

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

OFFICER-INVOLVED SHOOTING – 028-23

Division **Date** **Duty-On (X) Off () Uniform-Yes (X) No ()**

77th Street 6/28/23

Officer(s) Involved in Use of Force **Length of Service**

Officer A 12 years, 10 months
Officer C 8 years, 8 months

Reason for Police Contact

A patrol unit was on a traffic stop when the officers observed a male, unrelated to the traffic stop, fire multiple rounds from a pistol. The officers believed they were being fired upon which resulted in an Officer-Involved Shooting (OIS).

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

Subject: Male, 45 years of age.

Board of Police Commissioners' Review

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

The following incident was adjudicated by the BOPC on May 14, 2024.

Incident Summary

On Wednesday, June 28, 2023, at approximately 0046 hours, Officers A, B and C were working together. The officers were working in a three-officer unit because there was an uneven number of officers deployed that night. They were in a black and white police vehicle, which was equipped with Digital in Car Video System (DICVS). Officer B was the driver, Officer C was the front passenger and Officer A was seated behind Officer C, on the right rear passenger side. Unless otherwise noted, all officers were in full uniform, wearing their ballistic vests and Department-approved handguns, handcuffs, TASERS, and canisters of oleoresin capsicum (OC) spray attached to their Sam Browne equipment belts. Additionally, unless otherwise noted all officers were equipped with BWV cameras, hobble restraint device and a side handle or collapsible baton.

According to Officers A, B and C, at the start of their shift, they discussed tactics which included contact, cover and communications. They also discussed three-officer unit tactics and adjusting accordingly depending on the situation. The officers had all been assigned to the division for five years, had previously worked together and trained together numerous times.

Officers A, B, and C were stopped at a red tri-light, facing east, when they observed a vehicle run a red light. As the DICVS was activated, it depicted the vehicle traveling east, in the number two lane. Officers B followed the vehicle east. According to Communications Division (CD) records, at 0046:27 hours, Officer C used their police vehicle's radio to request a want and warrant check on the vehicle. CD broadcast that the vehicle returned no want or warrants.

The vehicle approached the intersection, changed lanes to the number three lane and negotiated a right turn, south. Officers A, B and C followed the vehicle, also negotiating a right turn. The vehicle traveled in the number three lane as the officers followed in the number two lane. The vehicle drove west through the parking lot of a business, located on the southwest corner of an intersection and stopped adjacent to the drive-through line, south of the business.

The officers followed the vehicle, also turning into the business parking lot. Officer B activated the police vehicle's forward-facing red light and positioned their vehicle behind and off-set to the left of the vehicle. The vehicle stopped in the parking lot and the driver, later identified as Witness A, placed his hands up and out of the driver's side window. The traffic stop location was north of an L-shaped strip mall. All of the businesses were closed with the exception of an illegal marijuana dispensary. An approximate five-foot, six-inch wrought iron gate separated the business parking lot where Witness A parked and the strip mall.

Officer C described the traffic stop location as a well-lit parking lot. According to Officer B's BWV, at approximately 0048:05 hours, he/she stepped out of the police vehicle, stood behind the driver's door and instructed Witness A to turn his vehicle off.

Officer C stepped out of the police vehicle and stood behind the passenger side door. According to CD records, at 0048:07 hours, Officer C used the vehicle's radio to broadcast the location of the traffic stop and provided the vehicle information. Officer C illuminated the vehicle using the vehicle's passenger side spotlight.

Simultaneously Officer A's BWV captured him/her stepping out of the police vehicle and walking toward the vehicle. According to Officer A, due to him/her noticing Officer C on the radio broadcasting their location, giving pertinent information to dispatch, he/she took it upon himself/herself to act as the initial cover officer on the passenger side of the vehicle.

Officer A instructed Witness A to lower all the windows. Once Witness A lowered the windows, Officer A approached the vehicle on the passenger side. Officer B activated the police vehicle driver's side spotlight toward the vehicle before walking up to the driver's side, where Witness A was seated.

Officer C approached the vehicle along the passenger side and positioned himself/herself next to the right rear passenger door. Officer C stated that he/she noted the surrounding areas and then just stood by as a cover officer to the left of where Officer A was standing. Officer C took note of the parking lot to the south of his/her location and noted that it was pretty desolate and vacant, with no pedestrian traffic. Officer C stated the flow of traffic was pretty slow and it appeared to him/her that the businesses south of them were closed and there was nobody in any of the parked cars as it was pretty late at night.

At approximately 0048:33 hours, Officer B contacted Witness A. According to Officer B, he/she explained to Witness A that he was being stopped for the red light violation. Officer B asked Witness A for ID and Witness A was very compliant. Officer B further stated that when he/she approached the vehicle, he/she observed what looked like a cutting tray for marijuana and there was several marijuana rolled cigarettes on it.

Officer A stated that the marijuana was in plain view in the front passenger seat and he/she was concerned there may be more narcotics in the vehicle or possibly weapons. Officer C stated one of the reasons that was prudent from an investigative standpoint was there some was marijuana on the passenger seat and sometimes when there's marijuana, it can be linked to possibly other contraband or even an illegal weapon.

