

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

OFFICER-INVOLVED SHOOTING – 034-24

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No()</u>
Southeast	7/3/24		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	1 year 11 months

Reason for Police Contact

Southeast Patrol Division uniformed police officers conducted a traffic stop on a vehicle. Before the officers could exit their police vehicle, the Subject, armed with a fully automatic weapon, fired at the officers resulting in an Officer-Involved Shooting (OIS).

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
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Male, 31 years of age

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; 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 June 17, 2025.

Incident Summary

On Wednesday, July 3, 2024, Southeast Patrol Division uniformed Police Officers A and B were traveling north on a surface road in the next lane over when they observed a white vehicle also traveling north. The vehicle, driven by a male later identified as the Subject, had heavily tinted windows and a broken taillight. Utilizing the Mobile Data Computer (MDC), Officer A conducted an inquiry on the vehicle which came back negative.

Officers A and B noticed the white vehicle's driver side window was halfway down, the driver seat was reclined back, and the passenger seat pushed forward. As the officers pulled directly alongside the vehicle, the Subject rolled the window up. The officers and the white vehicle continued traveling north. The officers observed the white vehicle make an unsafe right turn without signaling, as they passed the intersection.

Officer B negotiated a U-Turn and proceeded east following the white vehicle, which had stopped in the left turn lane.

Officer A broadcast the officers' status and location. As the light turned green, the white vehicle turned north without signaling. Officer B activated the forward-facing red overhead lights and intermittently activated the siren to stop the white vehicle as it continued traveling north. The white vehicle failed to stop and began swerving while slowing down and speeding up.

Officer B continued, intermittently activating the siren as the white vehicle continued north. As the white vehicle approached an intersection, it began to slow down and veer to the right. The white vehicle stopped and the Subject immediately fired numerous rounds from an automatic weapon through his rear window. The rounds struck the police vehicle, penetrating both the hood and windshield.

Officer B stated that he/she instinctively leant down to avoid the incoming rounds and put his/her hands in front of his/her face, as the glass from the windshield shattered inside of the vehicle. As Officer B leant down he/she immediately felt pain to his/her head as two rounds grazed his/her head. He/she felt stunned and disoriented.

Officer A observed muzzle flashes followed by the windshield shattering as the Subject fired at the officers. Officer A stated that he/she immediately ducked down to the side of the vehicle for cover. He/she was aware that he/she and Officer B were taking rounds from an automatic firearm because of the "burst rate." He/she looked up and saw a bullet hole in the windshield where he/she had just been sitting. The bullet hole had splintered the windshield, and he/she could feel that his/her face was burning.

The following events unfolded rapidly and several of Officers A and B's actions occurred simultaneously.

According to Officer A, while still sitting in the vehicle, he/she unholstered his/her pistol and stepped out once the firing stopped, positioning him/herself behind the passenger side door.

Officer A took a two-handed pistol grip, using his/her "red dot" optic and aimed it at the driver's position, which is where he/she believed the muzzle flashes were coming from. Officer A could see movement from the driver's side of the vehicle but could not see the Subject's actions. Officer A believed that he/she was the only occupant in the vehicle.

When the automatic gunfire stopped, Officer A believed the Subject was reloading and preparing to fire again. In response, Officer A fired six rounds at the Subject.

As Officer A fired his/her pistol, Officer B, while still seated in the driver seat, unholstered his/her pistol and stepped out, positioning him/herself behind the driver side door. He/she obtained a one-handed pistol grip and aimed at the Subject in the driver seat.

According to Officer B, at that point he/she believed he/she put his/her car into park, and jumped out of the car, as he/she drew his/her firearm out. As Officer B was positioned behind the door, the police vehicle slightly rolled back. He/she briefly transitioned his/her pistol to his/her left hand, entered the vehicle, and shifted the gear into park. He/she repositioned him/herself behind the door and continued pointing his/her pistol in the direction of the Subject's vehicle.

After firing his/her sixth and final round, Officer A observed the white vehicle flee north. As the vehicle drove away, Officer A stopped firing as he/she believed that he/she had stopped the threat.

Immediately Officer A broadcast an "officer needs help" call, indicating that shots had been fired. He/she holstered his/her pistol, entered the passenger side of the police vehicle, and shouted for Officer B to get in the car.

Officer B entered the police vehicle, holstered his/her pistol and drove north. As they followed the subject vehicle, Officer B realized their police vehicle was badly damaged.

As officers approached the intersection, Officer A told Officer B to stop. According to Officer A, he/she terminated the pursuit, as they had an active crime scene, his/her partner was potentially injured, and Officer A's face felt as though "it was on fire." Officer A was also aware that they had no Air Support and no way of catching the Subject at that time.

