

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

OFFICER-INVOLVED SHOOTING – 034-23

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

Olympic	8/6/23		
---------	--------	--	--

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

Officer A	1 year, 3 months
Officer B	18 years, 4 months
Officer C	5 years, 4 months
Officer D	5 years, 10 months
Officer E	4 years, 3 months
Officer F	0 years, 9 months
Officer G	4 years, 7 months
Officer H	4 years, 5 months
Officer I	1 year, 6 months

Reason for Police Contact

Officers in a marked black and white police vehicle were driving east when a suspect standing in the opposing lanes of traffic pointed a handgun at them. The suspect fired a round at the officers, striking their patrol vehicle. The driver officer stopped their vehicle and returned fire through his windshield. The suspect ran southeast across the roadway and discarded his handgun. Responding patrol units ultimately located the suspect, who took a fighting stance against them, resulting in the discharge of a TASER. The suspect fell to the ground and was taken into custody with the use of firm grips, physical force and bodyweight. The suspect was struck by gunfire during the OIS, and the Los Angeles Fire Department transported him to the hospital, where he was treated and cleared for booking.

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

Male, 29 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, 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 6/25/23.

Incident Summary

On Sunday, August 6, 2023, at approximately 1218 hours, Officers A and B, were assigned to be partners. According to Officer A, while driving east on a major street, he/she observed “a male, gray tank top, with shades on”, later identified as the Subject. The Subject was walking north across the street, approaching the middle of the street.

As the officers passed the Subject, he continued north to the westbound lanes, where his behavior caught Officer A’s attention. Officer A stated that the S looked at them and opened up his palms upward, puffing his chest out, and gave them a head nod. Officer A found the Subject’s behavior strange; however, he/she did not believe it warranted communication with Officer B.

Within seconds of the gesture, Officer A observed the Subject take a shooting stance and heard him fire a handgun at them.

At the time of this incident, Witnesses A and B were driving east. Witness A’s vehicle was positioned in front of the officers’ vehicle as they continue east in the number one lane. Witness A’s vehicle was equipped with front and rear cameras (hereafter referred to as Front and Rear Citizen Dashcam) which captured portions of the Subject’s actions and the OIS. The Subject can be seen looking back (west) in the officers’ direction as he walks north and crosses the centerline of the roadway. The Subject then swings his right arm, which is holding the pistol, in a circle before he turns, faces the officers, raises his right arm to eye level, and fires one round at them.

In response, Officer A stopped their vehicle and, while seat belted in the driver’s seat, unholstered his/her pistol and fired two volleys at the Subject through the front windshield of his/her vehicle. The first volley consisted of six rounds, and the second volley consisted of three rounds. Below is a description of Officer A’s specific observations and decision to fire each of the rounds he/she recalled.

Volley One

First Round: According to Officer A, after the Subject fired the round at them, he was “still standing there in the same bladed position, shooting stance, still has his [right] arm raised and pointing the firearm directly at us.” In fear that the Subject would continue firing rounds at them, potentially killing him/her, his/her partner, or an innocent

bystander, Officer A fired his/her first round at the Subject. Officer A indicated he/she fired through his/her windshield because he/she did not believe he/she had time to step out of the vehicle due to the necessity to address the threat quickly.

Second Round: After firing his/her first round, Officer A observed the Subject to be in the same location, continuing to point the handgun at them. Believing the Subject was still a threat to their safety, Officer A fired a second round.

Third Round: According to Officer A, the Subject remained in his/her line of sight after firing his/her second round. He/she did not observe this round to have any effect on the Subject or any change in the Subject's position or location. Officer A believed the Subject was still pointing a gun at them.

Fourth Round: Officer A did not observe his/her third round to have any effect on the Subject or any change in his position or location. Believing that the Subject was still a threat to their safety, Officer A fired a final round.

According to Officer A, after firing the final round of the first volley, the Subject ran out of his/her line of sight.

Officer A indicated that after the Subject began to run, he/she lowered his pistol and conducted a visual assessment while remaining in the driver's seat of his/her police vehicle.

According to Officer A, as the Subject ran southwest, he turned and again pointed the gun at them.

Volley Two

First Round: As the Subject ran, Officer A described him turning clockwise (right), looking back directly at them, raising his right arm to near shoulder level, and pointing the handgun toward them. Believing that the Subject was a threat to their safety, Officer A fired the first round of the second volley.

Second Round: According to Officer A, he/she observed the Subject continuing to point the handgun at him/her while running toward the southwest corner. Believing that the Subject threatened their safety, Officer A fired the second round of his/her second volley.

Third Round: According to Officer A, after firing his/her second round, the Subject continued running toward the southwest corner while looking back and pointing the handgun at them. In response, Officer A fired a third and final round.

According to Officer A, after firing his/her third and final round of the second volley, it appeared the Subject focused on running away and no longer had the handgun pointed at them. Officer A lost sight of the Subject when he passed behind a commercial

disposal bin positioned on the south curb. Officer A did not observe the Subject for the remainder of the incident.