At approximately 0049:09 hours, Officer B's BWV captured as he/she returned to the police vehicle and conducted a Department of Motor Vehicles (DMV) driver's license inquiry, and a want and warrant check on Witness A using the Mobile Digital Computer (MDC). Officers A and C monitored the surrounding area from the passenger side of the vehicle.

Officer B completed his/her inquiry and exited the police vehicle. Officer B then asked his/her partners if they wanted to search Witness A's Vehicle. Officer A replied, "Plain view." Officer B acknowledged Officer A and walked to the driver's side of the vehicle.

Officer B stated he/she decided to ask Witness A to search the vehicle because in his/her opinion, he/she believed there may be additional contraband and thought that Witness A may have tried to conceal a firearm when he was moving between traffic lanes.

At approximately 0051:12 hours, Officer B directed Witness A to exit the vehicle. As Witness A exited the vehicle, Officer B directed him to Officer A. Witness A walked to the rear of the vehicle and then north, to Officer A. Officer A directed Witness A to turn around and conducted a pat down search as Officer B used his/her flashlight to illuminate the interior of the Vehicle.

At approximately 0051:15 hours, Officer C shut off his/her BWV. According to Officer C, he/she made a mistake and misinterpreted what they were going to do but once he/she realized they were continuing forward, he/she immediately reactivated it. Officer C's BWV was shut off for approximately one second.

According to Officer B's BWV, at approximately 0051:52 hours, he/she approached Witness A and asked if he/she could check his vehicle to make sure there was nothing "crazy" inside. Witness A replied, "Yes sir. You got it. There's nothing in that car." Officer B advised Witness A he could end the search by telling them to stop.

Officer B walked to the driver's side of the vehicle and searched the driver's door panel. Officer C's BWV captured as he/she opened the front passenger side door of the vehicle and illuminated a red plastic tray which was on the front passenger seat. Officer A stood next to Witness A and discussed his use of marijuana.

At 0053:35 hours, DICVS captured a metallic clicking sound. Officer A turned south toward the strip mall and a gunshot is heard. Upon hearing the gunshot, both Officer A and Witness A ducked. A second gunshot is heard and Witness A lowered his head down and ran west behind the vehicle. Simultaneously, Officer C, who was crouched down, searching the rear passenger side of the vehicle stood up and looked south. Officer C moved from the right rear passenger side of the vehicle to the front of the vehicle, near the engine block and front right tire. Simultaneously, Officer B who was kneeling, searching the vehicle with his/her back toward the strip mall, dove into the vehicle.

According to Officer A, after a couple of minutes into his/her investigation with Witness A, he/she heard a metallic sound, which caught his/her attention right away. According to Officer A, a couple of seconds later, he/she heard two gunshots and immediately recognized them as such.

Officer C stated, he/she looked up to try to identify where the shots were coming from. Officer C described the noise as a volley of what he/she believed to be gunfire targeted at him/her and his/her partners.

According to Officer B, he/she was still in the driver's seat conducting his/her search. when he/she heard what he/she initially believed to be fireworks. It was extremely loud and initially thought was someone just threw an M80 at him/her. Officer B stated however, that there was an immediate second loud bang, and he/she recognized it to be the sound of a gunshot and also heard the shattering of glass.

Officer B stated he/she believed the best course of action was for him/her to get cover on the other side of Witness A's vehicle. Officer B stated he/she crawled through the front driver's seat over into the front passenger seat, exited the vehicle, all while still hearing gunshots and glass shattering.

According to Officer A, when he/she looked southbound in the parking lot directly in front of him/her, he/she observed a black male (later identified as the Subject), holding a handgun. The gun appeared to be pointed towards his/her direction and several more gunshots and muzzle flashes were coming from that weapon.

Force Investigation Division (FID) detectives located surveillance video from a business, located in the strip mall south of the officers' location. The surveillance video captured the Subject as he walked north and turned left into the walkway of the strip mall. The Subject walked west on the walkway, south of where Officers A, B, and C were conducting the traffic stop. The Subject walked west toward a marijuana dispensary holding a pistol. The Subject manipulated the pistol, extended his left arm, pointed the pistol in a westerly direction and fired five rounds in the direction of the marijuana dispensary. The Subject turned his head north toward the officers and pointed the pistol in their direction and that is when the OIS occurred.

According to DICVS, at approximately 0053:38 hours, Officer A unholstered his/her pistol and moved east toward the front passenger side of the police vehicle. Officer A stated he/she ran for cover and unholstered his/her weapon based on the situation of the Subject firing at him/her.

According to Officer C, he/she could see the Subject moving on the southern curb of that parking lot behind him/her in an eastern direction and had no doubt that the Subject was attacking him/her and his/her partners. Officer C observed some kind of flash and as the Subject moved, Officer C identified that the Subject had a firearm in his hand.

Officer A stated that he/she determined that the Subject was shooting at him/her and he/she believed that he/she and/or his/her partners were going to be struck by gunfire if he/she did not engage the Subject to stop his actions. As such, Officer A engaged the Subject. Officer A advised FID investigators that he/she aligned the sights of his/her pistol, placed his/her finger on the trigger and aimed at the Subject's center mass.