According to Officer A's BWV, he/she exited the police vehicle and broadcast that the officers had been fired upon, and that the Subject's vehicle was last seen northbound. At the same time, Officer B exited the police vehicle and began wiping blood from his/her forehead as he/she broadcast a request for an RA and confirmed that the Subject had fired at the officers with an automatic rifle.

The following Department personnel responded to Officer A's help call: Officers C, D, and E in addition to Sergeants A, B, C, and D.

Officers C and D were the first unit to arrive on scene. According to Officer C's BWV, he/she approached Officers A and B. Officer A told Officer C that he/she had fired his/her pistol and that they had been fired upon approximately 200 yards back.

Officers E and F arrived at the scene. Officer E separated Officer A and advised him/her that he/she would be providing a Public Safety Statement (PSS) upon a sergeant's arrival. Soon thereafter, Sergeant A arrived and declared him/herself as the Incident Commander (IC). Sergeant B arrived, assumed responsibility for monitoring Officer B, and obtained a PSS from him/her.

Officers C and D responded to the location and secured the OIS scene. Additional units arrived and assisted with the crime scene. Sergeant C arrived, assumed responsibility for monitoring Officer A and obtained a PSS from him/her.

Los Angeles County Fire Department Rescue Ambulance (RA), responded to the scene. Officers A and B were transported to hospital for medical treatment.

Sergeant D arrived at the scene and assisted with monitoring Officers A and B while inside the RA. Sergeant D accompanied the officers in the RA as Sergeant C followed them to the hospital.

Robbery-Homicide Division (RHD) Detectives responded to the OIS scene and assumed responsibility for the criminal investigation. RHD Detectives identified the registered owner of the white vehicle as the Subject.

Following an active investigation and the recovery of the Subject's vehicle and firearms, RHD investigators arrested and booked the Subject for Attempted Murder.

BWV and DICVS Policy Compliance

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

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

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

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A'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 EI Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a RA for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, 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 EI 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 EI 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 EI Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

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

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

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

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

A. Tactics

Tactical De-Escalation

- *Tactical de-escalation is defined as the use of techniques and tools to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Note: Tactical de-escalation does not require that officers compromise their safety or increase the risk of physical harm to the public.

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

Planning and Assessment – Officers A and B were Academy classmates, did their probationary year together, transferred to Southeast Patrol Division together, and were partners for approximately six months at the time of the incident. They had numerous tactical conversations prior to this incident which included establishing their roles and responsibilities related to an OIS and discussing tactical concepts such as contact and cover, foot pursuits, and ambush tactics. When fired upon by the Subject, Officer A assessed the Subject was using a fully automatic gun because the burst rate was nothing like a normal semiautomatic. When the Subject stopped firing, Officer A assessed the Subject was reloading and preparing to fire again and “finish the job.”

The BOPC repeatedly emphasized the exceptional planning between Officers A and B. Prior to the OIS, they assessed the Subject’s driving behavior and the oddities of the white vehicle’s front seats to determine if it was an unreported stolen vehicle. After the Subject failed to pull over when the officers initiated a traffic stop, Officers A and B assessed whether they should initiate a vehicle pursuit for a reckless driver or for driving under the influence. After being ambushed by the Subject, the officers quickly assessed their situation and engaged the threat. The officers attempted to follow the Subject but stopped when they assessed their police vehicle had been disabled. The Board believed this incident demonstrated the strength of their planning as Officers A and B were abruptly forced to respond to a premediated ambush from the Subject armed with an automatic rifle. While the officers did not know the specifics of the Subject’s plan, they were still able to engage him with a coordinated response based on their discussions and planning specifically for an ambush.

Time and Redeployment and/or Containment – When the Subject began firing at the officers, Officer B was seated in the driver’s seat and sought cover by leaning down and covering his/her face with his/her hands to shield him/herself from the glass shattering. Officer A was still seated in the passenger seat and ducked into the right side of the vehicle to have as much cover as possible. After the Subject stopped firing, Officers A and B redeployed out of their vehicle and took cover behind their ballistic door panels. The Subject’s ambush eliminated the ability for Officers A and B to employ further de-escalation techniques.

Other Resources and Lines of Communication – Immediately following the OIS, Officer A broadcast an “Officer needs help” call for shots fired. Officer B requested an RA for him/herself. Officer A continued broadcasting additional information regarding the Subject’s vehicle, his last known direction of travel, and the weapon used. The BOPC opined that Officers A and B communicated well with each other, Communications Division, and responding officers prior to, during, and after the OIS.

During the review of this incident, no Debriefing Points or Additional Tactical Debrief Topics were noted.