Officer B's observations prior to and during the OIS:

According to Officer B, as they drove east, he/she observed the Subject standing between parked vehicles in a darkly shaded area on the north curb, pointing a firearm at them. Additionally, Officer B believed he/she heard the Subject's round impact the rear driver's side of their vehicle.

According to Officer B, as their vehicle came to a stop, he/she heard Officer A fire approximately four to five rounds. Simultaneously, Officer B removed his/her seat belt and opened his/her door to redeploy. Officer B stated he/she did not see the Subject's actions while Officer A was firing. Upon unholstering, Officer B maintained his/her finger on the frame of his/her pistol.

Officer B observed the Subject run south across the street and lost sight of him as he ran behind a commercial disposal bin along the south curb.

Upon losing sight of the Subject, Officer B broadcast a help call and provided the Subject's description and direction of travel.

Civilian witness accounts of OIS:

Witnesses C and D were traveling west in the number one lane in the red car. According to Witness C, he/she observed the Subject walking north across the street in front of his/her vehicle. Believing that the Subject was a person experiencing homelessness and to avoid colliding with him, Witness C stopped his/her vehicle. While the Subject was next to the front right passenger side of the vehicle, Witness C observed the Subject remove a handgun from the right side of his pants and fire at the officers in the patrol vehicle.

Witness C believed the Subject fired five continuous rounds at the officers. When Witness C observed the driver officer firing back at the Subject toward his/her vehicle, he/she ducked under his/her dashboard. Witness C believed the officer(s) fired more than five rounds back at the Subject. Witness C described the rounds as being fired in two "detonations" (volleys). He/she described the officers' rounds as louder and assumed both officers were firing, but after ducking, he/she only heard and did not observe the officers' firing. As Witness C accelerated away from the location, he/she observed both officers out of their vehicle.

According to Witness D, he/she was looking at his/her phone when Witness C stopped the vehicle. He/she looked up and saw the Subject on the right side of the car with a pistol in his right hand. He/she then observed the Subject raise his arm and fire one round in the direction he/she later learned the officers were. Witness D "felt" [heard] additional gunfire from the area in front of their vehicle and believed it was the officers

returning fire. Witness D dropped to the floor and observed the Subject move to the rear of the vehicle. Witness D “felt” [heard] an additional gunshot that he/she attributed to the Subject. Witness D was not aware of the officers’ presence until Witness C accelerated away. Witness D then looked back and observed the officers walking outside their vehicle. Witness C then advised him/her that the Subject was shooting at the police.

Witnesses A and B were traveling east in the number one lane. According to Witness A, he/she observed the Subject crossing the street, and it appeared he was “high” on drugs and talking to himself. Witness A slowed his/her vehicle, at which point he/she observed the police vehicle behind him/her. As Witness A continued east, he/she saw the Subject making gang signs. While approximately three to four feet south of the Subject, Witness A observed the Subject raise a gun with his right arm and fire one round in the direction of the officers. As they passed, Witness A believed he/she heard the Subject fire two additional rounds near the front of a red vehicle. Witness A also believed the officers returned fire with six to eight rounds.

According to Witness B, as they drove east, he/she observed the Subject staggering in the street, and he/she believed he was “drunk.” When the Subject got in front of a red vehicle, Witness B observed the Subject raise his arm with a gun in his hand. Witness B then heard four to five gunshots and believed the Subject was firing at the officers and the officers were returning fire.

Post-OIS

Video from local businesses shows that after passing the commercial disposal bin, the Subject fell on the south sidewalk before immediately getting up and proceeding south with the handgun.

Once the Subject was out of their sight, Officer A redeployed to the north sidewalk, where he/she used vehicles parked along the north curb for cover. Officer A redeployed to the south sidewalk to visually ensure the Subject was not hiding on the south side of the disposal bin. The officers moved east toward the intersection. Upon reaching the southwest corner, Officer B broadcast a request for a perimeter.

While at the intersection, Officer A spoke with an unidentified male seated in a white Sport Utility Vehicle (SUV) stopped on the northwest corner, who advised him of the Subject’s direction of travel and the location of his handgun. Officer A then conveyed the information regarding the Subject’s handgun to Officer B. Officer B observed the handgun. Officer B then broadcast the location of the Subject’s handgun to responding units.

Upon the arrival of additional units, Officers A and B holstered their pistols. An unidentified male pedestrian walking west in the south crosswalk advised Officer A of the Subject’s location. Based on that information, Officer A broadcast the Subject’s updated location.

As officers were establishing containment of the area, Witness E was sitting in his/her car parked in the area. According to Witness E, he/she observed the Subject walking east in the east-west alley. The Subject approached Witness E's vehicle, opened the front passenger door, and entered his/her vehicle. When the Subject asked Witness E to take him out of the area, Witness E refused and told him to get out. The Subject exited the front passenger seat, closed the door, and reentered the vehicle via the right rear passenger door. When Witness E again refused to drive him, the Subject left and walked north.