At 0053:40 hours, Officer A's BWV captured as he/she fired his/her pistol at the Subject. According to Officer A, after he/she fired his/her first round, he/she did not know if he/she had missed or if the round was just ineffective because the Subject continued to keep his arm up and maintained a bladed position and continued to fire.

Officer A indicated he/she conducted an assessment and determined the Subject was still firing toward him/her and his/her partners. Officer A fired his/her second round, reassessed and fired a third round. Officer A fired his/her fourth round and stated that he/she assessed again. Officer A stated that the Subject was still up, holding his weapon and firing. Officer A did not believe that his/her fourth round was effective, either because it did not stop him or hit him because the Subject was still holding his gun. Officer A could not remember exactly which round it was, if it were the fifth or sixth, but at some point, the Subject discontinued his angled position that he was in and almost turned completely facing him/her. According to Officer A, he/she was now facing head on with the Subject. Officer A stated that as the Subject was still standing, he/she heard another one or two additional gunshots and determined that the Subject was continuing to fire at him/her and his/her partners.

Officer A fired his/her seventh round and stated he/she believed the Subject was now trying to take cover behind a parked vehicle. The FID investigation determined that at the time of the OIS, there were four parked vehicles in the parking lot of the strip mall.

Officer A fired his/her eighth round and told FID that the Subject was still moving closer towards parked vehicles and he/she still had visual of him. According to Officer A's BWV at 0053:43 hours, he/she fired rounds nine through twelve. Simultaneously, Officer C's BWV captured as he/she unholstered his/her pistol and fired five rounds from his/her pistol in a southern direction.

Officer A provided the following statement describing the Subject's actions after firing his/her ninth round. The Subject was still moving and standing behind a parked vehicle and was still holding his weapon. Officer A did not know if the Subject fired any rounds at that point, but he was still holding the gun towards him/her and his/her partners.

Officer A further provided the following statement describing the Subject's actions as he/she fired rounds ten through twelve. The Subject was still moving and still standing behind a parked vehicle with the gun. After firing his/her twelfth round, where the Subject was still standing behind the vehicle, Officer A lost sight of him and that is when he/she stopped shooting.

At 0053:46 hours, Officer A's BWV captured as he/she broadcast, "Shots fired, officer needs help." Officer A moved from the front of the police vehicle to the rear passenger side near the trunk.

Officer A described the background where the Subject was standing was the strip mall. The strip mall was directly behind the Subject, facing north, and all the businesses were closed, the lights were completely off. The only business that Officer A knew was still open was west of that location approximately 30 feet and that was facing eastbound, so it was an L shaped shopping center.

Officer A fired twelve rounds from his/her nine-millimeter, Glock, semi-automatic pistol from an approximate distance of 83 feet.

Officer A provided the following statement when asked if he/she believed the Subject was a threat when he/she lost sight of him. Officer A stated that he/she assumed that the Subject still had several more rounds and he was going to continue to shoot at him/her and his/her partners and take cover behind one of those parked vehicles and would have an advantage as he continued to shoot.

Officer C stated he/she unholstered because he/she and his/her partners were met with gunfire, a threat to their lives and safety.

Officer C provided the following statement when describing his/her actions after unholstering his/her pistol. Officer C stated that after unholstering, he/she aimed and tried to maintain a good sight picture of where the Subject was at. Officer C disengaged his/her safety and did not want to wait to see if the Subject was going to continue to shoot at him/her and his/her partners. Officer C believed that this was the Subject's intentions given his body language. Officer C stated he/she aimed at center mass. Officer C fired his/her first round and advised FID investigators that he/she quickly assessed. According to Officer C, his/her first round was ineffective and the Subject was still standing.

Officer C fired his/her second round and observed the Subject was still standing where he was. Officer C fired a third round and stated that the Subject was still standing in the same position and was kind of moving his upper body. Officer C stated from his/her perspective, the Subject was trying to identify now where he/she and his/her partners were located so that the Subject could continue to place accurate shots in their direction in order to kill him/her. Officer C stated that as he/she continued to assess, he/she also continued to fire.

Officer C fired a fourth round as he/she still observed the Subject was still upright. Officer C stated that the Subject was still standing and he/she felt he/she and his/her partners were under attack and the threat was imminent. Officer C stated that the gunfire had already started and he/she knew that he/she was being shot at.

Officer C fired his/her fifth round and did not know if he/she struck the Subject, but he fell forward with good momentum behind a parked vehicle and that's when he/she lost sight of him. Officer C believed that at that time, he/she placed the safety on his/her weapon.

Officer C described his/her background noting that the Subject was standing in front of a closed restaurant or business that had no windows and he/she could the door was chained shut. Officer C stated he/she had taken note of this when he/she first surveyed his/her surrounding when they initiated the traffic enforcement stop. As such, Officer C believed that this was a good background to fire his/her weapon and not pose an unnecessary risk to anybody in the surrounding area.

Officer C fired five rounds from his/her 45-caliber, Springfield, 1911 pistol from an approximate distance of 91 feet.

