Officer I would raise his firearm from the low ready. Sergeant A wanted to see what Officer I was seeing and wanted to advise him about the use of the bean bag shotgun. Sergeant A believed that walking in the middle of the street was the fastest and most direct way to relay his message and avoid contagious fire. As Sergeant A was half way to Officer I, in the middle of the street, he heard somebody say "don't" or "stop" and then heard the gunshots. Sergeant A turned toward the Subject and saw him moving eastbound on the sidewalk. Sergeant A saw the Subject had a handgun in his right hand and believed he also had a knife in the other hand. Sergeant A saw that the Subject's handgun was pointed in his direction as he (the Subject) fell to the ground.

Sergeant A broadcast a shots fired officers needs help call and requested an RA. Sergeant A is depicted in his BWV momentarily unholstering his firearm, but not pointing it at the Subject. Sergeant A immediately holstered his firearm and began broadcasting. Sergeant A is then seen walking back to the area of the primary unit.

> **Note:** Sergeant A's BWV had not downloaded prior to his FID interview, therefore he was unable to review it. Sergeant A and his attorney agreed to proceed with the interview. During Sergeant A's FID interview he stated he did not unholster his firearm.

The Subject suffered multiple gunshot wounds and fell to the sidewalk near the curb. The Subject fell on his left side, rolled over to his right and onto his back. The handgun that the Subject was in possession of fell onto the sidewalk and landed near the Subject's left shoulder. Initially, the officers began approaching, but stopped because they believed that the Subject was still armed.

Sergeant A formed a new arrest team and designated Officer B to be the handcuffing officer. Officer B walked toward the Subject to handcuff him as Officers C, D, and N walked with him and provided cover. Upon contact with the Subject, Officer B removed a kitchen knife from the Subject's right front pants pocket and tossed it east and away from the Subject. Officer B, with help from Officer C, rolled the Subject over to his right

and onto his stomach. Officer B handcuffed and searched the Subject, with the aid of Officer F.

> **Note**: Officer B stated that when he went to handcuff the Subject, he did not see any TASER darts on the Subject's body.

After the Subject was handcuffed and searched, Officer B rolled the Subject onto his right side. Officer B remained with the Subject and continued to encourage him to breathe and hold on. Officer B advised the Subject that the Los Angeles Fire Department (LAFD) was on their way as he held the Subject in a recovery position.

LAFD arrived at scene to attend to the Subject's gunshot wounds. A Rescue Ambulance (RA) then transported the Subject to the hospital for further medical treatment. An officer rode in the back of the RA with the Subject and was followed by his partner. During the ride to the hospital, the Subject never made any statements due to his gunshot wounds. The Subject was treated for multiple gunshot wounds to his upper torso, neck and face. Due to the Subject's injuries and medical treatment he was unable to be interviewed on the day of the incident.

The following describes each officers' perceptions and actions after the OIS. However, it does not represent the sequence since all the officers' actions occurred simultaneously after the OIS.

After the OIS, Officer A maintained his firearm out and at a low ready. Upon seeing the arresting officers approach to handcuff the Subject, Officer A holstered his firearm. Officer A, who was not part of the arrest team, saw other officers providing cover and believed he no longer needed to be unholstered. Officer A was subsequently separated by Sergeant A, who had requested additional supervisors to assist in the OIS investigation. Sergeant B responded and obtained a Public Safety Statement (PSS) from Officer A.

After the OIS, Officer L stated he maintained his firearm out and at a low ready and moved toward the Subject's location, as the arrest team moved up. Officer L holstered his firearm when he saw officers in front of him approaching the Subject and take him into custody. Officer L took a closer look at the Subject's handgun and he remembered it being a 1911 style semiautomatic pistol. Sergeant C responded and took a PSS from Officer L and monitored him after the OIS.

After the OIS, Officer J maintained his firearm out at a low ready, but holstered it after the Subject was taken into custody. Officer J described the Subject's handgun as being a semiautomatic Beretta pistol, just like his. Sergeant D responded and took a PSS from Officer J.

After the OIS, Officer I maintained his firearm out and at a low ready. Officer I holstered his firearm as the officers approached the Subject to take him into custody. Officer I saw the Subject's handgun and described it as a 1911 style semiautomatic pistol. Sergeant D took a PSS from Officer I.

After the OIS, Officer B holstered his TASER and never unholstered his firearm. Officer B stated he handcuffed the Subject. Officer B was subsequently separated from other officers by Sergeant A.