Responding to the help call, Officers C and D were traveling west when Officer C observed the Subject crossing the street from west to east. Officer C alerted Officer D and conducted a U-turn. Officer C positioned their vehicle slightly east of the Subject, who was now on the south sidewalk. As their vehicle was coming to a stop, Officer D attempted to broadcast their Code Six location. The Subject immediately changed direction and began running west.

Officers C and D exited their vehicle and began following the Subject while remaining in the street and using parked vehicles as cover. Moments later, the Subject can be seen on Officer D's BWV dropping a black cell phone on the sidewalk and quickly bending down to retrieve it. The Subject then momentarily held the cell phone with two hands and pointed it at Officer D. Both officers believed that the Subject had retrieved a handgun from his waistband and was assuming a "shooting stance." In response to the Subject's actions, Officers C and D unholstered their pistols. Officer C stated that as he/she was "coming up on target," he/she determined the black object was a cell phone and lowered his/her pistol. Similarly, Officer D indicated that within seconds, he/she also determined the article to be a cell phone and holstered his/her pistol.

The Subject then ran west on the south sidewalk. Officer C holstered his/her handgun and pursued the Subject on foot. As he/she did so, Officer D again attempted to broadcast their location; however, the complete transmission did not go out over the frequency due to another broadcast. The Subject ran to the south crosswalk, where he took a fighting stance against Officer C and feigned as if he was going to throw his cell phone at him. Officers D and E arrived in the crosswalk seconds later.

Officer C stated that he/she was in apprehension mode as he/she pursued the Subject on foot across the intersection.

Officer C stepped farther back, positioning himself/herself north of the Subject, and unholstered his/her TASER. As Officer D approached the Subject from the east, the Subject attempted to punch him/her in the face. Simultaneously, Officer C targeted the Subject's upper torso and discharged his/her TASER. The darts struck the Subject in the left upper back and left side, causing the Subject to fall to the pavement. Officer C indicated he/she did not provide a warning prior to discharging the TASER because the Subject appeared preoccupied with Officer D, and he/she wanted to maintain the element of surprise.

While the Subject was on the ground, Officer D applied firm grips to the Subject's left bicep and forearm to control him. Concurrently, Officer E assisted by placing his/her right shin on the Subject's lower back and buttocks area. As Officers D and E controlled the Subject's left arm, Officer C observed that the Subject's right arm was beneath him. Officer C knew that the Subject had not yet been searched and believed he may have another weapon on his person. As such, Officer C placed his/her TASER on the ground, approximately three feet away from the Subject, and used his/her hands to apply firm grips to the Subject's right upper arm to gain control.

Observing that Officers C, D, and E could not overcome the Subject's resistance as he pushed himself off the ground, Officer H assisted by placing his/her right knee on the Subject's left shoulder blade and his/her hands on the Subject's right shoulder. As the Subject continued resisting, Officer I assisted by placing bodyweight on the Subject's right waist area, using his/her right hand. Officer G arrived moments later and observed four officers struggling to take the Subject into custody. Officer G assisted by using firm grips on the Subject's right arm.

The Subject continued to resist and attempted to lift himself off the ground, which allowed the officers to bring his arms behind his back. Officer D, with the assistance of Officer E, used physical force to remove the Subject's left arm from beneath him and bring it behind his back. Officer E then used firm grips on the Subject's left forearm to maintain control of that arm. Simultaneously, Officer C placed his/her upper left arm against the Subject's lower right back area to hold him in place and then used physical force to place the Subject's right arm behind his back and handcuff his right wrist. Officer H connected his/her handcuffs to the set on the Subject's right wrist and then used a firm grip on the Subject's left wrist to place a handcuff on it. After completing the handcuffing, the officers stepped away from the Subject while Officer C began to search him.

After donning latex gloves, Officer G relieved Officer C, continued searching the Subject, and placed him into a right lateral recumbent position. According to Officer F, as the Subject was placed into the recumbent position, he/she observed him kicking his feet and momentarily controlled them by using firm grips and physical force to cross them over each other.

At 1223:24 hours, approximately 12 seconds after the Subject was taken into custody, Officer J broadcast that the Subject was in custody. Approximately 30 seconds later, Officer J requested a rescue ambulance (RA) for a possible gunshot wound to the Subject's hand.

At approximately 1238 hours, the Subject was transported in the RA to the hospital. The Subject was treated for gunshot wounds to his left hip and buttocks, a laceration to his left wrist, and the removal of a TASER probe from his left upper back. The Subject was discharged from the hospital several hours later and booked for Attempted Murder.

Timeframe Analysis

Force Investigation Division, Video Technology Unit performed a Sound Graph Analysis of the Front Citizen Dashcam video and Olympic Area Base Frequency audio to identify when each round was fired. The Front Citizen Dashcam video analysis determined that a single round was fired followed 2.49 seconds later by a volley of six rounds fired in 1.139 seconds. The Olympic Area Base Frequency audio analysis determined the three rounds (second volley) were fired in 0.852 seconds. The analysis could not attribute the rounds to the Subject or Officer A, nor was it able to determine the time between the two multi-round volleys fired by Officer A.