At 0053:46 hours, Officer C's BWV captured Officer B crawl through the vehicle, stand up, and unholster his/her pistol. Officer C positioned himself/herself on the passenger side rear door facing south, toward the strip mall, his/her arms braced on the roof of the vehicle, holding his/her pistol with a two-handed grip. Officer B asked, "Where, where, where?" Officer C responded, "Right there, right there, south of us, south of us, south of us." in reference to Subject's position.

Officer B's BWV did not capture the OIS because his/her camera became detached from the magnetic clip while diving into the vehicle. According to Officer B, he/she drew and exhibited his/her firearm, believing it was gonna be necessary for him/her to possibly use deadly force.

Officer B provided the following statement when asked if came up on target when he/she unholstered his/her pistol. Officer B stated that he/she maintained a low ready position and never came up on target because he/she never actually had any target to be sure of and never engaged a sight picture. Officer B stated that his/her finger was on the frame of his/her weapon the whole time.

After the OIS, Officers B and C moved from the passenger side of the vehicle to the passenger side of the police vehicle next to Officer A. As they moved, Officer B broadcast a help call.

Officer C advised FID investigators that the position of cover behind the vehicle was not good because the doors were open and it did not have ballistic paneling. Officer C tried to move and get back to his/her police vehicle where he/she could see Officer A and he/she could see that Officer B was kind of very close to him/her. Officer C stated that when he/she and his/her partners re-obtained a position of cover at their vehicle, they communicated with one another.

Force Investigation Division investigators located additional surveillance video from a business that was facing south towards the strip mall and captured the incident.

According to Officer C's BWV, at approximately 0053:53 hours, he/she approached Officer A from behind and placed his/her left hand on his/her back asking Officer A if he/she was okay. After confirming Officer A was unharmed, Officer C pointed in a southern direction toward the strip mall, communicating the Subject's location behind a parked vehicle.

Officers A, B and C held their position at the rear passenger side of their police vehicle. Officer C broadcast their location and the direction of approach for responding units. During that broadcast, Officer C advised the Subject was down.

According to Officer A's BWV, at approximately 0054:21 hours, he/she asked, "Hey, where is he, - uh? Where is this guy? Is he okay?" inquiring about Witness A's status. Officer C responded stating, "Ran off. I think he ran off."

According to Officer C's BWV, at approximately 0054:40 hours, he/she conducted a tactical reload of his/her pistol. Officer C stated he/she did not know if there were more Subjects who might try to initiate a gun battle with them. As such, Officer C decided to conduct a tactical reload with a fresh magazine.

Officers A, B, C communicated a plan to move positions to get a clear view of the Subject. According to Officer C's BWV, at approximately 0054:49 hours, Officer B holstered his/her pistol and entered the driver's side of their police vehicle. Officer B slowly reversed until Officers A and C advised him/her to stop.

According to Officer B, he/she informed his/her partners that they needed to obtain a different position of cover to see where the Subject was located so he/she decided to back up their police vehicle and use it as cover. Officer B backed up the vehicle until he/she heard Officers A and C state that they had eyes on the Subject that had fired at them.

According to surveillance video from a local business, at approximately 0055:09 hours, Witness A appeared from west side of the business and positioned himself behind the drive-thru display board with his hands up and positioned himself down on the ground. Officers A and C directed Witness A to stay where he was.

According to DICVS, at approximately 0055:25 hours, Officer B broadcast that the Subject was down and requested a Rescue Ambulance (RA). Officer B requested responding units to his/her location to plan an approach of the Subject and establish a perimeter.

According to DICVS, at approximately 0055:59 hours, an individual exited the marijuana dispensary and started to walk east through the strip mall parking lot. The officers yelled commands at the individual to get back. The individual turned back and entered the dispensary. Officers A, B, and C held their position at the apron of the business driveway and waited for responding officers.

At 0056:16 hours, Officer C's BWV captured the arrival of Officers D and E who positioned their police vehicle blocking the driveway of the business, adjacent to Officers A, B, and C.

Officer E opened the passenger door of his/her police vehicle, positioned himself/herself behind the door and unholstered his/her pistol. Officer E stated that he/she was aware that shots had been fired at the location. Upon arrival, Officer E stated when he/she arrived on scene, he/she observed another officer had his/her weapon drawn on the Subject and did not know if the Subject was still armed.

At 0056:18 hours, Officer A's BWV captured as Officer B communicated a plan to approach the Subject. Officer B advised Officer A to be the designated cover officer. Officer A acknowledged Officer B and asked for a ballistic shield. As the officers

continued to develop a tactical plan, Officers F and G positioned themselves with the officers behind the police vehicles.

Officer E holstered his/her pistol and removed a ballistic shield from the trunk of their police vehicle, as Officers H and I arrived and positioned themselves with the team. Officer B communicated the tactical plan with the officers, assigning Officer A as the designated cover officer, Officer E with the ballistic shield and Officer F as the less lethal force option.

