

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

OFFICER-INVOLVED SHOOTING – 031-22

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

Harbor	7/5/22		
--------	--------	--	--

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

Officer A	3 years, 5 months
Officer B	2 years, 3 months
Officer C	9 years, 6 months

Reason for Police Contact

On Tuesday, July 5, 2022, at approximately 0945 hours, officers responded to an assault with a deadly weapon (ADW) shooting radio call. The officers arrived at scene and met with citizens who reported that the Subject fired a pistol at two unidentified individuals, then fled the location on foot. The officers began canvassing the area for the Subject.

The officers located the Subject in the area and attempted to detain him. The Subject did not comply with the officer's commands and fled on foot into a nearby alley. The officers followed the Subject in their vehicle and observed a pistol in his right hand. The Subject walked toward the officers and pointed the pistol in their direction, resulting in an officer-involved shooting (OIS).

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

Male, 32 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; 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 6/6/23.

Incident Summary

The incident began at approximately 0943 hours, when the Subject committed an ADW shooting in the parking lot of a restaurant in the City of Los Angeles.

The location had an awning and covered patio on the east side of the building. It shared a large parking lot with two neighboring businesses.

At approximately 0941:25 hours, as captured on security video, Victim 1, with a bicycle, emerged from the patio area. He walked the bicycle in a northeasterly direction through the parking lot and placed it on the ground adjacent to a white recreational vehicle (RV).

Victim 1 donned a black t-shirt and was briefly joined by two unidentified individuals. One of the individuals was wearing a blue plaid shirt (Victim 2) and appeared to be holding a long object in his hand. The other individual was wearing all-dark clothing.

At 0943:20 hours, Victim 1 walked toward the front of the restaurant. Shortly thereafter, Victim 2 also walked toward the front of the restaurant, while the individual wearing dark clothing walked east out of security camera view.

At 0944:13 hours, Victim 1 emerged from the patio area and walked in a northerly direction. Approximately three seconds later, Victim 2 ran from the patio area in a northeasterly direction. In response, Victim 1 also began running while holding a dark-colored object in his right hand.

Shortly thereafter, the Subject emerged from the patio area. As captured on security video, the Subject walked in a northerly direction, at a fast pace, parallel with the restaurant patio. The Subject appeared to be holding and manipulating an object with both hands.

Victim 2 ran in an easterly direction through the parking lot, toward the grocery store and out of security camera view.

Simultaneously, Victim 1 mounted his bicycle and rode a short distance in a northeasterly direction through the parking lot. He abandoned the bicycle and fled on foot toward the recycling center. As he did so, the Subject held and manipulated the object with both hands and continued walking north.

Victim 1 ran north, then east, around the recycling storage containers. He then positioned himself on the east side of the storage containers and began to pace.

As captured on security video, the Subject turned around and walked toward the front of the restaurant, out of camera view. As he did so, the Subject continued to manipulate the object with both hands.

Shortly thereafter, an additional security video captured the Subject on the west side of the restaurant. The Subject was looking down and continued to manipulate the object in his hands.

Witness A was inside the restaurant when she heard approximately two to three gunshots outside the business. Witness A looked outside and observed a male and two additional people. Witness A stated that the male appeared to be chasing one of the other people.

According to Witness A, she did not see any weapons but assumed guns were involved after hearing the gunfire. Witness A called 911 and reported her observations at 0945:04 hours.

At approximately 0945:10 hours, Communications Division (CD) broadcast that a shooting had occurred. Witness A remained on the line and continued to provide information.

At approximately 0945:31 hours, Victim 1 began walking in a southwesterly direction toward his bicycle. He suddenly stopped, turned around, and started jogging in the opposite direction toward the recycling center.

Shortly thereafter, the Subject appeared at the rear of the restaurant. The Subject walked in an easterly direction between two parked vehicles. As he did so, the Subject raised both hands, resembling a shooting stance, and pointed an object in Victim 1's direction. As depicted in a still photograph from the security video, a possible muzzle flash emitted from the object the Subject was holding.

Victim 1 and an unidentified person wearing a blue shirt ducked down and ran toward the recycling center. Simultaneously, an unidentified person riding a bicycle also appeared to duck and rode in a southeasterly direction through the parking lot. The Subject then walked in a westerly direction, out of camera view.

According to Witness B, he was sitting in his parked vehicle. Witness B stated that he heard two gunshots and the sound of people arguing. According to Witness B, he could not identify who was arguing, nor could he decipher what was being said.

At 0946:15 hours, Witness B called 911 and reported the incident. During the 911 call, Witness B advised that a guy was shooting a pistol near the restaurant. Witness B described the Subject as a male, 25-30 years old, wearing a multi-color shirt, black pants, a black backpack and carrying an additional red and black backpack in his hand.

Witness B advised that the Subject was armed with a small pistol, possibly a .25 or .22 caliber. Witness B remained on the line and began to follow the Subject in his vehicle at a distance, continuously updating his travel route.

At 0946:46 hours, Sergeant A advised CD that he/she would respond to the radio call.

Officers E and F heard the radio call. Officers E and F responded Code Three (with vehicle emergency lights and siren activated).

Sergeant A advised CD that he/she was still responding to the radio call and drove toward the location Code Two (urgent, but without vehicle emergency lights and siren activated).

Officers A and B and Sergeant B also heard the radio call and responded toward the location Code Two.

As the officers were en route to the radio call, CD remained on the line with Witnesses A and B and continued to gather information.

At 0948:37 hours, Officers E and F arrived at scene. Upon their arrival, multiple citizens were standing outside the restaurant. Officer E stopped their police vehicle in front of the restaurant, facing west. Officer F rolled down the passenger side window and made contact with an unidentified female witness through the open window.

As captured on body-worn video (BWV), Officer F asked the witness if she called the police and she responded that there were gunshots right there. The witness advised the officers that the Subject was a male who fired two gunshots toward the restaurant parking lot. The witness pointed in a westerly direction and told the officers that the Subject went that way.

As the officers spoke with the unidentified witness, CD broadcast information generated from Witness B's 911 call regarding the Subject's current location.

At 0949:21 hours, Officer F broadcast that they were Code Six (on scene). Officer F advised Officer E that they should check the location for injured victims. Officer E placed their vehicle in park and both officers exited and began speaking with potential witnesses.

Upon exiting the vehicle, multiple citizens advised Officers E and F that the Subject fired gunshots in the parking lot and was last seen walking west.

At 0949:48 hours, Officers A and B arrived at scene. As they neared the location, Officer B broadcast that they were Code Six. Officer A parked on the street, facing west, behind Officer E's police vehicle. Both officers exited their vehicle and joined Officers E and F in front of the restaurant.

Officers A, B, E, and F spoke with multiple witnesses at the scene and began searching the area for injured victims and evidence of a shooting.

Officer E spoke with Victim 3, who described the Subject as a "crazy" who began shooting behind the restaurant. Victim 3 described the Subject's weapon as a "little gun."

Simultaneously, Officer F walked up to the white RV and contacted an unidentified witness sitting in the driver's seat. The witness advised Officer F that he heard two gunshots, one of which he believed impacted his RV.

At 0950:50 hours, as the officers continued to canvass the ADW scene, CD broadcast an updated location for the Subject. Moments later, CD broadcast that the Subject was removing his clothes.

Sergeant C broadcast to CD and requested that Officers C and D respond to the citizen (Witness B) following them. Officers C and D responded Code Three.

Sergeant B heard the broadcast indicating that a citizen was following the Subject and became concerned. Sergeant B upgraded his/her response from Code Two to Code Three.