Background Analysis

Force Investigation Division (FID) investigators examined the scene and relevant video evidence and determined that Officer A fired his/her first volley of six rounds through the windshield of his/her vehicle toward the westbound traffic lanes. His/her background consisted of the red car occupied by Witnesses C and D. Additionally, the background consisted of unoccupied vehicles parked on the north curb and closed businesses. A round struck one of the unoccupied parked vehicles. No additional impacts were identified.

When Officer A fired his/her second volley of three rounds through the front windshield of his/her vehicle, his/her background consisted of two occupied vehicles traveling in the eastbound traffic lanes, and several unoccupied parked vehicles and structures on the south side of the street.

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	No	Yes	No	N/A	N/A
Officer B	No	Yes	Yes	N/A	N/A
Officer C	Yes	Yes	Yes	Yes	N/A
Officer D	Yes	Yes	Yes	Yes	N/A
Officer E	Yes	Yes	Yes	Yes	N/A
Officer F	Yes	Yes	Yes	Yes	N/A
Officer G	Yes	Yes	Yes	Yes	N/A
Officer H	Yes	Yes	Yes	Yes	N/A
Officer I	No	No	No	Yes	N/A

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 Officer A , B, C, D, E, F, G, H, and I's tactics to warrant a tactical debrief.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officer C, D, E, F, G, H, and I's non-lethal use of force to be in policy.

D. Less-Lethal Use of Force

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

E. 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 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 – According to Officer A, he/she and Officer B have worked together approximately three times. During those times, they discussed tactics as it pertains to contact and cover roles. In this incident, Officer A indicated he/she was the contact officer and Officer B was the Designated Cover Officer (DCO). Additionally, Officers A and B discussed tactics as it pertains to foot pursuits with armed suspects and how they would not go in foot pursuit and establish a perimeter.

According to Officer D, he/she and Officer C discussed contact and cover roles. Officer D indicated Officer C was assigned as the less-lethal role if needed and he/she would be the DCO. Furthermore, Officer D stated they discussed the “PATROL” acronym at the start of their shift.

Assessment – Upon seeing the Subject in the roadway, Officer A observed him stop in the middle of the street and take a “bladed shooting stance” while pointing an object in his/her and Officer B’s direction. Officer A heard a “bang” and observed the Subject’s hand move consistent with recoil after firing a handgun. Based on his/her observations, Officer A determined the Subject was armed with a handgun and shot at them. As a result, an OIS ensued. Officer A assessed after each round fired from his/her handgun.

Arriving on scene, Officers C and D located the Subject and attempted to detain him. Officers C and D observed the Subject retrieve an object and point it in their direction simulating a shooting stance. Believing the Subject was pointing a weapon at them, Officers C and D unholstered their respective service pistols; however, they quickly assessed the object and determined it was a cell phone and holstered their service pistols.

Time – As the Subject shot at Officers A and B without warning, neither officer had the benefit of time to employ de-escalation efforts to mitigate the use of lethal force. Upon locating the Subject’s handgun on the ground, Officers A and B utilized the benefit of time and waited for additional resources to arrive.

Redeployment and/or Containment – Following the OIS, Officers A and B exited their police vehicle. In an effort to contain the Subject, Officer B began establishing a perimeter. With the help of the air unit, Sergeant A continued efforts to establish a perimeter.

As Officer C pursued the Subject on foot, the Subject came to a stop causing Officer C to come within contact range. After the Subject feigned as if he was going to strike Officer C, Officer C redeployed backward to create distance and unholstered his/her TASER.

Other Resources – Following the OIS, Officer B broadcast a “Help” call. Officers from Olympic and Rampart Patrol Divisions responded along with the air unit. The air unit assisted with coordinating a perimeter.

Lines of Communication – As the Subject’s attack was immediate and unprovoked, neither Officer A nor B had the opportunity to verbalize with the Subject to lessen the intensity of the encounter. As Officers A and B moved to the corner, Officer A communicated with Officer B informing him/her of the location of the Subject’s handgun. In return, Officer B broadcast the Subject’s handgun was in custody to responding units.

While traveling through the area, Officer C communicated his/her observation of the Subject to Officer D. While attempting to detain the Subject, Officers C and D verbalized with him to stop and show his hands.

During the review of this incident, there were no Debriefing Points; however, the following Additional Debriefing Topics were noted:

Additional Tactical Debrief Topics

- **Ambush Tactics** – Officers A and B observed the Subject in the middle of the street. The Subject, who was armed with a handgun, unexpectedly raised his arm, pointed the handgun in the officers’ direction, and fired one round striking their police vehicle. After identifying the life endangering threat, Officer A stopped the police vehicle, unholstered his/her service pistol and returned fire, resulting in nine rounds being discharged through the windshield of the police vehicle. Although the UOFRB determined this was not a deviation from approved Department tactical training, it was discussed that consideration could be given to the obscured visibility of shooting through the windshield. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Tactical Vehicle Deployment** – After locating the Subject, Officer C positioned his/her police vehicle parallel to the Subject with the intent to encourage him to flee back toward where officers were already positioned, if he were to flee. When asked by FID investigators if his intent was to “cut him off,” Officer C replied, “Correct, sir.” Officer C further added he/she observed parked vehicles between him/her and the Subject that could be used as cover. The UOFRB noted with regard to the officers’ approach with their police vehicle, Officers C and D did not have a chance to cut him off the way they wanted because the Subject had stopped on the sidewalk, which prompted them to take action and get out of their police vehicle. Additionally, the UOFRB noted prior to their arrival, Officers C and D had information that the Subject’s handgun had been recovered and had the benefit of cover from the parked vehicles between them and the Subject. As such, the UOFRB determined this was not a deviation. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

- Foot Pursuit Concepts** – Upon locating the Subject, Officers C and D exited their police vehicle and attempted to detain him. The Subject, who was on the sidewalk, retrieved a cell phone and pointed it at Officer D simulating a shooting stance. Believing the Subject was armed, Officers C and D unholstered their service pistols and had the benefit of cover with parked vehicles. Upon determining the object in the Subject’s hand was a cell phone, Officers C and D holstered their service pistols and pursued the Subject on foot in apprehension mode. The UOFRB commended the officers for their restraint by not discharging their service pistols, noting the officers’ use of distance and cover allowed them time to accurately assess the object in the Subject’s hand. As Officers C and D gave chase, the Subject abruptly stopped in the intersection causing Officer C to close the distance on him. The Subject took a fighting stance and Officer C redeployed and unholstered his/her TASER. Meanwhile, Officer D approached the Subject with the intent to take him into custody. The Subject attempted to punch Officer D, missing him/her. Alternatively, Officer D could have stopped and assessed the Subject’s actions rather than closing the distance on him. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.
- Profanity** – Officer D used profanity directed at the Subject when he/she asked him to see his hands. After the Subject was handcuffed, Officer G used profanity directing him not to move in order to search him. Officer C used profanity while attempting to grab the Subject’s arm. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.
- Retention of Equipment** – After deploying the TASER, Officer C placed the TASER on the ground rather than securing it in its holster. Alternatively, Officer C could have placed it further away or handed it off to another officer. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.
- Personal Protective Equipment (PPE)** – After handcuffing the Subject, Officer C did not don protective gloves prior to searching him. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Command and Control

Following the OIS, Officer B broadcast a “Help” call followed by the Subject’s description. Officer B requested a perimeter to be established in conjunction with the Subject’s last known direction of travel. After locating the Subject’s handgun, Officer B ensured it was secured and continued to provide updates to responding personnel.

Sergeant B arrived on scene after the OIS and met with Officer B, who advised him/her Officer A was involved in an OIS. Sergeant B broadcast he/she was the Incident Commander (IC), met with Officer A and directed Officer A to stay with

him/her while he/she attempted to establish the perimeter. After ensuring the perimeter was established, Sergeant B obtained a Public Safety Statement (PSS) from Officer A and walked Officers A and B to the arrest location in order for the officers to conduct a field show-up of the Subject; however, the Subject was already being transported to the hospital. Sergeant B monitored Officers A and B until he/she was relieved by Sergeant C, who ultimately transported both officers to Olympic Community Police Station (CPS) and continued to monitor them.

Sergeant A arrived on scene and assisted with coordinating a perimeter along with the air unit. Sergeant A then responded to the arrest location after the Subject had already been taken into custody. Sergeant A identified Officers C, D, E, G, H and I were involved in taking the Subject into custody and separated and monitored them.

The UOFRB assessed Officer B's command and control as the senior officer on scene during the OIS. The UOFRB noted and commended Officer B's actions as he/she set the tone of de-escalation during this incident by broadcasting pertinent information clearly and calmly ensuring responding units were aware that the Subject's handgun had been recovered.

The UOFRB assessed Sergeant B's command and control upon his/her arrival following the OIS. In their assessment, the UOFRB noted Sergeant B had been a supervisor for two deployment periods (DP); however, he/she was on vacation during his/her first DP. Although there were some administrative concerns identified, the UOFRB determined Sergeant B's actions ensuring the scene was secure and identifying the involved officers was appropriate. Additionally, the UOFRB noted Sergeant A's continued efforts in coordinating responding resources to establish a perimeter.

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

Tactical Debrief

In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A, B, C, D, E, F, G, H, and I were not a deviation from Department-approved tactical training. The BOPC found Officer A, B, C, D, E, F, G, H, and I's tactics to warrant a tactical debrief.

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

B. Drawing and Exhibiting

Officer A

While driving on Pico Boulevard, Officer A observed the Subject standing in the street taking a shooting stance followed by the sound of a gunshot. Recognizing he/she had been shot at and in his need to return fire, Officer A unholstered his/her service pistol while still seated in the driver's seat of his/her police vehicle.

Officer B

Officer B indicated he/she unholstered his/her handgun as he/she exited the vehicle because the Subject had already fired at them, as such, he believed "it was a deadly force situation."