Officer F retrieved the 40mm Less Lethal Launcher (40mm LLL) from Officer E's vehicle, as Officer B designated Officers H and I as the arrest team. According to Officer E, he/she holstered his/her weapon and went back to his/her police vehicle and grabbed the shield. When Officer E returned, he/she went back to the front and again removed his/her weapon.

At 0057:04 hours, Officer C's BWV captured Officer A ejecting his/her magazine from his/her pistol, conducting an in-battery speed reload. Officer J monitored Officer A's magazine on the ground.

At 0100:29 hours, Officer J's BWV captured Officer K, unintentionally kicking the magazine. According to Officer K, after kicking the magazine he/she picked it up and placed it in the passenger side of a police vehicle.

At 0057:12 hours, Officer A's BWV captured as the team approached the Subject. As the team moved, Officer L and M joined the tactical team.

According to Officer M, he/she saw the stack was forming up to approach the location and heard an officer say that they needed someone to cover down. Officer M immediately jumped in to take that spot and at that point unholstered.

At 0057:35 hours, Officer A's BWV captured as the team positioned themselves between two parked cars. Officer A communicated with the team as he/she visually inspected the inside of one the parked vehicles.

Officer C visually inspected the other vehicle and observed a female, later identified as Witness B sitting on the floorboard under the dashboard and a child in a car seat behind the passenger seat. Officer C communicated his/her observations to the team. Officer B directed Officer C to stay with the Witness B and the child, as they contacted the Subject.

FID investigators interviewed Witness B, who was the occupant of the vehicle parked in the strip mall during the OIS. Witness B was in the vehicle waiting for her husband who was in the marijuana dispensary. Witness B's four year old son was also in the vehicle, in a child's seat in the back. According to Witness B, she observed a police vehicle in the business parking lot when they arrived at the strip mall. Witness B backed her car

into a parking space so that her view was north toward the police. Witness B stated she noticed the police vehicle had yellow lights activated which drew her attention.

Witness B was seated in her vehicle when she heard a noise behind her. Witness B observed the Subject holding something and heard shots. Witness B ducked down stating she did not want the Subject to see her. Witness B heard additional shots and stayed down. Witness B could not recall how many shots she heard because she was afraid. According to Witness B, she heard shots and a metallic sound, however, she did not know if her vehicle was hit. She stayed down until officers contacted her, directing her and her son out of their vehicle. Witness B did not observe any officers fire their weapons.

The FID investigation determined there were four impacts located on Witness B's vehicle. Three impacts on the front bumper and one of the driver's side fender. Two of the impacts on the bumper were penetrating, as was the one on the fender.

According to Officer F's BWV, at 0057:48 hours, Officer B ordered the Subject numerous times to place his hands out to his side and he was unresponsive. The officers communicated with each other a plan and approached the Subject. Officer B took custody of the Subject's arms and placed them behind his back. Officer B handcuffed the Subject, as Officer A informed CD it was clear for the RA to enter.

Officer B turned the Subject's body, revealing a pistol that was underneath him. Officer B conducted a pat down search and communicated with the team, not to touch the pistol.

At 0058:00 hours, Officers K and N positioned themselves between the parked cars with the search team.

At 0058:41 hours, Officer C's BWV captured him/her communicating with team, informing them to monitor the marijuana dispensary because it was involved in the incident.

At 0059:00 hours, Officer F's BWV captured Officer A broadcast for the RA to come in. Officer B communicated with Officer A that he/she was going to start CPR because the Subject was not conscious and not breathing. Officers A and B turned the Subject, placing him on his back. Officer B initiated chest compressions on the Subject, while Officer K stood by and monitored the pistol.

At 0059:00 hours, Officer C's BWV captured him/her communicating with Witness B, informing her that he/she wanted to move her and her son to a safe location. Witness B exited the vehicle and removed her son from the rear child seat. Officer C directed Officers H and I to escort Witness B and her son to a safe location.

At 0059:36 hours, Officer F's BWV captured 77th Street Division Patrol Sergeant A arrived and verified a RA was requested.

Officer A communicated a plan to direct all the occupants inside the marijuana dispensary out of the location. The officers positioned a police vehicle in the shopping center and used the public address system (PA) to direct the occupants out of the illegal marijuana dispensary. 77th Street Division, Narcotics Enforcement Detail (NED) handled the investigation related to the marijuana dispensary.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners’ Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC’s review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC determined Officers A, B and C’s tactics warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC determined Officers A B and C’s drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC determined Officers A and C’s use of lethal force was In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law

enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

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

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

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

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

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

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

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

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

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

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

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

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

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an Officers alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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

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

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

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

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

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

- To the extent of the Officers training and experience in first aid/CPR/AED; and

- To the level of equipment available to the officer at the time assistance is needed.

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

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

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

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

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

Definitions

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

Feasible: Feasible means reasonably capable of being done or carried out under the

circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

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

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation

Tactical De-Escalation Techniques

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

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

Planning – According to Officers A, B and C, at the start of their shift they discussed tactics which included contact, cover and communications. Additionally, they discussed three-officer unit tactics and adjusting accordingly depending on the situation.