Meanwhile, Officers A, B, and F stood near the RV and communicated with one another. Victim 3 looked in their direction and said that the Subject was trying to shoot her but did not succeed. The officers did not respond to Victim 3's statement. Officer A said that he would try to discover whether they had a verified shooting. Victim 3, who was still near the officers, said that the Subject had tried to shoot her first. Again, the officers did not respond to Victim 3's statement.

Officers A, B, E, and F heard the updates from CD and were aware that a citizen was following a potential shooting suspect. Officer F was concerned about public safety and feared that the Subject could hurt someone.

The officers did not locate any injured victims at the ADW scene, nor did they observe any physical evidence of a shooting. They decided to leave the scene and attempt to locate the Subject. Officer E directed the witnesses to remain at the location in both English and Spanish. According to Officer E, he/she intended to return to the ADW scene and obtain the witnesses' information.

Officers A and B entered their vehicle first and began communicating with one another. Officer A assumed the role of contact and lethal force officer, while Officer B assumed the role of cover and less-lethal force (Taser) officer. Additionally, Officers A and B discussed communication with potential suspects and the use of additional resources (back-up).

Officer B acknowledged the plan; however, he/she indicated he/she would also assume a lethal force role first and then transition to a less-lethal force role, if appropriate.

At 0953:38 hours, Sergeant A broadcast that he/she was Code Six in the area and requested an updated location for additional units. In response, Officer F broadcast that they were canvassing for witnesses.

Officers A and B were driving west and crossed paths with Sergeant A, who was going east. Officer A and Sergeant A stopped their vehicles alongside one another and

communicated through their open driver's side windows. Officer A informed Sergeant A they were still looking for the Subject and that a citizen was following him (the Subject).

As Officer A communicated with Sergeant A, CD broadcast and updated the Subject's location. Moments later, CD advised the units that the Subject was carrying a basketball with his left arm.

Officer A continued driving west and negotiated a northbound turn, at which time Witness B flagged them down. Officers A and B made contact with Witness B through the open passenger side window and inquired about the Subject's location. As captured on BWV, Witness B pointed in a northerly direction and advised the officers that the Subject was by the corner, wearing a red shirt.

After speaking with Witness B, Officers A and B continued driving north. As they did so, the officers briefly activated (chirped) their siren.

Officers A and B observed the Subject walking north on the east side of the street. Officer A noted that the Subject matched the description of the suspect and was carrying multiple bags as indicated by the comments of the call. Neither officer observed a weapon in the Subject's hands at that time.

According to Officers A and B, they were cognizant that Officers E, F, and Sergeant A were in the area. At the time they observed the Subject, Officer B believed that the other units were behind them.

At 0955:05 hours, Officer A parked their vehicle along the east side of the street, facing north, south of the Subject's location. Officer B opened his/her door first and yelled at the Subject as he/she exited the vehicle. Officer B utilized the passenger side door as cover and unholstered his/her pistol with his/her left hand.

Officer B transitioned his/her pistol into a two-handed, low-ready position, with the muzzle pointed in a northerly direction, toward the Subject. Officer B ordered the Subject to put his hands up, but he did not comply with the commands.

Nearly simultaneously, Officer A exited the vehicle and utilized the driver's side door as cover. Officer A yelled and unholstered his/her pistol with his/her right hand. Officer A held his/her pistol in his/her right hand, in a low-ready position, with the muzzle pointed in a northerly direction.

According to Officer A, he/she unholstered his/her pistol based on the information provided by the 911 call and witnesses at the ADW scene.

According to Officer A, the Subject appeared to be fixing the bags he was carrying and did not appear to pay him and Officer B much attention. According to Officer B, the Subject looked in their direction and began picking up his bags. Officer B described the Subject as a frantic man trying to get away.

According to the officers, the Subject walked north on the east sidewalk at a fast pace, then turned east. Officers A and B then holstered their pistols.

At 0955:15 hours, Officer A broadcast the location of the Subject. Officers A and B then entered their police vehicle and drove north.

Officer A turned east, at which time he/she and Officer B observed the Subject on the south sidewalk. According to Officer B, he believed that the Subject was aware of their presence because he looked over his shoulder in their direction multiple times. The Subject then turned south into the alleyway.

Officers A and B continued driving east toward the alley. As they did so, Officer B held the vehicle's microphone in his/her left hand and the passenger side door handle with his/her right hand. As they neared the alley, Officer B opened the passenger side door and left it slightly ajar.

According to Officers A and B, they were in containment mode at this time.

Meanwhile, Officers E and F were driving west when they heard Officer A's broadcast. Officers E and F continued driving west.

Officer E observed the Subject walking east on the south sidewalk. As captured on BWV, Officer E pointed his/her hand in a westerly direction and stopped their vehicle on the southwest corner of the street.

As Officers E and F exited their vehicle, the Subject ran into the alleyway, with Officers A and B following in their vehicle. Officers E and F entered their vehicle and drove west toward the alley.

At 0955:38 hours, Officers A and B turned south into the alleyway. As they did so, Officer B observed the Subject on the right side of the alley (west side). According to Officer B, the Subject was walking in a southerly direction at a fast pace. The Subject then slowed his pace, at which time Officer B observed a silver semiautomatic pistol in his (the Subject's) right hand. According to Officer B, the Subject's finger was on the trigger.

The Subject then walked in a diagonal pattern toward the east side of the alley.

As they continued driving south, Officer A observed the Subject on the east side of the alley, walking in a southerly direction. According to Officer A, the Subject was wearing a backpack and holding a duffle bag.

In an effort to advise the responding units that the Subject had a pistol, Officer B keyed the microphone with his/her left hand and broadcast that the Subject had a "gun." An air (helicopter) unit advised they would respond to the location.

Officer A stopped their police vehicle in the center of the alley, facing in a southerly direction. Both officers exited the vehicle, at which time Officer A's BWV captured the Subject walking in a southerly direction, away from the officers.

Officer B utilized his/her vehicle door as cover and began giving commands to the Subject. Officer B told the Subject to put his hands up while simultaneously unholstering his/her pistol. Officer B held his/her pistol in a two-handed shooting position, with the muzzle pointed in a southerly direction, toward the Subject. According to Officer B, he/she unholstered his/her pistol due to the tactical situation and his/her observation that the Subject was armed with a pistol.

Nearly simultaneously, Officer A utilized the driver's side door as cover, retrieved his/her radio with his/her left hand, and unholstered his/her pistol with his/her right hand. Officer A held his/her pistol in his/her right hand, with the muzzle pointed in a southerly direction, toward the Subject. According to Officer A, he/she unholstered his/her pistol based on the information provided by Officer B, indicating that the Subject was armed with a pistol.

In response to Officer B's commands, the Subject began turning his body in a clockwise direction. Officer B told the Subject to put his hands up. The Subject then turned and faced the officers. As captured on BWV, the Subject was holding a duffle bag in his left hand and had a black backpack strapped over his right shoulder.

As captured on BWV, the Subject dropped the duffle bag and backpack onto the ground and yelled a partially unintelligible statement including the words "kill me." According to Officer B, the Subject dropped the duffle bag and backpack in an aggressive manner and appeared to be mad.

Officer B continued giving the Subject commands and ordered him to "drop the gun." The Subject did not comply with Officer B's commands. Instead, he began walking in the officers' direction.

As captured on BWV, the Subject appeared to yell at the officers a second time. That statement was also partially unintelligible and included the words "kill me." The Subject then raised his right arm, pointing his pistol in the officers' direction. In defense of their lives, Officers A and B fired their pistols at the Subject.

Officer A fired three to four rounds at the Subject, in a southerly direction, from approximately 77 feet.

After firing his/her first volley of rounds, Officer A walked backward toward the rear of his/her police vehicle to create distance and assess the situation.