After the OIS, Officer N observed the Subject on the ground. Officer N slung his beanbag shotgun over his shoulder and transitioned to his firearm. Officer N unholstered his firearm and held it at low ready with two hands. Officer N saw that the Subject was still armed with a handgun and a knife in his pants pocket. Once the Subject was taken into custody, Officer N holstered his firearm and secured the bean bag shotgun in his police vehicle.

After the OIS, Officer K went behind the pick-up truck for cover and slung his beanbag shotgun as the officers approached the Subject, to take him into custody. He did not unholster his firearm because he saw other officers with their firearms out.

> **Note:** Prior to Officer K's FID interview he was allowed to view his BWV. Officer K noticed in the video and advised FID investigators, that he had failed to completely chamber another round into the beanbag shotgun after he fired his first round. Officer K indicated he chambered another round while he was behind cover.

After the OIS, Officer C maintained the shotgun aimed at the Subject and yelled at him not to move. Officer C remained on target with the shotgun until the Subject was taken into custody. After the Subject was taken into custody, Officer C secured the shotgun in his police vehicle. Officer C never unholstered his pistol during the incident.

After the OIS, Officer D unholstered his firearm and held it at a low ready because he saw that the Subject was still armed with a handgun. Officer D stated he did not fire his weapon because the Subject was down on the ground. Officer D remained unholstered until the Subject was taken into custody.

> **Note:** Officer D never used the bean bag shotgun and after the OIS he retrieved the bean bag shotgun from the other police vehicle and secured back in his police vehicle.

After the OIS, Officer O observed the Subject on the sidewalk, with the handgun lying about two to three inches away from his left shoulder. Officer O believed the situation could still escalate to the use of deadly force and unholstered his firearm. Officer O saw officers moving up toward the Subject and he holstered his firearm because he did not want to cover the officers in front of him. Officer O moved up to see the Subject, but was instructed by Officer D to stand guard over the knife.

After the OIS, Officer G secured his police rifle back inside of his police vehicle once the Subject was taken into custody. Officer G saw the Subject's gun on the sidewalk and believed it to be a 1911 style semiautomatic pistol. Officer G never unholstered his pistol.

After the OIS, Officer H unholstered his firearm again, but maintained it at the low ready because there were officers in front of him. As they approached the Subject and seeing other officers with their handguns out, he holstered his firearm because he observed other officers with their pistols drawn. Officer H was then instructed by Officer K to guard the Subject's handgun.

After the OIS, Officer M unholstered his firearm because he saw the Subject's handgun next to him on the ground and believed the situation could still escalate to the use of deadly force. Officer M maintained his firearm at a low ready and holstered it once the Subject was handcuffed.

After the OIS, Officer E, who was about 20 feet west of the Subject, saw an unknown officer picking up the Subject's handgun and moved it out of arms reach. Officer E could not provide a description of the officer who moved the handgun. He saw an unknown officer remove the Subject's knife from his pocket, but was not sure were the officer put it. Officer E also saw TASER wires hanging from the Subject; however, he was not positive if TASER wires were on the ground or on the Subject.

> **Note:** A review of various BWV show that the Subject's handgun was never touched by anyone after the OIS and that the Subject did not have TASER wires attached to him. Officer B's BWV depicts him removing and tossing the Subject's knife away from him.
>
> Officer E was re-interviewed regarding his statement about officers moving the Subject's gun. Prior to the re-interview, Officer E was shown a BWV video clip from Officer D. Officer E stated he mistook the knife and gun being moved when he saw the knife moved. Officer E added, after viewing the video clip, it gave him a new perspective. Officer E added that his view was blocked once the officers approached the Subject.

After the OIS, Officer F, who still had his firearm holstered, approached the Subject with the arrest team. Once the Subject was handcuffed, Officer F assisted with the search and remembered removing the Subject's wallet and other items out, but did not recall what they were.

Witness D, stated that on the date of the OIS he was asleep inside of his apartment bedroom when he was awoken by very loud yelling. Witness D heard someone yelling, "Stop. Put your hands up. Don't move. Turn to the other side. Face your back towards me." Witness D went to his living room window and saw approximately six police cars. Witness D saw several police officers with their weapons aimed at the Subject. Witness D stated all the police officers had weapons out except for one who he believed was the boss. Witness D heard the police officers yelling at the Subject, but could not understand why the Subject was not obeying.