After the OIS and upon the arrival of additional resources, Officer B communicated and developed a tactical to approach and take the Subject into custody. Officer B's plan consisted of a Designated Cover Officer (DCO), ballistic shield, less-lethal officer and an arrest team.

Assessment – Upon hearing gunshots, Officers A, B and C assessed and identified the rounds were coming from the Subject, who was south of their location. During the OIS, Officers A and C assessed after each round discharged from their firearm.

In assessing the extent of Subject's injuries, Officer B initiated chest compression on the Subject.

Time – While Officers A, B and C were on a traffic stop, the Subject fired five rounds toward a marijuana dispensary south of the officers' location. As the Subject's actions were abrupt and unrelated to their traffic stop, the officers did not have the benefit of time as a de-escalation technique prior to the OIS. The officers believed they were being fired upon when they heard gunfire and observed the Subject pointing a firearm in their direction.

In observing the Subject face down on the ground, Officers A, B and C utilized the benefit of time and waited for additional resources to arrive prior to making their approach to take him into custody.

Redeployment and/or Containment – After the shooting, Officers A, B and C could not confirm the Subject's location behind a parked vehicle. Additionally, a wrought iron fence had banners affixed blocking the officers' view of the Subject's location. Furthermore, the officers had to move across a parking lot with no cover. In an effort to confirm the Subject's location, and further assess the unfolding incident, the officers enacted a plan to redeploy their police vehicle and utilize it as cover. Officer B backed their police vehicle several feet while Officers A and C provided cover.

Although Officers A and C provided lethal cover as Officer B slowly redeployed their police vehicle, the UOFRB would have preferred Officer B enter through the front passenger side of the police vehicle to the driver seat rather than expose himself/herself briefly by going around the front of the police vehicle.

Upon hearing gunshots, Officer C redeployed from the right rear passenger side of Witness A's vehicle to the front of the vehicle and utilized the engine block as cover.

Prior to approaching the Subject, Officer B requested for a responding unit to block northbound traffic.

Other Resources – Immediately after the OIS, Officer A broadcast a "Help" call and waited for additional resources. While waiting for responding units, Officer B broadcast a request for an RA to respond.

Lines of Communication – As the OIS was sudden, officers were unable to establish communication with the Subject prior to the OIS. When the arrest team approached the Subject, Officer B ordered the Subject to show his hands to which he was unresponsive.

After obtaining a better line of sight on the Subject, Officer B broadcast the Subject's description to responding units. As the officers made their approach to the Subject, Officer C visually inspected a parked vehicle and observed Witness B sitting on the floorboard under the dashboard and a child in a car seat behind the passenger seat. Officer C communicated his/her observations to the team. In return, Officer B directed Officer C to stay with Witness B and her child as they contacted the Subject.

Throughout their approach to the Subject, officers communicated with each other ensuring the marijuana dispensary was covered and identifying occupants in the parked vehicle. After the Subject was taken into custody, Officer A communicated a plan to direct all occupants inside the marijuana dispensary out of the location.

During the review of the incident, the following Additional Tactical Debrief Topics were noted:

Additional Tactical Debrief Topics

Three-Officer Tactics – During the traffic stop and prior to the OIS, Officers B and C were searching Witness A's vehicle together while Officer A stood by with Witness A and provided cover. Alternatively, two officers could have stood by with Witness A providing cover and one officer could search the vehicle. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

Command and Control

Upon the arrival of responding officers, Officer B formulated a tactical plan assigning Officer A as the DCO, Officer E with the ballistic shield, Officer F as the less-lethal force officer and Officers H and I as the arrest team.

Sergeant A arrived on scene as the arrest team was approaching the Subject. Sergeant A ensured an RA had been requested and monitored the medical treatment being provided to the Subject. Although Sergeant A notified CD of his/her location, he/she did not declare himself/herself as the Incident Commander (IC). Sergeant B arrived shortly thereafter and was directed by Sergeant A to provide oversight on the tactical team with Witness A's vehicle. Sergeant A addressed the Subject and the marijuana dispensary, ensured a crime scene was established and directed Sergeant C to maintain the crime scene and perimeter.

After the tactical situation was addressed, Sergeant A removed Officers A, B and C from the incident for separation and monitoring. Sergeant A obtained a Public Safety Statement (PSS) from Officer B and monitored him/her until relieved. Sergeant D obtained a PSS from Officer A and monitored him/her. Sergeant C obtained a PSS from Officer C and monitored him/her.

The UOFRB discussed Sergeant A and Officer B's role in taking command and control after the OIS. In their assessment, the UOFRB noted after Officers A, B and C confirmed the Subject's location, Officer B coordinated a tactical plan to approach and take him into custody. The UOFRB also noted Officer B continuously maintained communication with the arrest team as they approached the Subject and had the presence of mind to identify and preserve evidence as they approached. As such, the UOFRB commended Officer B for his/her role in initiating command and control.

Regarding Sergeant A, the UOFRB noted he/she was on scene for approximately six minutes before he/she removed the involved officers from the incident. The UOFRB considered the scene was not stabilized. Lifesaving efforts were ongoing by Officers A and B, while Officer C was locating first aid and trauma equipment to

further render aid to the Subject. Additionally, personnel that responded to the scene were still trying to ascertain if there was a nexus with the marijuana dispensary to the shooting, and if the marijuana dispensary posed an ongoing threat.