Officer A fired an additional three to four rounds at the Subject, also in a southerly direction, from approximately 82 feet.

Officer B fired a total of seven rounds at the Subject, in a southerly direction, from approximately 76 feet. According to Officer B, the Subject's finger was on the trigger as he pointed his pistol in his/her (Officer B's) direction.

The Subject was struck by gunfire and fell to the ground. According to Officer B, as the Subject fell, the pistol remained in his right hand. Once on the ground, the Subject was lying on his back and continuously moving his body. As captured on BWV, the Subject rolled from side to side, kicked his legs, and moved his arms.

As Officer A broadcast, "shots fired," Officer B continued giving commands to the Subject and ordered him to "drop the gun." As they waited for additional resources to arrive, Officers A and B remained behind their vehicle doors with their pistols drawn and pointed toward the Subject.

Meanwhile, as Officers E and F drove toward the alleyway, they heard Officer B broadcast that the Subject had a gun. Officer E parked on the street near the mouth of the alley and both officers exited. Shortly after they exited the vehicle, the OIS occurred.

Officer E ran south in the alley toward Officers A and B, while Officer F attempted to retrieve the beanbag shotgun from the vehicle.

As Officer E ran down the alley, he/she unholstered his/her pistol with his/her right hand. According to Officer E, he/she did so due to the circumstances of the radio call and because he/she heard an officer scream, "Gun, gun, gun!" Officer E positioned himself/herself on the passenger side of the vehicle, behind Officer B. As he did so, Officer E held his/her pistol in a two-handed, low-ready position.

According to Officer F, he/she was unable to retrieve the beanbag shotgun from their vehicle because the ignition was off. Officer F then ran south in the alley toward Officers A, B, and E. Officer F was cognizant that Officers A and B had their pistols drawn and wanted a less-lethal force option at scene. Officer F attempted to open the trunk of Officer A's vehicle, but was unsuccessful. He/she then positioned himself/herself along the passenger side of the vehicle, behind Officer E.

According to Officer F, he/she unholstered his/her pistol because he/she was encountering a suspect with a pistol. Officer F held his/her pistol in a two-handed low-ready position, with his/her finger along the slide.

At 0955:57 hours, Sergeant A arrived at scene and was parking his/her vehicle when the OIS occurred. He/she parked on the street east of the alleyway and exited the vehicle. Sergeant A jogged toward the officers and positioned himself/herself behind Officer A. Upon his/her arrival, Sergeant A advised Officer A that he/she was behind him/her.

According to Sergeant A, he/she observed the Subject lying on the ground beside a bunch of property that he/she assumed belonged to him. Sergeant A stated that the Subject was not making any noise, but was writhing around on the ground. Sergeant A

heard an officer (Officer B) ordering the Subject to “drop the gun.” Sergeant A did not observe any weapons in the Subject’s hands.

Within seconds, Sergeant A observed a pistol lying on the ground beside the Subject. Sergeant A described the pistol as being very small and silver in color. According to Sergeant A, the pistol was so small it could fit in the palm of your hand.

According to Officer A, he/she was cognizant that additional officers were arriving at scene and could hear them behind him/her.

According to Officer B, he/she lost sight of the pistol but knew it was on the Subject’s right side. As they waited for additional resources, Officer B continued giving commands to the Subject. As captured on BWV, Officer B ordered the Subject to turn toward his left and to turn onto his stomach multiple times. The Subject did not comply with the commands.

At 0956:39 hours, Sergeant A advised CD that he/she was Code Six with the officers. He/she then requested multiple units and an additional supervisor.

According to Officer F, he/she believed there were sufficient lethal-force cover officers on the passenger side of the vehicle. Officer F holstered his/her pistol, redeployed to the driver’s side of the vehicle, and positioned himself/herself behind Officer A. Officer F then unholstered his/her pistol and held it in his/her right hand, with the muzzle pointed toward the ground.

At 0956:49 hours, Officer B advised the officers at scene that the Subject was moving toward his pistol and to watch his right hand. Officer B then yelled to the Subject to roll towards his left so they could help him. The Subject did not comply. Instead, he continued rolling from side to side and moving his arms and legs. Officer B repeated the commands multiple times, but the Subject remained non-compliant.

At 0957:04 hours, Officers C and D arrived and broadcast that on scene Officer D parked on the street just west of the alley.

Officer C exited the vehicle first and ran south in the alley, toward the officers. According to Officer C, he/she was cognizant that the comments of the call indicated that the Subject was armed with a pistol. Believing the Subject could pose an imminent threat, Officer C unholstered his/her pistol. As captured on BWV, Officer C held his/her pistol in his/her right hand, with the muzzle pointed toward the ground, and jogged south in the alley.

Officer C positioned himself/herself along the driver’s side of Officer A’s vehicle, behind Sergeant A. Upon his arrival, Officer A placed his/her left hand on Sergeant A’s shoulder and advised him/her that he/she was there. Officer C stood slightly off-set (east) of Sergeant A and transitioned his/her pistol into a two-handed low-ready shooting position, with the muzzle pointed in a southerly direction, toward the Subject.

Nearly simultaneously, Officer D exited the vehicle and unholstered his/her pistol. Officer D held his/her pistol in his/her right hand, with the muzzle pointed toward the ground, and walked southbound in the alley toward the officers. According to Officer D, he/she unholstered his/her pistol because he/she believed the situation might escalate to lethal force. As he/she walked toward the scene, Officer D heard an officer giving commands to the Subject and opined that he (the Subject) was still armed.

Meanwhile, Sergeant A asked Officer F to direct the responding units to their location. Officer F holstered his/her pistol and jogged north in the alley toward the street. There were no units to direct at that time, so he/she returned to the OIS scene. Upon his/her return, Officer F stood behind Officer A and unholstered his/her pistol, which he/she held in a two-handed, low-ready position.

Sergeant A asked Officer A if he/she knew the whereabouts of the Subject's pistol. Officer A advised Sergeant A that the Subject previously held the pistol in his right hand and pointed it in their direction. Officer A described the Subject's pistol as small and silver.

At 0957:30 hours, Sergeant A began communicating with the officers about forming a contact team. According to Officer C, he/she looked around and realized there were no less-lethal force options deployed. Officer C informed Sergeant A that he/she would grab a 40mm less-lethal launcher (LLL). Officer C holstered his/her pistol and retrieved a beanbag shotgun from his/her vehicle.

As Officer C was retrieving the beanbag shotgun, the Subject began rolling in an easterly direction. Officer B told the Subject to turn to his left. Officer B then informed the officers that the Subject was moving toward his pistol.

Officer D was cognizant that the Subject was not following commands and did not see any rifles deployed at scene. Officer D holstered his/her pistol, walked back to his/her police vehicle, and retrieved his/her rifle. Officer D chambered a round and began walking toward the OIS scene.

At 0957:45 hours, Sergeant A broadcast to CD and requested a unit to cover the back (south) side of the alleyway.

Officer A began giving commands to the Subject. Officer F inquired if the Subject's hands were clear.

Officer A then observed the Subject holding his pistol in his right hand and waving it around. Officer A announced that he was on target and advised the other officers to relax. Officer A reiterated that the Subject was holding the pistol in his right hand.

At 0958:15 hours, Officer C returned with the beanbag shotgun and positioned himself/herself east of Officer A and Sergeant A. According to Officer C, he/she observed the Subject holding the pistol in his right hand.

According to Officer C, Sergeant A motioned for him/her to deploy the beanbag shotgun. Officer C pointed the beanbag shotgun in a southerly direction toward the Subject and announced that he/she was preparing to deploy it.

At 0958:40 hours, Officer C fired one beanbag round at the Subject in a southerly direction, from approximately 77 feet.