Witness D at one point saw the Subject by the wrought iron fence, where he began taking off his sandals. Witness D advised he heard the police officers give the Subject commands in Spanish and English and estimated twenty or twenty-five minutes elapsed

before the Subject pulled out a gun from his waist. Witness D recalled seeing what he believed to be two muzzle flashes coming from the Subject's gun and stated the Subject fired his gun in a southerly direction. Witness D then observed some officers fire their weapons. Witness D was unsure if all the officers fired, but believed the officers had fired ten to twelve shots at the Subject. Witness D saw the Subject fall to the ground and land on his left side. The Subject then released the gun as he rolled over to his right and ended up on his back, with his face looking up. After about four to five minutes the officers approached the Subject and removed a gun and a knife. At the end of the interview, Witness D advised that he had recorded the incident with his cellphone and was willing to provide a copy. A copy of the video was obtained by FID and the compact disk containing the video was stored at the Technical Investigation Division (TID) electronic vault.

Witness E stated he was asleep in her bedroom, with her one year old baby, when she was awoken by the sound of gunshots. Witness E did not know how many gunshots were fired, but believed it was between six and eight. Witness E stated the gunshots sounded like they were from different guns. Immediately after the gunshots, Witness E stated she heard a male voice say, "stay on the ground." Witness E went and looked out her bedroom window and observed the Subject on the ground and approximately seven or eight police officers with their handguns drawn. Witness E saw a handgun on the ground, next to the Subject. Witness E is unfamiliar with handguns and could only describe it as a "black" handgun. Witness E believed the handgun was two to three inches away from the Subject. Witness E stated the Subject was moving his legs, like he was in pain and trying to get up and the officers kept telling him to "stay down." The officers then approached the Subject and checked to see if the Subject had anything on his hands. The officers kept telling the Subject to relax and that help was coming.

> **Note:** During her FID interview, she stated that her son had also witnessed the incident. Witness E however, requested that her minor son not be interviewed.

During the interview with the Subject's mother, she provided FID investigators a text message sent to her by the Subject prior to the OIS. The following is the text message, *"If I die it is not because I wanted to commit suicide but because I was playing a joke on a prostitute and after he said he was going to call the police and tell them I had someone kidnapped. I love you all and Mom I'm sorry for all that I have done."*

During the week following the OIS, FID Detectives went to the hospital to interview the Subject. Prior to being interviewed, the Subject was advised of his Miranda Rights which he understood and waived. The Subject stated he did not remember much about the incident, but remembered that he was having suicidal thoughts. The Subject remembered calling the police, but did not remember what he said. The Subject remembered the police showing up and trying to talk him out of his suicidal thoughts, especially the first officer. The Subject remembered putting the knife down, but then pulling out a handgun. The Subject stated it was a BB gun and he had told the officers that it was a BB gun. The Subject stated he had thought of committing suicide by jumping off a bridge or jumping out of a car, but then decided on calling the police and

pulling out a handgun on them. The Subject believed that if he pulled out a handgun on the police they would shoot and kill him.

The Subject believed the police officers did not want to shoot him and were trying to help him. The Subject stated, "But then everything was, all the police officers were there, they were trying to help me, like, trying to talk me out." According to the Subject, he got scared and his depression was too much, so he pulled out the handgun. The Subject did not remember telling the officers he was going to shoot them, but said he could have said that because of his depression. The Subject remembered he was armed with a knife which he kept inside his right front pants pocket and had the BB gun in his front waistband.

The Subject was also asked about his text messages that he had sent to his mother, a day prior to the OIS, about him dying. The Subject stated he did not remember sending a text to anyone.

The Subject stated he was not on any medication during the incident, but he was supposed to be on medication prescribed by his psychiatrist. The Subject had not seen his psychiatrist in two years and stopped taking his medication two years ago. The Subject added that he has attempted suicide in the past by cutting his arm and overdosing on pills, and he has been placed on a mental hold about four or five times.

FID Detectives reviewed all documents and circumstances surrounding the separation, monitoring and admonition to officers not to discuss the incident prior to being interviewed by FID investigators.

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Officers A, B, C, D, J, K, L, and N's tactics to warrant a tactical debrief. The BOPC found Sergeant A's and Officer I's tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Sergeant A along with Officers A, B, I, J, L, and N's Drawing/Exhibiting to be In-Policy.