The UOFRB discussed managing active crime scenes, particularly those that have not been stabilized, may require keeping personnel involved in the OIS at scene and ongoing tactics. Therefore, the UOFRB opined in this incident, Sergeant A's decision not to remove the involved officers immediately was reasonable and waiting until the scene was stabilized and tactical priorities were identified was appropriate.

The UOFRB also noted although Sergeant A did not broadcast he/she was the IC, he/she verbally told Officer C he/she was in charge. Additionally, the UOFRB opined Sergeant A engaged in the functions of an IC by taking control of the scene and assigning arriving supervisors with separation and monitoring duties of the involved officers. In so doing there was no ambiguity as to who was in charge.

The BOPC determined that the overall actions of Sergeant A and Officer B were consistent with Department training.

Tactical Debrief

- In conducting an objective assessment of this case, the Chief's determined that the actions of Officers A, C and B were not a deviation from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvements 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, B and C to attend a Tactical Debrief and the identified topics be discussed.

B. Drawing/Exhibiting

Officer A (1st occurrence)

According to Officer A, while standing by Witness A during the traffic stop, he/she heard a "metallic sound" followed by multiple gunshots. After locating the Subject, he/she observed the Subject holding a handgun and pointing it in his/her and his/her partners' direction. Officer A unholstered his/her service pistol because he/she believed the situation had escalated to a deadly situation.

Officer A (2nd occurrence)

Officer B was exposed to a possible threat from the marijuana dispensary which had not yet been cleared by officers. As such, Officer A unholstered his/her firearm to provide cover.

Officer B (1st occurrence)

According to Officer B, he/she heard gunshots behind him/her and was in fear for his/her life. After seeking cover, Officer B observed Officer A involved in an OIS focusing his/her (Officer A's) attention southbound. Officer B formed the opinion the situation could escalate to the use of deadly force and unholstered his/her service pistol.

Officer B (2nd occurrence)

After the OIS, Officer B holstered his/her service pistol to reposition the police vehicle so it could be used as cover while locating the Subject's position. After redeploying, Officer B exited the police vehicle and sought cover behind it. Officer B was able to see the Subject's position on the ground; however, he/she did not know if the Subject was "incapacitated." Officer B unholstered his/her service pistol.

Officer C

While searching Witness A's vehicle during the traffic stop, Officer C heard gunshots. After scanning the area, he/she heard additional gunshots and believed he/she and his/her partners were being ambushed. Fearing for his/her and his/her partners' lives, Officer C unholstered his/her service pistol.

The UOFRB assessed Officers A, B and C's drawing and exhibiting of their service pistols. The UOFRB noted the officers unholstered their service pistols upon hearing gunfire and opined it was reasonable for them to believe the situation could escalate to the use of deadly force.

Regarding Officer B's second occurrence, the UOFRB noted he/she holstered his/her service pistol when he/she entered the police vehicle to reposition it, then unholstered his/her service pistol again when he/she returned to cover. As such, the UOFRB determined Officer B's second drawing and exhibiting of his/her service pistol was a continuation of his/her first.

With regards to Officer A's second drawing and exhibiting of his/her service pistol, the UOFRB noted he/she was exposed to the uncleared threat of the marijuana dispensary and unholstered his/her service pistol to cover the threat. The UOFRB opined Officer A functioned as a cover officer.

The Chief's determined that that determined an officer with similar training and experience as Officers A, B and C would reasonably believe there was a substantial risk the situation may escalate where deadly force would be justified.

The BOPC determined all occurrences of Officers A, B and C's Drawing/Exhibiting, to be In-Policy.

C. Lethal Use of Force

Officer A – Glock, Model 17, 9mm caliber, 12 rounds from an approximate distance of 83 feet in a southerly direction.

Background – According to Officer A, his/her background consisted of closed businesses within a strip mall. Additionally, Officer A did not see anyone inside the parked vehicles until after the shooting.

During their traffic stop, Officers A, C and B heard gunshots as the Subject shot at the illegal marijuana dispensary. After orientating the threat, Officer A observed the Subject armed with a handgun and believed the Subject was firing toward their direction. In fear for his/her and his/her partners' lives, Officer A discharged a total of 12 rounds at Subject.

Round One

According to Officer A, the Subject was firing rounds in his/her and his/her partners' direction. In response, Officer A discharged one round from his/her service pistol.

Round Two

After his/her first round, Officer A believed he/she either missed or his/her round was ineffective as he/she did not observe a change in the Subject's actions. Believing the Subject was still actively shooting at him/her and his/her partners, Officer A discharged a second round from his/her service pistol.

Round Three

Assessing after his/her second round, Officer A determined the Subject was still posing an imminent threat and believed the Subject was still shooting at him/her and his/her partners. In response, Officer A discharged a third round from his/her service pistol.

Round Four

Assessing after his/her third round, Officer A determined the Subject was still posing an imminent threat and believed he/she was still shooting at him/her and his/her

partners. In response, Officer A discharged a fourth round from his/her service pistol.