According to Officer C, he/she assessed after firing the first beanbag round and determined that the Subject was still holding the pistol. As captured on BWV, Officer C ordered the Subject to "drop the gun." The Subject did not comply with the commands.

Officer D returned with the rifle as the first beanbag round was being fired. Officer D placed the sling over his/her right shoulder and approached the passenger side of Officer A's vehicle. Officer D verbally announced his/her presence and positioned himself west of Officers B and E, who both informed Officer D that the Subject was still armed with the pistol.

Officer D held the rifle in an off-hand position, with the muzzle pointed in a southerly direction, toward the Subject. As he did so, Officer D utilized the rifle scope and observed the Subject holding a pistol in his right hand. According to Officer D, he/she turned the safety off, placed his/her right index finger on the trigger, and continued to utilize the scope to monitor the Subject's movements.

Sergeant A advised the officers that the Subject still had the pistol in his hand. Officer C then announced that he was preparing to deploy the beanbag shotgun.

At 0958:53 hours, Officer C fired an additional beanbag round at the Subject, also in a southerly direction, from approximately 77 feet.

According to Officer D, he/she was looking at the Subject through his/her rifle scope when the second beanbag round was fired. Officer D observed the round strike the Subject's right wrist or forearm area, causing him to drop the pistol. Officer D stated that he/she remained on target because the pistol was still within the Subject's reach.

According to Officer C, it appeared that the Subject was struck by the second beanbag round because he began moving around and released the pistol. Officer C observed the pistol on the ground, near the Subject's right armpit. Officer C informed the officers at scene that the Subject dropped the pistol, but it was still next to him.

Officer C held the beanbag shotgun in a low-ready position, with the muzzle pointed in a southerly direction, toward the Subject. Officer C continued giving commands to the Subject and ordered him to roll to his right multiple times.

At 0959:11 hours, as Officer C was giving commands, the Subject briefly rolled onto his left side and was facing in a westerly direction, away from the pistol. Officer C stated that the Subject was rolling over. Sergeant A looked for personnel to form a contact team.

The Subject then rolled onto his back, at which time Officer C directed the officers to stand by and continued giving commands to the Subject.

As captured on BWV, Detective A approached Sergeant A and inquired if there was a shield at the scene. The investigation determined that there was no shield at the scene. Sergeant A informed the officers that they would wait for a shield before approaching the Subject.

Meanwhile, Sergeant B arrived at scene. He/she parked on the street east of the alley and exited the vehicle. Upon his/her arrival, Sergeant B directed Officer G to request a rescue ambulance (RA) for the Subject.

Officer G requested an RA for the Subject and requested the Los Angeles Fire Department (LAFD) personnel to stage on the street.

Sergeant B broadcast to CD and requested a unit to block southbound traffic into the alleyway. Additionally, he/she requested a unit to respond with a shield. Officers H and I checked out a shield from the kit room and drove to the location Code Three. Sergeant B requested an estimated time of arrival (ETA) for the shield and was advised one was en route from Harbor Community Police Station.

Officer C continued giving commands to the Subject. The Subject did not comply with the commands and continued rolling from side to side and attempting to sit up. At 1001:25 hours, the Subject got on his hands and knees, then rolled toward the west side of the alley.

At 1001:40 hours, Officer B requested Officer E to activate his/her vehicle digital in-car video (DICV), to record the events. Officer E holstered his/her pistol and activated their DICV. After doing so, Officer E unholstered his/her pistol once again.

As they waited for the shield to arrive, Sergeant B advised the contact team and officers at scene that they were going to stand by and wait for the shield. Sergeant B then directed the officers to take cover behind Officer A's vehicle. Sergeant A asked Officer C how many beanbag rounds he/she had left. Officer C informed him/her that he/she had three rounds left.

At 1002:30 hours, Officer C yelled additional commands to the Subject. Officer C repeated the command for the Subject to get onto his stomach and ordered him to put his hands out to his sides.

As captured on BWV, the Subject began to moan and then repositioned into a prone position with his arms out to his sides. Officer D ordered the Subject to spread his legs and the Subject complied. Seconds later, the Subject placed both of his palms on the ground. Officer D told the Subject not to get up, and the Subject said that it hurt.

Sergeant B broadcast to CD and directed the location for the responding units. Detective B informed Sergeant B that there were citizens in the alley south of the Subject.

Sergeant B directed an officer to utilize a public address (PA) system to make an announcement to the citizens.

At 1003:17 hours, Officer J used the PA system in an unmarked police vehicle and directed the citizens to go inside their residences. Sergeant B requested the air (helicopter) unit to make an additional announcement upon their arrival, and direct the citizens to get out of the way.

At approximately 1004 hours, Officers H and I arrived at scene with the shield. Sergeant B advised Sergeant A to handle operations for the contact team and declared himself as the incident commander (IC). Sergeant B directed Officer H to the driver's side of Officer A's vehicle and advised him/her to go in front of the other officers.

Officer H held the shield in his/her left hand and positioned himself/herself in front of Officer C. According to Officer H, he/she was aware that shots had been fired and a weapon was involved in the incident. Therefore, he/she unholstered his/her pistol with his/her right hand and pointed the muzzle in a southerly direction, toward the Subject.

A contact team was formed, comprised of the following officers: Officer H carried the shield and his/her pistol; Officer C was the less-lethal force (beanbag shotgun) officer; Officer A was the lethal force officer; and Officers E, F, and I were assigned as the arrest team.

The contact team lined up alongside the driver's side of Officer A's vehicle.

At 1004:39 hours, the air unit arrived over the scene. Sergeant B requested the air unit to fly at a higher altitude because officers were giving the Subject commands. Sergeant B informed the air unit that the Subject was still moving, presumably struck by gunfire, and an RA was standing by.

At 1004:58 hours, the contact team approached the Subject. When they initiated their approach, the Subject was lying in the alley, near the west wall. As captured on BWV, it appeared that the Subject was attempting to sit up, and Officer C gave commands to him to lay on his stomach and spread his arms. The Subject then repositioned himself into a prone position, with his head facing south and feet facing north toward the contact team (north).

As the contact team made their way down the alley, Sergeant B walked toward the passenger side of Officer A's police vehicle. Sergeant B directed Officer B to holster his/her pistol because the contact team was downrange. Sergeant B then placed his/her right hand on Officer D's right bicep area and advised him/her to hold the rifle in a low-ready position.

As they neared the Subject, Officer F advised Officer E that he/she would grab the Subject's right hand and directed Officer E to grab the left. Officer F approached the Subject's right side, while Officer E approached the left.

Officer E placed his/her right hand on the Subject's lower back area and grabbed the Subject's left forearm with his/her left hand. Officer E began pulling the Subject's left arm behind his back. Officer E removed his/her right hand from the Subject's lower back and transitioned it to the Subject's left wrist. Officer E then pulled the Subject's left hand behind his back. Once the Subject's arm was behind his back, Officer E released his/her right hand from the Subject's wrist.

Nearly simultaneously, Officer F grabbed the Subject's right forearm with his/her right hand and began pulling his (the Subject's) right arm behind his back. Officer F then grabbed the Subject's right wrist with his/her left hand. Officer F then transitioned his/her right hand from the Subject's forearm area down to his wrist and released his/her left hand. Officer F retrieved his/her handcuffs with his/her left hand.

Officer F handcuffed the Subject's right wrist first. As he/she did so, Officer E grabbed the Subject's left arm with both hands and turned the inside of his (the Subject's) wrist toward Officer F. Officer F then handcuffed the Subject's left wrist.

After completing the handcuffing process, Officers E and F began searching the Subject's person. As captured on BWV, Officer F located and removed an empty "inside the waistband" holster from the Subject's left front waistband area. After removing the holster, Officer F tossed it in an easterly direction away from the Subject.