C. Less-Lethal Use of Force

The BOPC found Officers B, N, and K's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers A, I, J, and L's lethal use of force to be in policy.

<u>Basis for Findings</u>

A. Tactics

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

- **Detention**

  The officers received a radio call of an ADW Subject armed with a knife and a gun. Upon their arrival, they observed a male matching the Subject's description and conducted a pedestrian stop based on the radio call. The officers' actions were appropriate and within Department policies and procedures.

- **Tactical De-Escalation**

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

  In this case, the officers immediately attempted to establish a line of communication with the Subject in an effort to build a rapport with him. The officers continued to communicate with the Subject for approximately 16 minutes. During this time, they continuously assessed the situation and developed a tactical plan which included a TASER and Beanbag shotgun. The officers also used multiple verbal tactics of communication with the Subject, including empathy and clear and direct verbal warnings and commands.

  As the incident unfolded, the Subject would momentarily begin to comply or indicate he would surrender, but would never follow through or fully comply with the officers' commands. As the officers were preparing to deploy the Beanbag shotgun and then

take the Subject into custody, the Subject armed himself with a handgun and pointed it in the direction of some of the officers.

Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat.

- **Debriefing Points**

During the review of this incident, the following debriefing points were noted:

1. Tactical Vehicle Deployment

Officer A stopped his police vehicle in close proximity to an armed subject.

Additionally, Officer I drove his police vehicle past an armed subject, stopping his vehicle with his driver's door exposed to the Subject.

The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officer A was driving east while the Subject was walking west. Officer A positioned his police vehicle with the Subject in front, but the Subject continued walking west toward Officer A's position, closing the distance.

Additionally, Officer I drove past an armed Subject to block westbound traffic. Officer I immediately exited his vehicle and redeployed to the rear of his vehicle, away from the Subject.

Based on the totality of the circumstances, the BOPC determined that while identified as an area for improvement, the officers' actions were not a substantial deviation from approved Department tactical training. The BOPC directed that this be a topic of discussion during the Tactical Debrief.

2. Utilization of Cover/Approaching Armed Subjects

Sergeant A did not utilize cover as he walked towards Officer I's location, thus exposing himself to an armed subject.

Additionally, Officer N was not behind cover and Officers C and B had limited cover at the time of the OIS.

The utilization of cover enables officers to confront an armed subject while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer C acknowledged that his cover situation wasn't ideal because he had moved forward right next to the engine block and Officer B indicated that he had

moved to get the best advantage point with the TASER and used the front of the car for cover.

According to Officer N, he had stepped away from cover because there were multiple officers around and he did not want any officers in front of him in his line of fire, but had cover available if needed, which was the passenger door.

According to Sergeant A, he was moving from cover by the primary car towards cover by Officer I because he wanted to get to Officer I as quickly as he could to advise him that they were planning to shoot the beanbag shotgun so he was aware of the situation in hopes of avoiding any contagious fire. He believed that the immediacy to prevent contagious fire, necessitated a quick response to Officer I's position.

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

The BOPC directed that this be a topic of discussion during the Tactical Debrief.

3. Crossfire/Situational Awareness

Sergeant A walked in front of Officer J and K's line of fire while moving to Officer I's location.

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The ability to utilize situational awareness and adjust to a tactical situation ensures minimal exposure to all involved officers.

In this case, Sergeant A believed the immediacy to prevent contagious fire, necessitated a quick response to Officer I's position. Additionally, according to both officers, they observed Sergeant A approaching their location and maintained their weapons at a low-ready until he had crossed in front of them.

Based on the totality of the circumstances, the BOPC determined Sergeant A's actions were a substantial deviation, without justification, from approved Department tactical training. The BOPC directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Non-Conflicting Simultaneous Commands –** The investigation revealed that several officers gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The BOPC directed that this be a topic of discussion during the Tactical Debrief.

Command and Control

Sergeant A responded and assumed the role of IC. He assessed the officer's positions and advised some officers to holster their service pistols to prevent crossfire. He also designated an arrest team with less-lethal officers with a Beanbag and TASER.

After attempting to de-escalate the incident, he made the decision to utilize the Beanbag Shotgun and communicated his plan to officers to prevent contagious fire. After the OIS, he continued to maintain command and control until relieved by responding supervisors.

The IC ensured that Public Safety Statements were obtained and that all involved personnel were separated and monitored.