Officer C

The Subject dropped a black cell phone on the sidewalk and quickly bent down to retrieve it. The Subject then momentarily held the cell phone with two hands and Officer C believed the Subject pointed it at him. Officer C believed the Subject had retrieved a handgun from his waistband and was assuming a "shooting stance." Believing the situation could escalate to the use of deadly force, Officer C unholstered his/her service pistol. Shortly after recognizing the object that the Subject was holding was a cell phone, Officer C holstered his/her service pistol.

Officer D

The Subject dropped a black cell phone on the sidewalk and quickly bent down to retrieve it. The Subject then momentarily held the cell phone with two hands and pointed it at Officer D. Officer D believed the Subject had retrieved a handgun from his waistband and was assuming a "shooting stance." Believing the situation could escalate to the use of deadly force, Officer D unholstered his/her service pistol. Upon recognizing it was a cell phone shortly after, Officer D holstered his/her service pistol.

Officer F (1st occurrence)

Upon his/her initial arrival at the OIS location, Officer F unholstered his/her pistol due to the nature of the help call and an armed suspect being at large. Officer F holstered his/her pistol before returning to his/her vehicle and responding to the location where the Subject was taken into custody.

Officer F (2nd occurrence)

Officer K's body worn video (BWV) depicts Officer F momentarily holstering his/her service pistol and unholster again after adjusting his/her glasses. As the

circumstances had not changed from the first drawing and exhibiting, it was identified that Officer F's second drawing and exhibiting was a continuation of the first drawing and exhibiting of his/her service pistol.

The UOFRB assessed Officers A, B, C, D and F's drawing and exhibiting of their service pistols. The UOFRB noted Officers A and B unholstered their service pistols upon hearing gunfire and opined it was reasonable for them to believe the situation could escalate to the use of deadly force. The UOFRB noted Officers C and D unholstered their respective service pistols believing the Subject was pointing a handgun at them. The UOFRB determined, based on the nature of the "Help" call and the Subject's actions, it was objectively reasonable for Officers C and D to believe the situation could escalate to the use of deadly force. As it pertains to Officer F's drawing and exhibiting, the UOFRB considered Officer F was responding to a "Help" call where shots were fired, and he/she did not know if the Subject had an additional weapon. The UOFRB opined it was objectively reasonable for Officer F to believe the situation could escalate to the use of deadly force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, D, and F would reasonably believe there was a substantial risk the situation may escalate where deadly force would be justified.

Therefore, the BOPC found Officers A, B, C, D, and F's Drawing/Exhibiting to be In Policy, No Further Action.

C. Non-Lethal Use of Force

Officer E (Firm Grip, Bodyweight, Physical Force)

Arriving on scene to the "Help" call, Officer E observed the Subject in a fighting stance with clenched fists confronted by Officer C. Officer D then approached the Subject and the Subject attempted to punch Officer D. In response, Officer C discharged the TASER striking the Subject causing him to fall down. Officer E approached the Subject and attempted to take him into custody. According to Officer E, the Subject was resisting and keeping his arms under his body refusing to submit to arrest. In order to effect an arrest and overcome the Subject's resistance, Officer E placed his/her leg on the Subject's lower back/buttocks area and applied bodyweight. Additionally, Officer E used firm grips to the Subject's left arm and physical force to place his left arm behind his back for officers to handcuff.

Officer D (Firm Grip, Physical Force)

As Officer D approached the Subject, the Subject attempted to punch him/her. In response, Officer C discharged the TASER causing the Subject to fall down. Officers attempted to take the Subject into custody, but he placed his hands under his chest. In an effort to effect an arrest and overcome the Subject's resistance to

being taken into custody, Officer D used a firm grip on the Subject's left arm and physical force to pull it out from underneath his body to be handcuffed.

Officer C (Firm Grip, Bodyweight, Physical Force)

After tasing the Subject, Officers D and E attempted to use non-lethal force to take the Subject into custody. The Subject resisted by placing his hands underneath his chest and attempted to push himself up as he resisted. Officer C, recognizing that the Subject had not been searched, used a firm grip to grab the Subject's right arm. As the Subject attempted to push himself up, Officer C used physical force to the Subject's back to push him back down to overcome his resistance. Officer C also used bodyweight to the Subject's lower back area to prevent him from pushing himself back up so that Officer C can overcome his resistance and effect an arrest.

Officer H (Bodyweight, Firm Grip)

Arriving on scene, Officer H observed Officers C, D, and E struggling to take the Subject into custody. According to Officer H, he/she observed the Subject pushing himself up resisting officers' attempts to keep him down. Officer H used his/her right knee and applied bodyweight to overcome the Subject's resistance. As the Subject was being handcuffed, Officer H used a firm grip on his left arm to assist with handcuffing.

Officer I (Bodyweight)

Arriving on scene, Officer I observed officers struggling to take the Subject into custody. According to Officer I, the Subject was "fighting" and "resisting" after being TASED and attempting to stand up. In an effort to assist officers' attempts to overcome the Subject's resistance, Officer I used his/her hand to apply bodyweight to the Subject's right hip/waist area.