Round Five

According to Officer A, his/her first four rounds appeared to be ineffective. Officer A observed the Subject still armed with the handgun while facing him/her and his/her partners. In response to the Subject' actions, Officer A discharged a fifth round from his/her service pistol.

Round Six

According to Officer A, the Subject was still shooting in his/her and his/her partners' direction. In response to the Subject actions, Officer A discharged a sixth round from his/her service pistol.

Round Seven

According to Officer A, he/she observed the Subject moving his hand up and down, still armed with a gun. Believing the Subject still posed an imminent threat, Officer A discharged a seventh round from his/her service pistol.

Round Eight

According to Officer A, the Subject was still armed with a gun and he/she heard more gunshots. Officer A believed the Subject was attempting to take cover behind parked vehicles. In response to the Subject' actions, Officer A discharged an eighth round from his/her service pistol.

Round Nine

According to Officer A, the Subject was still armed with a handgun pointed in his/her and his/her partners' direction. In response to the imminent threat, Officer A discharged a ninth round from his/her service pistol.

Round Ten through Twelve

According to Officer A, he/she observed the Subject still armed with a handgun standing behind a parked vehicle. Officer A discharged rounds ten, eleven and twelve from his/her service pistol.

Officer C – Springfield, Model 1911, .45 caliber, five rounds from an approximate distance of 91 feet in a southeasterly direction.

Background – According to Officer C, in surveying his/her surroundings, he/she noted his/her background consisted of closed business. Additionally, there was no

indication to Officer C that any of the parked vehicles were occupied at the time of the OIS.

Upon hearing multiple gunshots, Officer C believed he/she and his/her partners were being ambushed and were in imminent threat of serious bodily injury or death. After identifying the threat, Officer C observed the Subject armed with a handgun and believed the Subject was targeting him/her and his/her partners. In fear for his/her and his/her partners' lives, Officer C discharged a total of five rounds at Subject.

Round One

Officer C believed the Subject was shooting at him/her and his/her partners and, in response to the imminent threat, he/she discharged the first round from his/her service pistol.

Round Two

Assessing the Subject was still armed and standing after his/her first round, Officer C discharged a second round from his/her service pistol.

Round Three

After Officer C discharged his/her second round, Officer C assessed the Subject's actions and observed the Subject was still standing armed with a handgun. Officer C continued to perceive an imminent threat from the Subject and discharged a third round from his/her service pistol.

Round Four

After his/her third round, Officer C believed the Subject was attempting to acquire him/her and his/her partners as a target to continue to shoot at them. In fear for his/her and his/her partners' lives, Officer C discharged a fourth round from his/her service pistol.

Round Five

According to Officer C, the Subject continued to shoot in his/her and his/her partners' direction. In fear for his/her and his/her partners' lives, Officer C discharged a fifth round from his/her service pistol.

The UOFRB assessed the circumstances and evidence related to the OIS. In their assessment, the UOFRB discussed the short duration of time between the Subject firing multiple rounds into the marijuana dispensary and the time the officers had to perceive the Subject' deadly threat and react. The UOFRB noted surveillance video evidence captured the Subject as he turned to face the officers while pointing a handgun in their direction. Furthermore, when the Subject ran, he did not discard

the handgun causing him to be a continued threat to the officers. This raised the officers' concerns as to the Subject's willingness to use the handgun against them, which the UOFRB opined added to the officers' reasonable belief that the Subject was targeting them and attempting to gain cover and a position of advantage.

In discussing the number of rounds discharged by both Officers A and C, the UOFRB noted the distance from where Officers A and C discharged their firearms was within the effective range of their handguns. Additionally, the UOFRB discussed that Officer A discharged all twelve rounds in less than four and half seconds with the consideration of lag time and the fact he/she stopped firing when he/she could no longer see the Subject. Officer C as well only discharged his/her rounds when he/she had a visual of the Subject. Therefore, the UOFRB determined it was reasonable for officers to continue engaging the Subject to stop his deadly threat. As such, the UOFRB opined Officers A and C's use of deadly force was objectively reasonable, proportional and necessary to stop the Subject's actions.

The BOPC determined that an officer with similar training and experience as Officers A and C, in the same situation, would reasonably believe the use of lethal force was objectively reasonable, proportional and necessary.

The BOPC determined Officers A and C's use of Lethal Use of Force, all rounds, to be In Policy.

Medical Treatment/Rendering Aid

At approximately 0055:25 hours, Officer B requested the response of an RA prior to approaching the Subject. The arrest team approached the Subject and took him into custody at approximately 0058:24 hours. Officer B assessed the Subject for injuries and began chest compressions until he/she was relieved by Officer J, who was then relieved by paramedics at approximately 0103:25 hours. Los Angeles Fire Department Paramedic/Firefighters A and B performed life-saving measures on the Subject. At 0108 hours, life-saving measures were discontinued and the Subject was pronounced deceased.

Requirement to Intercede

Based on the review of this incident, the BOPC determined the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances and would not have required an officer to intercede.