As Officers E and F searched the Subject, he was continuously moving his body, moaned, and asked for water. Officer E advised the Subject that the ambulance was en route and asked him to relax.

At 1005:56 hours, Sergeant B broadcast to CD that the Subject was in custody and the RA could come in. According to Detective B, he/she advised officers to clear the alley and make room for the RA.

At approximately 1006:06 hours, Captain A broadcast he/she was at scene.

At 1006:40 hours, Sergeant A separated Officers A and B and directed them to deactivate their BWV.

Officers E and F remained with the Subject and waited for the LAFD personnel to arrive. According to Officer F, he/she observed blood on the Subject's shirt. Officer F lifted the front of the Subject's shirt and observed a possible graze wound on the Subject's left abdomen area. According to Officer F, the wound looked white and did not appear to be bleeding.

As captured on BWV, the Subject sat up and repositioned himself into a seated position. As he did so, Officer F knelt beside him and maintained control of his arm. Detective B approached Officers E and F and advised them to lay the Subject down. The Subject then placed both of his knees onto the pavement and began to rise up.

Officer F held onto the Subject's left arm, while Officer E held onto the right arm. Officers E and F both ordered the Subject to sit on the ground. The Subject did not comply and proceeded to stand up.

Detective B directed Officers E and F to sit the Subject down. Both officers directed the Subject to sit down, but he did not comply. The Subject backed up against the west wall of the alley.

Officer F reached down with his/her left hand and grabbed the front of the Subject's left pant leg.

As captured on BWV, Detective B leaned forward and grabbed the Subject's left calf area with his/her right hand. Detective B lifted the Subject's left leg forward, in an easterly direction. Officers E and E then assisted the Subject into a seated position.

Officers E and F placed the Subject onto his back and examined his abdomen for injuries. Initially, Officer F only observed the graze wound on the Subject's left side. According to Officer F, he/she applied pressure to that wound using his/her hand. Officer F then observed a second wound on the right side of the Subject's abdomen.

Detective B requested a medical kit from Sergeant B. As Sergeant B attempted to locate a kit, Detective B picked up a scarf from the Subject's belongings and handed it to the officers. Officers E and F utilized the scarf to apply pressure to the Subject's wounds.

Officers H and I went back to the alley and assisted Officers E and F. The Subject was lying on his back with his knees bent. Officer I placed his/her hands on the Subject's knees to prevent him from kicking or standing up.

At 1008:38 hours, Sergeant B walked toward the mouth of the alley and requested a compression kit. Officer B retrieved a first aid kit from his/her vehicle and handed it to Officer C. Officer C ran south in the alley with the first aid kit.

Officer C retrieved gauze from the first aid kit and handed it to Officer E. The officers wrapped the gauze around the Subject's torso, covering the wounds. Officers E and F continued with first aid until paramedics arrived at scene.

At approximately 1008 hours, LAFD personnel arrived at scene. They began treating the Subject at 1011:36 hours for multiple gunshot wounds. The Subject was transported to the hospital for further treatment. Officer I accompanied the Subject in the RA, while Officer H followed in his/her police vehicle.

The Subject succumbed to his injuries at the hospital and was pronounced dead at approximately 1439 hours.

BWV and DICV Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	No	No
Officer B	Yes	Yes	Yes	No	No
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	N/A	N/A
Sergeant B	No	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners (BOPC) Findings

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

A. Tactics

The BOPC found Officers C and D's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers A and B, and Sergeants A and B's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

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

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

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

Basis for Findings

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

duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Definitions

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

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

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious

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

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her 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 and Assessment – This was Officers A and B’s sixth watch together as partners. At the beginning of their watch, they discussed several topics, including contact and cover roles and officer safety. Upon driving to the radio call location, the officers discussed tactics and assigned roles if they encountered the Subject. After locating the Subject, the officers formulated a plan to contain the Subject and requested resources to assist them.

After arriving at the scene, Sergeant A formed a tactical team, which included a designated cover officer (DCO), less-lethal force officer, and arrest team. Sergeant A also requested a shield to assist in taking the Subject into custody. After the shield arrived, the officers approached the Subject and apprehended him without further incident.

Time and Redeployment/Containment – As they entered the alleyway, Officer A stopped approximately 66 feet from the Subject. This allowed the officers to maintain distance and use their ballistic door panels as cover while attempting to contain the Subject; however, the Subject’s subsequent actions limited the officers’ ability to de-escalate the situation before the OIS. After the OIS, officers maintained their distance as they attempted to separate the Subject from his pistol.

Other Resources and Lines of Communication – Throughout the incident, officers at the scene maintained open lines of communication with each other. Officers A and B discussed the call, communicated the Subject’s actions, and coordinated their response.

After speaking with Witness B, Officers A and B located the Subject walking north on the east side of the street. Officer B attempted to communicate with the Subject, stating, “Hey dude! Hey!” Officer B also ordered the Subject to put his hands up. Nearly simultaneously, Officer A yelled, “Yo!” to get the Subject’s attention. Despite the

commands, the Subject hurriedly walked away. In response, Officer A broadcast to CD the Subject's current location.

Observing a silver semiautomatic pistol in the Subject's right hand, Officer B communicated his/her observations to Officer A by stating, "Does he have a gun in his right hand? Right hand! Check his right hand!" Officer A replied, "Alright, just relax." Officer B then broadcast, "He's got a gun! He's got a gun!" In response, CD broadcast a backup for the officers. Officer B exited their police vehicle and yelled, "Hey, put your hands up! Put your hands up!" The Subject refused to comply with Officer B's commands, stating, "Kill me!" The Subject's subsequent actions limited the officers' ability to de-escalate the situation before the OIS.

After the OIS, Officer A advised CD that shots had been fired and the officers needed help. In response, CD relayed the information to available units and requested air unit support. As the OIS occurred, Officers E and F arrived and positioned themselves behind Officer B. Sergeant A also arrived at the scene and was parking his/her vehicle when the OIS occurred. He/she then approached the OIS scene and took a position next to Officer A. After arriving at the scene, Officer D deployed a rifle and Officer C deployed a beanbag shotgun.

Following the OIS, officers attempted to communicate with the Subject and gain compliance. Officer A told the Subject, "Hey, stop reaching for anything! Turn around onto your stomach!" Officer F asked if the Subject's hands were clear. Officer A replied, "His hands are clear, but I don't know where the firearm fell. I don't know where the firearm fell." Officer A then observed the Subject holding the pistol in his right hand and waving it around. In response, Officer A yelled, "He still has it! He still has it in his hand! He has it in his right hand!" To make the Subject drop the pistol, Officer C discharged two impact rounds at him. Before discharging his/her first round, Officer C announced, "Beanbag standby! Beanbag ready!"

Before approaching the Subject, Sergeant A communicated the tactical plan, as well as the individual roles to each officer on the tactical team. Using a PA system, both the air unit and Officer J communicated with civilians in the alleyway and advised them to leave the area. As the arrest team approached the Subject, they instructed him not to move. Using available resources, including a ballistic shield, officers apprehended the Subject without additional lethal force.

The BOPC considered that the UOFRB noted that they would have preferred that an air unit was requested before canvassing for the Subject. The UOFRB opined that the use of an air unit would have provided the officers with a tactical advantage. The UOFRB also noted that a request for a 40mm LLL should have been made, due to the distance between the officers and the Subject.

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

Debriefing Point No. 1 Beanbag Shotgun Protocols

During this incident, Officer C discharged a total of two beanbag rounds. Force Investigation Division (FID) investigators were unable to determine if his/her first round struck the Subject. Therefore, this round was assessed solely for tactics. Officer C discharged his/her first beanbag round at the Subject from approximately 77 feet. According to Officer C, he/she believed that the distance was approximately 25 feet. Officer C did not provide the Subject with a use of force (UOF) warning before discharging his/her beanbag rounds.