Officer G (Firm Grip)

Arriving on scene, Officer G observed officers struggling to take the Subject into custody. According to Officer G, as officers were struggling with the Subject, he/she observed the Subject "pop up." Officer G assisted officers' attempts to overcome the Subject's resistance and effect an arrest by maintaining a firm grip to the Subject's right arm until he was handcuffed.

Officer F (Firm Grip, Physical Force, Bodyweight)

According to Officer F, when he/she arrived on scene he/she observed an officer with blood on his/her face and observed the Subject's feet were kicking. Officer F applied bodyweight to the Subject's feet and used physical force to cross his ankles to prevent him from kicking. Officer F continued to maintain bodyweight until the Subject stopped resisting.

The UOFRB conducted a review and analysis of the investigation and circumstances of the incident in determining the reasonableness of the non-lethal force used by Officers C, D, E, F, G, H, and I.

As it pertains to Officers C, D, E, F, G, H, and I, the UOFRB noted they used a combination of physical force, firm grips and bodyweight to control the Subject to overcome his resistance and effect an arrest. The UOFRB noted as the officers were attempting to control the Subject, he managed to push himself up off the ground and arch his back as he continued to resist their efforts. The UOFRB opined Officers C, D, E, F, G, H, and I's use of non-lethal force was proportional to the level of resistance provided by the Subject and their efforts to overcome that resistance was objectively reasonable.

Based on the totality of circumstances, the BOPC determined that an officer with similar training and experience as Officers C, D, E, F, G, H, and I would believe the force used was objectively reasonable and proportional.

Therefore, the BOPC found Officers C, D, E, F, G, H, and I's Non-Lethal Use of Force to be In Policy, No Further Action.

D. Less-Lethal Use of Force

Officer C (TASER)

The Subject ran to the south crosswalk, where he took a fighting stance against Officer C and feigned as if he was going to throw his cell phone at him/her. Officers D and E arrived in the crosswalk seconds later. Officer C stepped farther back, positioning himself/herself north of the Subject, and unholstered his/her TASER. As Officer D approached the Subject from the east, the Subject attempted to punch him/her in the face. Simultaneously, Officer C targeted the Subject's upper torso and discharged his/her TASER.

The UOFRB evaluated the less-lethal force used by Officer C, who discharged the TASER in probe mode. The UOFRB noted when Officer D approached within contact range of the Subject, the Subject attempted to punch Officer D. Due to the immediate threat posed by the Subject, Officer C discharged the TASER in probe mode. Additionally, due to the immediacy of the threat, the UOFRB opined a verbal warning was not feasible. As such, the UOFRB determined the use of the TASER in probe mode was objectively reasonable and proportional to stop the threat posed by the Subject.

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 the use of less-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officer C's use of Less-Lethal Force to be In Policy, No Further Action.

E. Lethal Use of Force

Officer A – 9mm caliber, nine rounds in two volleys. First volley, six rounds from an increasing distance of approximately 71 to 80 feet in a northeasterly direction. Second volley, three rounds from an increasing distance of approximately 117 to 135 feet in an easterly direction.

Volley One

Background – Force Investigation Division investigators examined the scene and relevant video evidence and determined Officer A fired his/her first volley of six rounds through the windshield of his/her vehicle toward the westbound traffic lanes. His/her background consisted of the red car occupied by Witnesses C and D. Additionally, the background consisted of unoccupied vehicles parked on the north curb and closed businesses. A round struck one of the unoccupied parked vehicles.

At the time of this incident, Witness A and B were driving east. Witness A's vehicle was positioned in front of the officers' vehicle as they continued east in the number one lane. Witness A's vehicle was equipped with front and rear cameras (hereafter referred to as Front and Rear Citizen Dashcam) which captured portions of the Subject's actions and the OIS. The Subject can be seen looking back (west) in the officers' direction as he walks north and crosses the centerline of the roadway. The Subject then swings his right arm, which is holding the pistol, in a circle before he turns, faces the officers, raises his right arm to eye level, and fires one round at the officers.

Officer A indicated that while firing his/her first volley through the windshield, he/she maintained a view of the Subject, who remained standing in the same location with his right arm raised at eye level, pointing the handgun at them. Video from the Rear Citizen Dashcam shows while Officer A fired the first volley, the Subject ran east along the passenger side of a red car, which was stopped in the westbound number one lane. The Subject was positioned near the rear passenger side of the red car's trunk at the time Officer A fired his/her sixth round. The red car was not struck by gunfire.

The below is a recollection of Officer A' first four rounds from his/her first volley.

Round One

According to Officer A, after the Subject fired the round at them, he was "still standing there in the same bladed position, shooting stance, still has his [right] arm raised and pointing the firearm directly at us." In fear that the Subject would

continue firing rounds at them, potentially killing him/her, his/her partner or an innocent bystander, Officer A fired his/her first round at the Subject.

Round Two

After firing his/her first round, Officer A observed the Subject to be in the same location, continuing to point the handgun at them. Believing the Subject was still a threat to their safety, Officer A fired a second round.