Tactical Debrief

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

  Therefore, the BOPC directed that Sergeant A along with Officers N, I, L, A, J, B, and K attend a Tactical Debrief and that the specific identified topics are discussed.

  Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:
  - Use of Force Policy;
  - Equipment Required/Maintained;
  - Tactical Planning;
  - Radio and Tactical Communication (including Code Six);
  - Tactical De-Escalation;
  - Command and Control; and,
  - Lethal Force.

General Training Update (GTU)

- On May 4, 2017, Sergeant A along with Officers N, I, L, A, J, B, and K attended a GTU. All mandatory topics were covered, including Fire Control, Use of Cover, Armed Subjects, and Force Option Simulator.

B. Drawing/Exhibiting

- Sergeant A did not believe that he drew his service pistol during the incident. However, BWV revealed that Sergeant A did draw his service pistol after the OIS.

According to Officer N, after the OIS he slung his beanbag shotgun over his right shoulder and drew his service pistol to provide lethal cover because he observed the Subject's firearm on the ground by his left shoulder.

According to Officer I, he drew his service pistol after exiting the vehicle and assumed a position of cover to the rear of his vehicle for cover.

According to Officer L, he drew his service pistol due to the comments of the radio call stating that the Subject was armed with a gun.

According to Officer A, he drew his service pistol due to the comments of the radio call stating that the Subject was armed with a knife and a handgun.

According to Officer J, he drew his service pistol after exiting his police vehicle because of the comments of the radio call indicating that the Subject was armed with a knife and a gun.

According to Officer B, he drew his service pistol upon exiting his police vehicle due to the comments of the radio call stating that the Subject had pointed a gun at somebody.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A along with Officers N, I, L, A, J, and B, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant A along with Officers N, I, L, A, J, and B's Drawing/Exhibiting to be In-Policy, No Further Action.

> **Note:** In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

C. Less-Lethal Use of Force

- **Officer B –** (one TASER activation)

According to Officer B, he observed the Subject step to the east and remove a handgun from his waistband. He then discharged his TASER at the Subject in probe mode but neither dart contacted the Subject.

- **Officer N – (**beanbag shotgun, two super sock rounds)

According to Officer N, he observed the Subject turn in the direction of Sergeant A, take his hands off his head and reach for his waistband with both hands. He then

fired one super sock round from his Beanbag shotgun at the Subject to stop the threat. The Subject then removed a gun from his waistband. Believing that his first round was ineffective, he fired a second super sock round at the Subject to stop the threat.

- **Officer K – (**beanbag shotgun, one super sock round)

  According to Officer K, as Sergeant A was walking east toward the officers to his right, he observed the Subject following him with his eyes. The Subject then brought his hands down from above his head, removed a handgun from his waistband, and took several steps while aiming the gun at Sergeant A. Fearing the Subject was going to shoot Sergeant A, he fired one super sock round from his Beanbag shotgun at the Subject to stop the threat.

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

  Therefore, the BOPC found Officers B, N and K's Less-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Lethal Use of Force

- **Officer I –** (pistol, four rounds)

  According to Officer I, he observed the Subject pull a gun out of his waistband and walk towards Sergeant A at a fast pace. Believing that the Subject was going to shoot Sergeant A, he fired four rounds from his service pistol at the Subject to stop the threat.

- **Officer L –** (pistol, three rounds)

  According to Officer L, the Subject reached into his waistband with his right hand and withdrew a firearm while simultaneously turning towards Officer C. the Subject then aimed the firearm in Officer C's direction. Fearing for the life of Officer C, he fired three rounds from his service pistol at the Subject to stop the threat.

- **Officer A –** (pistol, two rounds)

  According to Officer A, the Subject turned toward the officers that were east of him and went for his waistband. Believing the Subject was trying to arm himself and was going to shoot the officers or himself, he fired two rounds from his service pistol at the Subject to stop the threat.

- **Officer J –** (pistol, three rounds)

  According to Officer J, he observed the Subject running towards Officer I while removing a handgun from his waistband. Fearing for his life and the life of Officer I, he fired two rounds from his service pistol at the Subject to stop the threat

  Based on the totality of the circumstances, the UOFRB determined that an officer with similar training and experience as Officers I, L, A, and J, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

  Therefore, the BOPC found Officers I, L, A, and J's Use of Lethal Force to be In Policy, No Further Action.