The BOPC noted that the UOFRB assessed Officer C's adherence to the Department's beanbag shotgun protocols. The UOFRB noted that the recommended deployment range for the beanbag shotgun is 5 feet to 30 feet. The UOFRB also noted that the recommended range is based on the weapon's capabilities and that accuracy is reduced as distance increases. Although Officer C estimated the distance to be 25 feet, the UOFRB determined that his/her estimation was unreasonable as the actual distance was approximately 77 feet, three times Officer C's estimated distance. While the UOFRB understood that Officer C was attempting to de-escalate the situation, they determined that a reasonable officer would not have discharged the beanbag from 47 feet beyond the recommended range.

Concerning the UOF warning, the UOFRB noted that Officer C did not think it was feasible to provide a warning because the Subject had a pistol in his hand. Officer C clarified that he/she did not want to hesitate and give the Subject, whom he/she observed holding a pistol, the opportunity to fire at officers. The UOFRB noted that per the Department's beanbag shotgun protocols, a warning is not required if a tactical plan requires the element of surprise to stabilize the situation. However, the UOFRB determined that the element of surprise was not a reasonable justification based on the facts of this case. The Subject had already been shot and likely knew there were multiple officers issuing orders to him. The UOFRB would have preferred that Officer C had issued the Subject a UOF warning before discharging his/her impact rounds, if for no other reason than as a de-escalation technique.

During the BOPC's review of this case, it was noted that when contacted, the Subject pointed his pistol toward the officers. As the officers discharged their pistols, the Subject lowered his pistol and then pointed it toward the officers again. Struck by gunfire, the Subject fell to the ground and dropped his pistol. Instead of surrendering, the Subject chose to reacquire his pistol. Despite repeated commands, the Subject maintained possession of the pistol, posing an immediate threat to the officers' safety. Based on his prior actions, it is reasonable to believe that the Subject would have again pointed his pistol at the officers and additional lethal force may have been used. Instead, Officer C used the beanbag shotgun to de-escalate the situation. While the BOPC would have preferred that officers had used a 40mm LLL, one was not readily available. As such, the BOPC determined that in this specific instance, Officer C's use of the beanbag shotgun was a substantial deviation, with justification, from Department-approved tactical training.

As it pertains to the UOF warning, the BOPC noted that per the Department's beanbag shotgun protocols, an officer shall, when feasible, give a verbal warning prior to using the beanbag shotgun to control an individual. However, the BOPC also noted that per the

Department's UOF policy, before the use of any force, an officer shall, when feasible, make reasonable efforts to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts. Here, as stated above, the Subject had been shot after pointing his pistol at officers. While the Subject had dropped his pistol, he chose to reacquire it. Despite repeated commands, the Subject maintained possession of the pistol. While not expressly stated, it would have been objectively reasonable for Officer C to believe the Subject was aware that additional force may be used to control him. As such, the BOPC determined that the absence of a UOF warning was justified based on the specific facts of this case.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer C were a substantial deviation, with justification, from Department-approved tactical training.

Debriefing Point No. 2 Basic Firearm Safety Rules

Per the FID investigation, Officer D may have placed his/her finger on the trigger of the rifle numerous times throughout the incident. Based on BWV footage, while using his/her rifle's scope to monitor the Subject, Officer D disengaged the rifle's safety and placed his/her index finger on the trigger for approximately 12 seconds. According to Officer D, every time he/she used the scope, he/she disengaged the safety and placed his/her finger on the trigger. Officer D stated that this was how he/she was trained.

After discharging both of his/her beanbag rounds, Officer C placed his/her finger on the trigger of the beanbag shotgun for approximately 17 seconds. According to Officer C, he/she did not fire because the Subject "began to comply again" and the "situation de-escalated."

The BOPC noted that the UOFRB assessed Officers C and D's adherence to the Basic Firearm Safety Rules. Regarding Officer D, the UOFRB noted that during his/her FID interview, he/she stated he/she was trained to disengage his/her safety and place his/her finger on the trigger when he/she uses the rifle scope. According to Officer D, this does not mean that he/she has to fire. The UOFRB knew this statement was contrary to Department-approved tactical training. The UOFRB also noted that according to Officer D, during this incident, he/she placed his/her finger on the rifle trigger every time he/she went on target; however, he/she was assessing and did not intend to shoot unless a threat arose. Based on BWV evidence, Officer D allowed his/her finger to linger on the rifle trigger for no less than 12 seconds, consecutively. Based on the available evidence, the UOFRB determined that Officer D did not intend to fire when he/she placed his/her finger on the rifle trigger.

As it pertains to Officer C, the UOFRB noted that based on the available evidence, he/she allowed his/her finger to linger on the beanbag shotgun trigger for approximately 17 seconds. The UOFRB also noted that during his/her FID interview, Officer C stated, "Just because I put my finger on the trigger doesn't mean I intend to fire." Officer C then clarified that when his/her finger is on the trigger, he/she intends to shoot; however, in this case, he/she was assessing the Subject's actions and did not discharge a beanbag

round because he/she began to comply. Based on Officer C's statements and the duration of his/her finger on the trigger, the UOFRB determined that he/she did not intend to shoot at this point.

The UOFRB noted that the placement of the finger on the trigger is not a preemptive movement, but a fluid motion that occurs when an officer intends to shoot. By preemptively placing their finger on their trigger and/or allowing it to linger, officers increase the potential for an unintentional discharge. While the UOFRB understood the dynamic nature of this incident, by preemptively placing their fingers on the triggers of their firearms, and allowing it to linger there, Officers C and D increased the risk of experiencing an unintentional discharge, especially given the stress of this incident.

Based on the totality of the circumstances, the BOPC concurred with the UOFRB & Chief and determined that the tactics employed by Officers C and D were a substantial deviation, without justification, from Department-approved tactical training.

Debriefing Point No. 3 Cover/Concealment

Because the OIS occurred in an alleyway, the only available cover was Officers A and B's police vehicle. After the OIS, Officers C and D stood outside of the cover of the vehicle's ballistic door panels until the Subject was taken into custody. Officer C stated he/she was "just outside of the driver door's edge," which he/she knew had a ballistic panel.

The BOPC noted that the UOFRB assessed Officers C and D's use of cover. As it pertains to Officer D, the UOFRB noted that he/she stated that he/she was unable to use cover because other officers were using the ballistic doors, therefore, he/she just "leaned further against the wall." The UOFRB noted that when Officer D was standing outside of cover, he/she was aware the Subject was holding the pistol. Since Officer D had the superior weapon system, the UOFRB would have preferred that he/she had communicated with Officer B and taken his/her position behind the ballistic door panel.

Regarding Officer C, the UOFRB noted that he/she stated he/she could have used the ballistic door if the need arose. At the time, Officer C knew the Subject was holding a pistol in his hand. Although the UOFRB understood that Officer C was using the beanbag shotgun to de-escalate the situation, they would have preferred that he/she had communicated with Officer A and assumed his/her position behind the drivers-side ballistic door while discharging the beanbag shotgun. The UOFRB noted that at this point, officers on the vehicle's passenger side were also providing lethal force cover.