Round Three

According to Officer A, the Subject remained in his/her line of sight after firing his/her second round. He/she did not observe this round to have any effect on the Subject or any change in the Subject's position or location. Officer A believed the Subject was still pointing a gun at them.

Final Round

Officer A did not observe his/her third round to have any effect on the Subject or any change in his position or location. Believing that the Subject was still a threat to their safety, Officer A fired a final round.

Volley Two

Background – When Officer A fired his/her second volley of three rounds through the front windshield of his/her vehicle, his/her background consisted of two occupied vehicles traveling in the eastbound traffic lanes, and several unoccupied parked vehicles and structures on the south side of the street.

According to Officer A, as the Subject ran southwest, he turned and again pointed the gun at them. Video from the Rear Citizen Dashcam shows that as the Subject ran past the red car and reached the centerline of the street, his right arm holding the handgun extended back in the direction of the officers. As the Subject continued running, he briefly held the handgun in front of him with two hands (left hand on the slide). The Subject held the handgun in his right hand as he continued running with his arms swinging. A review of the Rear Citizen Dashcam video determined that the Subject was in the number two eastbound lane when Officer A fired his second volley.

Round One

As the Subject ran, Officer A described him turning clockwise (right), looking back directly at them, raising his right arm to near shoulder level, and pointing the handgun toward them. Believing that the Subject was a threat to their safety, Officer A fired the first round of the second volley.

Round Two

According to Officer A, he/she observed the Subject continuing to point the handgun at him/her while running toward the southwest corner. Believing the Subject threatened their safety, Officer A fired the second round of his/her second volley.

Round Three

According to Officer A, after firing his/her second round, the Subject continued running toward the southwest corner while looking back and pointing the handgun at them. In response, Officer A fired a third and final round.

The UOFRB assessed the circumstances and evidence related to the OIS. In their assessment of the first volley, the UOFRB considered video evidence depicting the Subject pointing a handgun in the officers' direction and firing one round at them, striking their vehicle. The UOFRB noted Officer A recognized the imminent threat of serious bodily injury or death and responded by discharging six rounds in the first volley. The UOFRB opined the use of lethal force to protect his and Officer B's lives was proportional, objectively reasonable, and necessary to stop the Subject's actions.

As it pertains to the second volley, the UOFRB considered video evidence showing the Subject as he ran away from officers, still armed with the handgun. As the Subject fled, Officer A assessed and observed the Subject pointing the handgun in his/her direction. In response, Officer A discharged three rounds during the second volley. The UOFRB determined the use of lethal force by Officer A during the second volley was objectively reasonable and necessary to stop the Subject's actions that continued to pose an imminent threat of serious bodily injury or death to him/her and his/her partner.

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 objectively reasonable, proportional, and necessary.

Therefore, the BOPC found Officer A's use of Lethal Use of Force, all nine rounds, to be In Policy, No Further Action.

Medical Treatment/Rendering Aid

After being taken into custody, Officer G placed the Subject into a right lateral recumbent position. Officer G kept the Subject in this position and assessed for injuries noting the Subject did not have difficulty breathing nor appear to have any arterial bleeding. As such, Officer G determined there was no additional immediate medical attention needed based on his/her assessment of the Subject's injuries. Officer G remained with the Subject and continued to monitor him until the arrival of

the Los Angeles Fire Department (LAFD). After being transported to the hospital by LAFD paramedics, the Subject was treated for gunshot wounds to his left hip area and left buttocks. Additionally, the Subject was treated for a laceration to his left wrist and a puncture wound from the TASER dart from his left upper back.

Requirement to Intercede

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

Preservation of Evidence

After the Subject was in custody, Officer K used his/her foot to slide a cell phone that was in the crosswalk where the Subject was apprehended. According to Officer K, he/she was not aware the phone was evidence and had no particular reason for moving it.

Officer J picked up two cell phones after the Subject was taken into custody with the intent of keeping the Subject's property with him during transport and so officers would not inadvertently slip on them. According to Officer J, he/she knew the incident was an OIS. As these issues were addressed at the divisional level via Divisional Training, with OWB, OCB and OO concurrence, the Chief deemed that no further action was necessary.

Protocols Subsequent to a Categorical Use of Force (CUOF)

After obtaining Officer A's PSS and admonishing him/her not to discuss the incident, Sergeant B did not order him/her to not view media or communicate electronically about the OIS. Sergeant B did not obtain a PSS from Officer B, nor did he/she admonish Officer B to not discuss the incident. Sergeant B kept his/her BWV camera recording when he/she obtained a PSS from Officer A. While walking Officers A and B to awaiting supervisors, Sergeant B stopped on two occasions to provide direction to officers at intersections regarding pedestrian traffic. On both of these occasions, Officers A and B continued walking out of Sergeant B's immediate presence. As these issues were identified during the Assessment of Supervisory Response at a CUOF, along with the issuance of an Employee Comment Sheet, and Divisional Training by Olympic Area Command, the Chief deemed that no further action was necessary.