Command and Control

- Officers E and F arrived at the scene, gathered information and assessed the officers' injuries. Officer E separated Officer A and advised him/her that he/she would be providing a Public Safety Statement (PSS) upon a sergeant's arrival.

Soon thereafter, Sergeant A arrived at the scene, declared him/herself the IC, and established a Command Post (CP).

Sergeant B arrived on scene, monitored Officer B, and obtained a PSS from him/her. Sergeant C arrived at the scene, monitored Officer A, and obtained a PSS from him/her. Sergeant D arrived at the scene and monitored Officers A and B while they were being treated inside the RA. When Officers A and B were being transported to the hospital, Sergeant D accompanied them in the RA and Sergeant C followed. Sergeant E notified the Department Operations Center (DOC) of the OIS.

The BOPC evaluated the command and control decisions employed by Sergeants A, B, C, and D during the incident. The Board noted Officers E and F arrived and immediately separated Officers A and B without direction from a supervisor, demonstrating active leadership, and noted Officers C and D took the initiative to locate and secure the scene of the OIS. The BOPC opined that Sergeants A, B, C, and D arrived and fulfilled the roles and responsibilities expected of Department supervisors responding to an OIS and also opined their jobs were made easier thanks to the proactiveness of the responding officers.

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

B. Drawing and Exhibiting

- **Officer A (Service Pistol)**

After the Subject pulled over and stopped, he immediately fired numerous rounds from an automatic weapon through the rear window at Officers A and B. According to Officer A, he/she observed muzzle flashes and the windshield shattering. While still seated in the vehicle, Officer A unholstered his/her service pistol and redeployed outside of the vehicle behind the passenger door. Officer A unholstered because the Subject was armed with a "fully automatic" weapon and severely outgunned him/her and his/her partner.

- **Officer B (Service Pistol)**

According to Officer B, he/she heard "loud bangs" and saw "muzzle flashes coming from the rear windshield" of the Subject's vehicle. Officer B "instinctively leaned down, trying to take cover, and felt pain on the top of his/her head, which made

him/her feel “concussed” and “a little disoriented.” As Officer A fired his/her service pistol, Officer B unholstered his/her service pistol because the Subject was armed with a weapon that could cause serious bodily injury or death and was shooting at them.

The BOPC assessed Officers A and B’s drawing and exhibiting of their service pistols. The Board noted the Subject violently ambushed the officers, shooting at them using an automatic, high-powered, superior weapon system before they could even get out of their vehicle. They concluded it was reasonable for Officers A and B to believe the situation had escalated to the point where deadly force was necessary.

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

C. Lethal Use of Force

- **Officer A** – Pistol, six rounds from an approximate increasing distance of 10 to 15 feet, in a northerly direction.

Rounds One Through Six

According to Officer A, he/she saw muzzle flashes and his/her windshield shattering as the Subject fired at them. When the gunfire stopped, Officer A exited the police vehicle, unholstered his/her service pistol and utilized his/her “red dot” optic to aim at the driver’s position of the Subject’s vehicle. Officer A believed the Subject was reloading his firearm and going to shoot another fully automatic volley at them to “finish the job.” To protect him/herself and Officer B from the imminent threat of serious bodily injury or death, Officer A discharged six rounds from his/her service pistol. Officer A stopped shooting when he/she observed the white vehicle flee north and believed he/she had stopped the threat.

The BOPC assessed Officer A’s use of lethal force. The Board noted the Subject ambushed the officers with automatic gunfire and when it stopped, Officer A believed the Subject was reloading his weapon to fire another automatic volley at them. The Board found Officer A’s assessment reasonable based on his/her belief that the Subject was choosing to remain at scene instead of immediately fleeing. Additionally, the Board opined that evidence recovered later from the Subject’s vehicle, which included a loaded rifle magazine, loaded revolver, and several loose rounds of ammunition lent credence to Officer A’s belief. The BOPC opined the Subject was armed with a superior weapon system, employed ambush tactics, pinned down the officers, and was in a position of advantage. Therefore, the BOPC concluded it was reasonable for Officer A to believe the Subject posed an imminent

threat of serious bodily injury or death and it was objectively reasonable for Officer A to return fire by shooting in a controlled, deliberate manner.

The Board also discussed the Department's policy at shooting at a moving vehicle. The policy states, "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 Subject was not using the vehicle as the weapon but rather a rifle. Furthermore, the Board noted that Officer A stated he/she fired until he/she observed the vehicle driving away; therefore, his/her perception was that he/she never shot at a moving vehicle. The Board opined that the shooting at a moving vehicle policy did not apply in this incident.

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

Therefore, the BOPC found Officer A's Lethal Use of Force to be In Policy.