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

Additional Tactical Debrief Topics

- **Rendering Aid** – Sergeant A arrived at the scene approximately 17 seconds after the OIS occurred. He/she contained the scene, established a tactical plan, and assembled an arrest team. Approximately 10 minutes after the OIS, Sergeant B determined it was safe to approach, and the arrest team took the Subject into custody. Alternatively, the BOPC would have preferred that Sergeant A had coordinated for the police vehicle to be moved forward and used as cover instead of waiting for a ballistic shield to arrive. While it was prudent to develop a safe approach, it is important to balance tactical planning with the duty to render aid.
- **Background** – The FID investigation determined that multiple citizens were seated within parked vehicles in the alley south of the Subject when the OIS occurred. Two occupied vehicles were struck by the officers' gunfire. There was also a citizen in the alleyway crossing from east to west when the OIS occurred. While not every situation allows officers to decide where police activity will occur, it is important they remain cognizant of their environment.
- **Preliminary Investigation** – While at the original radio call location, Officers A, B, E, and F did not attempt to obtain witness/victim information before responding to the citizen following, nor did they initiate a crime broadcast. While the UOFRB noted that the officers' intention was to locate the Subject following the updated information broadcast by CD, the UOFRB would have preferred that they had preserved victim and witness information and initiated a crime broadcast while at the scene.
- **Radio Procedures** – Upon leaving the original radio call location, Officers A and B did not broadcast their follow-up location. Upon encountering the Subject, Officer A broadcast the Subject's current location. Instead, the officers could have clarified their Code Six location upon leaving the original radio call location and should have broadcast a backup request upon encountering the Subject, who was possibly armed at the time. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

When Officers E and F arrived at the scene, they were immediately contacted by witnesses. Approximately 44 seconds later, after speaking with the witnesses, Officer F advised CD that the officers had arrived at the scene. Although the UOFRB would have preferred that Officer F had advised CD of their Code Six status when they arrived, the UOFRB noted that he/she was holding the microphone in his/her hand and appeared to be preparing to do so when the witnesses approached.

- **Two-Handed Shooting Grip** – When Officer A exited the police vehicle and unholstered his/her service pistol, he/she held his/her pistol in his/her right hand while holding his/her handheld police radio in the other. Officer A then observed the Subject point the pistol at him/her and his/her partner, resulting in an OIS. Officer A maintained this single-handed shooting grip when he/she discharged his/her pistol. When possible, officers should use a two-handed shooting grip. Alternatively, Officer

A could have used one of the Department's flashlight techniques while holding his/her radio in his/her support hand.

- **Simultaneous Non-Conflicting Commands** – After the OIS, several officers gave simultaneous non-conflicting commands to the Subject. Alternatively, one officer should have been designated as the contact officer to avoid the potential for confusion and to allow other officers to focus on additional tasks.

Command and Control

Sergeant A arrived at the scene and was parking his/her vehicle when the OIS occurred. Approximately 30 seconds later, Sergeant A arrived at the officers' location and positioned himself/herself next to Officer A. He/she was the first supervisor to arrive at the scene after the OIS. Sergeant A requested multiple units and additional supervisors. At 0957:30 hours, Sergeant A began to form a tactical team to approach the Subject. Sergeant A broadcast to CD and requested a unit to cover the back (south) side of the alleyway.

At 0959:06 hours, Sergeant B arrived at the scene, met with Sergeant A, and requested a ballistic shield. At approximately 0959:25 hours, Sergeant A inquired about the availability of a ballistic shield to use while approaching the Subject. At approximately 1002 hours, Sergeant B directed the officers at the scene to seek cover and requested a tactical frequency. Sergeant B also directed Officer J and the air unit to advise citizens to leave the area. At approximately 1004 hours, Sergeant B declared himself/herself the IC and directed Sergeant A to take control of operations. At 1004:58 hours, Sergeant A accompanied the contact team as they approached the Subject, and he/she oversaw his arrest.

At approximately 1006 hours, Captain A arrived at the scene. Approximately three minutes later, Sergeant B briefed Captain A and advised him/her that an OIS had occurred. At 1006:40 hours, Sergeant A separated Officers A and B and directed them to deactivate their BWV.

At 1007:40 hours, Sergeant B directed Officer C not to talk about the incident and to stay with him/her. Sergeant B also directed Officer C to hand the beanbag shotgun to his/her partner, who secured it in their police vehicle. Simultaneously, Sergeant B met with Detective B who asked for a medical kit. When Officer A stated that he/she had a medical kit, Sergeant B asked him/her to retrieve it. As Officers A and B walked to their police vehicle to retrieve the kit, they were monitored by Sergeant A. After obtaining the kit, Officer B delivered it to Officer C, who delivered it to officers rendering aid to the Subject. Officer C then returned to the mouth of the alleyway where the involved officers were being monitored. Detective C obtained Officer A's public safety statement (PSS); Sergeant A obtained Officer B's PSS.

At approximately 1013:36 hours, Captain A met with Sergeant B and was briefed on the incident. Sergeant B then relinquished IC responsibilities to him/her. The Department Operations Center (DOC) was notified of the OIS at 1035 hours by Lieutenant A.

The BOPC noted that the UOFRB noted that while Sergeant A displayed active leadership and was embedded with his/her officers, the UOFRB would have preferred that he/she had stood further back from the driver's door (while using cover) as it would have given him/her a broader perspective of the incident. This would have allowed Sergeant A to limit the number of lethal-force officers and delegate tasks more effectively.

The BOPC determined that the overall actions of Sergeants A, B, Detective C, and Captain A were consistent with Department training and expectations of supervisors during a critical incident.

B. Drawing and Exhibiting

- **Officer A – First Occurrence**

Upon locating the Subject, Officer A exited the police vehicle, stood behind the ballistic door panel, and unholstered his/her pistol. According to Officer A, he/she unholstered based on the information provided by the 911 call and witnesses at the ADW scene, which inferred that the Subject was possibly armed with a pistol.

Officer A - Second Occurrence

Upon entering the alleyway, Officer A observed that the Subject was armed with a pistol. Officer A then exited the police vehicle, stood behind his/her ballistic door panel, and unholstered his/her pistol. According to Officer A, he/she unholstered his/her pistol based on the information provided by Officer B, indicating that the Subject was armed with a pistol. Officer A believed the Subject could "severely injure" or "kill" him/her or his/her partner.

- **Officer B – First Occurrence**

Upon locating the Subject, Officer B exited the police vehicle, stood behind his/her ballistic door panel, and unholstered his/her pistol. According to Officer B, he/she did so because he/she had a "reasonable belief" that the Subject could have a pistol based on the radio call he/she and his/her partner received.

Second Occurrence

Upon entering the alleyway, Officer B observed that the Subject was armed with a pistol. Officer B then exited the police vehicle, stood behind his/her ballistic door panel, unholstered his/her pistol, and began giving the Subject commands. According to Officer B, he/she unholstered his/her pistol due to the tactical situation and his/her observation that the Subject was armed with a pistol.

- **Officer D – First Occurrence**

Officer D was responding to a radio call for a citizen following an ADW suspect. While responding, the call was upgraded to a help call. Arriving at the scene, Officer D exited the police vehicle and unholstered his/her pistol while approaching the alleyway. Officer D held his/her pistol in his/her right hand, with the muzzle pointed toward the ground, and walked southbound in the alley toward the officers. Officer D stated he/she unholstered his/her pistol due to his belief that the Subject was still armed with a pistol.

Second Occurrence

According to Officer D, he/she observed that there were “enough officers with their guns out” and therefore holstered his/her pistol, walked back to his/her police vehicle, and retrieved his/her rifle. Officer D chambered a round and began walking toward the OIS scene. According to Officer D, due to the Subject being “over 25 yards away” and armed with a pistol, it would be “easier” to engage the Subject with a rifle if he did shoot at the officers again.

- **Officer C**

Arriving at the scene, Officer C approached the other officers and unholstered his/her pistol. According to Officer C, he/she was cognizant that the comments of the call indicated the Subject was armed with a pistol and he/she believed the Subject could pose an immediate threat.

The BOPC noted that the UOFRB assessed Officers A, B, C, and D’s drawing and exhibiting of their firearms. As it pertains to Officers A and B, the UOFRB noted that when they first encountered the Subject, he was presumed to be armed with a pistol. The officers then followed the Subject into the alleyway, where the Subject produced a pistol and pointed it at the officers. While lying on the ground, the Subject continued to arm himself with the pistol and did not comply with the officers’ commands.

As it pertains to Officers C and D, the UOFRB noted that the officers were responding to a help call and were aware that the Subject was armed with a pistol. Due to the Subject’s distance, Officer D choose to deploy his/her rifle.

Based on the totality of the circumstances, the UOFRB determined that the officers’ drawing and exhibiting of their firearms conformed to policy.

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

C. Less-Lethal Use of Force

- **Officer C** – beanbag shotgun, one beanbag round from approximately 77 feet.

As indicated above, Officer C discharged a total of two beanbag rounds. Based on the available evidence, the UOFRB determined that his second round struck the Subject. Therefore, this second round will be assessed as less-lethal force.

After discharging his/her first beanbag round, Officer C observed that the Subject was holding the pistol in his right hand. In response, he/she targeted the Subject's inner thigh and discharged his/her second beanbag round from approximately 77 feet. According to Officer C, it appeared that the round struck the Subject because he began moving and released the pistol. According to Officer D, he/she was looking through his/her rifle's scope and observed the second beanbag round strike the Subject's right wrist or forearm area, causing him to drop the pistol.

The BOPC noted that the UOFRB evaluated Officer C's less-lethal use of force. The UOFRB noted that Officer C fired the beanbag shotgun when the Subject was refusing to drop his pistol. Based on the Subject's actions, the UOFRB opined that he posed an immediate threat to the officers' safety. However, the UOFRB also noted that the beanbag round was fired from 77 feet, three times Officer C's estimated distance and approximately 47 feet beyond the recommended range. As stated above, the recommended range is based on the weapon's capabilities; and as the distance increases, so does the potential for striking an unintended target. Based on the distance from which the beanbag was discharged, the UOFRB opined that its use was objectively unreasonable.

As it pertains to a UOF warning, as noted above, the UOFRB determined that a use of force warning should have been given before firing the beanbag shotgun.

While the BOPC understood the UOFRB's rationale for determining that Officer C's use of the beanbag shotgun was objectively unreasonable, the BOPC noted that the Chief of Police reached a different conclusion. As outlined in Debriefing Point No. 1, Officer C used the beanbag shotgun to de-escalate the situation and prevent the use of additional lethal force. At the time, the Subject posed an immediate threat to the officers' safety and, based on his prior actions, it is reasonable to believe that he would have pointed his pistol at the officers again. Although there is a concern regarding the accuracy of the beanbag shotgun beyond the recommended range, the greater concern was that the Subject would point the pistol at the officers, resulting in the use of additional lethal force. As such, the concern that the beanbag round may strike an unintended portion of the Subject's body was outweighed by the potential imminent lethal threat. Consistent with the principle that lethal use of force is a last resort, in this specific instance, Officer C's use of the beanbag shotgun to de-escalate the situation was proportional and objectively reasonable.

As it pertains to the UOF warning, as noted above, the BOPC determined that the absence of a UOF warning was justified.

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

D. Lethal Use of Force

Background – The FID investigation determined that the background was the alleyway, with brick walls and closed gates on the east and west sides, and multiple parked vehicles.

According to Officer A, he/she did not see any pedestrian and/or vehicular traffic within the Subject's background at the time of the OIS. Officer A described the Subject's background as the alleyway, with cinder block walls and garages on both sides. Additionally, Officer A recalled seeing parked vehicles within the alley but did not specify their locations.

Officer B did not see any pedestrian and/or vehicular traffic within the Subject's background at the time of the OIS. Officer B described the Subject's background as the alleyway, with brick walls and closed gates on the east and west sides. Additionally, Officer B observed a vehicle parked along the west side of the alley.

- **Officer A** - semi-automatic pistol. Eight rounds in two volleys in a southerly direction from an increasing distance of 77 to 82 feet.

Volley 1 - Discharged in a southerly direction from approximately 77 feet.

According to Officer A, upon entering the alleyway, he/she observed the Subject drop the bag he was carrying, walk toward him/her and his/her partner, and point a pistol in his/her direction. Fearing that he/she and his/her partner could be killed, Officer A discharged an estimated three to four rounds at the Subject.

Volley 2 - Discharged in a southerly direction from approximately 82 feet.

According to Officer A, after discharging his/her first volley, the Subject seemed "unfazed" and continued walking toward him/her and his/her partner. Officer A took a few steps back, assessed, and observed the Subject raise his right hand again, pointing the pistol at him/her and his/her partner. Officer A had a "strong fear" that he/she or his/her partner could be killed or seriously injured by the Subject. In response, Officer A discharged what he/she believed were an additional three to four rounds at the Subject. Observing the Subject fall to the ground, Officer A opined that he had been struck by an officer's round, and he ceased fire.

- **Officer B** – semi-automatic pistol. Seven rounds in a southerly direction from approximately 76 feet.

According to Officer B, upon entering the alley, he/she observed that the Subject was holding a semi-automatic pistol with his finger on the trigger. The Subject took two to three steps toward Officer B and his/her partner in an “aggressive” manner, raised his hand, and pointed the pistol at Officer B. Believing that the Subject was threatening his/her and his/her partner’s life, Officer B discharged seven rounds in what he/she described as three controlled pairs followed by a single round. According to Officer B, he/she assessed after each of the controlled pairs and his/her final round.

The BOPC noted that the UOFRB assessed Officers A and B’s lethal use of force. Regarding Officer A, the UOFRB noted that he/she observed the Subject drop his bag, walk toward him/her and his/her partner, and point a pistol in his/her (Officer A’s) direction. Fearing for his/her life and Officer B’s life, Officer A discharged a total of eight rounds in two volleys. The UOFRB noted that between volleys, Officer A assessed the Subject’s actions and observed him point the pistol at him/her (Officer A) again. Based on the BWV footage, the Subject lowered his pistol and then immediately pointed it at the officers again. Fearing that he/she or his/her partner could be killed or seriously injured, Officer A discharged his/her second volley. The UOFRB noted that Officer A ceased firing when he/she observed the Subject fall to the ground. Based on the available evidence, the UOFRB opined that the Subject posed an imminent deadly threat and that Officer A’s lethal use of force was proportional, objectively reasonable, and necessary.

As it pertains to Officer B, the UOFRB noted that when the officers entered the alleyway, Officer B observed that the Subject was armed with a pistol and his (the Subject’s) finger was on the trigger. Officer B exited the police vehicle and ordered the Subject to put his hands up. According to Officer B, the Subject advanced toward the officers, raised his right arm, and pointed a pistol directly at him/her (Officer B). Fearing for his/her life and his/her partner’s life, Officer B discharged a total of seven rounds, in what he/she described as “controlled pairs.” According to Officer B, he/she assessed between controlled pairs and each time observed that the Subject was still pointing his pistol at him and still advancing. According to Officer B, he/she ceased firing when the Subject lowered his pistol and fell to the ground. Based on the available evidence, the UOFRB opined that the Subject posed an imminent deadly threat and that Officer B’s lethal use of force was proportional, objectively reasonable, and necessary.

In terms of the number of rounds discharged by the officers, the UOFRB noted that Officer B fired seven rounds and Officer A eight. Based on the available evidence, the UOFRB opined that both officers assessed a continuing imminent lethal threat as they discharged their pistols and that the number of rounds fired was proportional to the reasonably perceived level of resistance.

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